



Committee and date
South Planning Committee
9 April 2019

Development Management Report

Responsible Officer: Tim Rogers
email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/00945/FUL	Parish:	Morville
Proposal: Erection of one affordable dwelling with detached 2-bay garage block		
Site Address: Proposed Exception Site Dwelling NE Of The Barn Underton Bridgnorth Shropshire		
Applicant: Mr Neil Williams		
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk	

Grid Ref: 368100 - 291843



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Contact: Tim Rogers (01743) 258773

Recommendation :- Committee resolved, contrary to the Officers recommendation, to grant planning permission, subject to a S106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity and conditions. The amended design is acceptable, subject to the receipt of acceptable details to address the Arboricultural issues raised by the SC Tree Officer and recommended conditions (Appendix 1). A Section 106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity has been completed.

REPORT

1.0 THE PROPOSAL

- 1.1 This application was first considered at the Planning Committee (South) on the 25.09.2018 where it was resolved, contrary to the Officers recommendation, to grant planning permission, subject to a S106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity. However whilst drawing up the legal agreement the applicant has decided to submit an amended plans which propose changes to the design of the dwelling. Re-consultation has taken place with the neighbouring properties and legally, where a planning application has been to committee, if anything material changes before the decision is issued, that committee is not aware of, it has to go back to the Committee.
- 1.2 As previously the applicant seeks full planning permission for the construction of an affordable dwelling house and detached garage under the Councils Single Plot Exception Site scheme on land north east of The Barn, Underton. (The original Report and the Committee Minutes are appended to this Report).
- 1.3 The main amendments, may be summarised as follows:
- The roof of the dwelling has been lined up and levelled out. The changes propose two separate, angular roof pitches to replace one larger, shallower pitch.
- Originally the scheme included the land being re-profiled to include a level platform upon which the dwelling was to be built. The amended scheme proposes the topography of the site has been largely left as it is rather than re-profiled. The dwelling has therefore been amended to create a balcony/terraced area on the north eastern elevation.
- The design of the garage roof has been changed from a gabled to a hipped roof.
- 1.4 The applicant has also decided to submit Arboricultural details which were originally proposed to be addressed by way of an appropriately worded pre-commencement condition together with details of the external materials to be used.
- 1.5 As previously the dwelling would be a single storey building with the accommodation confined to the ground floor and consisting of two bedrooms and an open plan sitting room with dining area and kitchen. The amended scheme includes a curved balcony area where previously there was proposed to be a patio and a “house” bathroom where originally there was proposed to be an en-suite arrangement.

- 1.6 As originally proposed the dwelling would have an individual appearance the walls being clad in timber and the roof covered in tiles.
- 1.7 Since the application was considered at the Planning Committee details of the external materials have been submitted, these may be described as follows:

Roofing materials

Natural slate - Slatescape Passaro

External walls

Brickwork plinth – Imperial, Ironbridge 50/50 mix

Horizontal timber boarding – Siberian Larch left natural

uPVC window frames – Synseal in Chartwell Green

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within an area defined by planning policy to be open countryside. It is located to the western side of the settlement of Underton and accessed via a private drive which serves the existing barn conversion known as The Barn. The private drive joins the highway some 500 metres to the east. The site occupies an elevated position, the land falling away to the east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application was first considered at the Planning Committee (South) on the 25.09.2018 where it was resolved, contrary to the Officers recommendation, to grant planning permission, subject to a S106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity. However whilst drawing up the legal agreement the applicant has decided to submit an amended plans which propose changes to the design of the dwelling. Re-consultation has taken place with the neighbouring properties and legally, where a planning application has been to committee, if anything material changes before the decision is issued, that committee is not aware of, it has to go back to the Committee.

4.0 Community Representations

Please Note: All responses are available to view in full on the Council's website.

- Consultee Comments

- 4.4 SC Trees – (01.03.2019.)

Confirms that having reviewed the submitted Arboricultural Method Statement (AMS) (OOTC/PC18/293/MS, Old Oak Tree Care, 24th January 2019) and whilst he is content with its findings and recommendations, notes that it is based upon the previously approved layout. As revised drawings have been submitted (registered 19th February 2019) and AMS must be reviewed by its author to ensure that both its findings and recommendations remain unchanged and equally applicable to the new layout and design, or amendments are made to the AMS accordingly. The Tree Protection Plan within the AMS is a critical component of the measures to be employed to protect trees during development and it is essential that this Plan is based upon the final approved layout.

