

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 16/03379/FUL	<b>Parish:</b> Pontesbury
<b>Proposal:</b> Erection of 1No affordable dwelling and detached double garage	
<b>Site Address:</b> Proposed Affordable Exception Dwelling At Cruckton Shrewsbury Shropshire	
<b>Applicant:</b> Mr Neil Robinson	
<b>Case Officer:</b> Aileen Parry	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 343428 - 310014



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**Recommendation:- REFUSE planning permission.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of an affordable three bedroomed home providing 100 sq. m gross internal floor space, garage and associated curtilage space. The application site is 0.10ha.
- 1.2 The dwelling will consist of an entrance hallway, a utility, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the south east of Cruckton, adjacent to Coppice Farm which largely dates from the 20th Century with some more modern farm buildings. The grade II listed Church of St Thomas and Roman Villa Scheduled Ancient Monument are located approximately 180 metres to the north west with other designated assets located further to the north west and some distance away to the south.
- 2.2 The site is accessed via a short stretch of private drive which is accessed off the C classified Cruckton Crossroads to Cruckmeole Road and is approximately 700 metres to the north west of the village of Hanwood.

### 3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 Pontesbury Parish Council have submitted a view contrary to Officers recommendation for refusal based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

### 4.0 COMMUNITY REPRESENTATIONS – full comments can be viewed on the planning record

- 4.1 - Consultee Comments

4.1.1 SUDs

No objection. Informative recommended.

4.1.2 SC Affordable Housing

Have confirmed that the applicant has demonstrated strong local connections to the administrative area of Pontesbury Parish Council. And after considering his housing needs and personal circumstances can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable

home scheme has been satisfied.

4.1.3 SC Archaeology (Historic Environment)

Have no comments to make with respect to archaeological matters.

4.1.4 SC Conservation (Historic Environment)

No objection.

4.1.5 SC Highways

No objection – subject to the development being constructed in accordance with the approved details. Conditions and informatives recommended.

4.2 - Parish Council

Pontesbury Parish Council supports this application. The proposed position of the dwelling is such that it will enable the proposed occupant to supervise his adjacent business. The bungalow design fits in with the adjacent single storey farm buildings.

4.3 - Public Comments

Three neighbours have been consulted and a site notice forwarded for display. No public comments have been received at the time of writing this report.

## 5.0 THE MAIN ISSUES

Principle of development

Design, Scale and Character

Impact on Residential Amenity

Drainage

Archaeology

Conservation

Affordable Housing

Highways

## 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. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF 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 constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 The Type and Affordability of Housing Supplementary Planning Document (SPD) provides guidance with regard to affordable housing within Shropshire and details the policy criteria set out in relation to affordable plot exception sites. As an exception to normal policies controlling new housing development in rural areas the Council will allow the development of dwellings within and adjoining recognised settlements in the rural areas, including outside designated development boundaries, providing the relevant criteria in respect of suitability of the location, strong local connections and housing need are met and the dwellings remain affordable to subsequent occupiers in perpetuity through a section 106 agreement.
- 6.1.3 In considering this proposal due regard should also be paid to policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD13 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.1.4 The area is identified in SAMDev as being open countryside and outside any defined development boundary. In these areas Policy CS5 strictly controls development to only allow exception housing either for a rural worker or for a single plot exception affordable dwelling. The SPD on the type and Affordability of Housing further supports the principle of exception plots provided it complies with the requirements of the policy.
- 6.1.5 CS11 is closely related to the Type and Affordability of Housing SPD and seeks to meet the housing needs of local residents including permitting exception sites for local needs affordable dwellings on suitable sites subject to the criteria referred to above. In addition, exception sites are generally in locations that would not normally obtain planning permission for new housing development. CS11 allows for affordable housing in or and adjoining recognised named settlements, and subject to them being suitable in scale, design, tenure and prioritisation.
- 6.1.6 In terms of location exception sites must be demonstrably part of or adjacent to a recognisable named settlement. Where they do not lie within or adjacent to a settlement they will be considered isolated or sporadic development which would adversely affect the landscape, local historic or rural character and are not considered acceptable. Each case is therefore considered on its own merits.
- 6.1.7 This proposal is not within a named settlement but adjacent to the farm with close proximity to an agricultural building and is in part to the rear of that building. The proposed dwelling would also share an access with the farm and would be accessed directly off a private roadway rather than the public highway.
- 6.1.8 The close knit settlement of Cruckton is located approximately 170 metres north

