



Committee and date
South Planning Committee
9 May 2018

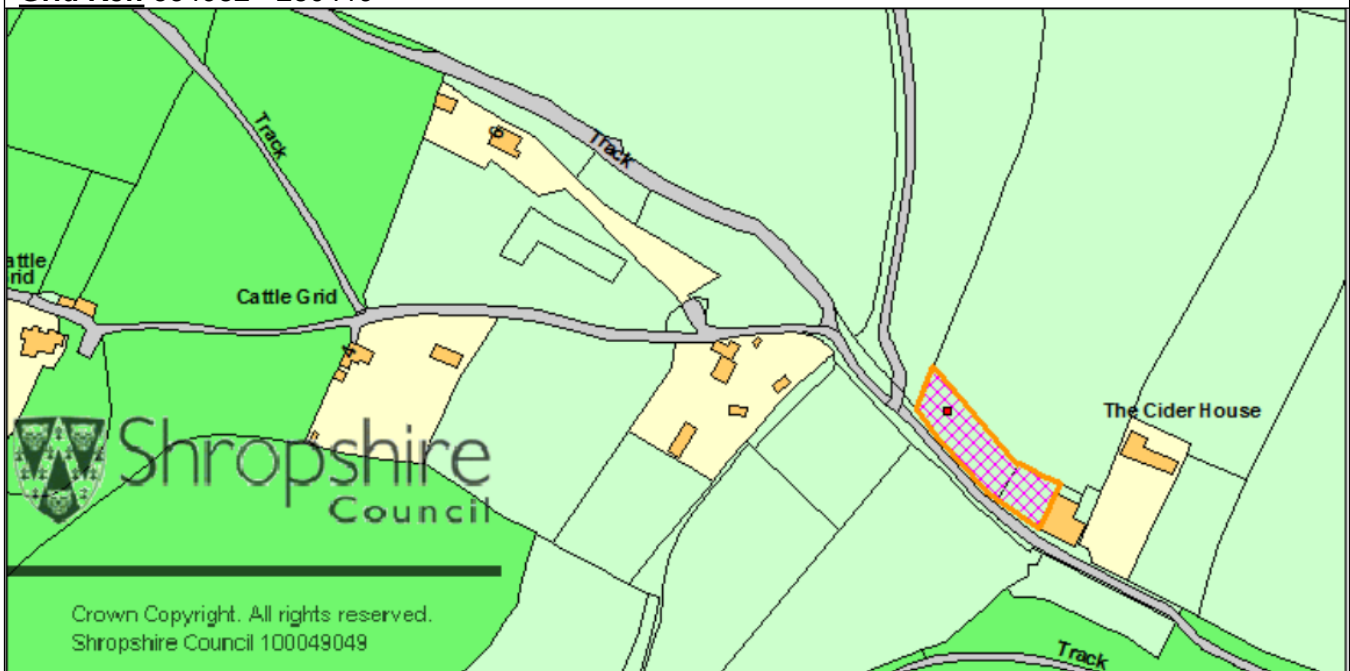
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/06074/FUL	Parish: Clunbury
Proposal: Erection of an affordable dwelling and installation of a package treatment plant	
Site Address: Proposed Affordable Dwelling At Clunton Coppice Clunbury Shropshire	
Applicant: Miss Jude Bowers	
Case Officer: Julie Preston	email: planningdmsw@shropshire.gov.uk

Grid Ref: 334982 - 280419



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Recommendation:- Refuse.

Recommended Reason for refusal

1. Clunton Coppice is an area with only very sporadic existing housing and it is not considered to be a recognisable named settlement suitable for a rural exception site dwelling. Consequently the proposed dwelling is regarded as being in the 'open countryside' which is afforded protection from residential development under Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy and policy 7a of the Site Allocations and Management of Development (SAMDev) Plan policies. The proposed scheme would deliver limited economic and social benefits and there are no material considerations of sufficient weight to justify a departure from the development plan. The proposal is therefore contrary to the aforementioned policies, paragraphs 11-14 and 17 of the National Planning Policy Framework and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

