

Development Management Report

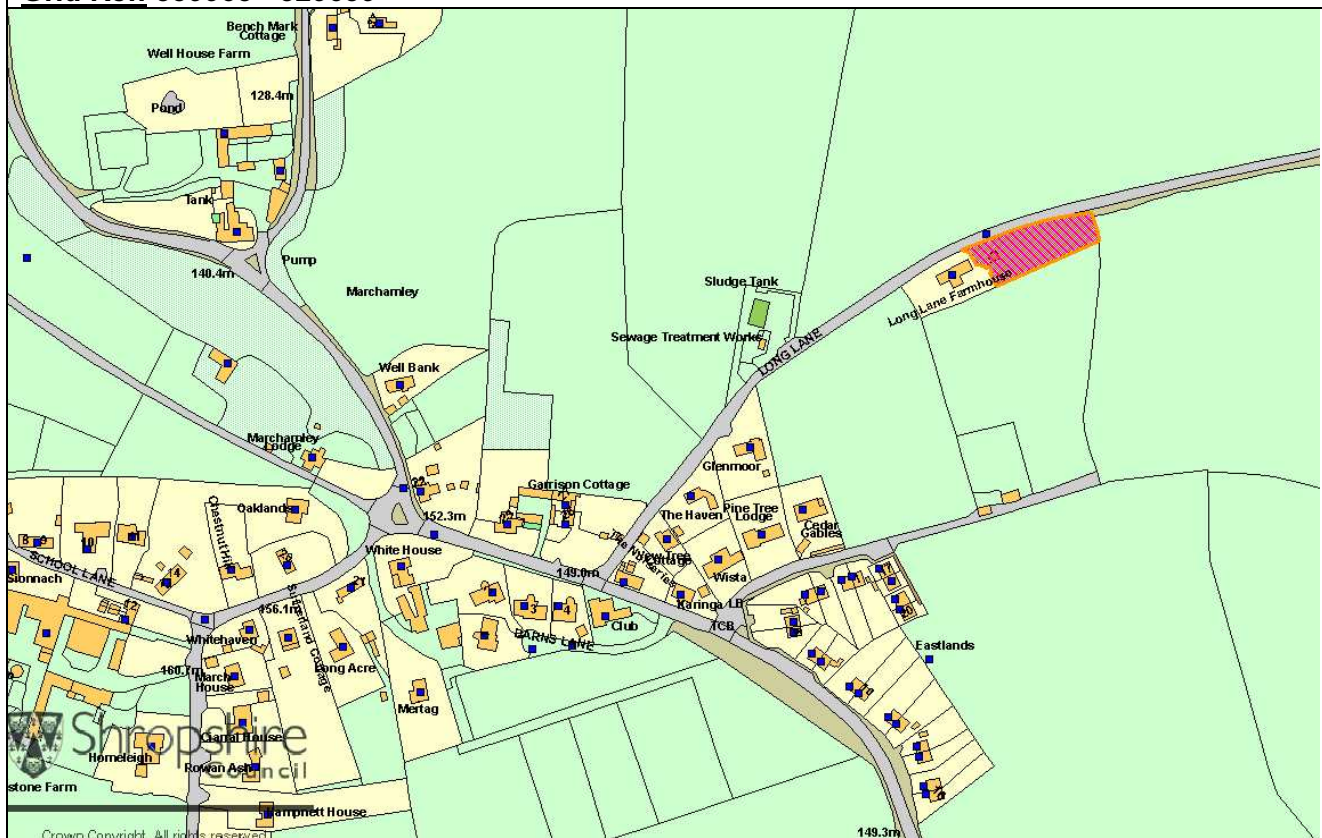
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Summary of Application

Application Number: 14/05739/FUL	Parish:	Hodnet
Proposal: Erection of a detached dwelling		
Site Address: Long Lane Farm Long Lane Marchamley Shropshire SY4 5LB		
Applicant: Mrs M Howell		
Case Officer: Richard Denison	email: planningdmne@shropshire.gov.uk	

Grid Ref: 359963 - 329659



Recommendation:- Refuse for the following reason:

1. The proposed development is located within an area of defined as open countryside for planning policy purposes and accordingly would lead to sporadic and unsustainable development that would undermine the "rural rebalance" approach to 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) as the development would be detached from Marchamley settlement, would result in a residential encroachment into the open countryside and would put a reliance on the motor car to access day to day local services.

