

Committee and date

Central Planning Committee

4 February 2016

Development Management Report

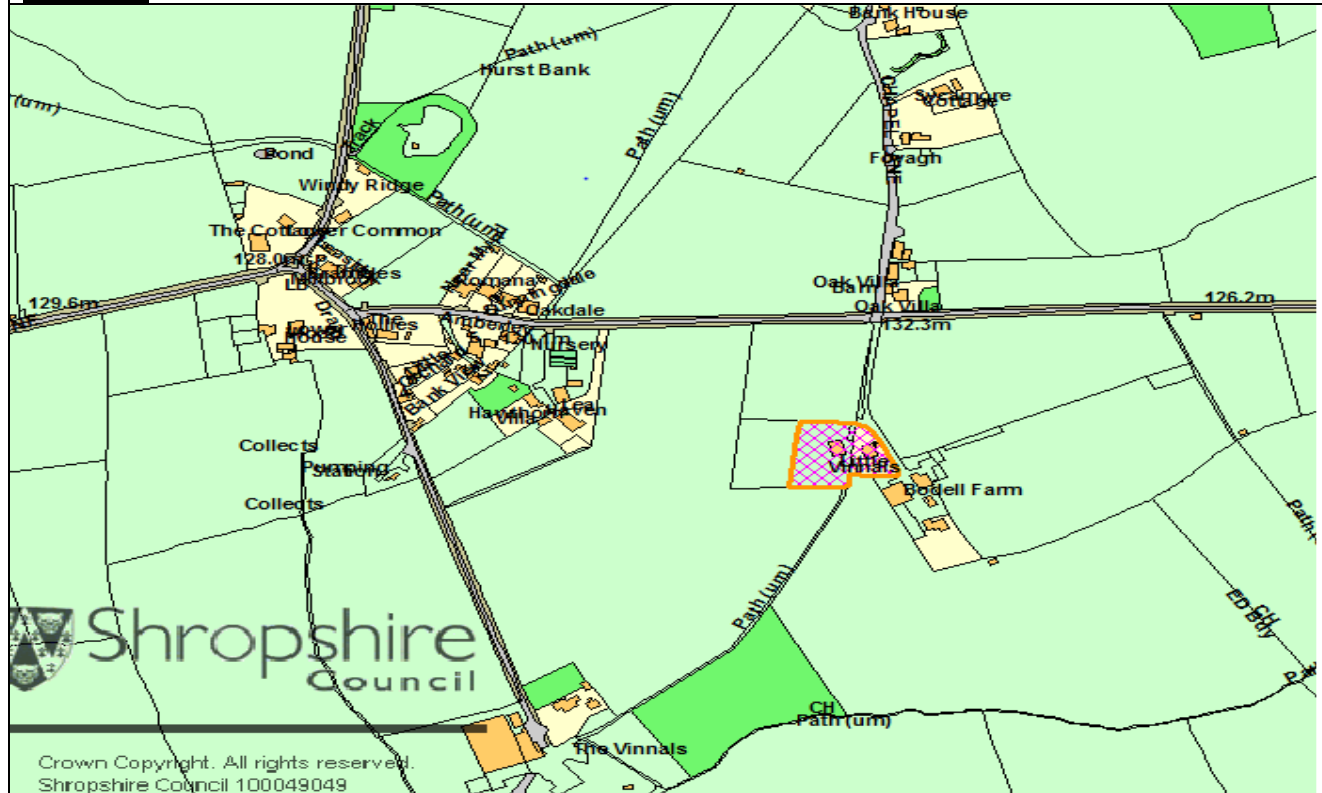
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Summary of Application

Application Number: 15/04917/FUL	Parish: Longden
Proposal: Erection of a holiday chalet to include change of use of land	
Site Address: Little Vinnals Bungalow Long Lane End Of To The Cottage Junction Longden Shrewsbury SY5 8HF	
Applicant: Mrs Ruth Gamble	
Case Officer: Nanette Brown	email: planningdmc@shropshire.gov.uk

Grid Ref: 345781 - 305231



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Recommendation:- Refuse.

Recommended Reason for refusal

1. The principle of a holiday let in an isolated open countryside location accessed via a shared private shared lane is not considered to be acceptable. This proposed development would not be related to any existing tourism business at the site, would not involve the conversion of any existing suitable building, and would be in an isolated location within open countryside away from any settlements. The scheme is considered to represent a sporadic and unsustainable form of development which is detrimental to the character and setting of the surrounding open countryside. As such it is considered that the development is contrary to policies CS5, CS6, CS13, CS16 and CS17 of the Shropshire Core Strategy and policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan as well as the National Planning Policy Framework.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a 2 bedroom holiday chalet within a field that currently forms part of a small holding. The chalet would be constructed of painted timber with a sheet metal profiled roof. Access to the chalet would be via the existing bungalow's access and driveway and a new footpath that would lead along the edge of the field to the chalet.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site currently consists of a detached bungalow with adjacent domestic garden and an adjacent field containing an agricultural style open sided shed that forms the existing smallholding. The site is situated towards the end of a shared private lane that also serves the adjacent property, Bodell Farm, set to the south west of Little Vinnals.
- 2.2 The site is surrounded by open countryside. The proposed chalet would be sited in the southern corner of the field, accessed via a footpath that would lead from a shared parking area with the bungalow, past the western side of the bungalow and then along the eastern field boundary to the chalet. The field boundaries are currently defined by a mix of fencing and hedging.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view contrary to officer's recommendation for refusal based on material planning reasons. These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and the Local Member 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 SuDs – No objection

Suggested informatives relating to disposal of surface water drainage.

