





**Recommendation:- Refuse**

Recommended Reasons for refusal

1-The site is not part of or adjacent to a recognisable named settlement where it is sporadic development largely isolated within the countryside. The principle of the proposed development is therefore contrary to the adopted Type and Affordability of Housing SPD.

2-The applicant is not an eligible person for the single plot exception scheme, insufficient evidence has been submitted or accepted. Consequently, this is contrary to the adopted Type and Affordability of Housing SPD.

3-The scheme is larger than 100sqm of living space and there has not been any substantial evidence submitted to justify a departure from the normal policy requirements. This is contrary to the Type and Affordability of Housing SPD.

4-The site plot is greater than 0.1 hectares and there has not been any substantial evidence submitted to justify a departure from the normal policy requirements. This is contrary to the Type and Affordability of Housing SPD.

## REPORT

### 1.0 THE PROPOSAL

1.1 The application proposes the erection of an affordable dwelling at land circa 1km south of Little Ryton and 1km east of Dorrington. The application has been submitted under the single plot exception site policy which if approved are subject to a Section 106. The Section 106 ensures the affordability of the dwelling in perpetuity. The proposed dwelling is a single storey bungalow with a detached garage.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within open countryside to the south of Little Ryton and east of Dorrington. The site is adjacent to an unclassified road and adjacent to Orchard Farms access track. The site is surrounded to the south by agricultural fields. The site is not within a defined settlement boundary.

The proposed dwelling will face onto the unclassified road with the garage to the northern side. The driveway will enlarge the existing access for orchard farm.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application has been concluded by the committee chair to be determined by planning committee due to ward councillor call in.

4.0 Community Representations  
A Site notice was displayed at the Site.  
- Consultee Comments

Condover Parish Council

The Parish Council recognised that it had, and still, supported the applicant's local connection and need for an affordable home in the village (25 Oct 2022). No objection was raised with respect to the dwelling house. The size of the detached

double garage with room above together with three additional parking spaces was considered excessive and would in real terms take the value of the property beyond what could reasonably be considered affordable. It was noted that Planning policy DP6 Single Plot Exception Sites required single plot exception homes to be affordable in perpetuity, taking account of average salaries and market values relevant to the local area. Para (f) of this policy also states:

'The dwelling is designed to meet current and future household requirements and should not exceed the maximum floorspace prescribed in the Nationally Described Space standards for a 6- person household, although the provision of a single detached garage to the maximum of 18 sq. metres would be supported in addition'

The policy does not permit a double garage, or garage with room/s above.

SUDS

No Comment.

SC Highways

No Objection subject to conditions

SC Affordable Housing

Unfortunately, The Housing Enabling Team are unable to support the above application. We have not received an application from Miss Griffiths and so are unable to confirm her eligibility for the scheme.

Before proceeding with a planning application an applicant as well as having approval from Development Management that a site is in principle suitable for an affordable single plot must also complete an application pack so we can check they meet all elements regarding need relating to the scheme.

Miss Griffiths will have to demonstrate housing need, a strong local connection, a need to live in the parish based on support, employment or strong community involvement and provide a full financial disclosure. Along with a completed application she will also have to provide supporting documentation.

***At the time of writing an application had been received but was not considered acceptable to qualify for the exception site scheme.***

- Public Comments

Five supporting comments were received outlining the need for affordable housing in the area and that the dwelling would be in keeping and appropriate for its location.

## 5.0 THE MAIN ISSUES

Principle of development

Siting Scale and Design

Visual Impact and Amenity

## Other Issues

### 6.0 OFFICER APPRAISAL

#### 6.1 Principle of Development

The application site has to be considered to be part of, or adjacent to a recognisable named settlement to meet the relevant policy. (Type and Affordability of Housing SPD) The site is not viewed to be part of, adjacent too or within a named settlement. The named settlement of Little Ryton is circa 900 metres away to the north of the site with the settlement consisting of around 30 dwellings all within close proximity or adjacent to one another.

The site is located near one other dwelling. This dwelling is not within a named settlement nor is it within the sphere of influence of Little Ryton given the near 1km distance. There are other dwellings strung along the road northward to Little Ryton but these are sporadic and not part of a settlement. There is also another small settlement to the south (Longnor) about 1.4 km away. This settlement has a clearly defined end of development point which is circa 1.1 km from the site. The site is not within or adjacent to Longnor. The site is not part of or adjacent to a recognisable named settlement, doesn't meet the policy for a single plot exception site and therefore represents unacceptable development in principle.

It is also noted that the applicant has not met the requirements to qualify for the single plot exception scheme. The applicant should engage the housing enabling team to establish eligibility, and the making of a planning application should not circumvent this policy requirement.

#### 6.2 Siting, Scale and Design

6.2.1 Even though the principle of development is not acceptable, assessment of the proposal details has been undertaken. The proposal outlines a bungalow development with detached garage. The main dwelling proposed will not exceed the 100sqm as restricted by the policy. However, the garage includes a first floor which will cumulatively exceed this 100sqm. The relevant policy states that the 100sqm shall not 'normally' be exceeded. There has been no substantiated reasoning for the additional space and therefore there is no principal reason to support a larger dwelling than policy outlines. This presents another reason for refusal. Likewise, the site exceeds the 0.1-hectare area supported in policy with an extended area to allow the installation of a sewage treatment plant. There is no reason as to why this cannot be included within the 0.1-hectare area where on review of the plans there is sufficient space to the front end of the plot.

There is no objection to the buildings design or siting.

#### 6.3 Visual Impact and Neighbour Amenity

6.3.1 The siting of the buildings does not harm any neighbouring dwellings amenity or the wider visual landscape.

### 7.0 CONCLUSION

The proposed scheme in its current form and without sufficient justification is contrary to a number of requirements within the relevant policy. It is strongly recommended this scheme is refused. Approval would create a precedent that

significantly weakens the adopted policy. The exceptional nature of the requirements of the policy mean that justification should be provided in terms of local connections and the need to live within the parish. There is a significant risk that failure to uphold the policy would impact its integrity and set a precedent whereby those who are not eligible in need for an affordable dwelling can gain consent. These dwellings could also become too large to be affordable if the policy is not implemented effectively.

The recommended refusal reasons are;

1-The site is not part of or adjacent to a recognisable named settlement where it is sporadic development largely isolated within the countryside. The principle of the proposed development is therefore contrary to the adopted Type and Affordability of Housing SPD.

2-The applicant is not an eligible person for the single plot exception scheme, insufficient evidence has been submitted or accepted. Consequently, this is contrary to the adopted Type and Affordability of Housing SPD.

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## 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:

NPPF

Core Strategy and Saved Policies:

CS5

CS6

SamDev MD2

SamDev MD7a

SamDev MD7b

## Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

11/02122/FUL Erection of two-storey extension to front elevation GRANT 1st August 2011  
PREAPP/13/00368 Erection of a three bedroom bungalow PREUDV 3rd September 2013  
PREAPP/22/00450 Erection of an affordable dwelling PREUDV 25th August 2022  
23/02161/FUL Erection of detached dwelling, garage and installation of package treatment tank  
PCO  
PREAPP/22/00450 Erection of an affordable dwelling PREUDV 25th August 2022  
23/02161/FUL Erection of detached dwelling, garage and installation of package treatment tank  
PCO

### 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RUV92ITDH3U00>

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor Richard Marshall
Local Member
Cllr Dan Morris