Further as previously concerns are raised regarding the slopes on the site and the potential need for extensive cut and fill type operations to provide a level development platform for the house and its detached garage. Questions whether any cut be required within the root zone of the oak tree north of the site, or any fill (or even a retaining feature such as a wall or gabions) within the root zones of ash trees to the south.

Requests further information about current and future site levels and reference made within the AMS to show that the subject has been considered. Requests further information or reassurance be provided prior to determination of this application, as appropriate to show that the issue of site levels and the potential impact on tree roots has been considered and taken into account within the approved drawings and the AMS. Considers that this matter important to ensuring the viable and safe retention of significant trees adjacent the site.

- 4.11 - Public Comments
Neighbour re-consultation letters sent 19.02.2019. No representations received.

5.0 THE MAIN ISSUES

Visual impact considerations of the amended scheme
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Visual impact considerations of the amended scheme

- 6.1.1 The amended design is considered reflective of contemporary materials and design. The siting remains unaltered within the application site and the proposed building would not be any more prominent than previously accepted.
- 6.1.2 As noted above the SC Tree Officer has raised issues which require clarification. The concerns initially raised have been largely addressed by the additional information contained in a letter from the applicants Tree Consultants (Old Oak Tree Care –dated 13.03.2019). However the issue regarding the location of drainage infrastructure within the root protection areas of trees to the south and east of the dwelling remain to be addressed. At the time of writing this report further information is awaited.

6.2 Residential Amenity

- 6.2.1 It was previously accepted that the erection of a dwelling as proposed would lead to no undue loss of residential amenity by virtue of loss of privacy, overbearing or overshadowing impacts. It is considered that the amendments proposed would not alter that view.

7.0 CONCLUSION

- 7.1 The amended design is acceptable, subject to the receipt of acceptable details to address the Arboricultural issues raised by the SC Tree Officer. A Section 106 Agreement to ensure the dwelling remains an affordable dwelling in perpetuity has been completed.

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
Shropshire Core Strategy and SAMDev Plan Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD7a Managing Housing Development in the Countryside
MD12 The Natural Environment
MD13 The Historic Environment
S3 Bridgnorth Place Plan Area
SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

11/04105/FUL Application under Section 73a of the Town and Country Planning Act 1990 for change of use from private stable yard to commercial equestrian livery; construction of manege and erection of detached holiday let (part retrospective) NPW 15th November 2011
11/05373/FUL Erection of one detached holiday let with formation of new driveway; installation of septic tank drainage system; landscaping scheme WDN 14th March 2012
13/04683/FUL Erection of a dwelling to be used as holiday let; installation of septic tank REFUSE 23rd May 2014

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

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

Ecology Report
Arboricultural Report
Arboricultural Method Statement & Letter Old Oak Tree Care
Supporting Statement

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Robert Tindall

Appendices

APPENDIX 1 – Conditions

APPENDIX 2 – Original Committee Report (25.09.2018)

APPENDIX 3 – Minutes of the Meeting held on 25.09.2018

APPENDIX 1

Conditions

STANDARD CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The external materials shall be as samples submitted 16.01.2019.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of the visual amenities of the area.

4. The development shall be implemented in accordance with the approved final Arboricultural Method Statement and Tree Protection Plan. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

5. Work shall be carried out strictly in accordance with the Ecological Appraisal prepared by Greenscape Environmental Ltd (July 2018).

Reason: To ensure the protection of great crested newts, a European Protected Species.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

7. Prior to first occupation / use of the building, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 1 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and the NPPF.

8. Prior to first occupation / use of the building, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 1 artificial bird boxes, of either integrated brick design or external box design, suitable for House Sparrow, Swallow & Wren should be installed on site. The boxes should be sited in an appropriate location and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and the NPPF.

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

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

10. The dwelling hereby permitted shall not exceed 100 square metres gross internal floor area, including any future extensions. No further internal habitable space shall be created by internal alterations.

Reason: To ensure that the dwelling is of a size appropriate to the local affordable housing market.