2. The erection of a dwelling and associated activities in this location would detract from the intrinsic character and scenic quality of this part of the Shropshire Hills Area of Outstanding Natural Beauty. It would, therefore, be contrary to the National Planning Policy Framework, Policies CS5, CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD2 and MD12 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.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application is for the erection of a local needs dwelling and installation of a package treatment plant on agricultural land at Clunton Coppice. The dwelling would be a single storey timber lodge clad in horizontal timber coloured light grey under a pitched roof of grey bitumen shingles. Light grey UPVc joinery is also proposed.
- 1.2 Access to the proposed dwelling would be via an existing access leading to a parking and turning area on the farm yard. The dwelling would be sited parallel to the roadside hedge within a rectangular plot. The soakaways for the package treatment plant extend into the field to the north of the site.
- 1.3 The proposed dwelling would provide an open plan kitchen and living/dining room area with a bathroom, two bedrooms, office and utility area.
- 1.4 The dwelling is 14.5m x 6.8m in size with eaves of 2.4m and a ridge height of 4.2m. The internal floor area is just over 90 sq m. It will sit about 0.3m above ground level and is fixed with 1.2m ground screws. A concrete base is not required. An area of wooden decking amounting to 20 sq m is proposed around the outside of the living room and utility area.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located 1.7 Km to the south east of Clunton and south of the River Clun. There is no direct vehicular access to the village other than a narrow track which is unmade for the greater part of its length. Vehicular access is instead available along a narrow unclassified road which meets the B4385 between Purslow and Twitchen. The site lies to the west of The Cider House and there are three other houses in the immediate vicinity.
- 2.2 The application site is 0.1 ha in size and is currently agricultural land. There is a small agricultural building in a roadside position to the east and the remaining 3.5 ha is farmed as a small holding by the applicant. A mature mixed hedgerow runs along the road frontage adjoining the site.
- 2.3 The application site is in the Shropshire Hills Area of Outstanding Natural Beauty. The site is level and is situated at the southern edge of the River Clun valley. The land rises steeply on the southern side of the road and is heavily wooded aside from the houses and the occasional pasture. Clunton Coppice and Purslow Wood are largely Ancient Woodlands and part of Clunton Coppice is designated as an SSSI. Both woods are identified by Shropshire Wildlife Trust as Special Wildlife Sites. With no through traffic, the area is tranquil and unspoilt.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the Officer recommendation and the local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the proposal raises material planning considerations that warrant determination by Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Clunton Parish Council - Support

Clunbury Parish Council comment that they fully support the application, which is proposed by a person who has a long-standing connection with the parish, and needs accommodation on site where she has a smallholding. This is required for security purposes as well as for animal welfare. The style of the proposed dwelling would be more than acceptable in this situation.

4.1.2 SC Affordable Housing Officer – Support

I can confirm that Ms Bowers has demonstrated strong local connections to the administrative area of Clunbury Parish Council. After considering her 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.

The Local Housing Need elements of this application were established as follows from information presented to The Housing Enabling and Implementation Team by the applicant in March 2017

Ms Bowers intends to construct a 100 sq m (max) affordable timber lodge dwelling on the site to occupy as her long-term home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria and restricting any potential future sale value.

Ms Bowers lives in a rented property a short distance away. The tenancy was granted to her late partner and it is not clear how long Ms Bowers will be able to remain living in the property. As this property is rented, it is deemed unsuitable for her long-term housing needs.

Ms Bowers works on a self-employed basis at a local racing stable; this job requires her to be on hand at various times of the day to look after the horses and other livestock. Ms Bower's employer has confirmed her expected early start and break in the day with her retuning to work in the afternoon. Due to the nature of her employment, she is required to assist with the running of the stables at short notice so it is imperative that she is located nearby.

Ms Bowers has her own sheep, which require her regular care and attention she also undertakes jobs that are essential when keeping livestock and ensuring animal welfare, she can be called upon to assist her friends and neighbours.

Ms Bowers is a Parish Councillor for the adjacent parish of Hopesay. She has a wide circle of local friends through her involvement with local events and work with Shropshire and Hereford Sheep Dog Triallers.

Clunbury Parish Council has confirmed that Ms Bowers is a current lawful resident and has lived in the parish for the last five years. That she is currently employed within the local area and that she can demonstrate active community involvement sustained for at least the past two years. They also confirmed that Ms Bowers owns land and farms within the parish and its hinterland.

Therefore, Ms Bowers has demonstrated a housing need, strong local connections and a need to live in the local area. Due to a lack of suitable lower value alternative accommodation, she is unable to satisfy her housing need within the Parish without assistance from this policy.

4.1.3 **SC Highways DC – Insufficient information provided.**

Clunton Coppice is served by an unclassified road maintained by Shropshire Council with an existing access to the site. The Highways Engineer requested additional information about the access, parking and turning. The agent submitted a revised site plan indicating a parking and turning area.

