



Committee and date

South Planning Committee

10 February 2015

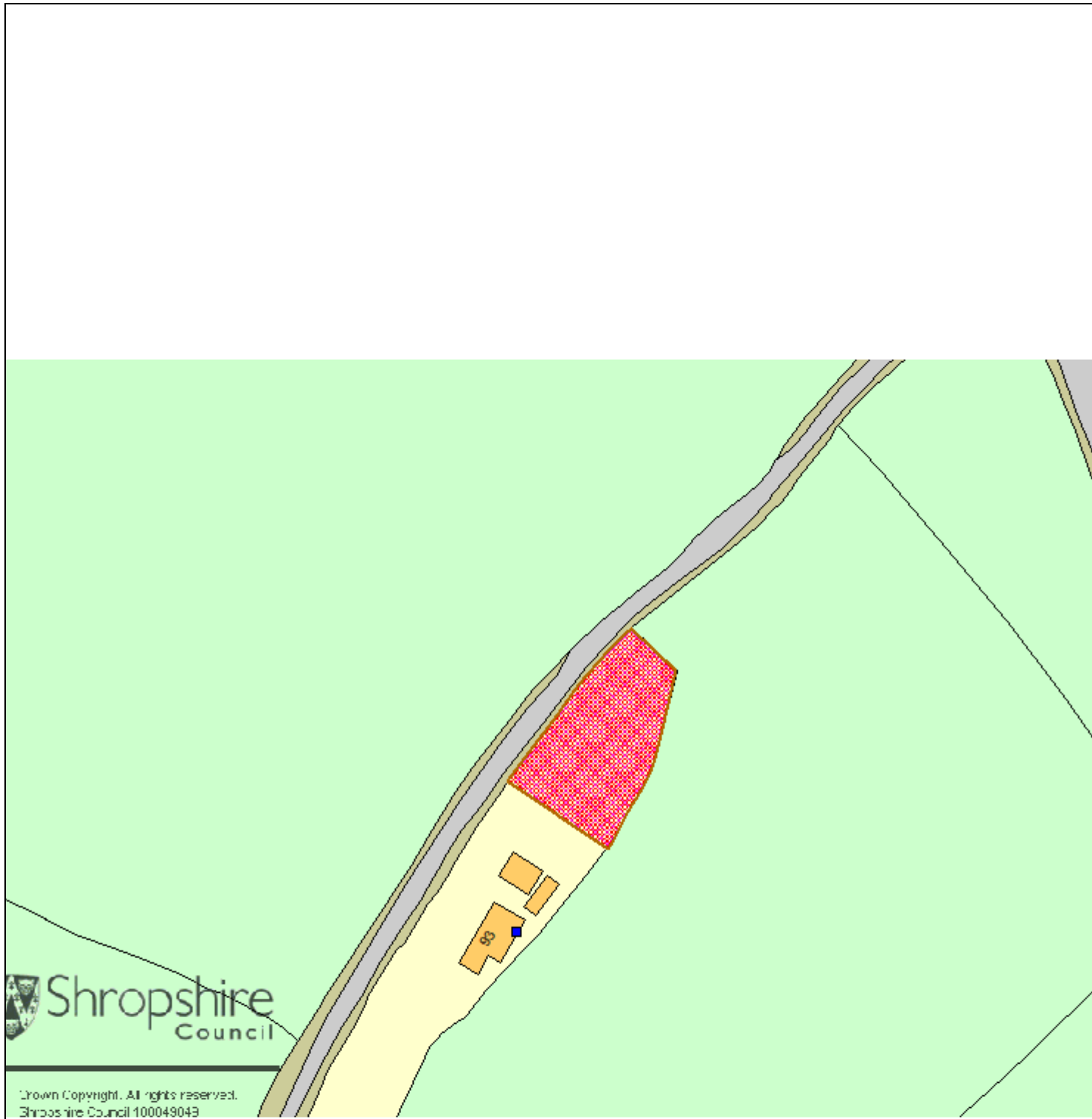
Development Management Report


Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 14/03090/FUL	<u>Parish:</u>	Sheriffhales
<u>Proposal:</u> Erection of a two-bedroom dwelling house and integral garage with ancillary development including a new access onto Damson Lane and a package treatment plant		
<u>Site Address:</u> 93 Damson Lane Weston Heath Shifnal TF11 8RU		
<u>Applicant:</u> Mr Andy Grubb		
<u>Case Officer:</u> Thomas Cannaby	<u>email:</u> planningdmse@shropshire.gov.uk	
<u>Grid Ref:</u> 377643 - 313724		



 Shropshire Council

Crown Copyright. All rights reserved.
Shropshire Council 100049049

Recommendation:- Refuse**Recommended Reason for refusal**

The proposed development is located within an area of defined as open countryside where new dwellings are only permitted where required to accommodate key agricultural, forestry or other essential countryside workers or to meet a local need for affordable housing / accommodation. No such need has been demonstrated in this case and the proposal would lead to sporadic and unsustainable development. Accordingly the proposal fails to comply with adopted policies CS4, CS5, CS6, and CS17 of the Core Strategy; and Government advice contained in the National Planning Policy Framework (in particular paragraph 55).