11. Notwithstanding the provisions of Schedule 2 part 1 of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any Order revoking or re-enacting that Order), no garage, carport, extension or other building shall be erected within the curtilage of the dwelling hereby permitted without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control of the siting and external appearance of any buildings to be erected in the interest of visual amenity and to maintain the future affordability of the dwelling.

Contact: Tim Rogers (01743) 258773

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD7a Managing Housing Development in the Countryside
MD12 The Natural Environment
MD13 The Historic Environment
S3 Bridgnorth Place Plan Area

SPD on the Type and Affordability of Housing

APPENDIX 2 – Committee Report 25.09.2018.



Committee and date

South Planning

Committee 25

Development Management Report

Responsible Officer: Tim Rogers
email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 18/00945/FUL	Parish: Morville
Proposal: Erection of one affordable dwelling with detached 2-bay garage block	
Site Address: Proposed Exception Site Dwelling NE Of The Barn Underton Bridgnorth Shropshire	
Applicant: Mr Neil Williams	
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk

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Recommendation:- Refuse

It is acknowledged that Shropshire has an acute housing need for affordable homes, and in this case the basis of the application is a specific medical need, level access and the applicants desire to remain in the local area due to community involvement. The proposal would however constitute development that is poorly sited in relation to the surrounding built form of this part of Underton and would unnecessarily encroach into the open countryside. As such the site would not reflect the local character of the dwellings in the area by reason of it being set back from the roadside and accessed via a long private drive. Whilst it is noted that this drive serves the existing barn conversion currently occupied by the applicants this dwelling was created through the re-use of an existing farmstead which is part of the countryside landscape and not part of the settlement.

As such the proposal would be contrary to Policy MD7a 'Managing Housing Development in the Countryside' of Shropshire Council's SAMDev Plan, Policy CS5 'Countryside and Green Belt' of the Core Strategy and Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD).

REPORT**1.0 THE PROPOSAL**

- 1.1** This application seeks full planning permission for the construction of an affordable dwelling house and detached garage under the Councils Single Plot Exception Site scheme on land north east of The Barn, Underton.
- 1.2** The dwelling would be a single storey building with the accommodation confined to the ground floor and consisting of two bedrooms with en-suite facilities and an open plan sitting room with dining area and kitchen.
- 1.3** The proposed dwelling would have an individual appearance the walls being clad in timber and the roof covered in tiles. The building has been designed to include a significant element of roof, areas of glazing and also traditional features such as a chimney.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The site is located within an area defined by planning policy to be open countryside. It is located to the western side of the settlement of Underton and accessed via a private drive which serves the existing barn conversion known as The Barn. The private drive joins the highway some 500 metres to the east. The site occupies an elevated position, the land falling away to the east.
- 2.2** Permission to convert former agricultural buildings was approved in 1990 (planning permission 90/0399). Planning permission has more recently been refused for the erection of a holiday let dwelling on this site on the grounds that it would not be located in a position within or adjoining a settlement which meets the criteria set out in Core Strategy Policy CS16, and would not be required in connection with any established tourism development at the site. In addition the building was, by reason of its substantial two storey massing, overtly domestic features including projecting

canopy roof over the balcony area and use of a palette of material not in keeping with the local area, considered not to promote or reinforce local distinctiveness and would detract from the visual amenity and rural character of the area, and would therefore be contrary to policies CS6 and CS17 of the Shropshire Core Strategy and also paragraph 60 of the NPPF.

- 2.3** Furthermore an application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use has recently been determined as requiring planning permission as the works required in order to implement the scheme appeared to extend beyond the scope of that allowed under Class Q. The building subject of that application lies to the south of The Barn currently inhabited by the applicants.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1** The Ward Member has requested that the application is determined by the Planning Committee. The Senior Planning Officers in consultation with the chairman and vice chairman have considered this request and concluded that the application does raise issues which warrant consideration by Committee.

4.0 Community Representations

Please Note: All responses are available to view in full on the Council's website. Where consultees have made more than one set of comments, the latest comments are set out first below, in order to show where any earlier concerns have been overcome.