- 4.1.4 The Highway Engineer remains concerned that there is insufficient detail to make an assessment and comments that full details of the precise position of the vehicular access, visibility splays for emerging vehicles commensurate with local traffic speed and appropriate space for the parking and turning of vehicles is required. Any gates need to be set a minimum distance of 15 metres from the carriageway edge for joint agricultural/domestic use and be made to open inwards

only. A sealed hard standing for the first few metres is required to prevent loose material getting onto the highway. These matters could be controlled by planning conditions if planning permission were to be granted.

4.1.5 **SC Ecologist – no objection subject to conditions and informatives**

Habitats Regulation Assessment (HRA)

This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Species and Habitats Regulations 2010 (known as the Habitats Regulations).

A Habitats Regulations Assessment matrix is included at the end of the report.

Shropshire Council has not identified any potential effect pathway by which the proposed activity might impact upon the River Clun SAC.

Protected Species

An ecological walkover survey was carried out in August 2017 by Wilkinson Associates.

Habitats

Habitats on the site consist of poor semi-improved grassland, a native species-poor hedgerow, a row of shrubby trees and various pieces of debris.

Should any landscaping be proposed, this should include tree and shrub planting using native species of local provenance.

Bats

The Ecologist notes that the access point is adjacent to an open-sided barn which is constructed of wood and corrugated metal. It does not have any potential to support roosting bats as it is open and draughty with no creviced likely to be used for roosting purposes. However, the site may be used by foraging and commuting bats

The lighting scheme for the site should be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance. Bat boxes should be erected on the new dwelling to provide potential roosting opportunities for bats. Conditions to control lighting and the provision of bat boxes are recommended.

Birds

The hedgerows and shrubs provide potential nesting opportunities for birds. If any vegetation removal will be required, this should be carried out between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

A condition is recommended requiring the provision of bird boxes on the new dwelling to provide potential nesting opportunities for birds.

Other species

An informative is suggested setting out appropriate working methods which should be followed to protect common amphibians, reptiles and small mammals that may be present on the site or enter the site during the works.

4.1.6 SuDS – no objection

The Drainage Engineer advises that a sustainable drainage scheme for the disposal of surface water from the development would be required in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. The preference is for drainage measures which allow rainwater to soakaway naturally.

4.1.7 Shropshire Hills AONB Partnership - Objection

Agree with the Council's pre-application advice that Clunton Coppice is not a distinct settlement and the design requirements for the site.

4.2 Public Comments

4.2.1 Eight letters of objection have been received and eight letters in support. Some of the letters are lengthy and include photographs and additional information. Members are reminded that the full text of letters and additional information is available to view online. The main points raised are summarised in the following paragraphs.

4.2.2 Points raised in objections:

Detrimental impact on the Shropshire Hills AONB

The site is in open countryside and can be clearly seen from public roads, footpaths and bridleways. There are well used footpaths and bridleways immediately adjacent to the site and the development would be the focal point for walkers on the paths descending the fields on the opposite side of the lane. An important part of the character of the area is the distance between existing houses and most are set back off the lane. Residential development of any type in such a location will cause significant harm to the AONB contrary to its aims and Core Strategy Policy CS16.

Clunton is not a 'recognisable settlement'

Core Strategy Policy CS11 specifies that exception schemes for local needs should take place in recognisable named settlements or be linked to other existing development and business activity where this is appropriate. The location is not included in the SAMDev document as a settlement and is not a location designated for development. There are no services available. The site is not located within a recognised settlement for the following reasons:

- It does not have a location sign and the sign at the entry to the lane stating 'Clunton Coppice' refers to the historical woodlands of that name to which it leads.
- Clunton Coppice is not a place name appearing on OS maps.
- Searching Ordnance Survey on line, 'Clunton Coppice' is listed as being a 'Place Type' of 'Woodland or Forest'. This compares to Purslow or Twitchen, for example, both of which do appear on the highways directional signs at

