

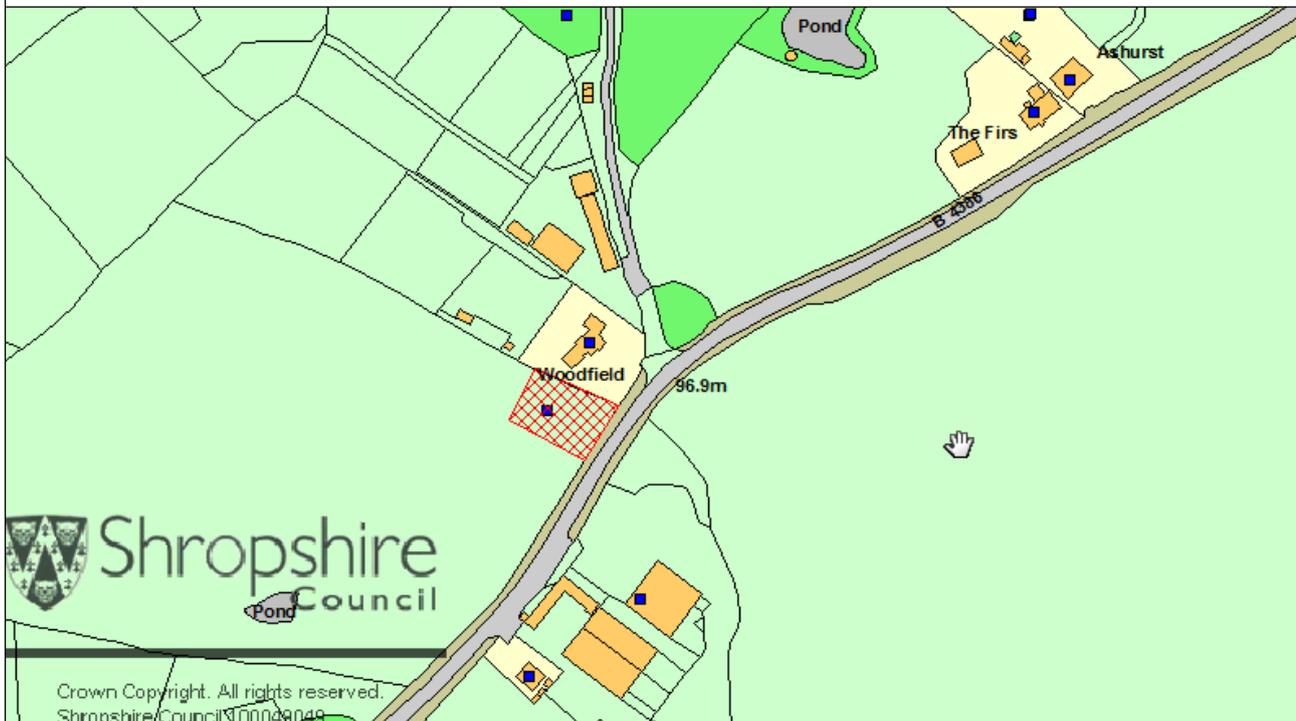
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

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

**Grid Ref:** 343374 – 310924



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**Recommendation: Refuse**  
**Recommended reason for refusal:**

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

## REPORT

### 1.0 PURPOSE OF REPORT

- 1.1 This application was previously considered by the Central Planning Committee at its meeting on 9th May 2019. At that meeting members resolved that consideration of the application be deferred to a future meeting of this Committee at the request of the agent, local member and Parish Council to allow for further information to be provided in relation to the location of the site and its relationship to Cruckton.
- 1.2 Additional information has now been submitted and this report provides members with a summary and assessment of the additional information and public comments received.
- 1.3 This report should be read in conjunction with the Committee Report of 09 May 2019 (Appendix 1) and the additional letters schedule (Appendix 2) and the late representation from the agent and the Parish Council (PC) provided to members at the committee (Appendix 3).

### 2.0 SUMMARY OF ADDITIONAL PUBLIC COMMENTS RECEIVED

- 2.1 A total of four letters from local residents have been received, three letters contained within the additional letters schedule at Appendix 2 of this report and one additional letter received since the 9 May committee summarised as follows:
  - The Hare and Hounds pub has a postal address of Cruckton and is approximately 100 yards from the application site.
  - If the centre of Cruckton is at Cruckton Hall School, as it is being suggested, this is 0.6miles from the site and closer distance than some local village radius: Baschurch is approximately 1.3miles, Ruyton XI Towns is 1mile, Bicton is 1.3miles, Worthen is 0.9miles.
  - In comparison, Tricia and Dan are planning to build their family home on a site of a similar distance, if not closer, to the centre of their desired village of Cruckton.
  - For the past 10 years has known the family as living in and being part of Cruckton, and they are a strong part of the community where the family work and Tricia runs her business.
  - They have many friends in the area and the children are incredibly happy and

