

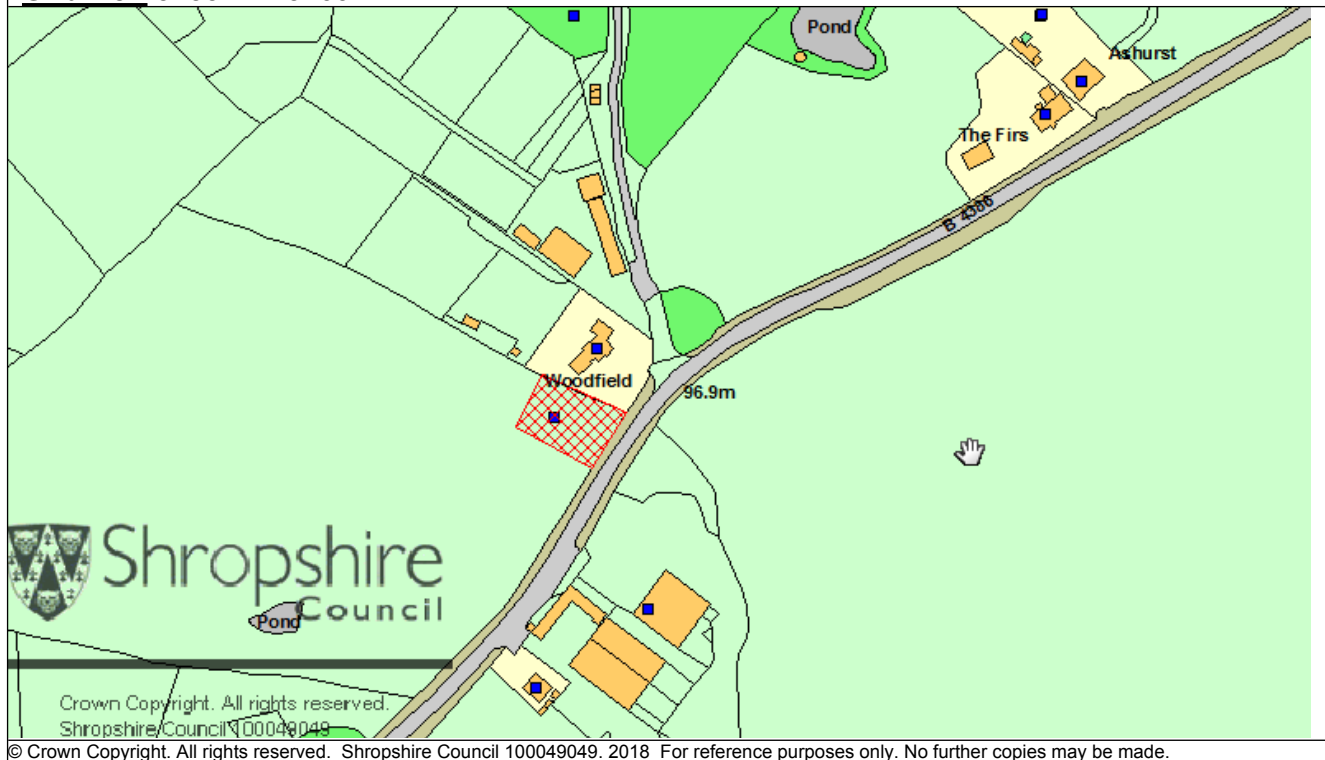
Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

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| <u>Application Number:</u> 19/01303/OUT | <u>Parish:</u> | Pontesbury |
| <u>Proposal:</u> Outline application for the erection of one (affordable) dwelling to include access | | |
| <u>Site Address:</u> Proposed Affordable Dwelling South of Woodfield Cruckton Shrewsbury Shropshire | | |
| <u>Applicant:</u> Mr & Mrs D Harrison-Rogers | | |
| <u>Case Officer:</u> Jane Raymond | <u>email:</u> planningdmc@shropshire.gov.uk | |

Grid Ref: 343374 – 310924**Recommendation: Refuse****Recommended reason for refusal:**

1. The proposed site is not considered to be within or adjacent to the named settlement of Cruckton and the development of this site to provide an affordable dwelling in a countryside location would therefore be contrary to Core Strategy policies CS5 and CS11 and SAMDev policy MD7a and the Type and Affordability of Housing SPD.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application relates to outline planning permission for the erection of a single plot affordable dwelling to include means of access with all other matters reserved.
- 1.2 The application is a re-submission of an earlier application that was withdrawn by the applicant when they were advised that the application was recommended for refusal under delegated powers.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is the north east part of a field situated to the south of 'Woodfield' which is a house owned by the parents of the applicant.
- 2.2 Woodfield is situated 5 miles south west of Shrewsbury, 4 miles north east of Pontesbury and approximately a mile north of Cruckton.

