

Development Management Report

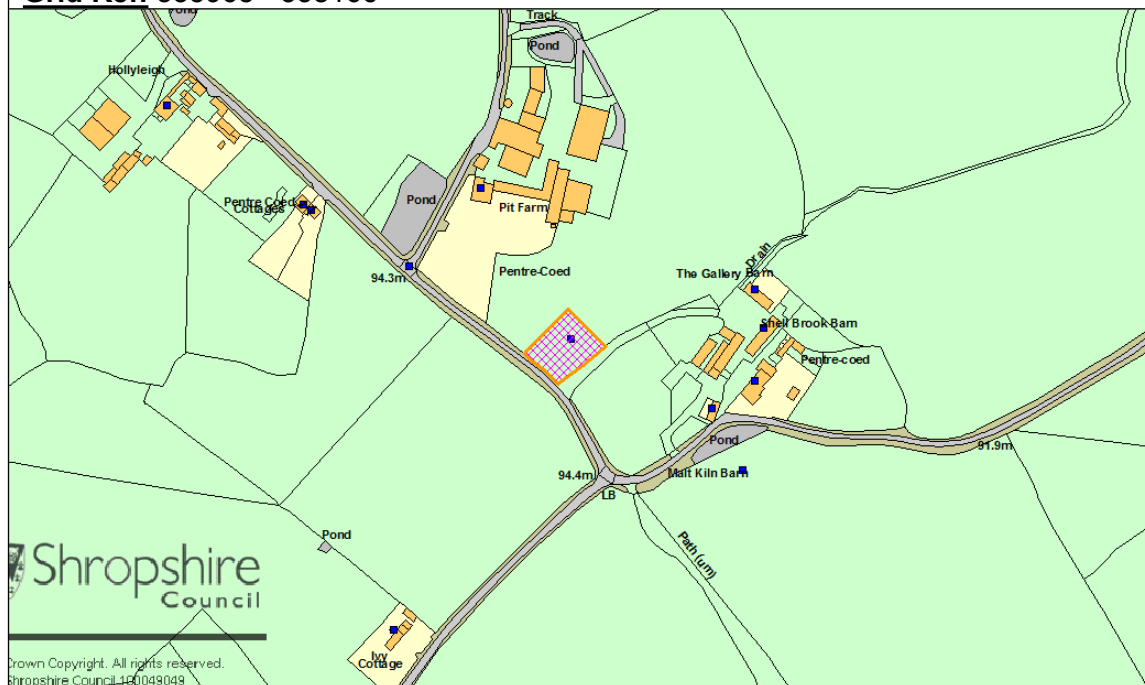
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 16/04022/FUL	<u>Parish:</u>	Ellesmere Rural
<u>Proposal:</u> Erection of a single storey dwelling and garage under the 'Build Your own affordable Housing' scheme		
<u>Site Address:</u> Proposed Affordable Dwelling SE Of Pit Farm Pentre Coed Ellesmere Shropshire		
<u>Applicant:</u> Mr Chris Egerton		
<u>Case Officer:</u> Mark Perry	<u>email:</u> planningdmnw@shropshire.gov.uk	

Grid Ref: 335968 - 338166



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Recommendation:- Refuse planning permission

Recommended Reason for refusal

1. The site is in open countryside and not within or adjoining any recognisable named settlement. Consequently, and notwithstanding the fact that the applicants have been found to fulfil the local connections and housing need criteria for a designated affordable home, the principle of the proposed development is contrary to the National Planning Policy Framework, Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD3 and MD7a of the Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

2. It is acknowledged that, with regard to the three roles of sustainable development, the proposal would provide some economic and social benefits, but having regard to the scale of the development these would be very limited. However by reason of its countryside location with only sporadic existing housing, the development would detract from the essentially open character and visual amenity of the landscape. It would, therefore, not be in accordance with the environmental role of sustainable development set out in the National Planning Policy Framework, and would be contrary to Policies CS5 and CS6 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD2 of the Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks full planning permission to erect a single storey 'affordable' dwelling for occupation by named individuals in local housing need. It is also proposed to erect a detached double garage and alter the existing field access to form a new formal vehicular access from the adjacent public highway.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is in the southern corner of a larger agricultural field and fronts onto a narrow unclassified rural lane. The site is level and has a mature hedgerow along the site's frontage and a mature tree in the southern corner with hedging along the south eastern boundary. Beyond the south eastern boundary there is a driveway which leads to former agricultural barns that have been converted into two dwellings. Adjacent to this is the Pentre Coed Farm House and a further converted barn.

