

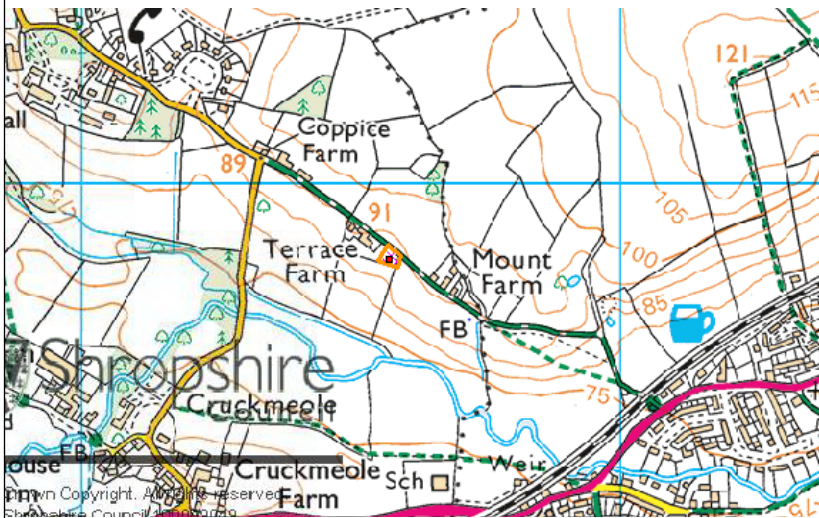
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/02233/FUL	Parish:	Pontesbury
Proposal: Erection of an affordable dwelling, associated garage and installation of septic tank		
Site Address: East Of Terrace Farm Cruckton Shrewsbury Shropshire		
Applicant: Mr George Gaskell		
Case Officer: Alison Tichford		email: planningdmc@shropshire.gov.uk

Grid Ref: 343570 - 309862



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Recommendation:- Refuse
Recommended Reason for refusal

The proposed development is considered to be in an inappropriate location for an exception site dwelling. The proposed site cannot be considered to be within or adjacent to the named settlement of Cruckton, and development of the site would adversely affect the local historic and rural character as well as the local landscape. Furthermore the site is accessed from a public bridleway, and sits very

close to existing agricultural buildings and may not be considered as a suitable location for the provision of an affordable dwelling separate from the farmstead i.e. in perpetuity.

In terms of design and scale, the proposed dwelling is well planned, but it would be an inappropriate domestic intrusion into the local countryside landscape, visible in views from all directions, including from the public bridleway adjacent.

The proposal is therefore considered to be contrary to the relevant parts of the Type and Affordability of Housing SPD and policies CS5, CS11 and MD7a of the Shropshire Local Plan policies and the application is recommended for refusal.

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, septic tank and associated curtilage space. The application site is 0.10ha.
- 1.2 The dwelling will consist of a two storey house with porch, an entrance hallway, living room, kitchen / diner, bathroom, and three bedrooms one of which is en-suite, with a single storey addition comprising a utility and wet room with side porch.
- 1.3 In September 2016 pre-application advice was sought and provided by Officers. This advice was as follows.

The development of this site will constitute the provision of a residential development in an area of open countryside and detached from any settlement. This is contrary to adopted SPD on the Type and Affordability of Housing and policy CS5 of the Shropshire Core Strategy which restricts new housing in these areas. Furthermore its location adjacent to an operational agricultural unit could have an unacceptable impact on the residential amenities for future occupiers as identified by Public Protection Officers. While there are no other objections to the proposal in terms of ecology, drainage and highways these do not outweigh the overriding policy objections. As such the proposal is unlikely to be supported by officers.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the south east of Cruckton, adjacent to Terrace Farm which does not appear on historic mapping and is probably of 20th Century origin, with some fairly modern farm buildings. Permission was granted in 2002 for the conversion of the farm's stable block to ancillary residential accommodation. The proposed conversion of a barn to living accommodation was considered not to constitute permitted development in 2015.
- 2.2 The grade II listed Church of St Thomas and Roman Villa Scheduled Ancient Monument are located approximately 300 metres to the North West of Terrace Farm with other designated assets located further to the North West and some distance away to the South.
- 2.3 The site is accessed from a registered bridleway accessed itself from the C classified Cruckton Crossroads to Cruckmeole Road, and is approximately 550 metres to the north west of the village of Hanwood.
- 2.4 Historic mapping indicates that there was no development along this bridleway until the 20th century, and there now appear to be 3 separate properties. Coppice Farm lies 200m appx. to the north west of Terrace Farm, and permission was recently (Dec 2016) granted

here for a single plot exception site affordable dwelling south east of the farm buildings. Mount Farm lies 200m appx. to the south east, and was granted permission in 2007 for the conversion of redundant buildings to ancillary accommodation.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Pontesbury Parish Council, supported by the Local Member, 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

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

4.1 - Consultee Comments

4.1.1 SC Flood and Water Management
No objection. Informative advice provided.

4.1.2 SC Affordable Housing
Have confirmed that the applicant has demonstrated strong local connections to the administrative area of Pontesbury Parish Council. After considering his housing needs and personal circumstances it is confirmed that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.