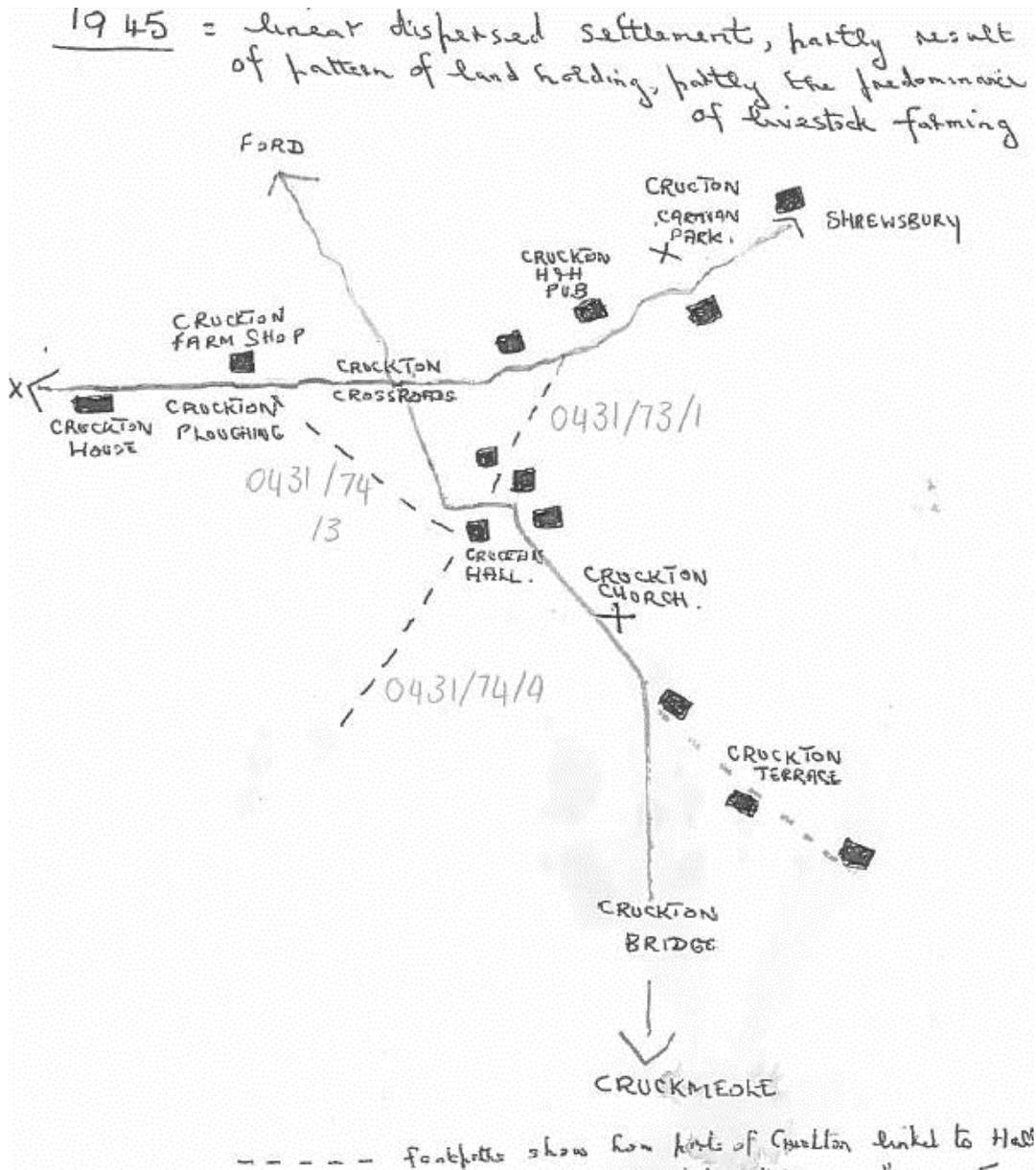
settled near their friends and school. It would be heart-breaking to have to move the children from where they are so happy and for Tricia to lose business and income if they were to move away from the area, all because of a dispute of location.

3.0 **SUMMARY OF ADDITIONAL INFORMATION RECEIVED FROM AGENT**

3.1 The applicants Trish and Dan, local residents - who also spoke at committee, the parish council and the local ward member all believe that Cruckton is a loose knit settlement which has evolved around Cruckton Hall and its estate land over the last 200 years.

3.2 In 1945 Cruckton was a dispersed 'T' shaped settlement with no nucleus and with several footpaths running through it linking the settlement together.