2.2 To the west of the application site there is Pit Farm which is a compact complex of both traditional and modern agricultural buildings. The complex is surrounded by agricultural fields with a distance of around 40 metre between it and the edge of the application site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is referred to the planning committee for determination since the officer recommendation of refusal is contrary to the Parish Council's support, the Local member and the Chair of the planning committee consider that the issues raised warrant consideration by the Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

- 4.1.1 Parish Council- The Parish Council supports this application, approving the proposed design and layout of the scheme.
- 4.1.2 Affordable Housing- confirm that Mr Egerton and Ms Richards have demonstrated strong local connections to the administrative area of Ellesmere Rural Parish Council. After considering the couples housing needs and personal circumstances I can confirm that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.
- 4.1.3 Highways- No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informatives.
- 4.1.4 Ecology- No objection subject to conditions and informatives.
- 4.1.5 Drainage- A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.2 Public comments

- 4.2.1 1 letter of representation received commenting on the presence of Oak Trees on the site seeking confirmation that these would be retained.

5.0 THE MAIN ISSUES

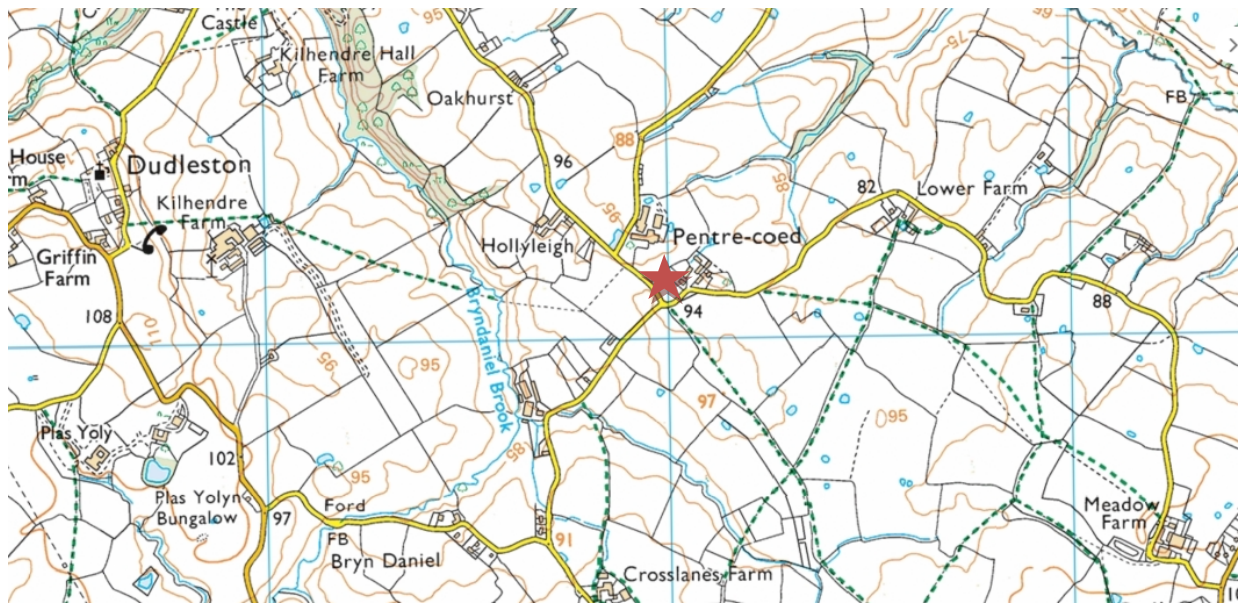
- Principle of development
- Scale, layout, design and impact on landscape
- Highway safety and rights of way
- Residential amenity
- Drainage
- Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically, Policies CS1, CS3, CS4, CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.

