

# AGENDA ITEM



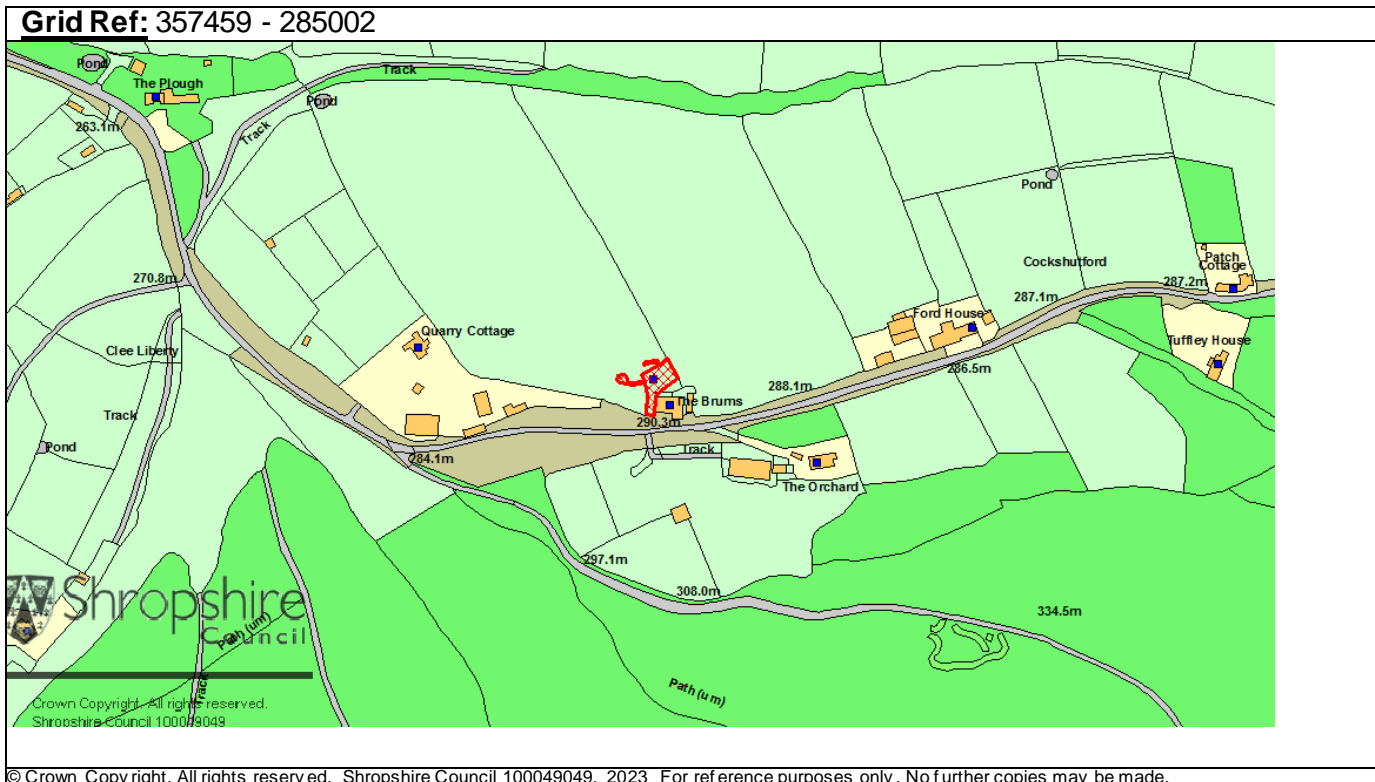
Committee and date  
**Southern Planning Committee**  
**14th November 2023**

## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b>Application Number:</b> 23/03727/FUL	<b>Parish:</b> Clee St Margaret
<b>Proposal:</b> Erection of an affordable home in response to an identified need for a local family and associated works.	
<b>Site Address:</b> Proposed Affordable Dwelling To The West Of Cockshutford Clee St Margaret Shropshire	
<b>Applicant:</b> Mr & Mrs Heighway	
<b>Case Officer:</b> Lynn Parker	<b>email:</b> <a href="mailto:lynn.parker@shropshire.gov.uk">lynn.parker@shropshire.gov.uk</a>



