



Committee and date

South Planning Committee

19 July 2016

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Summary of Application:</u>		
<u>Application Number:</u> 16/01723/FUL	<u>Parish:</u>	Stoke St Milborough
<u>Proposal:</u> Erection of 1 dwelling and installation of septic tank following demolition of existing barn		
<u>Site Address:</u> Barn South East Of Stoke Lodge Stoke St Milborough Shropshire		
<u>Applicant:</u> Mr Alan Grieve		
<u>Case Officer:</u> Luke Ashley	<u>email:</u> planningdmc@shropshire.gov.uk	
<u>Grid Ref:</u> 356937 - 280672		



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

Recommended Reason for refusal

1. The location of the proposed ancillary accommodation is considered divorced from the host dwelling know as Stoke Lodge and as such it is considered as being an open market dwelling rather than as a granny annex. There are no recognisable signs of dependency between the proposal and the host dwelling and the LPA do not therefore consider that the proposal could in any manner be considered as an ancillary building. Such an open market dwelling is therefore considered inappropriate due to its resultant isolated and sporadic nature within the open countryside resulting in a reliance upon vehicular modes of transit, and this unsustainable proposal is considered to be contrary to Core Strategy Policy CS5 and SAMDev policies MD1, MD2, MD7a and the aims and provisions of the NPPF.

REPORT

1.0 THE PROPOSAL

- 1.1 The application relates to the demolition of a detached barn building and the erection of a single storey **restricted occupancy residential dwelling**.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Access to the site is via the existing track that connects the agricultural buildings to the rest of the Stoke Lodge range of buildings and subsequently to the highway network via an existing access onto the minor road.
- 2.2 Existing built development within close proximity to the site comprises the main house of Stoke Lodge and an historic range of buildings, all of which are constructed of red brick, timber frame and clay roof tiles and more recent agricultural buildings of steel frame and corrugated sheet construction. The site is also set within the Shropshire Hills AONB.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The local ward councillor has provided views contrary to the Officers recommendation. The Principal Planning Officer, in consultation with the Committee Chairman and Vice Chairman consider that the ward councillor has raised material planning issues and the application should be determined by committee.

4.0 Community Representations

1no supporting statement has been submitted however there is no record of the content of this submission.

- 4.1 - Consultee Comments
SUDS – no objections subject to conditions
SC Highways – no objection subject to conditions
SC Conservation – no objection subject to conditions
SC Ecology - In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

- 4.2 - Public Comments

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

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 development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, and the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD). The Council has also produced and now formally adopted a Site Allocations and Management of Development Plan (SAMDev). Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given significant weight in the determination of planning applications.

The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach. The Council therefore considers the housing policies contained within the Core Strategy up to date and should be attached full weight.

Additions to existing dwellings are accepted in principle under the Supplementary Planning Document (SPD) on the Type and Affordability of Housing, which supports Core Strategy Policy CS11. Whilst this does not refer specifically to detached outbuildings it is recognised that there is not normally a conflict with policy provided that such developments would be used in connection with and remain ancillary to the occupation of the existing property as a single dwelling unit.

In this instance the proposal demonstrates a completely separate planning unit which is more akin to a completely separate dwellinghouse. There are no physical

links to the host property, nor could one visualise any real material relationship between this building and Stoke Lodge in terms of its use. The property is in any assessment a completely separate unit and this therefore could not be considered as ancillary to the host structure under any assessment.

In light of this the proposal needs to be assessed under policies which reflect open market proposals within the open countryside and in this instance policies CS4 and CS5 are relevant.