- 6.1.2 One of the exceptions mentioned under Core Strategy Policy CS5 and SAMDev Policy MD7a is where named individuals with strong local connections and who are in demonstrable housing need wish to build their own 'affordable' dwelling. Detailed guidance on this is set out in the Supplementary planning Document titled 'Type and Affordability of Housing'. Successful applicants would need to enter into a section 106 legal agreement which controls both initial and future occupancy, and to also to cap the resale value.
- 6.1.3 The issue of location, and even affordable homes on rural exception sites are required by paragraph 5.13 of the SPD to be part of, or adjacent to "recognisable named settlements". Sites that do not lie in a settlement, constituting isolated or sporadic development are not considered acceptable (para 5.14 of the SPD).
- 6.1.4 There can be no one set definition of what constitutes a settlement and every application must be considered on its individual merits. The SPD in para 5.15 explains that a settlement always comprises a group of houses and the group of houses becomes a settlement "due to the number and proximity of the houses in the group". The SPD provide 2 examples of types of settlements, these being a loose-knit and a tight-knit settlement. The SPD also states that a settlement will usually be named on an Ordnance Survey map and consideration given to how people refer to it locally.
- 6.1.5 It is acknowledged by Officers that on the Ordnance Survey map there is a label for 'Pentre Coed', it is also noted that the name Pentre Coed does appear on highway signposts directing motorists to the area. Paragraph 5.17 of the SPD talks about how a settlement is the relationship between properties, the limits of the settlement and how the limits of the settlement is defined by where the relationship peters out. The applicant does argue that Pentre Coed is a settlement because it is named on an Ordnance Survey map and is sign posted. However, Officers consider that there is no identifiable collection of dwelling that could be considered a 'settlement'. Within a radius of 500 metres of the application site there are just 12 other dwellings, most of which are in isolated positions and 3 of which are associated with farmsteads. The area well beyond the application site comprises the sporadic scattering of isolated rural dwellings and farm complexes, this means that there is no identifiable centre to Pentre Coed and subsequently it is not possible to identify where it then peters out, two features normally fully distinguishable in a settlement whether looking on a map or on the ground.



- 6.1.6 In the SPD two visual examples of a settlement are given, one is a loose-knit settlement and the other is a tightly-knit settlement. The area identified as Pentre Coed is significantly even more loose-knit than the example given with far fewer dwelling across the area.
- 6.1.7 As stated in paragraph 5.15 of the SPD it is a matter of judgement of whether the application site is within a settlement and as can be seen from paragraphs above it does depend on a number of factors. It is considered that there are so few other dwellings in the immediate area surrounding the site and that the dwellings that are there are so loosely associated within one another that they cannot be considered, by Officers, to collectively constitute a settlement. The number of dwellings and the way in which they are arranged is considered to be a more significant indicator to whether it is a recognised settlement than the fact that Pentre Coed is named on the Ordnance Survey maps and named on road signs locally.
- 6.1.8 For these reasons set out above Officers consider that the site does not fall within or adjacent to a recognisable settlement, clearly being located in open countryside to which the area character is one of predominantly traditional farmsteads. A new affordable house would have social benefits, primarily to the applicants but also in terms of increasing the stock of such homes for other qualifying local people in the future. However, it remains questionable whether very similar benefits might be achieved through development in a more policy compliant and sustainable location elsewhere. It is considered by Officers that the benefits would not outweigh the visual harm caused by the erosion of the area's essentially open and rural character.
- 6.2 Scale, layout, design and impact on landscape**
- 6.2.1 As detailed in the SPD the maximum 100m² of floor space prescribed for owner-occupied affordable homes by the SPD is intended to help ensure such properties remain affordable to other local people in housing need. The calculation does not include detached structures used for garaging or storage.
- 6.2.2 In this case the applicants have calculated the gross internal floor space at 100m², this does not include the space that would be created beneath the over hanging roof which extends beyond the north west and south west elevations.