3.3 1945 = linear dispersed settlement, partly result of pattern of land holding, partly the predominance of livestock farming



3.4 Above is a map showing the footpath links across the settlement linking the hall to the

local pub (usually the heart of a settlement) and which is adjacent the application site. Note that there are 14 houses in total and only 5 in what planning officers refer to as the nucleus. Since 1945 both the dispersed element and the nucleus have expanded.

3.5 Also note that all the addresses have 'Cruckton' place names. To the west of the T shape is Cruckton farm shop, the Cruckton ploughing match which has taken place for the last 86 years and Cruckton House. Further east of the site there are a number of properties, the most Easterly of which is Cruckton caravan park.

3.6 Cruckton was formerly an estate and Cruckton Hall employed a large number of people many of which walked to their place of work via footpath links and then motorised vehicles, which lead to the road pattern. Following the breakup of the estate, the hall and its land was divided into 6 separate holdings, the majority of which are located along the Montgomery Road.

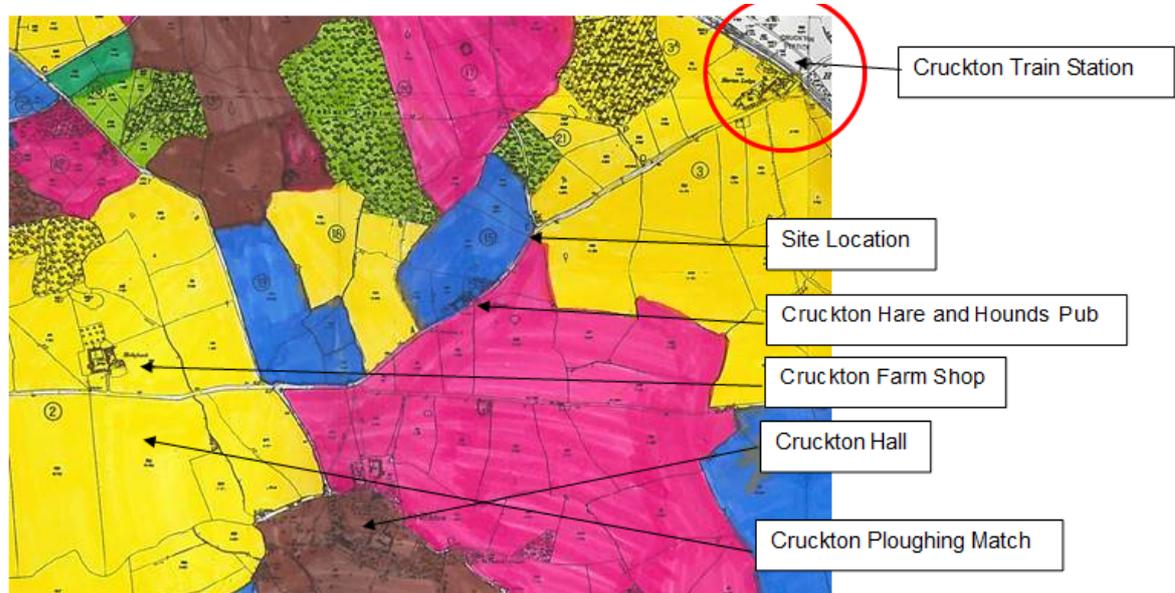
3.7 The map below shows the location of Cruckton train station in the north eastern part of the settlement and much of the land along the northern side of the main road towards the train station has now been built on.

3.8



3.9 The third map below is an estate map from 1929 and again shows Cruckton Hall, a farmstead opposite, the chapel to the east, the pub to the north east and several properties along the Montgomery Road.

3.10



- 3.11 Today there are approximately 16 properties along the main road which are all deemed to be within Cruckton, and not Nox, Ford, Cruckmeole or Shrewsbury. The nucleus as Planning officers describe it relates to a housing estate which was developed relatively recently (last 50 years) which is at odds with the historic organic pattern of growth of the settlement.
- 3.12 The views of the parish council, local residents and local ward member are in support of the site location and all believe the plot is within the confines of the loose knit settlement. All of the residents of Cruckton consider themselves to live in the village of Cruckton whether they live on the main road or not. Cruckton ploughing match has taken place along the main road for the last 86 years and not in the boundaries of what planning officers consider Cruckton to be.
- 3.1.3 Further letters of support state that the site is located between two important landmarks in the village those being Cruckton Train Station and the Hare and Hounds Pub. They consider the view that the school and hall is the settlement to be very wrong.
- 3.1.4 The site location was amended to have a road frontage and sits neatly adjacent to an existing property and in close proximity to the Hare and Hounds pub that one of the applicant's parents ran for many years. The applicants have strong local connections to the area and would like to bring their children up in the area close to family members and friends and they are exactly the people the affordable housing policy has been set up to assist to get on the housing ladder.
- 3.1.5 The parish council have fought for 3 years now on various applications to confirm to you that the settlement is not just focused around the hall and Church Close, but

along the Montgomery Road, with a variety of infill development along the road and the super imposed 1950's development of Church Close. As I'm sure you are aware, the character of settlements varies widely across the county and rarely is the pattern clear cut. We would like to confirm that this site is within the named settlement of Cruckton – the origin of the settlement is a T shaped village with a large number of properties along the Montgomery Road. To rely heavily in your argument that the road sign states that Cruckton isn't on the main road is misleading – as road signs are notoriously misleading.