4.1.3 SC Ecology
No objection, but conditions as to bats/bird boxes and lighting plans, and informative advice, proposed.

4.1.4 SC Public Protection
No comments.

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

The proposed development site is accessed via a private track which has a public right of way with the status of bridleway running along it. The track leads from a sharp bend in the Class C 5133 rural road to the west of the development plot. The access track also serves the adjacent farm and an angling and wildlife pool.

It is considered that the additional vehicle movements likely to arise from the proposed dwelling will not significantly impact on the surrounding highway network and it is therefore acceptable from a highways perspective.

The applicant will also need to consult Shropshire Councils Rights of Way Officers regarding the status of vehicular rights from the public highway along the bridleway.

4.1.6 SC Rights of Way
Commented as follows:
The definitive line of BW 85 runs down the lane from which the proposed access into the new development will leave. From the plans provided it appears that the bridleway will not be directly affected by the development.

Conditions and informative advice were proposed.

4.2 Public Comments

4.2.1 Parish Council (NB 6.1.11 below)

Pontesbury Parish Council supports this application for an affordable housing which will have minimal impact on the surrounding countryside. The design is sympathetic to the neighbouring properties.

Cruckton was a recognised dispersed settlement in the 19th century which was strengthened by the addition of 6 scattered smallholdings in the 20th century, including Terrace Farm. Later Church Close was added to give more of a nucleus to the settlement. Therefore today Cruckton settlement consists of a relatively recent central cluster and a longer established dispersal of habitations. This is attested by postal addresses, house names, electoral roll, footpath network, trade directories, old maps and, not least, the perceptions of local residents.

Recently the Planning Officer accepted that the neighbouring property of Coppice Farm was part of Cruckton (*NB 6.1.11 below*). This alone means that Terrace Farm at least adjoins the settlement of Cruckton. Also both properties are within easy walking distance of the centre of the settlement which was one of the criteria used by the Planning Officer to determine that Coppice Farm was within Cruckton. (*NB 6.1.11 below*)

The proposed new house as part of Terrace Farmstead is very much a part of the character of Cruckton as at least 7 of its farmsteads have had planning permission for additional dwellings or annexes.

4.3 Two neighbouring properties have been advised as regards the proposal. No public comments have been received as a result of this publicity.

5.0 **THE MAIN ISSUES**

Principle of development

Design, Scale and Character

Impact on Residential Amenity

Other Matters – Drainage, Affordable Housing, Ecology, Public Protection, Highways, Rights of Way

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 site falls outside any defined development boundary or Community Cluster and is therefore identified as being open countryside under SAMDev Policy MD1 and 2. Policy CS5 in the Shropshire Core Strategy, supported by SAMDev Policy 7b, indicates that new development in open countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. However, exception may be

made if, the proposal is for affordable housing to meet a local need in accordance with national and local plan policies in which case

- 6.1.3 Policy CS11 indicates that exception schemes for local needs affordable housing may be considered on suitable sites in and adjoining Community Clusters or recognised named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
- 6.1.4 Policy MD7a of the SAMDev states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.
- 6.1.5 The Type and Affordability of Housing Supplementary Planning Document (SPD) has been brought into place with regard to affordable housing within Shropshire and clearly details the policy criteria in relation to affordable plot exception sites.
- 6.1.6 The applicant is required to satisfy criteria including:-
- ☐ Housing need in the local area
 - ☐ Local Connection
 - ☐ Location
 - ☐ Scale and design
- 6.1.7 The Council's Housing Enabling Officer has assessed the proposal.. They have confirmed that the proposal satisfies the need requirements of the SPD in relation to the build your own affordable home scheme, in that the applicant has demonstrated housing need, strong local connections and a need to live in the local area, and that there were no other affordable homes available at the time of application.
- 6.1.8 Paragraph 5.14 of the SPD makes it clear that sites that do not lie in a settlement, constituting isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable
- 6.1.9 In assessing whether the application site is within or adjacent to a recognised named settlement, guidance is provided in paragraphs 5.17 of the SPD, summarised as follows:
- a settlement is a *relationship* between different properties and the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors. For example, a site a short distance from a loose-knit settlement may be considered "adjoining" while a similar distance in a tightly clustered settlement would not be. Larger settlements also have a wider "pull" or "sphere of influence" than small settlements, influencing the relationship between a site and the settlement.
- 6.1.10 The applicant's agent makes a case for the site falling within CS11 and the scope of the Type and Affordability of Housing SPD, as follows.