west of the site with fields and the existing farm house and outbuildings separating them. This indicates that the site is detached from the defined settlement and will not therefore comply with the adopted policy. It is also noted that apart from the farmhouse and another farm some 117 metres to the south east of the proposal site, there are no other dwellings within close proximity of the site. As such in this case it is considered that the site has little association with other development and therefore is determined to be isolated and detached from the named settlement. Consequently it is considered not to be in accordance with the SPD or CS11 in terms of location for this type of development.

- 6.1.9 In addition policies CS5, and CS6 and the SAMDev Plan Policy MD7a are all relevant and seek to ensure an appropriate location and design for affordable plot dwellings with minimal impact on surrounding open countryside. The National Planning Policy Framework is a further policy consideration and aims to deliver a wide choice of quality homes and to widen opportunities for home ownership whilst creating sustainable communities. It further states that local planning authorities should be responsive to local circumstances in rural areas, particularly for affordable housing, including through exception site policies.
- 6.1.10 Core Strategy Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. And SAMDev Policy MD13: The Historic Environment In accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.
- 6.1.11 The proposal is for the erection of an affordable three bedroomed home providing 100 sq. m gross internal floor space, garage and associated curtilage space within an application site of 0.10ha.
- 6.1.12 The Council's Housing Enabling Officer has assessed the proposal to ensure that the applicant meets the need criteria of the application. They have confirmed that the proposal satisfies the requirements of the SPD in relation to the build your own affordable home scheme.
- 6.1.13 Notwithstanding the above the proposed siting of the proposal is not considered to comply with elements of the adopted policies and advice contained within the SPD and CS11. Not only is the site not considered to be within or adjacent to a named settlement, but the proximity of the proposed dwelling to an existing agricultural building forming part of a working farm, and the use of a joint access are also of concern. Whilst this may be acceptable for the current applicant who has an association with the farm business, the Council has to have regard to the long term suitability of the site as an affordable dwelling i.e. for others not related to the business. The impact of the use of the farm on the amenity of such occupiers is likely to be significant and to therefore impact on its desirability as a separate unit of accommodation.

## 6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

In addition, Policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

6.2.2 As this is for an affordable exception single plot dwelling it is also necessary to ensure the scale and size of the dwelling meets the strict criteria imposed on such dwellings in the SPD.

6.2.3 The proposed dwelling will measure approximately 13.5 metres wide, 10.2 metres deep at its maximum with a ridge height of 6.1 metres eaves of 2.5 metres. The internal floor space will be 100 sq. m gross. The garage will measure approximately 7.0 metres wide, 6.0 metres deep with a ridge height of 5.5 metres eaves of 2.0 metres.

6.2.4 The proposed site plot is situated on land to the south east of Coppice Farm means it will be a substantial distance from the listed building of Church of St Thomas and Scheduled Ancient Monument to the north west, and will be well screened by existing buildings, tree cover and vegetation, and is a rural location which can be identified on OS maps.

6.2.5 The scheme has been supported by both the Parish Council and Councils Housing Enabling Officer (in respect of the applicants eligibility for an affordable dwelling).

6.2.6 No objections have been received from the Councils Conservation Officer who has provided that the proposal is not considered to have an adverse impact on the nearby heritage assets, or those further into the settlement of Cruckton. They have also provided that it is not therefore considered that the proposal would be detrimental to the character or setting of the designated assets within Cruckton, and is therefore considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as local and national policies with regard to heritage assets.

6.2.7 The bungalow is simple in its design and provides an entrance hallway, a utility, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite. Its total gross internal floor area is 100 sq metres which meets the allowance in the policy. The height of the building will not exceed 6.1 metres.