- approaching road junctions and do appear named on OS maps, and both being listed on line by Ordnance Survey as 'Place Type' of 'Hamlet'.
- Searching online generally reveals no reference to any settlement, only to the historic woodland of the name and the coppicing activities that used to go on there.
 - In the official postal address for the properties off the 'Clunton Coppice' named lane, 'Clunton Coppice' is in the position of first line, and not the 'hamlet / village' identifying line as the applying agent tries to infer i.e. 'Clunton Coppice' appears in the 'street name' position. The 'locality' is 'Clunbury which is OS designated as 'Village'.
 - The site is about 1.5 miles by public highway miles from Clunbury village - it is not in any way physically linked to it and is not within its boundary markers.
 - The total of current properties off this lane is seven and not the 8 or 9 that has been suggested.
 - The remaining six houses off the lane are randomly scattered, randomly oriented and afford total privacy for their occupants with regard to one another. There are currently just nine adults living in the lane and no children.
 - The numbering of the houses shows a very unusual pattern, swapping from north to south. This is indicative of the lane's random character and the fact that this is definitely not a formal settlement.

Highway Safety

The track adjoining and affording access to the site is approximately 1.27 mile long overall and is a single track 'no through' lane. It is in a very poor state with pot holes and broken edges. There is limited scope for passing and there are no hard surfaced passing points. It is not uncommon to have to reverse well over half a mile to allow another vehicle to pass. The undulations and bends of the lane, the drops and overhanging trees to the sides and the often deep mud adjacent make this already a very dangerous exercise. The lane exits onto the B4385 between Twitchen and Purslow. At the junction with the B road there is extremely short visibility to the right with a blind bend, thus making exit in particular a matter for extreme caution. The track is regularly used by both local and tourist walkers, horse riders and cyclists. Any increase in traffic movements is unacceptable.

Inadequate site access

The access off the lane to the site itself is three metres wide and does not readily facilitate any separate use of the large parcel agricultural land that comprises the overall site. The opening onto the lane does not meet the standards for shared domestic and agricultural use. Visibility to the left exiting the site is blocked by the applicant's existing barn. Supporters suggest that a house for the applicant would mean a reduction in traffic movements. The applicant visits her land typically once per day i.e. two traffic movements. Her main work premises would entail four traffic movements due to her working pattern plus visitors and deliveries.

Inappropriate Structure and design

Planning policies require that affordable homes are of a high standard of design and materials. The proposed structure is fabricated and sold as a mobile home. It is elevated on temporary ground pins surrounded by a veranda. It is a 'Park Home'

style structure and does not demonstrate the expected levels of design or build quality. The existing properties are scattered widely along the lane and, whilst not listed, are nonetheless of historic value being all older type builds of character. The introduction of a grey coloured timber elevation structure under a felt roof of distinct modern park home styling is very damaging to the unique and protected character of the AONB in this location. In terms of siting, scale and design and in terms of visual impact on the locality, the proposal entirely contravenes Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy.

Plot size exceeds area permitted for Affordable Home exception site

The plot of agricultural land attached to this application and effectively incorporated with it, at c. 9 acres (3.64 hectares), greatly exceeds the 0.1 hectares maximum stipulated in the affordable housing policies. If granted permission with a section 106 agreement applied only to the application site as shown, it would be simple to avoid the sales price restrictions for future buyers, as more could be charged for the un-regulated land in order to compensate. This is precisely what the 0.1 hectare restriction is meant to protect against. The land was purchased in 2014 by the applicant and her then partner. The sum paid is sufficient to purchase a home in the area outright.

Lack of services

The land on which it is proposed to site the mobile home has only an electrical supply which feeds into the agricultural barn. It does not have any other services for residential use. There is no water supply and no hope of a mains supply. A large area within the blue line boundary is within the designated flood zone of the River Clun and the fields flood badly. A septic tank cannot be reliably accommodated and surface water drainage would be difficult.

Impact on residential amenity

The residential amenity of the existing properties would be adversely impacted in terms of visual aspect and noise generated by the proposed residential occupation, as well as the impact of the additional traffic created. The siting is entirely out of keeping with the current layout of the lane, where the seven properties are randomly scattered at considerable distance from one another and oriented in different directions thus optimising peace, privacy and outlook.

Loss of Agricultural Land

The site is part of a field of 3.64 hectares of grade 3 agricultural land. There is a shortage of agricultural land coming up for sale in the area and if the application is permitted it would effectively tie a piece of valuable land to an affordable house scheme, thus making it inaccessible to agricultural users in perpetuity.