- 2.3 The site is situated off the B4386 and is proposed to be accessed via an existing drive that serves 'Woodfield'.
- 2.4 The earlier application that was withdrawn was for a site to the north of 'Woodfield', set back from the highway and was proposed to be accessed via a track that is also a public footpath.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have submitted a view contrary to officers and the Local Member has requested that the application be referred to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Planning Services Manager in consultation with the committee chairman and vice chairman to be based on material planning reasons.

4.0 **Community Representations**

4.1 **- Consultee Comments**

- 4.1.1 **WSP on behalf of SC Highways:** No Objection subject to the development being constructed in accordance with the approved details, and the suggested conditions and informatives.

The proposal seeks outline consent with access as a determined matter and all other matters reserved for the development of an affordable dwelling on land to the south of Woodfield, Cruckton, Shrewsbury. The development will share the existing access to Woodfield off the B4386 rural road, which is likely to require some improvements to accommodate the additional traffic from a further dwelling. A shared access drive should be a minimum of 4.2m in width, maintained for the first 6 metres. If it is bounded by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is to allow a vehicle to enter at the same time as a vehicle leaving the premises without obstructing the adjoining highway. Vehicles entering the property from the south west will have an immediate tight turn to run along the new access drive parallel to the road and sufficient space should be available for a vehicle entering from the south west to pull clear of the public highway before making the turn.

Any future planning application should provide any and all details necessary to assist with the appropriate determination from a Highways and Transport perspective. As well as, demonstrate that the proposed new vehicular access, associated visibility splays, parking and turning facilities are commensurate with the prevailing local highway conditions, in accordance with 'Manual for Streets 1 & 2'.

- 4.1.2 **WSP on behalf of Shropshire Council Drainage:** Provides advice on sustainable drainage.
- 4.1.3 **SC Affordable Houses:** Has confirmed that the requirements relating to 'housing need' of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

4.2 - Public Comments

4.2.1 **Pontesbury Parish Council:** Strongly supports this application in terms of its location within Cruckton and the local connections of the applicant.

In light of the longstanding difference of opinion regarding the nature and extent of the Cruckton settlement, Pontesbury Parish Council, having consulted with residents in all parts of Cruckton, including the Montgomery Road, maintains its view that the applicant's site is within Cruckton. To suggest that it is not is to ignore the long history of Cruckton as a linear, dispersed settlement as outlined in the Design and Access Statement and accompanying map. Planning policy indicates that each settlement must be viewed on its own merits and in the case of Cruckton this means its special character and layout as a product of the Cruckton Hall estate. Given that there are at least seventeen houses along the Cruckton section of the Montgomery Road it is hard to argue that the applicant's site constitutes isolated or sporadic development.

The Parish Council notes that this application contains significant improvements to the previous one namely;

- i) improved access which no longer uses the bridleway/footpath
- ii) the house is sited further away from farm buildings
- iii) the site is closer to the road and therefore has less impact on open landscape
- iv) the proposed site near an existing farmstead is very much in character with other relatively recent additions in Cruckton

When similar improvements were made to a recent application at Coppice Farm in Cruckton the planning officers gave it their approval despite maintaining that it was not part of Cruckton settlement, presumably on the balance of material planning concerns. Therefore, in the important matter of planning consistency the Parish Council supports this application.

The Parish Council would like to add the following proviso - that any property built should be in keeping with the adjoining property in terms of design, style and character.

4.2.2 **Local Member (Cllr Roger Evans):** I have looked again at this application and note the comments from the Parish Council.

I fully support their comments and was present when the application was considered by that Parish Council. They raise a number of material planning reasons that should enable it to be approved.

This should be supported and if officers are minded to refuse then formally request that this be considered by the Central Planning Committee.