REPORT**1.0 THE PROPOSAL**

- 1.1 This is a full application for the erection of a single detached dwelling utilising the existing access serving Long Lane Farmhouse. The proposed dwelling will provide an entrance hall, kitchen, utility, wet room, office, sitting room and conservatory on ground floor, together with two bedrooms (one with en-suite), study and bathroom at first floor.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site forms part of the curtilage associated with Long Lane Farmhouse which is located adjoining Long Lane to the north east of Marchamley. The lane runs along the northern boundary whilst open fields are located to the east, south and west and on the opposite side of the road to the north. The nearest residential property is Glenmoor which is approximately 170 metres away.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Local Ward Member in consultation with the Planning Officer has indicated that the development would not have an adverse impact on the settlement and consider that the three tests of economic, social and environment impact can be met. It is indicated that the Parish Council have joined up the villages of Marchamley and Hodnet with a 2km public footpath and the local ward member supports the Parish Council view. The Principal Planning Officer in consultation with the committee chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS**4.1 Consultee Comments**

- 4.1.1 **Shropshire Council, Affordable Housing** - The affordable housing contribution

proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing

- 4.1.2 **Shropshire Council, Drainage** - The drainage details, plan and calculations can be conditioned if planning permission is recommended for approval.

The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. However, no details and sizing of the proposed soakaways have been provided. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. This is to ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

Full details, location and sizing of the existing septic tank and the drainage fields should be provided including previously carried out percolation tests to ensure that it can cater for the additional usage. Information should be submitted together with the FDA1 Form. British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development i.e. for a 2 bedroom dwelling, the population equivalent should be 5 and the sizing of the septic tank and drainage fields should be designed to cater for a minimum of 5 persons plus the number of persons in the existing dwellings and in accordance with the Building Regulations H2 Paragraph 1.18. This is to ensure that the foul water drainage system complies with the Building Regulations H2.

The applicant should consider employing measures such as the provision of water butts, rainwater harvesting system and grey water recycling system.

- 4.1.3 **Shropshire Council, Planning Ecologist** - No objection is raised. Mitigation has been proposed for badgers and hedgehogs. Lighting should be designed to minimise the effect it may have on foraging and commuting bats. Bat and bird boxes should be installed as a biodiversity enhancement.

- 4.1.4 **Hodnet Parish Council** supports this application.

4.2 **Public Comments**

- 4.2.1 Two letters of support have been received raising the following:-

- The proposed dwelling will provide accommodation to allow the existing dwelling to be occupied by family members to provide support.
- The material and design is high quality.
- The scale is in keeping with the area.

5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Assessment of Sustainability
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Drainage
- Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

6.1.1 The site is situated out side of the main built up area of Marchamley settlement and is outside the development boundary on the proposals map of the NSDC adopted Local Plan, although Marchamley is being promoted as a community cluster with Peplow and Wollerton within the emerging SAMDev. The site is currently classed as 'Open Countryside' as indicated under the NSDC local plan and therefore open market residential development of the site would be contrary to current adopted and emerging policy and the application has been advertised as a departure. However, 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).*

6.1.2 The emerging 'Site Allocations and Management of Development' Plan (SAMDev) has been submitted to the Planning Inspector for consideration following a Public Enquiry in December 2014 and has not yet been adopted and does not yet hold full weight. Paragraph 216 of the NPPF indicates that the 'weight' that can be attached to relevant policies in emerging plans such as the SAMDev depends on the stage of preparation, extent of unresolved objections, and degree of consistency with the NPPF. The Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, where weight can be attached but, pending adoption, this needs to be considered with care alongside the other material considerations. There have been no objections relating to Marchamley submitted to the Planning Inspector. The settlements of Marchamley, Peplow and Wollerton are indicated to provide limited future housing growth of approximately 15 dwellings over the period to 2026. This will be delivered through limited infilling, conversions and groups of houses on suitable sites within the development boundaries for the villages of Marchamley and Wollerton and through infilling, conversions and small groups of houses on suitable sites within the village of Peplow. The proposed site is clearly not within the

development boundary for Marchamley and is divorced from the settlement by open countryside and fields.

6.1.3 Paragraph 14 of the NPPF states that:

‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the]Framework taken as a whole; or*
- *Specific policies in [the] Framework indicate development should be restricted.’*

With regards to housing development paragraph 49 of the NPPF states that:

‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.

and that

‘Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’

6.1.4 In September 2013 the housing land supply in Shropshire fell below the 5 year requirement. This has now been updated following the submission of the SAMDev Final Plan to the Planning Inspectorate. The Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 year supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the final adoption of the SAMDev.