- 3.1.6 The SPD states that '*Recognisable settlements are also characterised by how local people refer to them – by a place name that is shared by a number of dwellings... Whether a site is in a recognizable settlement will be influenced by the character of the settlement ...The views of the local Shropshire Council Member about whether the site is in or adjoining a recognisable settlement...The case officer may seek the views of the Parish Council for additional assistance in cases where it is a finely balanced judgement.*'
- 3.1.7 We feel there is a finely balanced judgement to be made in this case and that it should be looked at on its own merits. The site location has the huge support from the parish council, local member and local residents, which seems to have been rather dismissed within the report. The SPD allows officers to look proactively upon these types of applications and their relationship to settlements. All too often the age of people living within the rural settlements are getting older and young people and families are unable to afford a house in the area in which they were raised.
- 3.1.8 The single plot exception site policy was adopted as a way to engender additional community resilience and sustainability, and increase the affordable rural housing stock. This site will have a low visual impact upon the landscape, it utilises an existing access and sits between existing development along Montgomery Road. It will be extending the outer edges of the settlement, rather it is nestled amongst existing properties which call themselves Cruckton. We very much you can take these comments on board in writing your officer's report.

#### 4.0 **MAIN ISSUE FOR CONSIDERATION**

- 4.1 Whether the site is within or adjacent the settlement of Cruckton.

#### 5.0 **OFFICER APPRAISAL**

- 5.1 As stated in the officer report to the May 2019 Central Committee 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.'*

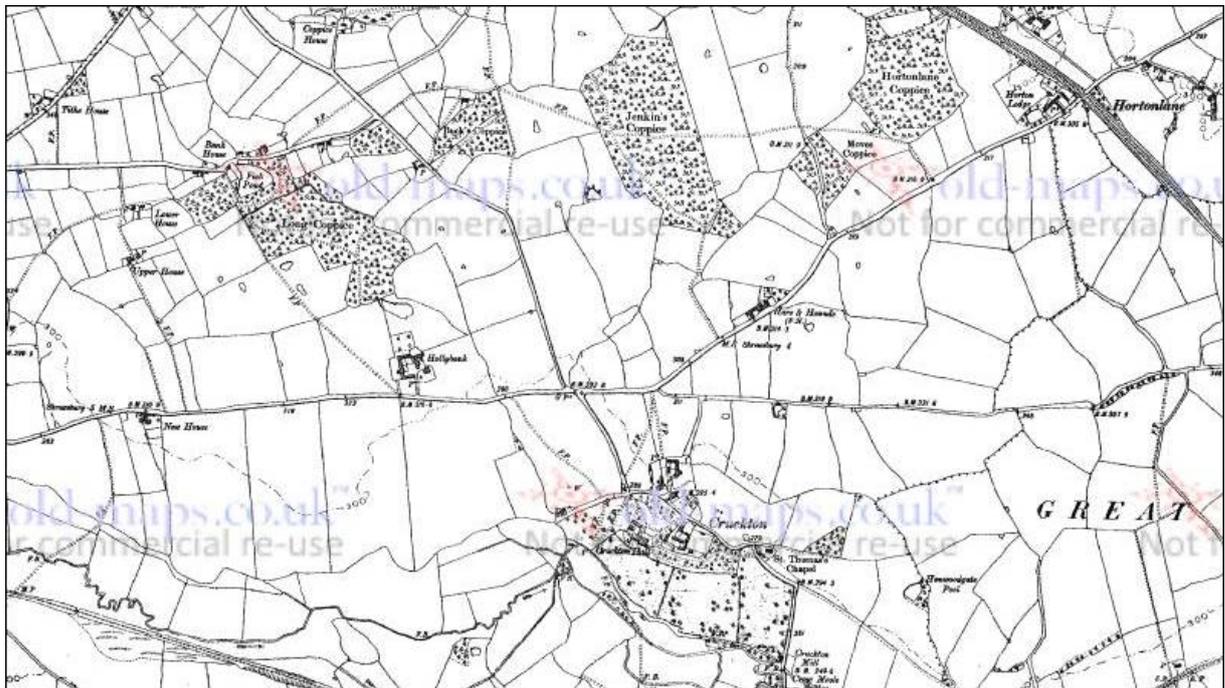
Paragraph 5.15 also advises that the place name '*might not necessarily be reflected*

*in the postal address*'.