- Consultee Comments

- 4.1** Morville Parish Council - No objections.
- 4.2** SC Affordable Housing – (31.05.2018.)
- 4.2.1** Confirm that Mr Williams and Ms Miles have demonstrated strong local connections to the administrative area of Morville Parish Council. After considering the couples housing needs and personal circumstances, they confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied in terms of eligibility.
- 4.3** SC Affordable Housing – (17.04.2018.) Further information requested.
- 4.4** SC Trees – (06.09.2018.)
- 4.4.1** Confirms that whilst there are still some reservations regarding proximity of the proposed dwelling to offsite trees, the most recent version of the Site Layout Plan SA27652/06 Rev E is considered to be acceptable from an arboricultural perspective.
- 4.4.2** The submitted Arboricultural Report (Old Oak Tree Care, 30th May 2018) proposes suitable measures to be taken to enable construction of the proposed dwelling without causing significant damage or harm to retained and adjacent trees. However, the layout of the scheme has altered since the report was prepared and

thus a new Tree Protection Plan will be required.

- 4.4.3 The scheme requires extensive cut and fill works to provide an elevated platform for the dwelling. Detailed method statements will also be required, with engineering specifications and drawings as appropriate, showing how the proposed development platforms will be achieved on site without encroaching significantly into the root protection area (RPA) of offsite trees Hw12, Hw13, As10, As11 and Ok5. This may entail the use of substantial retaining walls or gabions or other such feature, constructed outside, or with minimal incursion into, the RPA of adjacent trees.
- 4.4.4 Therefore, whilst there is no objection in principle to this application on arboricultural grounds, should permission be granted recommend conditions requiring a final tree protection plan and further arboricultural method statement to be agreed with the Local Planning Authority.
- 4.5 SC Trees – (16.07.2018.)
- 4.5.1 The Arboricultural Report (Old Oak Tree Care, 30th May 2018) identifies the trees within and adjacent the site and assesses their condition and suitability for retention in light of the proposed development. It describes the arboricultural impacts of the proposals and suggests measures for mitigation of damage to retained onsite and adjacent trees.
- 4.5.2 I agree that the most significant tree is the mature oak identified as Ok5 in the tree report, which has been classified as a category A tree in accordance with the criteria of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. Category A and B trees are generally regarded as being the most suitable for retention and protection during development of a site. Tree Ok5 is located offsite but overhangs the western boundary. I agree that it is important to avoid causing damage or harm to this tree as a result of any approved development taking place. Suitable tree protection measures have been provided in the tree report.
- 4.5.3 I also do not object to the loss of three category C silver birch and a hybrid poplar in order to create a new access point to the site. These trees are within the site and have no wider amenity value.
- 4.5.4 I do, however, disagree with the classification of ash trees As10 and As11 as category C. The tree report records these mature trees as being in good structural and physiological condition and in my opinion they should be more correctly classified as category B. The tree report states that these trees cannot be considered as valuable assets to the area, questioning their longevity due to likelihood of dying from Chalara die-back disease of ash. However, it is not certain that these particular trees will succumb to the disease, nor, if they did, how far into the future that might be. What is known, however, is that heavy pruning of a mature ash tree will stimulate fresh growth that is more susceptible to infection from Chalara. The tree report recommends removing all overhanging branches from these trees up to 5m above ground level, as access facilitation pruning to enable construction of the proposed development.

- 4.5.5 In my opinion it would be preferable to amend the layout, so as to move the proposed dwelling slightly further from the eastern boundary and thereby reduce the need for significant pruning works to trees As10 and As11. First analysis of the Proposed Site Layout plan (SA27652/06 Rev C, Berrys, Feb 2018) suggests that there is scope to move the dwelling slightly diagonally across the site towards the northern corner, taking it out of the canopy spread of ash trees As10 and As11. This would have the additional benefit of also moving the dwelling further away from the mature oak tree Ok5, which would help to ameliorate proximity related concerns (such as excessive shading, overhang, leaf fall, tree safety and overbearing presence) arising from having the front of a single storey dwelling practically touching the canopy of a mature tree.
- 4.5.6 I would appreciate a response to this suggestion to slightly adjust the layout from the applicant or their agent, prior to forming my final opinion on this application.
- 4.6 SC Trees – (30.04.2018.)
Additional information is requested in order to demonstrate the arboricultural implications of the proposed development.
- 4.7 SC Ecology – (16.08.2018.)
Recommend conditions and informatives.
- 4.8 SC Ecology – (26.04.2018.)
Additional information is requested relating to ecology, bats and environmental network.
- 4.9 SC Highways – No objections.
“It is considered that it is unlikely that the addition of one dwelling here, will significantly adversely affect highway safety or local conditions.”