- 6.2.3 The proposed bungalow has been designed as a T-shape with the two wings having different ridge heights. The part of the bungalow containing the open plan, kitchen/ diner has an elevated ridge and eaves height. The submitted plans show this space being entirely open with a tall vaulted ceiling up to the ridge with a large glazed area to the front elevation and roof lights provided in the northwest roof slope. In the submission there is no clear justification for requiring such tall ground floor accommodation.
- 6.2.4 The increased height of the eaves and ridge creates a large internal space and this would likely be large enough for a first floor to be inserted into the property. Doing this would increase the gross internal floor area of the dwelling substantially beyond the 100 sqm limit set out in policy and reducing its affordability for future occupiers. Normally, internal alterations could be carried out without needing planning permission but as the dwelling is being proposed as an affordable dwelling it is normal practice to include conditions that prevent any further increase in the gross internal floor by either internal alterations or by adding extensions.
- 6.2.5 The design of the bungalow is of a modern design with large areas of glazing, timber cladding and a slate roof. The design of the property is in contrast to the vernacular character of the area which is predominantly of typical farm dwellings and traditional rural cottages.
- 6.2.6 As set out in the SPD the plot size is restricted to 0.1 hectares and this has been complied with in the submitted plans. Nevertheless, officers consider that the scheme is unable to complement its surroundings fully on account of the open countryside location with only sporadic housing at present. Although the site is screened by the roadside hedge the proposed dwelling would inevitably be visible from the road once the formal access is formed. It is considered that the scheme would fail to reinforce local distinctiveness and landscape character, and that this visual harm to the natural environment would not be offset by the social benefits identified.
- 6.3 **Highway safety and rights of way**
- 6.3.1 The scheme proposes the creation of a new access to replace the existing field gate, a driveway would lead towards the rear of the site where the proposed bungalow and garage would be located. The access is onto a single width carriageway and visibility splays measuring 2.4m by 33m can be provided in both directions. The proposal would result in a small increase in the number of vehicles using the network of rural roads but this would not materially affect highway conditions. The Council's Highways officer has commented and raises no objection to the proposal.
- 6.4 **Residential amenity**
- 6.4.1 The new house would be sufficiently distant from both of the adjacent properties to avoid any significant loss of privacy, light or general outlook.
- 6.5 **Drainage**
- 6.5.1 The proposed dwelling would be connected to a new septic tank and surface water would be discharged to soakaways, this approach is considered to be acceptable in principle.
- 6.6 **Ecology**
- 6.6.1 The site is located adjacent to a mature oak tree and hedgerow along the south eastern

boundary; these would be retained as part of the development. The proposed dwelling and the detached garage has been positioned well away from the Oak to ensure that its health would not be detrimentally impacted upon as a result of the development.

6.6.2 The application was accompanied by an extended phase 1 habitat survey and this has been considered by the Council's Ecologist. The findings of the survey confirm that no protected species were found on the site or within 30 metres of it. The Council's Ecologist is satisfied with the proposed development and the method statement submitted and the proposed mitigation. No objection is raised subject to the addition of appropriate planning conditions.

6.7 Other Matters

6.7.1 It is noted that the application site has been gifted to the applicant by his farming family to allow the construction of the affordable dwelling. It is noted by Officers that the family farm does include a significant number of buildings within the farm complex. It is considered that there may be the potential for these outbuilding to be converted to provide the required residential accommodation on the site; such an approach would have little impact on the rural character of the area.

7.0 CONCLUSION

7.1 The applicants have been found to fulfil the local connections and housing need criteria for an affordable home, and this would provide clear social benefits. However, the scheme is contrary to the relevant planning policies since the site is not within or adjacent to what Officers would consider to be a recognisable named settlement. The proposed bungalow would detract from the open rural character and visual amenity of the landscape. For these reasons it is recommended that planning permission is refused.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

8.1.1 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

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

8.2.3 This legislation has been taken into account in arriving at the above decision.

8.3 **Equalities**

8.3.1 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**

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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:
National Planning Policy Framework
Planning Practice Guidance

Core Strategy and Saved Policies:
CS5- Countryside and Greenbelt
CS11- Type and Affordability of Housing
MD3- Delivery of Housing Development
MD7a- Managing Housing Development in the Countryside

SPD- Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

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)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member
Cllr Steven Davenport

Appendices
APPENDIX 1 - Conditions

APPENDIX 1