5.0 THE MAIN ISSUES

This application is for outline planning permission with access included and all other matters reserved for later approval. The main issues are:

- ☐ Principle of development

2 Access

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The Housing Supplementary Planning Document (SPD) and Policy CS11 of the Core Strategy provide a positive supportive framework for the consideration of single plot exception sites in rural areas subject to a number of criteria including local housing need and location.
- 6.1.2 Local housing Need: The SPD requires prospective occupiers to demonstrate to the satisfaction of the Councils Housing Enabling Officer that they are in housing need and are unable to identify or afford a suitable alternative home currently available for sale on the open market in the local area or within 5km of the proposed site. They are also required to demonstrate that their housing need should be met in the local area and that they have a strong local connection to the area. The Councils Enabling Officer has confirmed that a local need has been demonstrated and that there are no suitable affordable properties available in the area. The Parish Council support the application and have also confirmed a local connection.
- 6.1.3 Location: The site falls outside any defined development boundary or Community Hub or Cluster settlement identified under MD1 and is therefore considered to be situated in the countryside. Shropshire Core Strategy Policy CS5, supported by SAMDev Policy MD7a, indicates that new development in open countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. However exception may be made if the proposal is for affordable housing to meet a local need in accordance with national and local plan policies.
- 6.1.4 Policy CS11 indicates that exception schemes for local needs affordable housing may be considered on suitable sites in and adjoining recognised named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
- 6.1.5 Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.
- 6.1.6 The Housing SPD advises that 'exception sites' must be demonstrably part of or adjacent to a recognisable named settlement. Paragraph 5.17 advises the following:

'Because a settlement is a relationship between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors. For example, a site a short distance from a loose-knit settlement may be considered "adjoining" while a similar distance in a tightly clustered settlement would not be.'

Paragraph 5.15 also advises that the place name '*might not necessarily be reflected in the postal address*'.

- 6.1.7 The Parish Council and the local member both consider that Cruckton is a dispersed or loose knit settlement and that houses along the B4386 (the majority of which have 'Cruckton' in their name) are within the settlement. However officers consider that Cruckton is a close knit community or settlement and that the application site and existing houses along the B4386 are not considered to be within or adjacent the settlement of Cruckton but are situated in the countryside.
- 6.1.5 The map below indicates the site circled in red and illustrates that it is separated from the settlement of Cruckton approximately a mile by road to the south of the site. Other applications for affordable dwellings referred to by the Parish Council and that have been approved, are located adjacent to and opposite Coppice Farm (16/03379/FUL and 17/05333/FUL respectively). An application site further away from the centre of Cruckton and Coppice Farm and on the other side of Terrace Farm (17/02233/FUL) was refused as it was not considered to be within or adjacent to the named settlement of Cruckton.



- 6.1.5 The proposed site is situated close to the B4386 approximately a mile to the North

of the centre of Cruckton. That it is not within the settlement is further confirmed by the road sign at the cross roads north of Cruckton (and ½ of a mile south west of the application site) stating 'Cruckton ¼ of a mile'.



6.2 Access

- 6.2.1 Access is included in this outline application and is not reserved for later approval. The proposal indicates a shared access drive with the existing access to Woodfield off the B4386. Highways have no objection to the access proposed but have commented that it is likely to require some improvements to accommodate the additional traffic from a further dwelling. If the decision was for approval it is recommended that the conditions suggested by Highways are included on the decision notice to ensure the provision of parking and turning space and a satisfactory means of access to the highway.

7.0 CONCLUSION

- 7.1 The proposed site is not considered to be within or adjacent to the named settlement of Cruckton and the development of this site to provide an affordable dwelling in a countryside location would therefore be contrary to Core Strategy policies CS5 and CS11 and SAMDev policy MD7a and the Type and Affordability of Housing SPD.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② 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 SAMDev Policies: Core Strategy policies CS5 and CS11, SAMDev policy MD7a and the Type and Affordability of Housing SPD.

RELEVANT PLANNING HISTORY:

18/05272/OUT Outline application for the erection of a single plot affordable dwelling to include means of access WDN 9th January 2019

11. Additional Information

List of Background Papers

19/01303/OUT - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POO6NGTDKV600>

Cabinet Member (Portfolio Holder) - Cllr G. Butler

Local Member - Cllr Roger Evans