

AGENDA ITEM



Committee and date

12th December 2023

Development Management Report

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

Summary of Application

Application Number: 23/04666/FUL	Parish:	Monkhopton
Proposal: Erection of 1No affordable dwelling with 3 bay garage and storage above, formation of vehicular access and installation of package treatment plant		
Site Address: Proposed Affordable Dwelling At Land At Highclear Beaconhill Lane Monkhopton Bridgnorth Shropshire		
Applicant: Mr William Pugh		
Case Officer: Nia Williams	email: nia.williams@shropshire.gov.uk	

Grid Ref: 363665 - 293086



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Recommendation:- Refuse

Recommended reason for refusal

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Proposed Affordable Dwelling
At Land At Highclear

- The site is not part of or adjacent to a recognisable named settlement with only a limited number of 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.
- The dwelling would be viewed as an isolated dwelling in the open countryside and by reason of scale and massing would result in an intrusive and incongruous form of development which would appear overly prominent in its context and detracts from the character of this area of open countryside. The issues with scale and massing are further exacerbated by the large, detached garage which is sited separately from the proposed property which is not appropriate in size, form or layout. The development is therefore contrary to Policies CS6, MD2 of the plan and the objectives of the NPPF.

1.0 THE PROPOSAL

- 1.1 This application is for the erection of 1 No affordable dwelling with a 3 bay garage and storage above, formation of vehicular access and installation of package treatment plant. The application falls to be considered under the Council's single plot affordable scheme.
- 1.2 The proposed 3 bedroomed dwelling is rectangular in shape with a gross internal floor space of no more than 100m². The proposed dwelling lies within a field parcel approximately 12 hectares in size and the plot covers approximately 980.14m². The garage will measure approximately 9.103m in length, 5.727m in depth and a maximum height of 6.5m and would be located to the north of the site with the main dwelling to the southwest.
- 1.3 Internal accommodation on the ground floor would comprise of an open plan kitchen/dining area, living room and WC. On the first floor 3 bedrooms and a bathroom. The materials proposed for the main dwelling will be faced in part local stone and part timber with a red/brown clay roof tile. Similar roof and timber materials will be used on the proposed garage.
- 1.4 In addition to a Planning Statement, an Ecological Impact Assessment and a Surface Water and Foul Water Drainage Strategy have been submitted in support of the application.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located approximately 5 miles to the west of Bridgnorth, approximately 0.9 miles from the village of Monkhopton and 1.2 miles from Upton Cressett. The site will be accessed off a private drive leading onto Beacon Hill Lane, which leads directly to the B4368 to the north and means of access and parking space are to be provided. The land is an agricultural field with a perimeter defined by native hedging and trees. There are neighbouring properties approximately 35m away to the south east, otherwise the surrounding land is agricultural.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The Parish Council are of a contrary view to officers and the application is the subject of a call in from the local member. As agreed by the Chair of Planning Committee and the Service Manager this application is brought to Planning Committee for determination.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 Morville Parish Council comment that they are quite satisfied that the applicant is eligible for the Affordable Housing Scheme.

4.1.2 SC HOUSING ENABLING OFFICER - Confirms that they are satisfied that the applicant meets the 'need' requirements of the 'build your own' affordable housing scheme.

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.

4.1.4 SC Highways – Awaiting comment

4.1.5 SC Ecology - Awaiting comment

4.2 Public Comments

4.2.1 **No public comments received at the time of writing this report**

4.3 Ward member comments

4.3.1 Local ward member Cllr Tindall - Given the previous and current divergence concerning the application of the Single Plot Affordable Dwelling Policy, I would ask that, in the event of the Case Officer being minded to refuse the application, that the application is considered by the Southern Planning Committee.

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 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 Morville Parish Council and their Local Member, Cllr

Tindall.

- 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.
- 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 section of agricultural land with a small number of properties dispersed in a loose knit formation along Beacon Hill Lane. The selected site could therefore be described as sporadic development in the countryside. 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 of structure**
- 6.2.1 The plot is located in the corner of a wider agricultural field in the south east 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 and the 3 bay garage, which is some distance away from the dwelling, creates an overly large footprint with an excessive amount of development. Extensive ground coverage is proposed to create the driveway across the land. The siting of the proposed driveway, garage and main dwelling raises several concerns with regards to the siting and scale of the development. The garage appears to be a relatively large structure and careful consideration needs to be given to the visual prominence the garage will have on the site. It is deemed that the proposed 3 bay garage with storage above would be overly prominent within the plot and will compete with the main dwelling.
- 6.2.2 The design and materials proposed for the dwelling are of traditional appearance

which is consistent with a number of other properties in the area that match the local vernacular. With a maximum height of 8.35m, the dwelling would not be of excessive height or prominence compared with other buildings in the vicinity, however with a maximum height of 6.5m and covering an area of over 52m² it is deemed that the erection of the 3 bay garage would be overly prominent within the site.

6.3 Access

- 6.3.1 The site will be accessed off a private drive leading onto Beacon Hill Lane, which leads directly to the B4368 to the north. A section of hedgerow will be removed and replaced with new fencing to allow for visibility splays measuring 2.4m x 39.7m (ATC 85%- 29.5mph)

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.

- 7.2 Having regard to the layout of the site and scale of the garage it is considered that this would have an adverse visual impact on this rural landscape and as such the proposed development would be contrary to policies CS6 of the Shropshire Core Strategy and policies MD2 and MD11 of the SAMDev Plan and the Type and Affordability of Housing Supplementary Planning Document.

- 7.3 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

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Proposed Affordable Dwelling
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Central Government Guidance:

NPPF

Core Strategy and Saved Policies:

CS1

CS3

CS4

CS5

CS11

SamDev MD2

SamDev MD7a

SamDev MD3

SamDev MD7a

SamDev MD11

Type and Affordability of Housing

RELEVANT PLANNING HISTORY: _

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S35E52TDL0U00>

List of Background Papers

Planning application reference 23/04666/FUL and plans and supplementary reports.

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member : Cllr Robert Tindall

Appendices