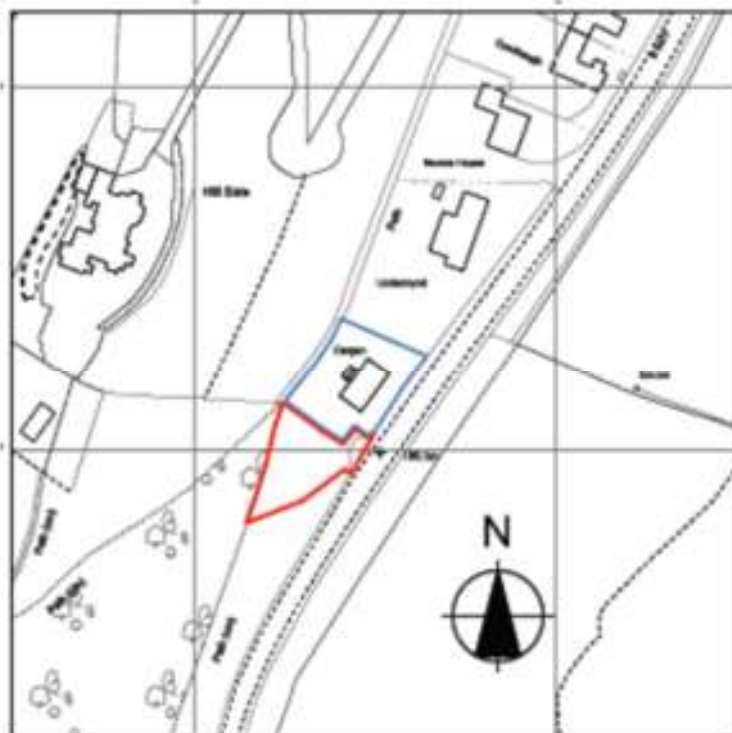


Development Management Report

Summary of Application

<u>Application Number:</u> 15/04383/FUL	<u>Parish:</u> Church Stretton
<u>Proposal:</u> Erection of one detached dwelling, double garage with terrace over; alteration to existing access	
<u>Site Address:</u> Proposed Dwelling South Of Cargan All Stretton Shropshire	
<u>Applicant:</u> Mr & Mrs Stratton	
<u>Case Officer:</u> Luke Ashley	<u>email:</u> planningdmc@shropshire.gov.uk



Recommendation:- Refuse subject to the conditions sets out in Appendix 1.

Recommended Reason for refusal

1. The proposed development, by virtue of its open countryside location outside of any settlement identified as suitable for open market residential development, is considered to be contrary to adopted and emerging development plan policies in the South Shropshire Local Plan, the Shropshire Core Strategy, and emerging Site Allocation and Management of Development (SAMDev) policies and allocations (which are now given very significant and substantial weight immediately prior to formal adoption). The

settlement of All Stretton is not a settlement identified for the development of open market housing, and the proposal will accordingly conflict with policy CS5 of the Shropshire Core Strategy, S5, MD1 and MD7a of SAMDev and the national guidance contained within the NPPF.

2. The proposal, by way of its location at the south of All Stretton, would encroach towards the nearby settlement of Church Stretton, and it is considered that the visual harm amounting from this erosion of the gap between the two settlements would have a detrimental impact upon the intrinsic character of the Shropshire Hills Area of Outstanding Natural Beauty. The proposals are subsequently considered to conflict with the principles of policy CS17 of the Shropshire Core Strategy, S5 and MD2 of SAMDev and the guidance contained within the NPPF