Policy CS4 pays reference to Community Hubs and Cluster and is backed up by SAMDev policy S7.2 (III). Policy CS4 states that in the rural area, communities will become more sustainable by:

- Focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets policy CS5;
- Allowing development in Community Hubs and Community Clusters that helps rebalance rural communities by providing facilities, economic development or housing for local needs, and is of a scale that is appropriate to the settlement;

Policy CS5 of the 'Shropshire Local Development Framework: Core Strategy states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. The policy goes on to state that 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. In relation to new housing proposals, the policy identifies specific types of development including dwellings for agricultural, forestry or other essential countryside workers or other affordable housing / accommodation to meet a local need

The supporting statement submitted with the application considers the site to be within the 'Cluster' of Stoke St Milborough, Hopton Cangeford, Cleestanton and Cleedownton however the LPA contends that this statement is incorrect. The site is clearly located in a position which does not relate in any material way to any of the three surrounding settlements and should could only be classified as open countryside. Further, policy S7.2 (III) of SAMDev states that infilling and conversions on small scale sites to meet local demand in the 'Cluster' will deliver around 10 dwellings in the period to 2026. The proposed site for the dwelling is in open countryside; well outside any of the Cluster settlements. The proposal is essentially for a new 'market' dwelling and it would not meet any of the criteria set out in Core Strategy Policy CS5.

In this regard it is concluded that the principle of development has not been justified either in terms of demonstrating that the proposal will be ancillary to the host property, nor has it been demonstrated that the fall back position of open market housing can be justified under both Countryside policy CS5 or the Community Hubs and Cluster approach advocated within both the Core Strategy and SAMDev under policy CS4.

6.2 Siting, scale and design of structure
6.2.1 Core Strategy Policy CS6 states that;

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

It further states that that all development:

Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance.

SAMDev Policy MD2 states that to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

Policy MD12 states that In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved by;

Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following:

- i. the special qualities of the Shropshire Hills AONB;
- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness. will only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset.

The proposal forms part of Stoke Lodge farmstead that is recorded on the Shropshire HER as part of the Historic Farmsteads Characterisation Project. The site also falls within the Shropshire Hills AONB. According to the historic mapping, a barn has been located in this location for a considerable period of time (though may have consisted of an earlier structure), separated by a copse from the main

principal farmstead. The principal farmhouse is considered to be a non-designated heritage asset and therefore the proposal should be assessed in terms of its setting as well as the overall landscape setting.

The councils' conservation team have commented that this is an interesting scheme where the proposed design is a contemporary solution, using the Dutch Barn existing design as opposed to a more vernacular type scheme. It was further commented that the Dutch Barn design has interest especially in terms of the roof profile and often form part of many farmsteads across the County. The existing and proposed structures form an interesting composition as a whole and it is supported that the new scheme will retain this composition. Such designs make an interesting contrast to the more vernacular type structures and overall the scheme is considered to be an innovative solution that is welcomed where it should not have an adverse impact upon the overall setting of the farmstead or the wider landscape.

6.3 Ecology

6.3.1 The objection received from Shropshire Ecology is that there has been insufficient detail provided within the Environmental Statement accompanying the application for the council to appropriately assess. The conclusion is therefore that further survey work is required before any reasonable conditions or final consent can be legally granted by the Local Planning Authority.

7.0 CONCLUSION

The proposal has been represented as a restricted annex building which would be used in an ancillary manner to the dwelling at Stoke Lodge farmstead. Although annex buildings are considered acceptable in principle, it is also recognised that such a proposal needs to recognisably relate to the host structure. In this regard the new building would in no way relate to Stoke Lodge farmstead and it is therefore considered that the development represents an open market dwelling within the countryside. Ancillary buildings of this nature are by their very nature, dependant upon the host structure and the LPA has therefore assessed the proposal against policy CS5 which prohibits open market dwellings within the countryside. The proposal does not comply with policy CS5, nor does it comply with policy CS4 due to the sites obvious divorce from the surrounding named settlements and as such is recommended for refusal.

It is also concluded that the applicant has not submitted enough information to reasonably allow the authority to determine whether any harm would result from granting the consent. Furthermore, a refusal in this instance is therefore recommended since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/15/00447 Proposed Dwelling PREUDV 22nd December 2015

16/01723/FUL Erection of 1 dwelling and installation of septic tank following demolition of existing barn PDE

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=O5Y21XTDLUG00>

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) Cllr M. Price
Local Member Cllr Cecilia Motley
Appendices