“The access from this proposed property is onto a private road which junctions with the highway, the junction being adequate.”
- 4.10 SC Drainage – Recommend informative.
- 4.11 - Public Comments
Site notice displayed/dated 12.04.2018. Expired 03.05.2018.
- 4.12 One representation received from the CPRE
“In the instance of this particular case, it is apparent that Shropshire Council’s Housing Enablement Officer has accepted that the eligibility criteria have been met. We are confident that you will be able to rule on a suitable site location in line with the rules within the SPD about site location within named loose-knit settlements.”

“We also note the comments made by Berrys on 8 May and their reference to our website. We do indeed fully endorse Shropshire Council’s “single plot” rural exception site rules, which as well as enabling local people to continue to live

locally, also help Shropshire Council to reach a higher percentage of affordable housing across the county than would otherwise be the case. As to the housing targets being too high, we are aware that Berrys as a firm submitted nearly 60 separate representations during the latest consultation on the Local Plan Review, mostly endorsing the high housing targets, or higher, currently preferred by Shropshire Council's Planning Policy team."

4.13 One representation received in support of the application.

5.0 THE MAIN ISSUES

Principle of development
Siting and visual impact considerations
Residential amenity
Ecology
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.

6.1.2 Paragraph 11 of the National Planning Policy Framework (NPPF – 2018) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.1.3 The National Planning Policy Framework ('NPPF') has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.

6.1.4 Principally, the site is outside of the development boundary of any Market Town, Key Centre, Community Hub or Cluster, as defined within Shropshire Council's Site Allocations and Management of Development ('SAMDev') Plan. The site is therefore defined in planning policy terms as being within the open countryside.

6.1.5 Policy CS5 states that development may be permitted where it constitutes accommodation for an essential countryside worker or named individuals with strong local connections who are in demonstrable housing need. Such developments falling under the criteria of being for an essential rural worker or for affordable housing are subject to prior completion of a legal agreement to control both initial and future occupancy and to cap the resale value. This is discussed further within Shropshire Council's Type and Affordability of Housing Supplementary Planning Document ('SPD').

6.1.6 The Council's Single Plot Exception Site policy includes households who occupy accommodation which is deemed to be unsuitable for either their current or

reasonably foreseeable future needs for a medical condition or mobility issue. In this case Shropshire Council's Affordable Housing team confirms that the applicant is eligible for an affordable dwelling under the Council's Single Plot Exception Site scheme.

6.1.7 Amongst other criteria, Shropshire Council's Type and Affordability of Housing SPD prescribes a maximum floor space of 100 square metres for owner-occupied affordable homes on single plot exception sites in order to help to ensure that they remain affordable to other local people in housing need in the future. It is important to note that this limit currently does not include any detached outbuildings such as garages. The SPD also specifies a maximum plot size of 0.1 hectares. In this case the proposed dwelling would not exceed the 100 square metre threshold and the plot size would be less than 0.1 hectare.

6.1.8 Given that the applicant is eligible for a single plot affordable dwelling, the acceptability or otherwise of this particular proposal rests on an assessment of the material planning considerations set out below.

6.2 Siting and visual impact considerations

6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. Proposals are required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.

6.2.2 Development is encouraged where it is sensitively designed, reflects the needs of the local community and contributes towards infrastructure and affordable homes for local people. This is largely echoed within Policy CS5 'Countryside and Green Belt' of the Core Strategy and MD12 'Natural Environment' of the SAMDev Plan which seeks to protect, maintain and where appropriate enhance the local environment; and Policy CS17 'Environmental Networks' of the Core Strategy.

6.2.3 This is a sensitive case in that whilst it is noted that there is an acute affordable housing need throughout Shropshire, planning policy is very clear that new development will be strictly controlled in order to protect the countryside, as such both matters should be awarded significant amounts of weight.