5.2 Whilst all the houses along Montgomery Road might have the name Cruckton in their address this does not mean that they are in the settlement of Cruckton. All buildings or sites have either a hamlet, village or town in their address and it is usually the nearest settlement, but this does not indicate that the site is situated within the settlement stated in the address but that it is associated with or near to that settlement.

5.3 Officers acknowledge that when looking at historic maps provided by the agent (see below) that the properties addressed as Cruckton were more dispersed than the settlement as it exists today. But even in the map provided by the applicant below it is the nucleus around Cruckton Hall that is named as Cruckton.

5.4



5.5 Notwithstanding the history of a settlement local plan policy has to be applied to a settlement as it exists today, whether that be a small hamlet such as Cruckton or a larger village such as Ford or the town of Shrewsbury.

5.6 Cruckton has evolved over the last 50 -100 years and whilst there has been some growth along the Montgomery Road the significant growth has been in the centre close to Cruckton Hall. That Cruckton ploughing match is held along Montgomery Road is not evidence that Montgomery Road is part of Cruckton but more that it is in the countryside. A ploughing match would not be held in the confines of a village but on farmland outside of a village. Similarly, the Farm shop along Montgomery Road is a 'Farm Shop' and not a 'Village shop' and it is considered by officers to be outside the settlement. Caravan sites although having the name of a settlement in their address are usually located outside of a settlement and in the countryside, as is the case in Cruckton.

5.7 The agent has referred to the location of the former railway station to the north east of

the site as being further evidence that this stretch of Montgomery Road is part of the settlement of Cruckton. Officers do not concur with this view as many (and probably the majority) of rural railway stations were not located within the village, but for obvious reasons had to be located alongside the railway line.

- 5.8 Furthermore the site of the railway station and all the houses and farms around it are labelled on the map as Horton and not Cruckton. The application site is adjacent to Montgomery Road situated in an open countryside location and outside of the settlement of Cruckton and this is clearly emphasised by the road sign at the cross roads north of Cruckton stating 'Cruckton ¼ of a mile'.
- 5.9 The housing SPD clearly states that sites that do not lie in a settlement, constituting isolated or sporadic development, are not considered acceptable. Officers consider that the proposed site (and any other site) along Montgomery road would constitute isolated or sporadic development and is not a suitable site for an affordable home.
- 5.10 At the 09 May committee the local member referred to the SPD and that the Case Officer had not engaged with the local member or the Parish Council. The SPD states that *'the views of the local Shropshire Council Member about whether the site is in or adjoining a recognisable settlement as required by Core Strategy Policy CS11 will be canvassed by the case officer at the pre-application stage to inform their professional judgement'* and that *'the case officer may seek the views of the Parish Council for additional assistance in cases where it is a finely balanced judgement'*.
- 5.11 It was and is not considered that the decision is a finely balanced judgement and officers are clear that the application site is not within or adjacent to Cruckton. The local member was consulted at the pre-application stage and confirmed his view that the site was within the settlement. Officers disagreed with this view at the pre-app stage and advised both the agent and the local member that an application for an affordable dwelling in this location would not be supported. Officers have always been consistent when considering this and other sites in and around Cruckton.
- 5.12 As referred to in the May report other applications for affordable dwellings and that have been approved and are considered to be close to the centre of Cruckton, are located adjacent to and opposite Coppice Farm (16/03379/FUL and 17/05333/FUL respectively). An application for a site on the other side of Terrace Farm (17/02233/FUL) and further away from Coppice Farm and the centre of Cruckton was refused as that site was not considered to be within or adjacent the settlement.
- 5.13 Officers have also been consistent when considering applications for open market housing along Montgomery Road. In 2017 an application in the garden of 'The Chestnuts' fronting the B4386 Montgomery Road (17/02589/OUT) was refused by officers and dismissed at appeal by the Inspector who considered that the ribbon of development along Montgomery Road fell *'outside the reasonable limits of Cruckton'* (APP/L3245/W/17/3185134).
- 5.14 Similarly, at a time when the Council could not demonstrate a 5 year land supply, an open market dwelling was allowed adjacent Ivy Cottage in the centre of Cruckton (14/04459/OUT). The Inspector for the appeal at The Chestnuts noted that the application at Ivy Cottage *'appeared to me to be within the settlement itself with the*

*planning officer clearly explaining that the proposal would not result in any encroachment into the countryside’.*

## 6.0 CONCLUSION

6.1 For the reasons given above and within the original report to committee dated 09 May 2019 officers consider that the proposed site is not within or adjacent to the named settlement of Cruckton and that the proposed site along Montgomery road would constitute isolated or sporadic development and is not a suitable site for an affordable home. 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.

