

## Development Management Report

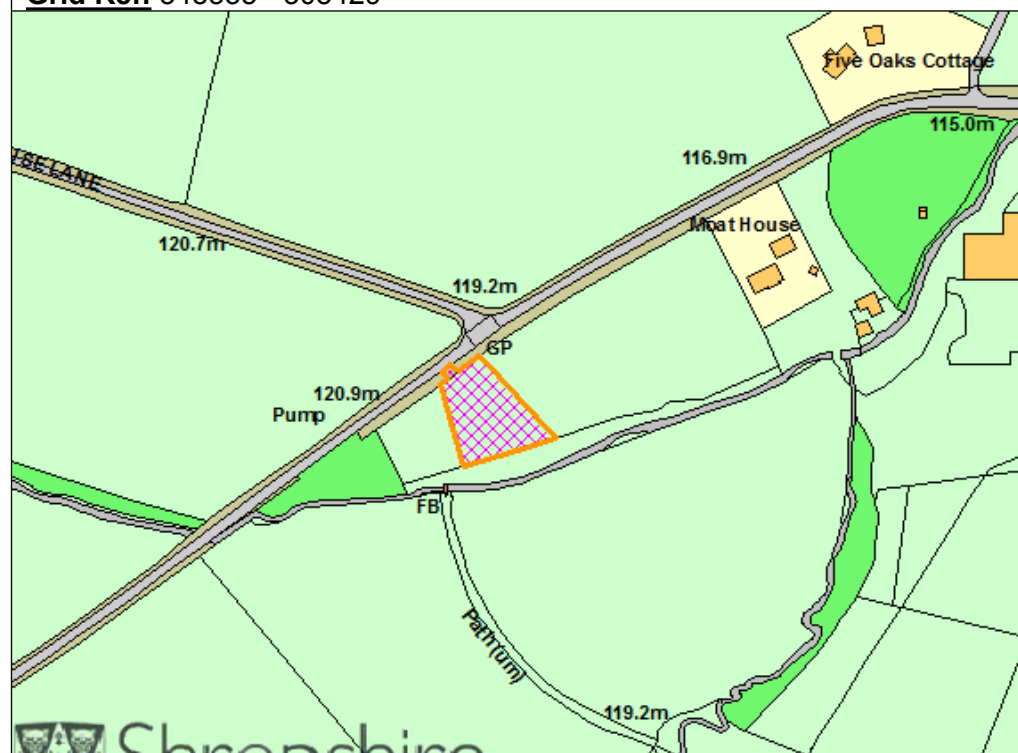
Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 18/01707/FUL	<b><u>Parish:</u></b>	Condover
<b><u>Proposal:</u></b> Erection of an affordable dwelling and detached double garage, installation of septic tank		
<b><u>Site Address:</u></b> Proposed Affordable Dwelling West Of Moat House Stapleton Dorington Shropshire		
<b><u>Applicant:</u></b> Mr & Mrs Henson		
<b><u>Case Officer:</u></b> Frank Whitley	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 345333 - 303429




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

1. The proposed development is not within or adjoining a recognisable named settlement and has an unacceptable impact upon the rural character of the area, contrary to the requirements of the Council's Type and Affordability of Housing SPD. In terms of location, there may be a more suitable alternative within the control of the applicant which would provide for the demonstrated housing need. Accordingly, the proposed development represents unwarranted encroachment into the countryside, contrary to the NPPF and the relevant adopted policies of the Council's Core Strategy and SAMDev Plan: CS5, CS11, MD7a.

**REPORT**

1.0	<b>THE PROPOSAL</b>
1.1	The application seeks planning permission for the Erection of an affordable dwelling and detached double garage, installation of septic tank
1.2	The dwelling is to have typical living accommodation on the ground floor with a porch/hall attached to the front and a small sunroom to the rear. Upstairs there are three bedrooms and outside balcony. Total floor area (excluding balcony on first floor) is 100sqm. The dwelling and garage sit within a plot of 0.1ha.
1.3	The dwelling and garage as first submitted were initially considered too high. Amended plans have been received which show a reduced ridge height of 300mm on the dwelling and 0.5m reduction on the garage.
2.0	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The application site is in a countryside location approx. midway between the settlements of Stapleton and Church Pulverbatch. The site forms the western part of a grass field; close, though separated from a group of buildings and dwellings which together are described as "Moat".
2.2	The grass field containing the development is bounded by the minor road to the front, and the Moat brook to the rear, narrowing to its western edge. Consequently, the site is generally screened by existing woodland and hedgerow, which defines the character of the area.
2.3	Beyond the brook to the south of the site is Upper Moat Farm. The site is entirely outside of the brook's flood zone.
2.4	The nearest dwelling is Moat House, approx. 110m to the east, across the grass field which is understood to be in the control of the applicant.