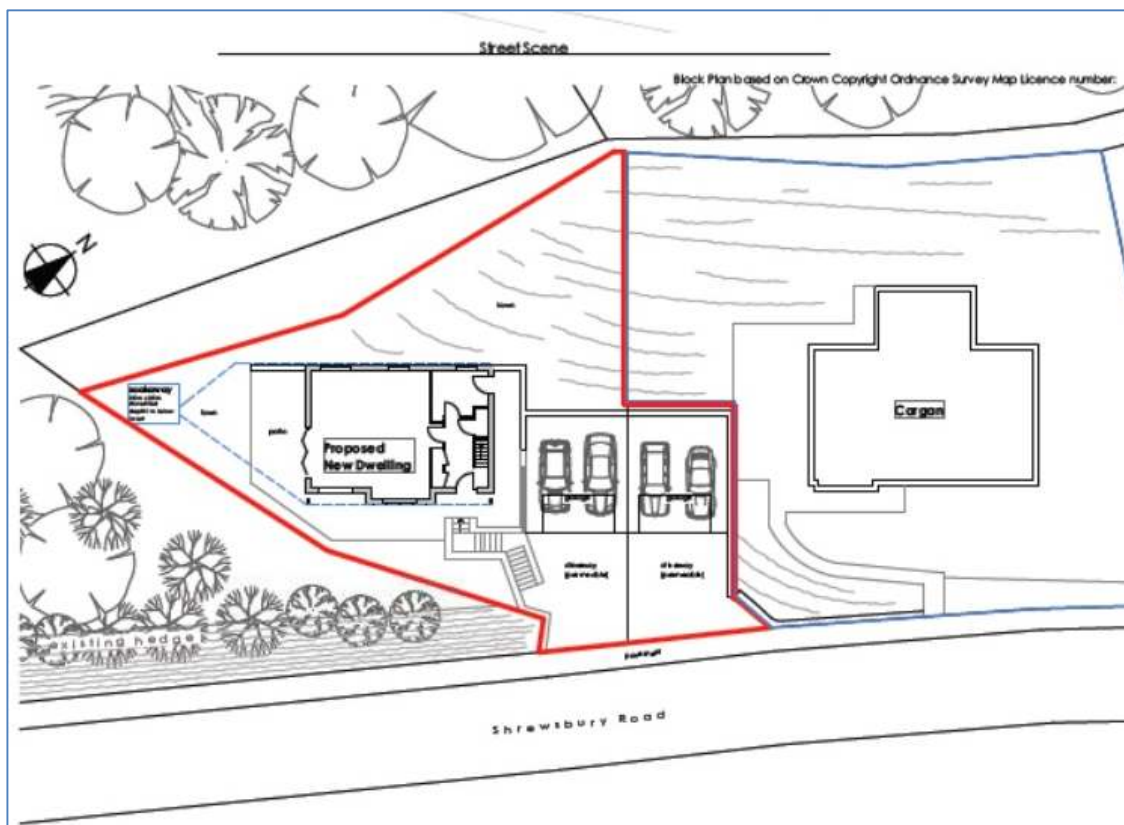
REPORT



1.0 THE PROPOSAL

- 1.1 The application proposes the erection of a single dwelling, with a carport to include alterations to existing access.
- 1.2 The application is to build a house in the residential garden of Cargan at the southern extremity of All Stretton village. It occupies the same footprint as an earlier application to build a house (14/05689/FUL) which was refused earlier this year. The design has been changed from a four to a three bedroom house and the three dormer windows in the previous design have been replaced by one dormer and two rooflights with the dwelling set on a prominent position on Shrewsbury Road (B5477). The plot is raised from the main road and the building will sit in an elevated position with steps leading down to an attached garage sharing a party wall with the neighbouring garage building.
- 1.3 The dwelling will measure 11m wide and 7.5m in depth, with a ridge height of 7.6m

2.0 SITE LOCATION/DESCRIPTION



2.1 The site related to this application is situated on the periphery of All Stretton, situated to the South West of the dwelling known as Cargan. The site is currently occupied as garden land serving Cargan. Cargan is a detached one and a half storey property; with a single window on the front elevation the property appears from the street scene to be more single storey in form.

2.2 The site sits in an elevated position from the main road frontage, which whilst being a common form along Shrewsbury Road, the site and adjoining Cargan appear more elevated.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The Parish Council has submitted a view contrary to the Officer recommendation and when the previous application was last heard at committee (14/05689), it was requested that any subsequent application be determined by Committee. The Committee Chairman in consultation with the Area Planning Manager has agreed that the application is to be determined by Committee.

4.0 Community Representations

- Consultee Comments

4.1 SC Affordable Housing - The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

4.2 SC Drainage – no objections

4.3 SC Rights of Way - Public Footpath 83 Church Stretton, abuts the western boundary of the site but will not be directly affected by the application. The attached plan shows the legally recorded line of the path. Please ensure that the applicant adheres to the criteria stated below:

- ☐ The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- ☐ Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- ☐ Building materials, debris, etc must not be stored or deposited on the right of way.
- ☐ There must be no reduction of the width of the right of way.
- ☐ The alignment of the right of way must not be altered.
- ☐ The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- ☐ No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.4 Shropshire Hills AONB – no comment

4.5 SC Ecology – no objections subject to the following informatives

- The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive.
- Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of birds nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
- If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse.