## 7.0 Risk Assessment and Opportunities Appraisal

### 7.1 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.

### 7.2 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.

### 7.3 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.

### 8.0 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.

## 9. 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

## 10. 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 R. Macey

Local Member - Cllr Roger Evans

### APPENDICES

APPENDIX 1: Committee Report 09 May 2019

APPENDIX 2: Additional letters schedule for 09 May 2019 Central Committee relating to this site

APPENDIX 3: Late representation from the agent and PC provided to members at the 09 May 2019 Central Committee

**APPENDIX 1: Committee Report 09 May 2019**



Committee and date
CENTRAL
09 May 2019

Item
Public

**Development Management Report**

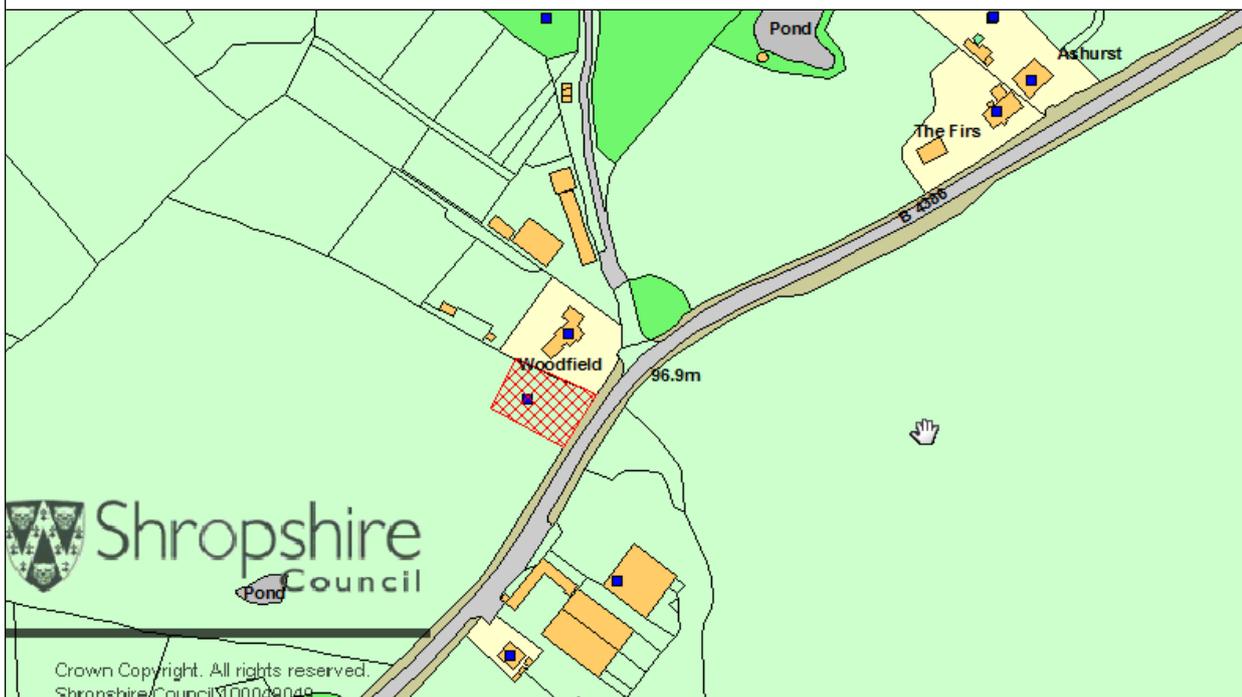
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**Summary of Application**

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

**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
- ☐ 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  $\frac{1}{2}$  of a mile south west of the application site) stating 'Cruckton  $\frac{1}{4}$  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:

- ☒ 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 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 R. Macey