4.1.2 Affordable Housing – No objections

If limited in its occupation, Holiday Lets are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy. Therefore no contribution will be required in this instance.

4.1.3 Shropshire Fire & rescue Service – Comments/Advice

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications' which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Dwelling Layout Inappropriate ' Holiday Let Accommodation

It should be noted that due to the proposed use of the premises and the proposed open plan nature of the layout of the premises, this poses a significant risk to the occupants in case of fire. Although this proposal would conform to current Building Regulations if used as a single private dwelling, due to the proposed use as Holiday Let Accommodation the premises would fall within the scope of The Regulatory Reform (Fire Safety) Order and as such would not appear to comply with this legislation.

Therefore the Fire Authority would advise an improvement in the means of escape arrangements and the applicant is requested to consider the following advice that may go some way to alleviate the above issue. A separate fire protected means of escape should be provided from all bedrooms which does not pass through an area of Higher risk i.e. Kitchen/Diner. Further advice can be found on our website www.shropshirefire.gov.uk.

Sprinkler Systems - Residential Premises

When determining the fire safety strategy for the application, it is important that the intervention of the fire service and the response time is included in the process. This is of particular importance if the project provides housing for members of the community in remote rural areas or with mobility issues.

Integrated Risk Management Plan (IRMP) response standards have been introduced for every postcode in Shropshire. The applicant should be mindful that the response time for an appliance with 5 firefighters to SY5 8HF will be within 20 Minutes. In a fire situation this time period could be crucial to the safety of the occupants and also influence the success of firefighters in restricting the spread of fire within the building.

The benefit of installing a correctly designed sprinkler system which can detect and control a fire at an early stage of development will rapidly reduce the rate of production of heat and smoke. Evidence suggests that where fire sprinkler systems have been fitted, fire deaths have almost been eliminated, fire injuries reduced by over 80%, and a significant improvement in fire fighter safety achieved. In addition, property damage has been reduced by over 80%. Accordingly, It is recommended that consideration is given to the installation of a sprinkler system that conforms to the 'BS 9251:2005 - Sprinkler Systems for Residential and Domestic Occupancies - Code of Practice' published by the British Standards Institute. Further guidance on residential sprinkler systems can be obtained by contacting the British Automatic Sprinkler Association Ltd on 01353 659187 or their web site www.basa.org.uk

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. 'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

4.1.4 **SC Highway DC – No objections**

4.1.5 **Longden Parish Council – Support**

After discussion the Parish Council agreed to support this application for a business opportunity even though this area of the parish is up to its quota for the SAMDev plan.

However the parish council would insist that this development is to remain a holiday let in perpetuity. There should be a limit on the length of time for letting of the property to any one let of 3-4 weeks. There should be no permitted development rights to go with this application.

4.2 - **Public Comments**

4.2.1 One letter of support summarised as follows:

The proposed development is entirely in keeping with the immediate environment being a low single storey building to be constructed of materials that blend with other adjacent buildings; small scale tourism related enterprises such as this will bring additional income and employment to the area which should be encouraged; there will be no adverse impacts through parking and highway access.

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 Paragraph 28 of the National Planning Policy Framework states that in order to promote a strong rural economy, planning authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met in rural service centres.
- 6.1.2 Policy CS5 of the adopted Core Strategy sets out that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. It also identifies that proposed developments which maintain and enhance the countryside's vitality and character will be permitted where they relate to sustainable rural tourism, leisure and recreation proposals requiring a countryside location, in accordance with policies CS16 and CS17.
- 6.1.3 Policy CS6 of the Core Strategy requires proposals which 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 can be reduced. This policy also seeks to ensure that development protects, conserves and enhances the natural environment.
- 6.1.4 Policy CS13 seeks to support the development and growth of Shropshire's key business sectors including tourism. Policy CS16 also aims to ensure deliverance of high quality, sustainable tourism. With regards to the development of visitor accommodation the policy requires high quality visitor accommodation to be located within accessible locations that are served by a range of services and facilities in order to enhance the role of Shropshire as a tourist destination. In terms of the provision of new accommodation in rural areas the policy states that this new accommodation must be:
- Of an appropriate scale and character for their surroundings; and
 - Be close to or within settlements, or an established and viable tourism enterprise where accommodation is required; and
 - Wherever possible existing buildings should be re-used.
- 6.1.4 Policy CS17 also seeks to protect and enhance the high quality and local character of Shropshire's natural, built and historic environment.
- 6.1.5 Policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management of Development Plan – Adopted 17th December 2015) covers the subject of tourism facilities and visitor accommodation. In addition to the requirements of policies in the core strategy including policy CS16, policy MD11

notes that chalets, static caravans and log cabins are recognised as having a greater impact on the countryside and that any proposals for new development of this type should be landscaped and designed to a high standard and have regard to their impact on the natural and historic assets of the area. MD11 also states that holiday let accommodation that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings will also be resisted in the countryside.