Applicant's status and need

The evidence presented as to the applicant's need and eligibility for an affordable home appears contradictory and inconsistent. Reliance is being placed on an 'essential'/'key-worker' role as an equestrian worker for a local racing yard. The applicant's precise role is not stipulated. The applicant serves on Hopesay Parish Council and her 'Disclosable Pecuniary Interests' form states her employment as 'Small Time Farming'. Sheep do not require constant attendance and there is therefore no need to reside with them at the site proposed. The

affordable housing policy is not intended to facilitate 'affordable smallholdings' or an 'affordable hobby farms'. The applicant currently lives in rented accommodation which is actually closer to her stated main work place than is the proposed site for a house. No evidence has been produced in the application to prove that this tenancy is any way insecure. The applicant has made a personal choice to purchase agricultural land in lieu of buying a house. The cost of the land plus the cost of building would very easily buy a house in the area.

4.2.3 Points raised in support of the proposal are as follows:

Support for the applicant's case of need

The applicant has lived and worked in the area for many years. She is in exceptional and difficult circumstances and needs to be near her sheep and her work. There is nothing else in the immediate area that can solve her need for housing. There is a need for more affordable housing if we are to maintain a diverse and sustainable community locally.

There used to be many more small farmers, shepherds and agricultural workers in south Shropshire and it is their activities (doing things by hand or with small machinery) which have helped to create the rural landscape of small fields, upland scrub, and many hedges - so important to wildlife. However they have always operated on a knife edge economically, and have usually had to take on part or full time work for others in addition to their farming, and so have been vulnerable. Enabling them to remain living and working in the area enhances the diversity of their local communities.

By supporting this affordable application Council will be actively meeting its 'rural re-balance' goal, helping to maintain a diverse local community, and meeting local affordable needs.

Suitable design

A wooden single storey building would soon mature and not stand out and is also affordable and economical. The applicant has plans for landscaping around the proposed house so that it would blend in to the landscape.

The size of the proposed dwelling is only marginally bigger than the existing wooden extension at a nearby house, and as similar paint work will be used on the wooden exterior of the proposed dwelling, it will blend into the countryside equally as well as the extension does.

It is important to support small scale applications and self builds. This proposed dwelling will fit in with adjacent buildings and homes and be an asset to the parish.

Reduced traffic generation

The additional traffic is not an issue. The lane is currently in a dreadful state, largely due to construction traffic which has now stopped, A few up and down trips in a pickup is not likely to burden the lane at all. Traffic will be decreased if the application is granted as currently the applicant has to travel in to see to her stock.

Site improvements

The land on which the development has been proposed has been owned by at least 3 people in recent years. The applicant and her late partner removed scrap metal and rubbish from the site and laid the hedges and installed electricity. It was good to see it improved and made into a functioning smallholding.

Ability of countryside to alter and adapt

Ever since farming commenced, rural areas have supported the structures required by those who work the land. The countryside, even where designated as an AONB, should not be preserved in aspic but allowed to alter and develop within agreed guidelines to meet the needs of its stakeholders.

There has been two major developments at Clunton Coppice which were granted planning permission (1) Agricultural building at the Meadows (2003) and (2) Agricultural/equestrian building at Badgers Croft. Both buildings were constructed on agricultural land and both are visible from the surrounding roads, footpaths and bridleways. Neither building has enhanced the locality. The scale of these buildings and impact on the local amenity dwarf that which is proposed now.

Availability of services

The fact that mains water is unavailable, is not an issue. None of the houses in Clunton Coppice are on mains water, all having boreholes or wells. Electricity is on site and the phone line crosses the property. Flooding is not an issue (in respect to either the sewage treatment or the building). The Clun has not substantially flooded since 2007, and even prior to that never reached the location of the proposed development.

5.0 THE MAIN ISSUES

- Principle of development
- Location and landscape impact
- Siting, scale and design
- Highway Safety
- Residential Amenity
- Ecology
- Drainage

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. 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 One of the exceptions mentioned under Core Strategy Policy CS5 is affordable housing to meet a local need in accordance with national planning policies and Shropshire Core Strategy policy CS11.

6.1.3 Policy CS11 relates to the Type and Affordability of Housing. The policy allows for permitting exception schemes for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and other Key Centres, Community

Hubs, Community Clusters and recognisable named settlements, subject to suitable design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.