Local Member - Cllr Roger Evans

**APPENDIX 2: Additional letters schedule for 09 May 2019 Central Committee relating to this site**

<b>CENTRAL PLANNING COMMITTEE</b>		
<b>SCHEDULE OF ADDITIONAL LETTERS</b>		
<b>Date: 9 May 2019</b>		
<b>NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting</b>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
8	19/01303/OUT - Cruckton	Neighbour: Support
<p>We have known the Harrison family for many years and found them to be an integral part of the Cruckton Community and the family have lived at Woodfield for over 60 years. Her parents ran the Hare and Hounds, next door to the proposed site which has always been known as the village pub or the Hare and Hounds, Cruckton, which I believe dates back as far as 1860.</p> <p>Woodfield has always been part of Cruckton village, as are all of the houses further along the B4386 towards Shrewsbury and the other way towards Nox. Cruckton is not just the part around the church and Cruckton Hall. On your own planning site, you are classing this whole area as Cruckton.</p> <p>We live on one of the small holdings on the land from the Cruckton Estate which covered an area up to where the proposed planning site is. These were built for ex servicemen after the 1<sup>st</sup> world war, which was a similar scheme to the modern local needs planning. All of the residents of Cruckton consider themselves to live in the village whether they live on the main road or not. Along the main road, you have Cruckton House, Cruckton Farm Shop and Cruckton caravan site.</p> <p>The Cruckton ploughing match that has been going for 86 years and started along this road, not in the boundaries of what the planners are saying is Cruckton.</p> <p>The family that are submitting the application are also part of the Cruckton community. Tricia runs her business from there and this is essential that she is able to be on site at all times due to the horses and the care they need.</p> <p>In all too many cases, children who have grown up in communities have to move away from there as property is either too scarce or too expensive. Surely in a time where there are huge developments arising all over Shrewsbury, allowing a local family to live near to their relatives, where they grew up and want to bring up their own family and run their business should go through straight through the planning process. Rather than the</p>		

debating of something that people of the village have known for decades – we are all Cruckton.

Item No.	Application No.	Originator:
8	19/01303/OUT - Cruckton	Neighbour: Support

I have known the family at Woodfield in Cruckton since I was a child, where I have seen it handed down through the generations of family.  
It is currently owned and lived in by Don and Pat Harrison, who along with their daughter Trish, who also ran and lived at the Hare and Hounds in Cruckton for many years, which was a successful public house and a strong local hub in the community of Cruckton.  
I live at Woodlands Farm, which is situated between Woodfield ( proposed site ) and the Hare and Hounds.  
I have always strongly considered that I live within the Cruckton settlement especially as all the neighbouring properties along the main road (B4386) all have Cruckton with in there addresses and on early maps showing that I also reside between two significant landmarks being Cruckton Station, situated near Horton Lodge and Crucktons Public House, The Hare and Hounds. I therefore believe the officers are wrong to assume that the settlement is only focused around the school/ hall.  
It is widely talked about through the media that there is a demand for local affordable housing, which is greatly supported by the government. Therefore I'm in full support of Trish and her family being able to stay within the community and to be able to further her equine business with the support of her parents who provide crucial childcare.

Item No.	Application No.	Originator:
8	19/01303/OUT - Cruckton	Neighbour: Support

We have known Trish and Dan and her immediate family, who reside at Woodfield Cruckton for many years.  
I have also worked alongside Trish on many occasions within the local community, instructing and examing local pony club members and teaching individuals in the area.  
In our opinion the proposed site which will enable them to build within the affordable housing scheme for them and there two young children is ideal, as it will allow Trish to continue to work and support the local community as facilities that already exist at Woodfield enable her to continue her equine business, especially as being on site provides essential support from her parents providing necessary childcare.  
Another point I'd like to raise is their contribution to Shropshire as a county, not only in her equine business, but that of her son Jacob, who plays national Tennis and represents Shropshire and is proud to do so.  
We hear constantly from the media that the government advocates a serious lack of affordable housing in the UK at present, therefore in instance, where the candidates are solid, reliable and well respected members of the local community, in our opinion there should be no doubt to them being granted the permission to build. They will be laying solid foundations within the community of Cruckton for future generations to come.  
We truly hope you give this matter your sympathetic consideration for a very genuine young family to lay down solid roots in an area where they and their family can continue to give back to the community.

Item No.	Application No.	Originator:
8	19/01303/OUT - Cruckton	Agent
<p>Having reviewed your committee report and had several discussions with the parish council, applicant and neighbouring residents over the last few days, we have more evidence to present to you in relation to the location of the site being within the settlement of Cruckton and the evolution of the village. The parish council consider the report to be factually misleading in parts in relation previous applications and how they have been dealt with in Cruckton, and we would appreciate a little bit of time to come back to you on this please? We are all extremely conscious of the tight deadline within which to get this to you and do not consider there will be enough time or opportunity to convey this to you/planning committee in enough detail at the meeting tomorrow.</p> <p>I am therefore asking if you would please grant us an extension of time or deferment from this committee to the next one, to allow time to correlate the information?</p>		

### **APPENDIX 3: Late representation received from the agent and the PC provided to members at the 09 May 2019 Central Committee**

From: Amy Henson  
 Sent: Wednesday, May 8, 2019 10:15 PM  
 To: Jane Raymond  
 Subject: RE: 19/01303/OUT Cruckton

Good Evening Jane

Further to our conversation earlier I have been asked to send you additional information as my clients Trish and Dan are understandably anxious about the meeting tomorrow and your recommendation to refuse their application.