6.1.5 In this intervening period between submission and adoption sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits (as outlined in paragraph 14 of the NPPF).

6.1.6 It is acknowledged that the site is outside the development boundary within the adopted North Shropshire Local Plan and would not normally be supported for development. However, adopted local plan policies are at risk of being considered

“time expired” due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’.

6.1.7 The principle issue for consideration therefore is whether the development is sustainable or not when considered against the NPPF as a whole. The balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.

6.2 Assessment of Sustainability

6.2.1 Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. Policy CS9 states that development that provides additional dwellings or employment premises will help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

6.2.2 The proposed site will result in residential development being located outside of the village boundary for Marchamley with open countryside to the north, east and south, whilst the applicants existing property adjoins the western boundary of the site. Access from the site to the edge of the settlement is along a narrow country lane with no pedestrian footpath. Marchamley has limited services and only provides a Working Mens Club. Hodnet is approximately 2km from the site (along a newly created footpath) and provides a number of essential day to day services. However, having regard to the distance this would result in an over reliance on the private motor car.

6.2.3 However ‘sustainable development’ isn’t solely about accessibility and proximity to essential services but the NPPF states that it is ‘about positive growth – making economic, environmental and social progress for this and future generations’. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- *An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with*

accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- *An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

Economic Consideration

- 6.2.4 The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of an additional house will also support local businesses as future occupiers are likely to access and use local services and facilities helping them to remain viable. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

Social Considerations

- 6.2.5 The proposal will provide a single dwelling which will help meet the housing shortage in Shropshire. In addition to boosting the supply of open market housing the proposal will provide an affordable housing contribution of £13,500. Villages need to expand in a controlled manner in order to provide support for and maintain the level of services and facilities available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will support and maintain existing facilities will benefit both the existing and future residents and help meet the needs of present and future generations. It is recognised that increasing the number of dwellings over and above the proposed allocation in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. The cluster of Marchamley, Peplow and Wollerton is only proposed to provide 15 additional dwellings over the SAMDev plan period. Allowing additional dwellings outside of the settlement boundaries will result in an increase in residential development contrary to the local communities' aspiration for development.

Environmental Considerations

- 6.2.6 The site forms part of the curtilage associated to the existing agricultural building and has no important heritage, cultural or ecological designation. However, it is considered that the development on this land would result in the permanent loss of countryside which is considered important in this rural site outside of any built up roadside frontage. The proposal would not result in any adverse ecological or environmental implications and the proposal would provide some ecological enhancements of the site in relation to additional boundary planting. However, the proposal would not help to contribute to a low carbon economy as the site is not easily accessible on foot to local services and facilities. Notwithstanding the

distances involved between the site and services, the surrounding road network is narrow and unlit with no footpaths. As such it is unattractive as a walking route for residents in terms of meeting day to day needs. Nor is it suitable as a walking route for all sections of the community. Officers consider that residents of the development would use the private motor vehicle to access the facilities and services they need.

- 6.2.7 The balance of material consideration remains one of boosting housing supply in locations that are considered to be sustainable even if they fall outside of the defined development boundaries within existing saved and adopted development plan policies. However, the proposed site would result in residential development being located in isolated countryside away from any sustainable settlement. Paragraph 55 of the National Planning Policy Framework indicates that local authorities should avoid new isolated homes in the countryside unless there are special circumstances. The proposed dwelling is not required for an essential rural worker, does not relate to the reuse of a heritage asset or redundant building, whilst the proposed building will not be of an exceptional quality or innovative nature of outstanding design and therefore would not be in accordance with the sustainable objectives of the National Planning Policy Framework. Accordingly, it is considered that the principle of a residential development in this location is not acceptable.

6.3 Design, Scale and Character

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy D7 'Parking Standards' of the North Shropshire Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems.
- 6.3.2 The application site forms part of the side garden to Long Lane Farmhouse located close to the built up edge of Marchamley settlement. The proposed site covers an area of 1.5 hectares and runs parallel to the country lane. The proposed subdivision of the existing curtilage will provide two similar sized plots which will be comparable to some of the large plots in Marchamley settlement.
- 6.3.3 The proposed dwelling will be constructed from an oak frame with a mixture of traditional brick and lime wash render walls and slate roof. The dwelling will be positioned in line with the existing property and set back from the road side behind an existing boundary hedgerow and tree screening. The dwelling will have an eaves height of 4.5 metres and ridge height of 8 metres with a 50 degree roof slope which will match the existing property. The property will include a number of sustainable features including a ground source heat pump, grey water recycling, triple glazing and integral solar panels. The proposed design, scale and appearance of the dwelling will reflect the existing rural character of the area and would not impact on the adjoining property.

