

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 17/02441/FUL	<u>Parish:</u>	Chelmarsh
<u>Proposal:</u> Erection of an affordable dwelling, with detached double garage, alterations to existing vehicular access and installation of a septic tank		
<u>Site Address:</u> Proposed Affordable Dwelling North Of Spring Vale Farm Occupation Lane Chelmarsh Bridgnorth Shropshire		
<u>Applicant:</u> Mr & Mrs K Bradley		
<u>Case Officer:</u> Lynn Parker		<u>email:</u> planningdmse@shropshire.gov.uk

Grid Ref: 372307 - 286530



Recommendation:- Refuse

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 Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.
2. By reason of its projection into an existing field, the development would erode the open character of the surrounding rural landscape and result in the permanent loss of Grade 3 agricultural land which would not appropriately conserve a natural asset. It would, therefore, be contrary to the National Planning Policy Framework, Policies CS5, CS6, and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a dwelling, detached garage and septic tank under the Council's single plot affordable scheme on agricultural land within the ownership of the applicant on land north of Spring Vale Farm, Occupation Lane, Chelmarsh. The proposed plot covers approximately 773m². The dwelling is proposed as a two storey property with a gross internal floorspace of approximately 100m², with a footprint measuring 12.81m wide x 5.85m in depth x 8.65m to ridge height, 5.25m to eaves resulting in a footprint of approximately 68m². It would accommodate a hall, lounge, dining/kitchen, utility and WC at ground floor level, and three bedrooms and a bathroom at first floor level. The utility and WC are indicated within a single storey element on the north facing side elevation. Design features include a chimney on the south facing elevation, a steep pitched roof, and an open timber porch.
- 1.2 Additionally, a double garage is proposed to be located adjacent to the north east corner of the dwelling to measure approximately 7.2m wide x 4.95m in depth x 5.6m to ridge height, 2.7m to eaves. Two timber doors are proposed to the south facing front elevation, a pedestrian door to the west facing side elevation, and a single window on the north facing rear elevation. Both structures are proposed with dual-pitched roof and side gables.
- 1.3 Materials are proposed as brick walls, tiled roofs, UPVC timber effect windows and timber doors. A new vehicular access is proposed to the south east of the plot off

Occupation Lane which would extend into a gravelled area of hardstanding covering approximately 200m² across the whole front of the dwelling to the garage and along the south facing side elevation. The rear garden area would amount to approximately 332m². Foul sewage is proposed to be disposed of via septic tank to be located off the north west corner of the dwelling and surface water to a soakaway positioned in the same direction but within the adjacent field within family ownership.

- 1.4 In addition to the Design and Access Statement, a Letter from the Housing Enabling Officer dated 6th March 2017, and a Support Letter from the Parish Council dated 13th January 2017 have been submitted in support of the proposal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within open countryside to the south of the settlement of Chelmarsh which itself is designated as open countryside. It is accessed from the B4555 to the east via Covert Lane (C4241) and Occupation Lane, a track with grass along the centre. The roughly square plot is positioned on agricultural land used for grazing sheep to the north side of Spring Vale Farm which comprises a number of agricultural buildings set along Occupation Lane with a farmhouse behind. The field extends for some 150m to the north, 100m to the west, and around the rear of the farm buildings approximately 50m to the south enclosed within a perimeter boundary of mature native hedging. There is also agricultural land across Occupation Lane to the east. There are no trees in the vicinity of the proposed plot and the land is generally open and level.

- 2.2 The farmhouse at Spring Vale Farm lies approximately 38m to the south of the plot, otherwise the nearest property is at 'The Poplars' approximately 120m across the fields to the east. The area is predominantly agricultural with sporadic and isolated plots of built environment positioned inbetween large sized fields. This built environment consists of a mixture of residential, tourism and agricultural uses.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has expressed a view contrary to the Officer recommendation and the Local Member has requested that the application be determined by Committee. Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman agrees that the Parish Council has raised material planning issues that warrant consideration by the South Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 Chelmarsh Parish Council - Councillors fully supported this application to enable a local family to remain in the parish, subject to all Building Regs etc. being adhered to.