- 6.1.4 SAMDev Plan policy MD7a is to be read in conjunction with policies CS5 and CS11 and advises that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. The Council's Supplementary Planning Document on the Type and Affordability of Housing sets out the eligibility, locational and criteria to be met for single plot developments to be acceptable.
- 6.1.5 The Council's Affordable Housing Team has advised that the applicant satisfies the eligibility criteria in terms of housing need and local connection for a single plot affordable dwelling. The issue here is whether proposed location of the dwelling would meet the locational criteria for single plot affordable dwellings, whether the house design meets the criteria for such dwellings and would be acceptable in the rural landscape, and whether the proposal would have any adverse impacts on the environment, highway safety and the amenities of local residents.

6.2 Location and landscape impact

- 6.2.1 The Shropshire Type and Affordability of Housing SPD 2012 explains that exception sites for single plot affordable dwellings must be demonstrably part of, or adjacent to, a recognisable named settlement. It explains at paragraph 5.14 that sites that do not lie in a settlement, consisting of 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. Each site is assessed on an individual basis and the SPD acknowledges that there are both tight-knit and loose-knit settlements which will be a context influencing whether a particular site is or is not acceptable.
- 6.2.2 Clunton Coppice is situated between Clunton and Twitchen and is reached by a single track road from a junction of the B4385 between Purslow and Twitchen. The road continues to Clunton as an unmade track just beyond the application site. There is a dispersed scatter of five houses and a farm within a radius of 340m of the site and an isolated house is situated some distance to the east along the lane. The nearest services are to be found in Clunton or Clun. A road sign at the B4385 road junction points to 'Clunton Coppice' but it is arguable whether it is referring to the houses or the woodland known as Clunton Coppice. On balance, it is more likely referring to the houses given that the woodland, which is a Shropshire Wildlife Site, is usually accessed from a lane to the south.
- 6.2.3 The lodge is located close to the lane behind a road side hedge which would provide some screening if allowed to grow. Were the proposal acceptable, landscape mitigation measures would be required to ensure that the roadside hedgerow is maintained and that the remaining new boundaries are enclosed by hedgerows of native species. There is an existing access and barn to the east in a road side position. The agricultural land to the north falls to the River Clun and is flat with tall hedges along field boundaries. To the south, the land rises through a field to woodland.

6.2.4 The close proximity of extensive oak woodlands along the slope to the south of the site suggests that most of the houses were built and occupied by charcoal workers, or people involved in similar woodland activities, who also farmed small holdings. The settlement pattern is very dispersed and typical of the ancient and irregular pattern of development found in the Wooded Hills and Farmlands type of landscape identified in the County's Landscape Character Assessment. The site itself is located on the valley floor which is characterised by larger and more regular fields but the area to the south has more bearing on the overall character of Clunton Coppice. Overall the proposed lodge would not be prominent in distant views but its very presence would erode the essentially open character of the landscape and be detrimental to the scenic beauty in this part of the AONB. Furthermore, given that NPPF Paragraph 115 affords AONBs the highest level of protection in terms of landscape conservation, it is felt that this visual harm would not be offset by the scheme's social benefits.

6.3 Siting, scale and design

- 6.3.1 Core Strategy policy CS6 which deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context.
- 6.3.2 Policy CS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.
- 6.3.3 SAMDev Plan Policy MD2 relates to Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site such as natural and semi-natural features such as trees, hedges, woodlands and ponds.
- 6.3.4 The site's area accords with the 0.1 hectare limit imposed by the SPD, whilst the gross internal floor space of the dwelling itself is well under the 100m² threshold. The proposed dwelling is a single storey timber lodge 14.5m x 6.75m in size. The design reflects the applicant's financial resources. Normally Officers would be looking for more conventional design and materials but in this instance, the timber cladding and modest scale, as described in section 1 of this report above, is arguably more in keeping with the character and history of the immediate locality. A two storey dwelling would be at odds with the existing cottages in the vicinity and would certainly be more prominent. On balance, it is considered that the design is acceptable in this location.

6.4 Highway Safety

6.4.1 Core Strategy policy CS6 seeks to secure safe developments and the NPPF advises that decisions should take account of whether a safe and suitable access to the site can be achieved.

6.4.2 There is an existing agricultural access to the site and amended plans have been submitted to demonstrate how vehicles will be able to park and turn to exit in a forward gear. The Council's Highways Consultants would like to see improvements to visibility but this is not considered reasonable given the limited number of vehicles using the lane. It is acknowledged that the road is narrow, in a poor state of repair and has virtually no passing places. However, the site is a small holding and some vehicle movements are already taking place. There are no grounds to refuse the application on the basis of additional traffic or poor accessibility.