Advice should be sought from an experienced ecologist if large numbers of reptiles are present.

- Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.
- No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).
- All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.
- Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
- On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

4.6

Strettons Civic Society:

1. The site is prominent and highly visible to the public and is within the Shropshire Hills AONB where it would have an adverse impact on the character and appearance of the area.

2. It would extend the ribbon development along the west side of Shrewsbury Road and would almost close the already narrow gap between All Stretton village and Church Stretton town. The limited green space between the two would be diminished.

3. In 2012 the Government introduced a Planning Policy Framework which included new guidance on building in residential gardens. In effect it abolished the brownfield designation of residential gardens which withdrew the presumption that they are suitable for development. Instead it said that such applications should not be allowed if they are inappropriate, for example when development would harm the local area. This is a case where an unacceptable degree of harm would be caused because the house would occupy such a highly visible position in the limited remaining green space on an important route to the Conservation area of Church Stretton and the approach to the National Trust's popular Cardingmill valley of the Long Mynd.

4.7

Parish Council: No objection. The latest design, within the garden of Cargan, is far more in keeping with the existing dwelling. As it is in the garden, it does not encroach on the open countryside.

4.8

Natural England: – no objection

Public Comments

4.9 A total of 2no. supporting comments have been received in relation to this application, details of which have been précised below;

- Single plot small scale development of this nature can be accommodated within this sensitive landscape
- The development will finance road improvements on this stretch of highway to the benefit of the wider community
- Other such single plot developments have been approved within All Stretton and this should follow suite.
- Additional housing will provide much needed accommodation for 'The Strettons'.

One public objection has been received, details of which are taken verbatim from the Strettons Civic Society response and for brevity have not been duplicated.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping

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 Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and 'saved' policies from the preceding local plans. The Council is also in the process of formally adopting 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 In this instance the principle of the proposed development is judged in relation to 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 attached significant and substantial weight in accordance with paragraph 216 of the NPPF as the SAMDev documents have been assessed by the inspector whom has approved the final round of modifications. The Council is now due to formally adopt this policy in December of this year.

6.1.3 The Council is also satisfied that 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, with the current five year supply standing at 5.53 years. The Council therefore considers the housing policies contained within the Core Strategy are up to date and should be attached full weight.

- 6.1.4 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.

Policy CS5 of the 'Shropshire Local Development Framework: Core Strategy 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.

SAMDev policy MD7a pays regard to Core Strategy Policies CS5 and CS11, and states that;

- 6.1.5 *New market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements.*

New housing development will be focused in strategically agreed locations (as set out in Core Strategy Policy CS1) and Community Hubs and Clusters as identified in MD1. Local Plan policies however, also allow exception site dwellings and residential conversions in the countryside as sustainable housing solutions to meet recognised local housing needs or to help secure the future of buildings which are valued as heritage assets.

SAMDev Policy S5.1 (Church Stretton Town) of SAMDev provide the following guidance for decision makers;

- 6.1.6 1. *Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings and about 1 ha of employment land for the period 2006-2026.*

2. *New housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town's development boundary as shown on the Proposals Map. The allocated housing sites are set out in Schedule S5.1a and identified on the Proposals Map.*
3. *Further to Policy MD3, the release of further greenfield land for housing will be focused to the east of the A49 on sustainable sites adjoining the development boundary.*

This policy goes further to explain the importance of maintain the existing high value landscape of the village and its surroundings and states that;

The high quality environment provides a significant constraint to development in the town, particularly to the west of Shrewsbury Road and the High Street and on the higher slopes of the Stretton Hills to the east ... The separation of the two smaller settlements of All Stretton and Little Stretton from Church Stretton is greatly valued by the community

6.1.7 The application site is located outside of the nearby Church Stretton 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.

6.1.8 The abovementioned policies establish a presumption against the principle of the development. The new dwelling will be set outside of the settlement development limits associated with the nearby village of Church Stretton. The host village, All Stretton, has not opted into the community hubs and clusters approach to new housing as prescribed within SAMDev and as relevant policies do not support new open market housing within this village. The proposal does not relate to an affordable unit and none of the other policy exceptions for new housing in a 'countryside location' in CS5 are relevant.