Cruckton is not a settlement designated for residential development within the Core Strategy and SAMDev, and as such it must, for planning purposes, be regarded as open countryside, where new open market housing is not permitted. However, Policies CS1, CS5 and CS11, along with the National Planning Policy Framework, do allow for the erection of affordable dwellings on rural 'exception sites' to meet specific local housing

needs. The site is located at Cruckton, which is clearly identifiable as a recognised named settlement. The settlement of Cruckton has no defined development boundary, and is a settlement that is characterised by both clustered and loose-knit housing development moving further distant from its centre. The proposed development site is located to the east of farm buildings associated with Terrace Farm. Although the proposed site is not located immediately adjacent to the main cluster of housing in Cruckton, its location next to a farmstead slightly detached from the main cluster, is a common characteristic of other dwellings in the settlement, and as such an argument can be made that the site fits the pattern of development in the settlement, the site therefore forming part of the settlement. This view is shared by Pontesbury Parish Council and Unitary Cllr Roger Evans. This view is further endorsed by a nearby application (16/03379/FUL) for an affordable home. The proposed affordable home at Coppice Farm is located just 180 metres distant of the site and a planning application was resolved to approve subject to completion of a S106 agreement in December 2016.

- 6.1.11 The application does have the support of Pontesbury Parish Council and the Local Member, as outlined at 4.2 above.

It is to be noted, that contrary to the Parish Council comments received, the officer report prior to the 2017 grant of planning permission at Coppice Farm to the north west concluded that the site was “not within or directly adjacent to the named settlement of Cruckton”, although granting permission on other grounds.:

- 6.1.12 Officers consider that in fact the current proposed site cannot be considered as falling within the location criteria outlined in policy in respect to affordable housing exception sites.
- 6.1.13 There is today a clear central core to Cruckton, centred around Cruckton Hall which has occupied the site since the 17th century, with listed Home Farm opposite. There has been residential development along the road running past Cruckton Hall, within its former grounds, and opposite, on the site of the Roman scheduled monument, and including the conversion of the 19th century church.
- 6.1.14 There are also some more dispersed buildings along the roads into and out of Cruckton, many of these also appearing on historic mapping, but no very clear evidence as to where perceptions of Cruckton start and finish, although the Parish Council is clear that local people would include some outlying farmsteads.
- 6.1.15 Officers would suggest however, that the properties developed along the bridleway to Hanwood in the 20th century should be considered as extraneous to both the central core of Cruckton and any more dispersed historic notion of Cruckton where sporadic development has been focussed along roads into and out of the village and with accesses from those roads.
- 6.1.16 The application site lies 400m distant from the converted Church House, the most easterly dwelling in the central core, and lies 375m away from the classified road running into that core, along a rural bridleway running between Cruckton and Hanwood and officers consider it can only be identified as lying in open countryside.
- 6.1.17 Development along this bridleway is currently limited to the three dispersed properties developed during the 20th century (with converted ancillary accommodation). The dwelling recently granted permission adjacent to Coppice Farm will lie less than 75m from the classified road, while Coppice Farm itself has a frontage to the road.
- 6.1.18 Further development along this bridleway may begin to create a residential link between

Hanwood and Cruckton which does not currently exist, the two settlements clearly separate. Officers feel that further residential development along this bridleway between the two settlements would adversely affect the local historic and rural character as well as the local landscape, and that therefore this site falls outside policy requirements within CS11 and the Type and Affordability of Housing SPD.

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.

6.2.2 5.19 of the Type and Affordability of Housing SPD states that exception site developments must have regard to housing need and are relatively small sites. The scale of any individual scheme must reflect the character and scale of the settlement.

6.2.3 5.20 continues that any development must be in harmony with the character of the area, of a suitable design and construction materials and appropriate to its location, and that given the exceptional nature of these developments, high quality design is essential

6.2.4 5.22 specifies that the dwelling size will not normally be permitted to exceed 100 square metre gross internal floor area. Detached garages and other outbuildings for storage purposes will not count against the 100sqm and therefore may be permitted, where they are suitably designed and appropriate to their context. Plot size must generally not exceed 0.1 hectare.

6.2.5 The proposed 2 storey dwelling will measure approximately 12.2 metres wide in total, comprised of the 2 storey section of 9.5m width, and the single storey extension of a further 2.8m width. In addition, there will be a porch to the side, adding a further 1.1m in this dimension. The proposed dwelling will be 5.9 metres deep at its maximum, with an additional front porch area of 1.5m depth. The dwelling will have a maximum ridge height of appx. 7.8 metres, eaves of 5.2 metres. The internal floor space will be 100 sq. m gross. The double garage with dual pitched roof will measure approximately 7.2 metres wide, 6.6 metres deep with a ridge height of appx. 5.7metres, eaves of 2.7metres.