## Recommendation:- Refuse

### Recommended reason for refusal

1. The site is not part of or adjacent to a recognisable named settlement with only a limited number of scattered dwellings nearby; these are generally separated from one another by stretches of agricultural land and because the pattern of development is so sporadic the site is not regarded as being in a sustainable location. The principle of the proposed development is therefore contrary to Policies CS1, CS5 and CS11 of the Shropshire Council Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, the Council's Supplementary Planning Document on the Type and Affordability of Housing, and the objectives of the National Planning Policy Framework.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is for the erection of a detached dwelling under the Council's single plot affordable scheme on a field at The Brums, Cockshutford to the west of Clee St Margaret. Confirmation is provided within the application certificates that the application is the sole owner of this agricultural holding. The plot covers approximately 830m<sup>2</sup>, not including the drainage areas indicated to the north and west sides. The proposed dwelling is rectangular with a single storey projection from its north west facing rear elevation, is otherwise 1½ storeys and a two bedroom unit with a gross internal floor space of not more than 100m<sup>2</sup>. It would be located centrally within the plot and utilise an existing field gate to become its access. Internal accommodation would comprise an open plan living/kitchen/dining area, bathroom and bedroom with dressing room and ensuite at ground floor level, and a further bedroom and bathroom at first floor level.
- 1.2 The dwelling is proposed with horizontal timber clad walls above a brick plinth and a roof of small plain clay or natural slate tiles. It is designed with dual pitched roofs and includes other traditional rural features such as a catslide roof porch and timber framed gable. Foul sewage is proposed to be disposed of via septic tank and surface water to a proposed attenuation/infiltration pond
- 1.3 In addition to a Planning Statement, an Ecological Impact Assessment (Churton Ecology, March 2023), and a Surface Water and Foul Water Drainage Strategy (H&H Drainage, 28th March 2023) have been submitted in support of the application.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within AONB countryside to the north east of the settlement of Clee St Margaret and east of the Key Centre of Craven Arms. It is accessed via an unclassified road from the C6223 in the west. There is an existing field gate into the site at its

southern corner providing a well established access to a corrugated metal agricultural barn structure. There is additionally a stile on the west side of the gate serving the public footpath which runs along the west side of the plot in a south/north west direction. The land is agricultural field which gently slopes to the north west with a perimeter defined by native hedging and trees. There are neighbouring properties approximately 100m away either side of the plot and 50m away across the road to the south east, otherwise the surrounding land is agricultural.

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

3.1 The Parish Council comments are at variance with the Officer view and the Local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Development Manager South, consider that material planning considerations are raised which warrant consideration by the South Planning Committee.

### 4.0 Community Representations

#### 4.1 - Consultee Comments

4.1.1 Clee St Margaret Parish Council - Support the application as it is of a modest scale in keeping with the guidance for affordable homes, the site is part of Cockshutford settlement and the applicants eligibility is supported.

4.1.2 SC Rural Enabler - Confirms that the applicants satisfy the eligibility criteria in respect of the Single Plot Exception Site Scheme. They have demonstrated a strong local connection and are in housing need where there are relevant reasons to remain living in the Parish.

4.1.3 SC Drainage - The development is unlikely to significantly increase flood risk, therefore an informative is recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development.

4.1.4 SC Highways - No objection. The access, parking and turning proposed is acceptable subject to conditions.

4.1.5 SC Rights of Way - Confirm that Footpath 23 will run very close to the south west side of the development boundary. Although not directly affected by the development, an informative is recommended providing advice in relation to its status and use.

4.1.6 SC Ecology - Following an acceptable level of survey work being demonstrated within the submitted Ecological Impact Assessment, conditions and informatives are recommended to ensure the protection of wildlife and to provide ecological enhancements

4.1.7 Shropshire Hills AONB - The planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

## 4.2 - Public Comments

4.2.1 Confirmation of site notice display received on 4th September 2023. Proposed development advertised in the Shropshire Star on 12th September 2023 as affecting a footpath setting.

4.2.2 Seven letters of public representation have been received expressing support for the application which can be viewed online, summarised below:

- Cockshutford is more accurately described as a linear settlement with dwellings spread out all along the full length of Cockshutford Road with no identifiable centre.
- The Brums where this development is proposed, is indubitably and unequivocally within and indeed approximately at the centre of the Settlement of Cockshutford in all meaningful social, geographical and postal address senses.
- There is a need for affordable homes in this area.
- An affordable home here will provide much needed accommodation for the local, younger residents of the future.
- An affordable home is not just for young people, but to provide accommodation for those living in the local area who are priced out of the market.
- The development is positioned thoughtfully close to a large barn which would screen it, using an existing access and to not interfere with the public footpath.
- The applicants have already shown they are an asset to the local area.

4.2.3 Cllr Motley, the Local Member, has additionally submitted a statement supporting the proposed development and describing the applicants' qualifying criteria. She further outlines the reasons for her view that Cockshutford is a settlement. This document can be viewed in full online.

4.2.4 One letter of public representation objecting to the proposal has additionally been received. Queries have been raised as to whether a 'local family' can be defined as having lived in the area for not more than 10 years and are not young.

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design
- Access
- Ecology

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 In addition to the NPPF which constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications, the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of

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Development (SAMDev) Plan, and a range of Supplementary Planning Documents. The Draft Shropshire Local Plan (2016 -2038) has not yet been adopted.