6.1.9 The proposals are relatively small scale in nature and relate to an existing garden plot surrounded on 3 sides by mature vegetation and in a sustainable location with respect to local amenities. The improved design with reduced visual impacts has been acknowledged by the Parish Council who are not objecting. Further localised landscaping could in principle also be provided on the eastern boundary to provide comprehensive visual containment of the development. The improvements to existing parking arrangements are also recognised by highway officers.

6.1.10 Notwithstanding this, the principle of development cannot be justified in this location. The proposal is therefore recommended for refusal as it runs contrary to policies CS4, CS5 and CS11 of the Core Strategy and policies MD1, MD7a and S5 of SAMDev, and the guidance contained within the NPPF, with particular regard paid to the protection of the open countryside.

- 6.2 Siting, scale and design of structure
6.2.1 Core Strategy Policy CS6 states that;

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

It further states that that all development:

Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance.

Core Strategy Policy CS17 goes further in regard to protecting natural assets and states that;

All development proposals shall protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment [and] contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets.

SAMDev Policy MD2 states that to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

- 6.2.2 Although the proposal has been altered to better reflect the character of the area and the prominent position of the site above the highway, it is a concern of the Local Planning Authority that the proposal will result in an urbanised creep along this ribbon of properties. Policy S5 of SAMDev pays particular regard to the high value of the surrounding environment and the importance of maintaining the open rural aspect which currently separates both All Stretton and Little Stretton from the main urban environment of Church Stretton. The policy is explicit in its statement that the separation of the two smaller settlements of All Stretton and Little Stretton from Church Stretton is greatly valued by the community and the addition of 1no dwelling would run in total contradiction to this policy statement.
- 6.2.3 The proposal for an additional unit on the end of this ribbon development will encroach further upon the green spacing between these two settlements, with the raised and therefore prominent location of the development site further exacerbating this urban creep.

6.3 Visual impact and landscaping

6.3.1 The site is located within the Shropshire Hills Area of Natural Beauty. The impact upon the character and appearance of the Shropshire Hills Area of Natural Beauty is an important consideration when assessing the environmental implications of the scheme. It is accepted that the site would be situated adjacent to an existing form of development. However, development in this area has clearly begun to coalesce in a ribbon like form along the main roads leading out of All Stretton and Church Stretton. It is necessary to consider the visual impact of this form of development both individually and cumulatively and the extent to which this can lead to a wider impact on the character and appearance of the AONB.

6.3.2 Whilst this proposal is set within an area where development exists, the council does not consider that this alone can provide sufficient justification for the proposals. This is having regard in particular to the location of the site on the edge of a strategic gap between settlements within the AONB.

7.0 CONCLUSION

7.1 In view of the above it is considered that the proposals are contrary to the Shropshire Core Strategy and the SAMDev Plan. The settlement of All Stretton is not identified for the development of Open Market housing, and will subsequently conflict with policy CS5 of the Shropshire Core Strategy.

7.2 Furthermore, the site, by way of its location at the south of All Stretton would encroach towards the nearby settlement of Church Stretton, it is considered that the visual harm amounting from this erosion of the gap between the two settlements would have a detrimental impact upon the intrinsic character of the Shropshire Hills Area of Outstanding Natural Beauty. The proposals are subsequently considered to conflict with the principles of policy CS17 of the Shropshire Core Strategy.

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

Core Strategy:

- CS4 - Community Hubs and Community Clusters
- CS5 - Countryside and Greenbelt
- CS17 - Environmental Networks

SAMDev Plann:

- MD1 - Scale and Distribution of Development
- MD12 - Natural Environment
- MD7A - Managing Housing Development in the Countryside
- Settlement: S5 - Church Stretton

RELEVANT PLANNING HISTORY:

- 14/05689/FUL Erection of one dwelling and car port; alteration to existing access
REFUSE 14th September 2015
- 15/04383/FUL Erection of one detached dwelling, double garage with terrace over;
alteration to existing access PDE

11. ADDITIONAL INFORMATION

List of Background Papers: Application 15/04383/FUL and associated documents and plans
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Members Cllr. Lee Chapman Cllr David Evans
Appendices None