4.1.2 SC Affordable Housing - After considering the couples 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 Drainage – Informative recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development.

4.1.4 SC Highways – No objection. Informatives recommended.

4.2 - Public Comments

4.2.1 Site notice erected 9th June 2017. Eight letters of public representation have been received which all offer support for the proposal. These are available to view online, however, are summarised as follows:

- o The family are longstanding and popular members of the community.
- o The proposed home will enable them to remain at the heart of their community for generations to come.
- o Mr Bradley and his sisters were born and brought up on the farm.
- o The Bradley's family have lived in Occupation Lane for over 100 years.
- o It is of the utmost importance that people who are born and still live in the village of Chelmarsh should be given the opportunity to own their own home via the affordable dwelling programme.
- o We need more affordable dwellings like this in Chelmarsh to enable people with young families to remain in the village.
- o The proposed plans are of a sympathetic nature and blend in with the surroundings.
- o The access is good and the proposed site does not overlook or affect any other properties.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on the wider environment
- o Access

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 the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 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 The site is positioned in open countryside outside of any development boundaries designated under existing Planning Policies. LDF Core Strategy Policy CS5 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, Policy CS5 identifies specific types of development which may be acceptable, including dwellings for agricultural, forestry or other essential countryside workers, or other affordable housing/accommodation to meet a local need, or conversion of a building of historic merit. Policy MD7a of the SAMDev Plan reinforces CS5.
- 6.1.3 As noted above under LDF Core Strategy Policy CS5 new development in the countryside is strictly controlled, however, potentially acceptable development does include the erection of new dwellings which provide affordable housing/accommodation to meet a local need in accordance with Policy CS11. In support, SAMDev Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirement.
- 6.1.4 LDF Core Strategy Policy CS11 supports the provision of affordable housing on suitable sites in recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity i.e. the completion of a Section 106 Legal Agreement to secure the dwelling as affordable, before an Approval Decision is issued for any such application.
- 6.1.5 The build your own affordable home on a single plot exception site scheme is detailed in Chapter 5 of the SPD Type And Affordability Of Housing beginning at paragraph 5.10. Applicants will normally be the prospective occupiers of the proposed single plot affordable dwelling and must qualify for the scheme by demonstrating the following points (summarised) to the satisfaction of the Housing Enabling Officer.
1. That they are in housing need and are unable to identify or afford a suitable alternative home currently available for sale on the open market in the local area or within 5km of the proposed site.
 2. That they have a strong local connection to the area. Applicants are expected to be proactive obtaining formal written confirmation of their 'strong local connection' from the relevant Parish Council.

3. That their housing need should be met in the local area

6.1.6 The SC Housing Enabling Officer has confirmed that Mr and Mrs Bradley have demonstrated strong local connections to the Chelmarsh Parish Council administrative area. After considering the couples housing needs and personal circumstances, it is also confirmed that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.

6.1.7 The Local Housing Need elements of this application were established as follows from information presented to the SC Housing Enabling Officer in January 2017:

- o Mr and Mrs Bradley intend to construct a 100m² (max) affordable dwelling on land north of Spring Vale Farm, Occupation Lane, Chelmarsh to occupy as their long-term family home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria, restricting property size and any potential future sale value.
- o The couple currently rent a property a short distance away. As their current home is rented this is not considered suitable for their long-term housing needs and aspirations.
- o Chelmarsh Parish Council had no hesitation in confirming Mr Bradley's local connection on the basis he was born and bred in Chelmarsh, he attended the local primary school, he has lived and worked locally all of his life, his family have lived in Chelmarsh for many years and that he and his sister still live in the parish.
- o Mr Bradley has strong connections to the parish with he and his family living and working in Chelmarsh for over 100 years. Mr Bradley provides general help and support to his sister who lives at Spring Vale Farm, a property that was previously owned by his parents. Due to suffering with back problems and being under chiropractic care Ann Bradley relies on Mr Bradley to provide support, continued maintenance on the farm, upkeep of the buildings and fields. He also regularly assists neighbours and friends living in Chelmarsh Common.
- o Mr and Mrs Bradley's second child is due in August and their rented home has limited space for a growing family. A move closer in proximity to Mr Bradley's sister would also enable immediate family to assist with care and support.