- 6.1.2 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.
- 6.1.3 The site is positioned in countryside outside of any development boundaries designated under existing planning policies. LDF Core Strategy Policy CS5 states 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 for other affordable housing/accommodation to meet a local need, Policy MD7a of the SAMDev Plan reinforces CS5. The proposed development would be for the erection of a new affordable dwelling to meet a local need in accordance with policies CS5 and MD7a.
- 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.
- 6.1.5 The applicants would be the prospective occupiers of the proposed affordable dwelling and it has been confirmed by the SC Housing Enabling Officer that after considering their housing needs and personal circumstances, they qualify for the scheme. It has been demonstrated that they are in housing need, and have strong local connections to the area in which they propose to build their home. The applicants have the support of Clee St Margaret Parish Council and their Local Member, Cllr Motley.
- 6.1.6 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, the 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.

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- 6.1.7 Having assessed the location of the proposed dwelling, the plot of land would not satisfactorily form part of a group of residential properties which would make up a settlement as set out in Policy CS11. The proposed dwelling would be located in a stretch of agricultural land at least 100m away from neighbouring properties on each side and visually separated from the property approximately 50m to the south east by the road. The selected site could therefore be described as sporadic development in the countryside which does not relate to the existing built environment in the vicinity. Whilst there is an existing barn at the site, this is a functional agricultural structure recognised as more appropriate within the rural environment. Advice was provided at pre-application stage that this was the LPAs stance. The proposed dwelling would not be in an appropriate location for new affordable housing.
- 6.1.8 Whilst the applicants may fulfil the qualifying criteria, the proposed plot is not in a sustainable location and therefore not in accordance with adopted planning policy. The benefits to the individuals of the proposed development are unlikely to outweigh the adverse affect on the landscape and rural character in this case and the principle of the development is not acceptable.
- 6.2 Siting, scale and design
- 6.2.1 The plot is located in the south eastern corner of a field and adjacent to an existing barn structure where the physical impact of the proposed dwelling would be less intrusive on the ability to use the remainder of the field for agricultural purposes. However, the proposed position of the dwelling set back from the road to the rear of the existing barn, would project the built environment further north into agricultural land which is not in keeping with the pattern of development along this section of the road.
- 6.2.2 The design and materials proposed for the dwelling are of traditional appearance where dual pitched roofs of differing heights and the use of a mix of brick, horizontal timber boarding and either small clay or natural slate roof tiles reflect the rural vernacular. At 1½ storeys with first floor accommodation in the roof, the dwelling would not be of excessive height or prominence compared with other buildings in the vicinity.
- 6.2.3 The proposed design and scale of the dwelling are therefore generally appropriate in accordance with Policies CS6 and MD2 as they would take account of local character and context.
- 6.3 Access
- 6.3.1 The proposed development would utilise the existing vehicular access through a farm gate and off a short track which serves a barn structure. No alterations or closures are indicated for the neighbouring public right of way. The boundary line is acceptable in relation to the public right of way, and parking and turning can be easily achieved within the site. The addition of one dwelling here would be unlikely to impact on the adjacent highway conditions given that the existing established field access would be used.

## 6.4 Ecology

6.4.1 SC Ecology have commented that they concur with the conclusions and recommendations made in the submitted Ecological Impact Assessment and the level of survey work demonstrated. As a result, conditions have been recommended as a sufficient biodiversity enhancement mechanism.

## 7.0 CONCLUSION

7.1 The site is not part of or adjacent to a recognisable named settlement with only a limited number of scattered dwellings nearby; these are generally separated from one another by stretches of agricultural land and because the pattern of development is so sporadic the site is not regarded as being in a sustainable location. The principle of the proposed development is therefore contrary to Policies CS1, CS5 and CS11 of the Shropshire Council Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, the Council's Supplementary Planning Document on the Type and Affordability of Housing, and the objectives of the National Planning Policy Framework.

## 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

#### Core Strategy Policies:

Policy CS1: Strategic Approach

Policy CS5: Countryside And Green Belt

Policy CS6: Sustainable Design and Development Principles

Policy CS11: Type and Affordability of Housing

Policy CS17: Environmental Networks

Policy CS18: Sustainable Water Management

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

MD1: Scale and Distribution of development

MD2: Sustainable Design



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MD3 Delivery Of Housing Development  
MD7a: Managing Housing Development In The Countryside  
MD12: The Natural Environment

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

RELEVANT PLANNING HISTORY:

SS/1988/1095/P/ - Erection of an agricultural workers dwelling and formation of vehicular and pedestrian access. REFUSED 16th December 1988.

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZWQGRTDJKQ00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Planning Statement dated August 2023.  
Ecological Impact Assessment (Churton Ecology, March 2023)  
Surface Water and Foul Water Drainage Strategy (H&H Drainage, 28th March 2023)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Cecilia Motley

Appendices  
None