- 6.2.8 The scale and design of the proposed dwelling is considered to accord with CS6 and MD2, however officers consider that the proposed double garage is not acceptable and that being approximately 5.5 metres in height it is too high and not in proportion to the dwelling.
- 6.2.9 In addition officers have concerns regarding the proximity of the proposal site to the farms agricultural buildings; that the proposal site is partly round the back of existing agricultural buildings; and that the site sharing an access with the farm will not have access directly off the highway.
- 6.2.10 Overall whilst the proposed design and scale of the dwelling is considered acceptable, its location away from the highway is out of keeping with the context and pattern of development in the area. Therefore the proposal is contrary to the SPD and policies CS5 and CS6 of the Shropshire Core Strategy.
- 6.3 Impact on Residential Amenity
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 Overall it is considered that the proposals impact on neighbouring amenity will be minimal and acceptable. It is also noted that no public comments have been received regarding the proposal.
- 6.4 Affordable Housing
- 6.4.1 The Council's Housing Enabling Officer has assessed the proposal and has confirmed that the applicant has demonstrated strong local connections to the administrative area of Pontesbury Parish Council. And after considering his housing needs and personal circumstances can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme has been satisfied.
- 6.5 Drainage
- 6.5.1 The Council's Drainage Engineer has been consulted and has not objected to the proposal but has provided an informative for inclusion on any planning permission that may be granted.
- 6.6 Archaeology
- 6.6.1 The Council's Archaeologist has been consulted and has provided that they have no comments to make with respect to archaeological matters.
- 6.7 Conservation
- 6.7.1 The Council's Conservation Officer has been consulted and has provided comment that the location of the proposal to the south east of the farm means it will be a substantial distance from the Church of St Thomas and the Scheduled Ancient

Monument to the north west of the site. It will be well screened by existing buildings, tree cover and vegetation. As such the proposal is not considered to have an adverse impact on these heritage assets, or those further into the settlement of Cruckton. It is not considered that the proposal would be detrimental to the character or setting of the designated assets within Cruckton, and is therefore considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as local and national policies with regard to heritage assets.

## 6.8 Highways

6.8.1 The Council's Highways Engineer has been consulted and has no objection to the proposal subject to the development being constructed in accordance with the details submitted and have provided a condition and informatives for inclusion on any planning permission that may be granted to ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

## 7.0 CONCLUSION

**The proposed development is considered by officers to be in an inappropriate location which is not within or adjacent to the named settlement of Cruckton. Furthermore the site would not provide a dwelling with a road frontage to a public highway and due to the the close proximity to agricultural buildings and the shared farm access would not constitute a form of development which would be suitable for the provision of an affordable dwelling separate from the farmstead i.e. in perpetuity, as required by the relevant policy.**

**Officers acknowledge that the proposal is in accordance with policies CS6, CS17 and CS18 in terms of highways, conservation and drainage issues, but these do not outweigh the objection to the principle and location of the development.**

**The proposal is therefore considered to be contrary to the relevant parts of the SPD and policies CS5 and CS6 of the Shropshire Core Strategy and the application is 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. 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 three months 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:

National Planning Policy Framework  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS11 - Type and Affordability of housing  
 CS17 - Environmental Networks  
 MD2 - Sustainable Design  
 MD7A - Managing Housing Development in the Countryside  
 MD13 - Historic Environment

Relevant Planning History:

PREAPP/10/00043 Proposed excavation of a lake. PREAIP 27th January 2010  
 PREAPP/10/00722 Development at lake at Coppice Farm PREUDV 7th April 2010  
 10/04255/FUL Construction of angling lake and wildlife pool with car parking area and associated landscaping works GRANT 20th December 2010  
 11/00107/DIS Discharge of conditions 9 and 10 (Landscaping and method statement) attached to planning ref. 10/04255/FUL DISAPP 28th February 2011  
 PREAPP/15/00493 Single Plot Affordable Exception Site 20th November 2015  
 16/03379/FUL Erection of 1No affordable dwelling and detached double garage PCO

**11. ADDITIONAL INFORMATION**

View details online:

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 Roger Evans
Appendices APPENDIX 1 - Conditions

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

**Informatives**

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