- 6.1.6 In this instance the application site is located adjacent to an existing bungalow, set at the end of a private lane and is clearly within an isolated location in open countryside for the purposes of the core strategy and SAMDev policies. The closest settlements or villages to the site are Longden, Longden Common and Stapleton that are by road at distances from the site of:

Longden (that has a shop, post office, public house and church) = 2.34km

Longden Common (public house) = 2.48km

Stapleton (church) = 1.83km

It is noted that the distance using local footpaths may be slightly less, although it is noted that the applicants agent states in their submitted supporting statement that the walk to Longden utilising footpaths is still a distance of over 2km. It is not considered that the application site is within easy or reasonable walking distances of these villages. Additional facilities such as larger shops and restaurants are situated further still from the application site in Dorrington and Shrewsbury. There are no bus routes that pass the site directly, the nearest bus routes to Shrewsbury (the nearest town) pass through either Longden or Dorrington.

- 6.1.7 It is considered therefore that the proposed application site cannot be considered for the purposes of policies CS16 and MD11 as being either close to or within any settlement and it is noted that the closest bus services are limited. As a result, occupiers and visitors of the chalet would be very reliant on private motor vehicles which conflicts with one of the fundamental principles of sustainable development. The application is also for a new build chalet and would not re-use any existing building as required wherever possible by policy CS16.
- 6.1.8 The application does state that the site is situated only 300 metres from the route of the Shropshire Way and that it is walkers using this route that are envisaged to use the proposed chalet. Whilst the Shropshire Way is well used by visitors to the area, the aims of policy CS16 and MD11 seek to provide sustainable accommodation that is located either close to settlements that provide services to visitors or are next to existing tourist facilities that require overnight accommodation. It is not considered that the positioning of visitor accommodation in open countryside away from settlements but close to the Shropshire Way would result in the provision of sustainable accommodation.

6.2 Design and Visual Impact

- 6.2.1 The proposed chalet would be constructed of materials that would aim to match and reflect the nearby agricultural building and general local vernacular with the use of timber clad walls and a pitched metal sheeted roof. The building would be

smaller than the existing agricultural building already sited within the field. The agent for the application puts forward that the design of the chalet has been chosen to be simple in its form with the addition of a ramped/decked access located on its southern side to take advantage of the views over the boundary hedge and across the open landscape beyond.

- 6.2.2 It is noted that as well as the above specified materials and design, the siting of the chalet would be set within the southern corner of the field in order to benefit from partial screening by the existing boundary hedging. Views of the chalet taken from the north, from outside of the property, would also be limited by the existing agricultural barn and adjacent bungalow. However, in spite of this it is inevitable that any new structure within an open countryside location will have some visual impact that will be detrimental to the open countryside setting and character. This site is set in an isolated position accessed by a private lane that serves just two dwellings and their associated agricultural outbuildings. The proposed chalet would be located at the southern end of the existing field and away from the existing buildings. This proposal would therefore result in an additional building to these properties which is considered would have some detrimental visual impact in this location.

6.3 Residential Amenity

- 6.3.1 Bodell Farm is the adjacent property which shares the private lane access from the highway to the north. This property consists of a large detached house set at the southern side of a group of existing farm buildings. It is considered that due to the distances that exist between this property and the application site there would be no significant detrimental impact on the residential amenity to occupants of either site.

6.4 Other matters

- 6.4.1 In terms of drainage, impact on the highway network, impact on biodiversity and ecology the likely impact of the development would be neutral. If minded to approve the scheme conditions could be included to ensure the necessary technical details were satisfactory in all regards.
- 6.4.2 Affordable Housing - It is noted that if limited in their occupation, Holiday Lets are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy.

7.0 CONCLUSION

- 7.1 Having regard to all of the above issues, it is considered that the erection of the holiday chalet would not meet the requirements of the relevant Core Strategy and SAMDev policies in that it would not be located close to or within a settlement or an established and viable tourism enterprise and it would not involve the re-use or conversion of any existing building. The scheme is therefore considered to represent a sporadic and unsustainable form of development which would be detrimental to the character and setting of the surrounding open countryside. As

such it is considered that the development is contrary to policies CS5, CS6, CS13, CS16 & CS17 of the Shropshire Core Strategy and policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan as well as the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
Policies CS5, CS6, CS13, CS16 & CS17 of the Shropshire Core Strategy
Policy MD11 of the adopted SAMDev (Shropshire Council Site Allocations and Management) Development Plan

RELEVANT PLANNING HISTORY:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning File 15/04917/FUL
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Roger Evans
Appendices