2.5	The application site has an existing field access from the road, which is understood to have once served Moat Cottages and a garage. All that remains now are the collapsed remains of the garage. They are identified on historic maps from 1957, supplied with the application.
2.6	The applicant's brother was granted permission under ref 14/01784/FUL for an affordable dwelling. This dwelling has been completed and is located approx. 200m to the east, on the opposite side of the minor road.
3.0	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers.
4.0	<b>Community Representations</b>
	<b>Consultee Comments</b>
4.1	<b>Parish Council- support</b>
	Customer made comments in support of the Planning Application Comment Reasons: Comment: At its meeting on 1st May 2018, Condover Parish Council resolved to make no comment
4.2	<b>Affordable Housing- support</b>
	Consultation comment concludes: Mr and Mrs Henson have therefore demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability they are unable to meet their own housing need within the Parish without assistance from this policy.
4.3	<b>Rights of Way- no objection subject to informatives</b>
4.4	<b>SUDS- no objection subject to conditions and informatives</b>
4.5	<b>Highways- no objection subject to conditions and informatives</b>
4.6	<b>Ecology- no objections subject to conditions and informatives</b>
4.7	<b>Public Comments</b>
	<b>Two representations in support have been received</b>  Young family with strong local connections

	<p>☐ Property would be well screened</p> <p>☐ Would replace tatty outbuilding currently on the plot</p> <p>☐ Would fit well into the landscape</p> <p>☐ Applicants are upstanding members of the community</p>
5.0	<b>THE MAIN ISSUES</b>
	<p>Principle of development</p> <p>Siting, scale and design</p> <p>Visual impact and landscaping</p>
6.0	<b>OFFICER APPRAISAL</b>
6.1	<b>Principle of development</b>
6.1.1	Shropshire Council Core Strategy Planning Policies CS1, CS5 and CS11, allow for the building of affordable dwellings on rural 'exception sites' to meet specific local needs. The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes with emphasis on rural housing in paras 77-79.
6.1.2	Policy MD7a (Managing Housing Development in the Countryside) of the Site Allocations and Management of Development (SAMDev) Plan states that the long term affordability of single plot exception dwellings will be protected.
6.1.3	According to the SPD Type and Affordability of Housing (SPD), rural exception sites are generally required to be within or adjoining "recognisable named settlements" and should not constitute isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character.
6.1.4	It is noted that permission has been granted for a similar affordable dwelling nearby under ref 14/01784/FUL. Accordingly, to the extent that Moat is deemed to be a settlement according to the requirements of the SPD, 14/01784/FUL gives significant weight to establishing the principle of development.
6.1.5	The applicant has produced correspondence from a former Area Planning Manager who considered in 2013 that the application site met policy requirements, at least in principle. This advice would have been given in the context of the 2012 NPPF, Core Strategy, SPD Type and Affordability of Housing, though not the current SAMDev Plan which was adopted in 2015.
6.1.6	The application is supported by the Parish Council.
6.1.7	The principle of development at Moat is therefore established.