REPORT**1.0 THE PROPOSAL**

- 1.1 The proposal is for the erection of a two storey detached dwelling on land to the north eastern side of number 93 Damson Lane. The proposed dwelling would have a rectangular footprint, with an attached garage, and would have a short two storey gable front projection, with other first floor windows comprising of a semi-dormer to the front elevation and two semi-dormers to the rear elevation. It would provide a dining kitchen, hallway and wc and lounge on the ground floor, with two bedrooms (one ensuite) and a bathroom at first floor level. The external facing materials would comprise of red brick with a plain tiled dual pitched roofs to the dwelling and attached garage .
- 1.2 The dwelling would be located adjacent to a proposed hedgerow along the south western site boundary, which would separate the new dwelling from the existing property. The plans show an area of garden land to the rear and side, with the latter being the location for the proposed sewage treatment plant. Access directly off Damson Lane, at the southern end of the site road frontage, with a parking/turning area in front of the dwelling.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located in the countryside, but not within the green belt as stated in third party comments. The site is approximately 270m from the cluster of buildings that form Weston Heath to the southeast, 1km from Heath Hill to the west, and 1.8km to the northeast of Sheriffhales. The site is accessed off Damson Lane, a narrow rural lane along which runs a public footpath, with open land to the rear and surrounding the existing property.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is referred to committee following correspondence between the Case officer and Ward Member, and referral to the Chair of the planning committee

in line with the Council's adopted scheme of delegation.

4.0 Community Representations

- Consultee Comments

Sheriffhales Parish Council – Will only support application if access improved.

Shropshire Council:

Ecology – No objections, conditions could be attached to decision notice if permission granted.

Highways – No objections, applicant would require Section 184 licence for new access if planning permission approved.

Drainage – No objection. Drainage details could be conditioned if permission were to be approved.

Public Comments

1 Objection:

Clearly a case of "garden grabbing" of land in the green belt. Would set precedent for additional development if permitted.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Other issues

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and 'saved' policies from the preceding local plans; in this case, the Bridgnorth District Local Plan. The Council is also in the process of producing a Site Allocations and Management of Development Plan (SAMDev). Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given significant weight in the determination of planning applications.

6.1.2 Paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- ☐ the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- ☐ the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- ☐ the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 6.1.3 In this instance the principle of the proposed development is judged in the light of the National Planning Policy Framework (2012) and the Council's adopted Core Strategy. The Council's emerging Site Allocations and Management of Development – Development Plan Document (SAMDev) is also accorded some weight in this case, however this is only attached limited weight as the SAMDev documents are currently under examination and the inspector has not yet returned a judgement.
- 6.1.4 The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach. The Council there considers the housing policies contained within the Core Strategy up to date and should be attached full weight.
- 6.1.5 Policy CS4 (Community Hubs and Clusters) of the Core Strategy allows for sensitively designed development that reflects the needs of the local community, and contributes towards much needed infrastructure and affordable homes for local people. The policy allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen. Such designations are being made via the SAMDev Plan, currently under examination.
- 6.1.6 The application site is located outside of any settlement which has opted into the community hub/cluster designation, and the site would therefore be classified as 'countryside' for planning policy purposes, where new development is strictly controlled in accordance with national and local planning policies. New housing would therefore only be permitted in exceptional circumstances in accordance with Policies CS5 and CS11 of the Council's Core Strategy.
- 6.1.7 Policy CS5 of the 'Shropshire Local Development Framework: Core Strategy' (Adopted March 2011) states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. The policy goes on to state that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In relation to new housing proposals, the policy identifies specific types of development including dwellings for agricultural, forestry or other essential countryside workers or other affordable housing / accommodation to meet a local need. The proposal is for an open market property. Therefore neither of these policy exceptions are relevant to the development applied for in this case.
- 6.1.8 The National Planning Policy Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (paragraph 55).
- 6.1.9 The applicant puts forward the argument that the settlement of Weston Heath is a loose-knit but distinct named settlement is part of a cluster of settlements, hamlets and farmsteads that surround and look to the village of Sheriffhales at the hub of

this cluster. That these are very much part of Sherifffhales Parish and rely on the services and facilities provided by the Village Hall, School, Church and playing fields within Sherifffhales itself. Weston Heath also included a currently closed local pub serving the Parish. The application argues that whilst Sherifffhales has not put itself forwards as a community hub or cluster, it nevertheless has the character of such a designation and should be considered as such. The application is accompanied by a planning statement which details the applicant's case as to why this development should be considered sustainable development, which is viewable with the application documents on the Council's website.