6.2.4 The proposed dwelling would be accessed off the private drive which serves the existing barn conversion. This drive winds up from the public highway between existing dwellings known as Westholme and Underton Cottage to The Barn some 500 metres from the highway. The settlement of Underton is characterised by development which addresses the public highway running through the settlement. The proposed site is divorced from the settlement being located some 250 metres from the public highway up a private driveway. As such it is considered that the proposal would not meet the locational criteria of Policy MD7a 'Managing Housing Development in the Countryside' of Shropshire Council's SAMDev Plan, Policy CS5 'Countryside and Green Belt' of the Core Strategy and Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD).

6.2.5 Whilst the proposed dwelling would have an individual design not necessarily considered to be in keeping with the local vernacular, the site is not particularly prominent and, in the light of para. 127 (c) of the NPPF which states that decisions should ensure (amongst other criteria) that developments :

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

6.2.6 The design is considered reflective of contemporary materials and design. The siting within the application site has been amended to take in account the constraints imposed by the existing trees and reduce the need for significant pruning works to trees. The proposed building would not be particularly prominent, and its impact on the visual amenity of the landscape character of the area would be limited, it is nevertheless considered that the proposed location of the building, would not be appropriate development in the countryside and no justification has been identified to warrant such development contrary to adopted local planning policies.

6.3 Residential Amenity

6.3.1 Core Strategy Policy CS6 seeks to safeguard residential amenity. It is accepted that the erection of a dwelling as proposed would be to a large extent screened from the existing dwellings by the existing trees and considered that the separation distances are sufficient to ensure that there would be no undue loss of residential amenity by virtue of loss of privacy, overbearing or overshadowing impacts.

6.4 Ecology

6.4.1 Any new development in the open countryside must ensure that it does not result in harm to any protected species and increase biodiversity to be compliant with the requirements of Section 15 of the National Planning Policy Framework. The application has been supported by an Ecological Assessment (Greenscape Environmental) which has been assessed by SC Ecology Team.

6.4.2 There are ponds within 250m of the site. The pond to the north is dry, and the pond to the south is said to be separated by a stream. Natural England's rapid risk assessment comes out as green (offence highly unlikely) due to the size of the development and distance from the pond. Greenscape Environmental have provided a reasonable avoidance method statement which may be conditioned should planning permission be granted.

6.4.3 It is considered that appropriate conditions and informatives would ensure that ecological interests are protected.

6.5 Drainage

6.5.1 Details submitted with the application confirm that the foul drainage would be disposed of via a septic tank and that the surface water would be disposed of via soakaways. A Foul Drainage Assessment form has also been submitted with the application. The Councils Drainage Team and raise no objection subject to informatives. The drainage will require approval under building regulations to

ensure that it functions satisfactorily.

7.0 CONCLUSION

7.1 it is acknowledged that Shropshire has an acute housing need for affordable homes, and in this case the basis of the application is a specific medical need, level access and the applicants desire to remain in the local area due to community involvement. The proposal would however constitute development that is poorly sited in relation to the surrounding built form of this part of Underton and would unnecessarily encroach into the open countryside. As such the site would not reflect the local character of the dwellings in the area by reason of it being set back from the roadside and accessed via a long private drive. Whilst it is noted that this drive serves the existing barn conversion currently occupied by the applicants this dwelling was created through the re-use of an existing farmstead which is part of the countryside landscape and not part of the settlement.

7.2 As such it is considered that the proposal would not meet the locational requirements of Policy MD7a 'Managing Housing Development in the Countryside' of Shropshire Council's SAMDev Plan, Policy CS5 'Countryside and Green Belt' of the Core Strategy and Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD).

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

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD7a Managing Housing Development in the Countryside
MD12 The Natural Environment
MD13 The Historic Environment
S3 Bridgnorth Place Plan Area

SPD on the Type and Affordability of Housing

Contact: Tim Rogers (01743) 258773

RELEVANT PLANNING HISTORY:

11/04105/FUL Application under Section 73a of the Town and Country Planning Act 1990 for change of use from private stable yard to commercial equestrian livery; construction of manege and erection of detached holiday let (part retrospective) NPW 15th November 2011
 11/05373/FUL Erection of one detached holiday let with formation of new driveway; installation of septic tank drainage system; landscaping scheme WDN 14th March 2012
 13/04683/FUL Erection of a dwelling to be used as holiday let; installation of septic tank REFUSE 23rd May 2014

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Ecology Report
Arboricultural Report
Supporting Statement
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Robert Tindall