6.5 Residential amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest dwelling is The Cider House which is located 50 m to the north west of the site. Badgers Croft is 85 m to the south west. The local area is quiet and the occupiers would be aware of more activity on the site. However, the separation distances between the proposed lodge and existing dwellings are such that there would not be overlooking or any demonstrable impact on amenity sufficient to warrant refusing the application on the grounds of a loss of amenity.

6.6 Ecology

6.6.1 Core Strategy policies CS6 and CS17, together with SAMDev Plan policy MD12 aim to protect and enhance the diversity, high quality and local character of Shropshire's environment and ensure no adverse impact on ecological assets, their immediate surroundings or their connecting corridors.

6.6.2 The River Clun SAC is a European-designated site notified because of the presence of the rare freshwater pearl mussel. It is currently in an unfavourable condition, largely due to excess nutrients and sedimentation in the river. In particular any additional phosphate entering the river is likely to worsen its water quality, and a major source of phosphate is treated waste water from residential properties. Only with certainty that there would be no significant impact on the SAC can planning permission legally be granted.

6.6.3 In this case the application contains sufficient details of the proposed foul drainage system (comprising a sewage treatment plant and soakaway) to avoid significant effects, as is confirmed by the Ecology Team's HRA screening matrix (attached as an Appendix). Furthermore because significant effects have been ruled out, consultation with Natural England is not required.

6.6.5 Clunton Coppice is a designated site of local wildlife importance and parts are ancient woodland. The Council's Ecology Team is content that ecological interests would be safeguarded by conditions requiring the provision of bat and bird boxes, and the approval of any external lighting plan, together with informatives relating to nesting birds, wildlife protection during building works and landscaping.

6.7 Drainage

6.7.1 CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate. The proposal includes the provision of a sewage treatment plant to be sited within the application site and drainage field on the land beyond.

6.7.2 The Council's Drainage Consultants are content that drainage matters can be suitably controlled through a pre-commencement planning condition on any approval issued.

7.0 CONCLUSION

7.1 The applicant has been found to fulfil the local connections and housing need criteria for an affordable home, which would provide clear social benefits. However, the scheme is contrary to the relevant planning policies since the site is not in a recognisable named settlement the presence of further sporadic housing here would detract from the essentially open character and scenic beauty 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

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

Core Strategy:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

Site Allocations and Management of Development Plan (SAMDev)
MD2 - Sustainable Design
MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment

SPD Type and Affordability of Housing

11. Additional Information

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P182DWTDIHQ00>

List of Background Papers

Application available to view on the Council web site

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Nigel Hartin

Appendices

Appendix 1 Habitats Regulations Assessment

APPENDIX 1

Habitats Regulations Assessment (HRA) Screening Matrix

Application name and reference number:

17/06074/FUL
Proposed Affordable Dwelling At Clunton Coppice Clunbury Shropshire
Erection of an affordable dwelling and installation of a package treatment
plant

Date of completion for the HRA screening matrix:

14th March 2018

HRA screening matrix completed by:

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Tel.: 01743 254765

Table 1: Details of project or plan

Name of plan or project	17/06074/FUL Proposed Affordable Dwelling At Clunton Coppice Clunbury Shropshire
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on most planning applications within this area.
Description of the plan or project	Erection of an affordable dwelling and installation of a package treatment plant
Is the project or plan directly connected with or necessary to the	No

management of the site (provide details)?	
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement

An interim ‘Guidance note for developers on requirements for waste water management for any development in the Clun Catchment’ has been published by Shropshire Council, based on information and discussions with Natural England and the Environment Agency who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until the Nutrient Management Plan for the Clun Catchment has been finalised by NE and the EA.

Under the Interim Guidance note, this development falls in the category:

2.2 Any development that does not increase the volume or concentration of waste water

Percolation test calculations have been provided and show that the dispersal time is within the acceptable limits and the land is therefore suitable for a drainage field.

The agent has confirmed that a package treatment plant with a capacity of 2050L is to be installed and the drainage field will be a minimum of 33m². This will provide sufficient capacity for the number of potential residents of the new building.

Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination.

In view of the above, and providing that the development is carried out according to the details submitted, the proposal will not lead to significantly increased concentrations of nutrients within the River Clun.

The Significance test

There is no likely significant effect on the European Designated Site at River Clun SAC from planning application 17/06074/FUL.

The Integrity test

There is no likely effect on the integrity of the European Designated Site at River Clun SAC from planning application 17/06074/FUL.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.