As you know they are a local family with two children – their eldest Jacob plays to a high competition standard and represents Shropshire at regional level across the country. Only this weekend they were at a tournament in Brighton (the cost of which is always met by Trish and Dan as Jacob is too young yet to benefit from any funding). In order to maintain his current standard Jacob is required to play tennis 6 days a week, which includes weekly tournaments across the country. The older that Jacob gets the more commitments he faces with his tennis career if he is continues at the standard which he is currently performing at. Their youngest child Izzy is at pre-school. Trisha's parents provide them with a huge amount of support – both in terms of child care and helping Trish to run her equine business, which she does so from Woodfield. Trish runs a livery yard and is a riding instructor. She has to muck out and ride out several horses each day and then travel to various venues to provide instruction to her clients. Often clients will call and book a lesson at short notice which means Trisha's parents are often drafted in to look pick up or drop off children at various clubs and activities or look after them until Dan gets home in the evening as Trisha's commitments can change within minutes depending upon client's needs and her availability – she relies heavily upon her support network in these regular situations.

This application has been submitted following an earlier application on a site to the rear of the farm buildings that was to be refused by officers under delegated powers. We chose to withdraw the application before a decision was made. We have tried to work proactively with officers and taken their views on board with regard to the location – and have moved the

location of the site to this one before you today. This field is the extent of the land owned by Trish's parents and which is available to them. Due to the curves in the highway is it not possible to site the plot any closer to the former Hare and Hounds pub, as we need to share the existing access into Woodfield in order to comply with highways safety requirements. Trish and her family used to run the Hare and Hounds pub up until approx. 20 years ago, it was a thriving community asset at the time. They are truly local people with a genuine housing need to live in the area.

As you can see from the letters of support on the application and the strong support from the parish council, the local community strongly believes that the site is within the settlement of Cruckton. Many properties along the main road are addressed as being within Cruckton. Much of this is to do with the evolution of the settlement over the past 200 years. As we have already alluded to in the planning statement, the settlement of Cruckton estate was a dispersed linear settlement which was linked by footpaths around Cruckton Hall. The village pub is located to the west of this planning application and was extremely popular in former years, having been run by the applicant's family up until 20 years ago. Cruckton Farm Shop is located further along the Montgomery Road to the west of the site – again this is accessible by public footpath. The nucleus that planning officers keep referring to comprises an infill housing development which was constructed in recent years completely at odds with the organic growth and evolution of the settlement within the estate.

The committee report goes to compare the assessment of this application with several other applications which have been submitted in Cruckton. There was substantial debate around each of those applications which we feel hasn't been fully conveyed in the report and is slightly misleading. In addition to this, the parish council have made substantial comments on this application and have thoroughly considered the proposal and the reasons why they support the application – unfortunately we do not feel that their comments have been given full and proper consideration with no detailed justification on why their comments aren't agreed with.

Thank you very much for your time in reading this statement and for giving us the opportunity to comment further. Trisha and Dan are exactly the type of family that the single plot exception site policy has been set up to support. They are in housing need, living with parents and bringing up two children. They have been fully accepted as being eligible by the council's housing enabling team and have strong need to live in the area. This application has been submitted in outline in order to keep the financial cost and risk as low as possible for Trisha and Dan and we have tried to work with officers in a proactive way to source a site that is acceptable to all.

Kind regards  
Amy.

Amy Henson

MPlan MRTPI

Senior Planning Consultant

Berrys

From: Allan Hodges <ahodges@pontesburyipc.org.uk>

Sent: 08 May 2019 23:59

To: Amy Henson <amy.henson@berrys.uk.com>; Jane Raymond

<jane.raymond@shropshire.gov.uk>

Subject: RE: 19/01303/OUT Cruckton

Further to Amy's email I hope the following will make clearer the 2 points raised in paragraph 5.

1. Your report to Committee simplifies the Parish Council's view of Cruckton settlement and is potentially very misleading. We have, over a long period of time, stated that Cruckton is not simply a dispersed settlement but is a dispersed settlement to which has been added relatively recently both infill and some nucleation. Unless the Committee is presented with this complexity it will find it very difficult to understand the very strongly held views of local people regarding the extent and nature of their settlement.

2. This application has made similar improvements to those requested for Coppice Farm which then resulted in the Case Officer changing her stance from rejection to recommended approval. I would respectfully suggest that in the important planning matter of consistency this application merits approval also.

You may have been very surprised when checking the history of the Coppice application that the planner's report to the committee, whilst recommending approval, still stated that it was outside Cruckton. When questioned by a committee member regarding this apparent contradiction between the report's recommendation and the clearly stated policy that it **MUST** be in Cruckton the understandably embarrassed officer replied "*it is within easy walking distance*". On this basis you appear to have a more flexible policy than your planning guidance and your approach to Trisha's application suggests.

I hope these comments are helpful.  
Allan Hodges, [Parish Council]