- 6.1.10 Its is acknowledged that there is a, somewhat limited, range of services and facilities available in the local area of Weston Heath and Sherifffhales including a church, playing fields, village hall, primary school, nursery school and visits by a mobile library. In terms of sustainable transport connectivity, although the application site is close to Weston Heath it is separated from that settlement and access is via the narrow Damson Lane, and then onto the busy A41. Other settlements at Heath Hill and Sherifffhales are further away, approximately 1km and 1.8km respectively. Although the site may be within walking distance of Weston Heath, there are no pavements or streetlights along the highway at this point, which is a single track narrow lane. It is therefore considered unlikely that future occupants would choose to walk or cycle to that settlement, or to other settlements further away. This is because future occupants would be highly unlikely to perceive walking or cycling along unlit, narrow country lanes on dark winter mornings as a desirable or safe option.
- 6.1.11 Weston Heath is also served by a regular bus service, twice daily on Monday-Friday and once on Saturdays, to and from Sherifffhales (7mins), Shifnal (15mins) and beyond to Bridgnorth (approx 1hr) which leaves and drops off on the A41 at the Countess Arms, Weston Heath. However, occupants would need to travel to this service, which as already noted above, would involve walking along Damson Lane with its limited width and lack of lighting. The twice daily service offers little flexibility in terms of travel times and any occupants would be reliant on private motor vehicles for journeys outside of the times provided for by this service or for journeys to other destinations. Whilst this does not mean that the application site should necessarily be considered 'remote', it does mean that future occupants of the development proposed would be more likely to be reliant on the private car.
- 6.1.12 Whilst the provision of a dwelling would provide some support to local services, and to the provision of housing across the county, this would by the nature of the proposal be limited as only a single dwelling is proposed. Therefore the impact of the development in supporting services and addressing housing supply in the county can be given only limited weight.
- 6.1.13 For the reasons given above it is considered that the site cannot be regarded as a sustainable location for new development, and that the site is in a location deemed inappropriate for new development by the policies contained in the adopted core strategy.
- 6.2 Siting, scale and design of structure
- 6.2.1 In terms of design the dwelling is of a scale and character which reflects the proportions and design of the existing adjacent property, and would not be out of

keeping with the character of the area. A dwelling would inevitable have an impact on the rural character of the area, but given the size of the dwelling, and its position on a relatively generous curtilage, the proposal is not considered to have a detrimental impact on the visual amenity of the area nor on the amenities of nearby dwellings by reason of its design, scale or massing.

6.3 Other issues

- 6.3.1 The Parish Council has expressed concerns regarding the access to the site, however the Council's highways development control officers have considered the application and raised no objection to the development, other than to point out that if permission were to be granted a Section 184 licence would be required for any new access that is installed, which is dealt with separately from any planning decision.
- 6.3.2 The Council's ecologist has raised no objection to the development, but if the Committee were minded to approve the application has requested that conditions to secure wildlife enhancement of the site in the form of the installation of bat boxes on site be attached to any consent, along with informatives regarding potential impact on protected species should these be discovered on site during implementation.
- 6.3.3 Likewise the Council's land drainage officers have raised no objection in principle to a dwelling on this site, but if Committee were minded to approve the application, would require full details of foul and surface water drainage, and where appropriate soak away tests, to be submitted for approval via a planning condition.
- 6.3.4 Should the committee be minded to approve the application, the core strategy policy CS11 would require the completion of a section 106 agreement to secure a payment towards affordable housing before any consent were to be issued. Any decision to permit should be subject to such an agreement being completed.

7.0 CONCLUSION

The proposed development is located within an area of defined as open countryside where new dwellings are only permitted where required to accommodate key agricultural, forestry or other essential countryside workers or to meet a local need for affordable housing / accommodation. No such need has been demonstrated in this case and the proposal would lead to sporadic and unsustainable development. Accordingly the proposal fails to comply with adopted policies CS4, CS5, CS6, and CS17 of the Core Strategy; and Government advice contained in the National Planning Policy Framework (in particular paragraph 55).

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 three months 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 and Saved Policies:
CS 4 Community Hubs and Community Clusters
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
D6 Access and parking

SPD on the Type and Affordability of Housing

11. Additional Information

View details online:

<http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Planning Statement

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Kevin Turley

-