Mr and Mrs Bradley have therefore demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability they are unable to meet their families housing need from the open market in the parish.

6.1.8 Single plot affordable exception sites are permitted in locations that would not normally obtain Planning Permission for new open market residential development,

as they are intended to engender additional community resilience and sustainability. However this does not translate as free rein to always allow single plot affordable dwellings wherever they are proposed. Policy CS11 permits exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and other Key Centres, Community Hubs, Community Clusters, and sites which are demonstrably part of or adjacent to recognised named settlements of all sizes. 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 are not considered acceptable.

- 6.1.9 Within the submitted Design and Access Statement it is presented that the proposed site is within the small settlement of Chelmarsh Common, and that Occupation Lane provides direct and intentional historic connectivity between Chelmarsh, Chelmarsh Common and Sutton. Eight properties are listed as being within 500m of Spring Vale Farm. Additionally that Chelmarsh Common is a loose-knit settlement marked on the OS map and is locally referred to as either Chelmarsh Common or Occupation Lane.
- 6.1.10 The SPD Type and Affordability of Housing confirms that a settlement always comprises a group of houses occupied by households from different families which only becomes a settlement due to the number and proximity of the houses in the group. It is this quantity/ dispersion pattern combination which determines whether dwellings constitute a settlement.
- 6.1.11 Spring Vale Farm is an isolated, contained site surrounded by functioning agricultural land. The proposed development would project out from the existing containment of the buildings at Spring Vale Farm into Grade 3 agricultural grazing land resulting in a more irregular, less viable field shape. Fields lie for approximately 230m to the north, 200m to the south, 95m to the east and 1,400m to the west before there is any neighbouring built environment. This results in a very clear separation of the site from any other individual or groups of properties in the vicinity and there is no leaded road connection between them. There are nearby areas of development that could be described as 'groups', for example, approximately 185m to the east where dwellings are strung along Covert Lane, and approximately 265m to the north at Rowley Farm where the built environment is located on both sides of Occupation Lane. However, these pockets have no visual association with Spring Vale Farm. Furthermore Occupation Lane is not a made road, it is essentially a farm track with grass growing down the middle. There is no vehicular access through to Rowley Farm and further north to Chelmarsh as a 150m section of Occupation Lane directly south of Rowley Farm is blocked off to all but agricultural vehicles, although it is a bridleway and therefore accessible as a public right of way. Chelmarsh itself is approximately 1km to the north and whilst would be regarded as a settlement, is designated as open countryside where new open market residential development would not be supported i.e. it is not a location regarded as acceptable for promoting economic, social and environmental sustainability. There have been a number of Pre-Application Enquiries relating to affordable dwellings around the Occupation Lane area, however, these have not

proceeded to application stage due to the advice given that the sites would not be considered demonstrably part of or adjacent to recognised named settlements.

6.2 Therefore, whilst the applicants may fulfil the qualifying criteria for construction of their own single plot affordable exception site, having considered the location of the proposed dwelling against the Council's adopted policy, it is not regarded as being in or adjacent to a recognised settlement for the reasons given in paragraph 6.1.11 above. The principle of the development is not acceptable.