6.4 Impact on Residential Amenity

6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. There are no neighbouring properties adjoining the site with the exception of the applicant existing dwelling. This will be located approximately 13 metres away to the west and will be separated by an existing shed and driveway. The proposed property will have a blank gable elevation which will facing this direction to prevent any overlooking or loss of privacy. Having regard to the distance and orientation away together with the scale the proposed dwelling will not result in any overbearing impact or loss of light. The slight increase in the number of traffic movements arising from the dwelling will be minimal and would not result in any significant increase in noise and disturbance.

6.5 Highways

6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all. Policy D7 'Parking Standards' of the North Shropshire Local Plan is still a saved policy and indicates that all development should provide an appropriate level of vehicle parking to avoid on street parking and increasing traffic problems.

6.5.2 The proposed dwelling will use the existing access serving the farmhouse which provides adequate visibility in both directions onto the unclassified road. The existing driveway will provide a large parking area directly in front of the new dwelling which will provide adequate visitor and manoeuvring space. A new vehicular access will be formed involving the widening of an existing pedestrian access to provide two off street car parking spaces for the existing farm house. Although having regard that the road is unclassified this access would be classified as permitted development. The proposed use of the existing access will not result in any highway safety issue, whilst adequate off street car parking and manoeuvring space will be provided.

6.6 Ecology

6.6.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environmental and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.

9.6.2 A detailed Ecological Constraints Assessment and Bat & Nesting Bird Assessment have been carried out. It has indicated that the site is part of a well maintained domestic garden which includes a mown lawn and ornamental shrubs. The ecology report has indicated that the proposed development will not impact on badgers. There are no mapped ponds within 250 metres of the site and considering the scale and nature of the proposed development it is not envisaged that Great Crested Newt will be impacted upon. The boundary trees may be used by birds for foraging and it is recommended that any removal of vegetation should be undertaken outside the nesting season. The habitat of the site is of low ecological value and the Council Planning Ecologist has raised no objection subject to safeguarding conditions and informatives.

6.7 Drainage

6.7.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul water drainage will be directed to the existing septic tank which is considered acceptable in this rural isolated location. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 265. No concerns have been raised regarding the suitability of the local ground conditions and site is not located in a flood zone and therefore it is recommended that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

6.8 Affordable Housing

6.8.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. The existing target rate for Marchamley is currently 15% and would equate to a financial contribution of £13,500 being provided.

6.8.2 Officers note the recent Ministerial statement and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application. However, following a subsequent decision by the Cabinet of the Council, the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites (please see the public statement of the Council 'as published on the website 30/01/15).

6.8.3 Given the above, it is recommended that planning permission be granted only subject to the satisfactory completion of a legal agreement to secure the provision of affordable housing in accordance with the terms of the policy. Non compliance with the requirements of adopted Core Strategy Policy CS11 would mean that the

proposal would be in clear conflict with the aims and requirements of the Development Plan and should therefore be refused, unless other material considerations indicate otherwise.

7.0 CONCLUSION

- 7.1 Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed development is located within an area of defined as open countryside for planning policy purposes and accordingly would lead to sporadic and unsustainable development that would undermine the "rural rebalance" approach to development.
- 7.2 It is considered that the harm that will be caused to the intrinsic value of the open countryside from the development would be significant and demonstrable so as to outweigh the benefits, when assessed against the policies in the Framework taken as a whole and further specific policies within the framework indicate that this type of development should be restricted. It is recognised that there will be benefits delivered by the scheme albeit there are limited and are insufficient to outweigh the conflict with the aims of the NPPF. The development will result in a significant reliance on a car to access local facilities.
- 7.3 The proposal scheme cannot be regarded as being 'sustainable development' as envisaged by the Framework. Other more sustainable locations have been identified within the village which will be more in keeping with the pattern of development in this area.
- 7.4 Accordingly the proposal is considered contrary to relevant saved policies within the North Shropshire Local Plan, adopted policies within the Shropshire Core Strategy and Government advice contained in 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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose 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 give 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 1970.

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework:

6 : Delivering a Wide Choice of High Quality Homes

7 : Requiring Good Design

8 : Promoting Healthy Communities

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

12 : Conserving and Enhancing the Historic Environment

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

S6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

10.2 Relevant Planning History

There is no relevant planning history.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 14/05739/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Karen Calder