6.2.6 The proposed site plot situated on land to the south east of Terrace Farm is a substantial distance from the listed building of Church of St Thomas and Scheduled Ancient Monument to the north west. It will be fairly well screened by existing tree cover and vegetation, and officers consider it will have no adverse impacts on the nearby heritage assets, or those situated further into the settlement of Cruckton.

6.2.7 The dwelling is simple in its design with a total gross internal floor area of 100 sq metres which is within the allowance specified within the policy. However, it is a 2 storey dwelling, which will add a new and significant presence to the bridleway on which it is situated. The recently granted permission at Coppice Farm was for a single storey dwelling with a maximum height of 6.1 metres, although of larger footprint.

6.2.8 The site for the dwelling is immediately adjacent to a steel framed farm building, and officers feel that this will not as suggested, provide context for the new dwelling but will instead highlight the domestic nature of the new addition to the landscape.

- 6.2.9 The proximity to the barn may also make the dwelling less attractive in the future to anyone not connected with the farm, potentially creating difficulty with the perpetuity criteria of the affordable exception site policy.
- 6.2.10 Although revisions were sought to remove a barn at Coppice Farm, the site of the recently granted affordable house, this solution is not considered appropriate in the current case where the removal of the barn would also increase the impact and prominence of the new dwelling, standing then in isolation. Alternatively, if the dwelling were to be moved to the site of the barn, the farm would then appear largely as a cluster of residential buildings in the rural landscape.
- 6.2.11 Landscaping is proposed to include post and rail fencing, and a native hedge to the front boundary with the bridleway and native trees to the residential curtilage, and these suggestions would be welcome should permission be granted. However, the landscaped grounds would add to and highlight the new domestic nature to the site and could not usefully mitigate the new built development in the countryside.
- 6.2.12 A new access from the bridleway is to be provided, and there will be some associated additional vehicular traffic. Although highways consultees are satisfied this will not create any safety concerns, it will all add to erosion of the existing peaceful and rural nature to this bridleway between two separate centres of population.

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 The proposed new dwelling will be situated appx 200m from neighbouring properties to either side, although adjacent to existing farm buildings at Terrace Farm. The only impact on neighbouring properties is likely to be in terms of increased noise and traffic and neither of these are expected to be significant in effect. Officers consider that the proposal's impact on neighbouring amenity will be minimal and acceptable.

6.4 **Other Matters – Drainage, Affordable Housing, Ecology, Public Protection, Highways, Rights of Way**

- 6.4.1 Consultees have no objections to the proposal, but have provided conditions and informative advice to be imposed on any grant of planning permission.
- 6.4.2 Officers note that Terrace Farm itself is accessed from the bridleway as is Mount Farm to the south east. A right of vehicular access may be required for the application site, but this is outside of the scope of Planning legislation and policy. Informative advice would be included on any grant of planning permission advising the applicant to pursue their right of vehicular access as appropriate outside of the planning process.

7.0 **CONCLUSION**

The proposed development is considered by officers to be in an inappropriate location for an exception site dwelling. The proposed site cannot be considered to be within or adjacent to the named settlement of Cruckton, and development of the site would adversely affect the local historic and rural character as well as the local landscape. Furthermore the site is accessed from a public bridleway, and sits very close to existing agricultural buildings and may not be considered as a suitable location for the provision of an affordable dwelling separate from the farmstead i.e. in perpetuity.

In terms of design and scale, the proposed dwelling is well planned, but officers consider

that it is inappropriate as a domestic intrusion into the local countryside landscape, visible in views from all directions, including from the public bridleway adjacent. Officers acknowledge that the proposal may be able to satisfy policies CS6, CS17 and CS18 in terms of amenity, drainage, ecology, highways, and rights of way 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 Type and Affordability of Housing SPD and policies CS5, CS11 and MD7a of the Shropshire Local Plan policies 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

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

National Planning Policy Framework

CS6 - Sustainable Design and Development Principles

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

National Planning Policy Framework

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/04208/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use PPPMBZ 23rd November 2015

PREAPP/16/00476 Erection of an Affordable Dwelling PREUDV 1st November 2016

17/02233/FUL Erection of an affordable dwelling, associated garage and installation of septic tank PDE

SA/06/1411/F Erection of a conservatory to rear PERCON 7th December 2006

SA/02/1025/F Conversion of Stable Block to provide ancillary residential accommodation PERCON 23rd August 2002

SC/CC1993/0044 Extension to provide additional general purpose agricultural building PERMIT 21st January 1994

PREAPP/16/00476 Erection of an Affordable Dwelling PREUDV 1st November 2016

17/02233/FUL Erection of an affordable dwelling, associated garage and installation of septic tank PDE

Appeal

16/02444/PAPD Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use DISMIS 2nd September 2016

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 R. Macey

Local Member

Cllr Roger Evans

Appendices

APPENDIX 1 - Conditions