6.2	<b>Siting, scale and design</b>
6.2.1	The NPPF (Chapter 12) seeks to achieve well designed places and high quality buildings.
6.2.2	The SPD states that exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement. Development should be in harmony with the character of the area, of a suitable design and construction materials and appropriate to its location.
6.2.3	The dwelling is to be positioned approx. 110m west of the Moat House across an open field. The site is the preferred option of the applicant, being one of four option sites put forward in pre-application discussion in early 2017. Another site suggested by the applicant at the time was immediately adjacent to Moat House. Officers considered this to be a far better location since the dwelling would form a closer association with the existing buildings of Moat.
6.2.4	The other two sites discussed at pre-application stage were: <ul style="list-style-type: none"> <li>❑ In an area of woodland at risk of flooding between Moat House and farm buildings to the east.</li> <li>❑ In a position approx. opposite Moat House, adjacent to the existing exception dwelling approved under ref 14/01784/FUL.</li> </ul>
6.2.5	Given the above, the Council's pre-application response of 2017 informed the applicant that a site next to the Moat House was the most suitable and would be the only option likely to receive Council support in terms of site specific issues.
6.2.6	There are no known material planning reasons why the site immediately next to Moat House cannot be supported by Officers.
6.2.7	It is not entirely clear why the applicant has departed from earlier advice. However Officers have discussed with the applicant a potential solution immediately adjacent to the Moat House, whereby a sufficient level of privacy could be secured by boundary hedge planting, landscaping, or positioning of the garage against the boundary, thus achieving quite satisfactory separation between neighbours. At the same time, the proposed dwelling and garage would better integrate with Moat.
6.2.8	The applicant has sought to justify the location proposed, in part because the dwelling would be served by an existing field access. It is accepted that Officers' preferred location would require formation of a new access through an existing roadside hedge. Equally though the proposed location would appear to threaten a tree between the access and adjacent public footpath, and a further tree to the rear of the site. On balance, together with locational issues they are considered to outweigh the limited harm from removal of a short section of hedge.
6.2.9	The applicant has also placed weight on historical references to Moat Cottages,

	and that the dwelling would remove an unsightly outbuilding. There is no visible trace of Moat Cottages therefore little weight can be placed on its remains in this location. Similarly, if the collapsed outbuilding is considered desirable to remove, it could easily be done so without developing the site.
6.2.10	Officers do not consider the proposed position for the dwelling has been adequately justified, and in any event there appears to be a viable alternative which closer aligns with the settlement strategy and related planning policies. This viable alternative has been discussed in detail and as far as Officers are aware, remains a realistic option for the applicant to pursue.
6.2.11	The dwelling now proposed would stand rather isolated from Moat, and as far as it can be described as a settlement, represents unwarranted encroachment into more open countryside.
6.2.12	CS6 and MD2 together seek to secure sustainable development and design.
6.2.13	In terms of its construction, the dwelling is to be clad using a combination of facing brick and dark stained timber cladding, under a slate roof. Together with aluminium window frames, oak frame balcony and extensive glazing, the dwelling has a more contemporary, rather than traditional design. Despite this, materials are high quality.
6.2.14	The double garage is to have two timber doors and an adjoining log store, constructed from similar materials.
6.2.15	Setting aside locational issues, the overall design of the dwelling is on balance acceptable and in accordance with CS6 and MD2. Officers consider that a dwelling of reduced height could be preferable, and this could also dispense with the void in the roof space. As it stands however, the value of the roof space for additional domestic use is very limited since there are no window openings. A further application would be necessary to install additional windows.
6.3	<b>Visual impact and landscaping</b>
6.3.1	Linked to the settlement strategy, is the visual impact of a new full height two storey dwelling in a more isolated countryside location and on a lane which passes through noticeably undeveloped farmland. The dwelling and garage would be visually prominent from the highway, and would represent unjustified development in an area characterised by enclosed pasture and farmland. Officers note there are extremely few dwellings situated on the lane to the west towards Church Pulverbatch and Pulverbatch.
6.3.2	To some extent, visual harm from the full height dwelling and garage in this location can be mitigated by additional tree planting, though the scope is not considered sufficient to outweigh the general requirements to protect the countryside as per CS5.

<b>7.0</b>	<b>CONCLUSION</b>
7.1	Officers acknowledge the applicant has demonstrated a housing need.
7.2	However most importantly, there appears to be a realistic alternative in meeting the identified housing need while still achieving the requirements of CS5 and settlement strategy related policies. This alternative option was put forward at the pre-application stage and remains open for the applicant to pursue. Officers therefore conclude the identified housing need should not outweigh conflict with the collective requirements of the NPPF, CS5, CS11, MD7a and the Type and Affordability of Housing SPD.
7.3	Planning permission is recommended refused.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <p>❑ 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.</p> <p>❑ 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.</p> <p>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.</p>
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

	<p>balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>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.</p>

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

### RELEVANT PLANNING HISTORY:

PREAPP/16/00621 Single plot exception site PREAIP 27th January 2017

18/01707/FUL Erection of an affordable dwelling and detached double garage, installation of septic tank PDE



## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member Cllr Dan Morris
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Appendices APPENDIX 1 - Conditions
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## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

#### **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

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