6.3 Design, scale and character

6.3.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built and historic environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

6.3.2 The proposed site does not exceed the 0.1 hectare limit imposed by the SPD Type and Affordability of Housing and the gross internal floor space accords with the 100m² limit allowing for any minor measuring inaccuracies. The dwelling would be a two storey, three bedroom property which does not attempt to include rooms that would be considered non-essential. The scale of the proposed dwelling and its plot are therefore commensurate with policy expectations for single plot affordable dwellings.

6.3.3 The design responds appropriately to local context in that a traditional brick and tile cottage is proposed with an external chimney, steep pitched roof and open timber porch. Similarly the detached garage is proposed as a simple, clean-lined outbuilding of a subservient scale, which would not visually compete with the main dwelling or its indicated cottage style features. Both structures are proposed in materials considered to be typical of the rural built environment. The area of hardstanding proposed which occupies the whole frontage space is potentially on the large side within the softer rural landscape, however it is indicated to be of gravel, a permeable covering.

6.4 Impact on the wider environment

6.4.1 As noted above in paragraph 6.6.11, the proposed development would break the existing visual containment of the buildings at Spring Vale Farm by projecting out into Grade 3 agricultural grazing land and that this would be likely to result in a more irregular and less viable field shape. Section 11 of the NPPF notes that local

authorities should seek to use areas of poorer quality land in preference to that of higher quality, and preferably previously developed land which as a re-use is more effective. In this case, the identified need for new residential development is not considered to outweigh the permanent loss of this section of a Grade 3 agricultural field, as the proposed development would contribute to the erosion of the open character of the surrounding landscape.

6.4.2 The site is level and currently screened from Occupation Lane by mature native hedging. The boundary is proposed as natural species hedgerow, therefore the plot would be suitably separated from the adjacent agricultural land. The development would be visible from the surrounding countryside, however it would likely be read in association with the existing buildings at Spring Vale Farm.

6.4.3 There would be a negligible impact on residential amenity in the vicinity due to the distances between the plot and the neighbouring dwellings. The farmhouse at Spring Vale Farm would be approximately 38m to the south west of the plot and the existing farm buildings would provide partial screening between them.

6.5 Access

6.5.1 The proposal for the site is to use the existing access onto Occupation Lane which is ungated. However although the view to the south from the access is adequate, the view to the north is constrained by a hedgeline. SC Highways note that domestic accesses have different requirements to agricultural accesses and should provide a view from a height of 1.05m (driver's eyeline), and that it is essential that emerging drivers have a view of approaching traffic and vice versa. However, this access also serves Denn Farm Caravan Site a large site extending to the west side of Denn Farm and therefore it is unlikely the type and scale of traffic likely to be generated by a single dwelling would impact on highway safety. Whilst the condition of Occupation Lane is not ideal in that it is an unmade farm track, parking and turning could be satisfactorily achieved within the proposed site.

7.0 CONCLUSION

7.1 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 Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

7.2 By reason of its projection into an existing field, the development would erode the open character of the surrounding rural landscape and result in the permanent loss of Grade 3 agricultural land which would not appropriately conserve a natural asset. It would, therefore, be contrary to the National Planning Policy Framework, Policies

CS5, CS6, and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

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:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS11 Type And Affordability Of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development

MD2 Sustainable Design

MD7a Managing Housing Development In The Countryside

MD12 Natural Environment

Supplementary Planning Documents (SPDs):

Type And Affordability Of Housing

RELEVANT PLANNING HISTORY:

None relevant

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OQ7OVCTDLX100>

List of Background Papers

17/02441/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages.

- Design And Access Statement dated April 2017.
- Letter from Housing Enabling Officer dated 6th March 2017.
- Support Letter from Parish Council dated 13th January 2017.

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Robert Tindall

Appendices

APPENDIX 1 – Informatives

APPENDIX 1

Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:
CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD7a Managing Housing Development In The Countryside
MD12 Natural Environment

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

3. Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with paragraph 187 of the National Planning Policy Framework. However in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.