

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 20/02256/OUT	<u>Parish:</u>	Kinnerley
<u>Proposal:</u> Outline application for the erection of a single dwelling, with associated garaging (to include access and siting)		
<u>Site Address:</u> Proposed Dwelling South Of Four Ashes Farm Maesbrook Shropshire		
<u>Applicant:</u> R Haile & A Lewis		
<u>Case Officer:</u> Sara Robinson	<u>email :</u> planning.northern@shropshire.gov.uk	

Grid Ref: 329783 - 321271



Recommendation:- Grant Permission subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline consent for the erection of a single dwelling, with associated garaging (to include access) within the residential curtilage of and to the south of Four Ashes, Maesbrook.
- 1.2 All matters (layout, landscaping, design, scale and appearance) apart from access and siting are reserved for approval under a reserved matters application should outline planning permission be granted. Indicative plans have been submitted to demonstrate a style of dwelling and how a dwelling could fit on the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on the southern end of the garden at Four Ashes Farmhouse within the boundary of the community cluster of Maesbrook.
- 2.2 The site is roughly rectangular in shape and measures approximately 0.058ha. The site is secured by a stone and brick wall which separates the garden from the former farm barns to the east which have been converted to residential dwellings as well as the unclassified highway to the west. To the south there are mature trees and hedgerow which screens the site from the row of large properties. The site will be accessed off the U1421/10 to the west.

To the north of the site is a gravelled drive which serves the dwelling Four Ashes which is located beyond the gravel drive.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The recommendation of the case officer differs from that of the Parish Council, who do not support the development. The application was therefore taken to Council's agenda setting meeting to discuss whether it warrants further consideration at planning committee. This takes place between the Chair and Vice Chair of the North Planning Committee and the Principal Planner and it was determined for the application to be determined by the Planning Committee.

4.0 Community Representations

- Consultee Comments

SUDS – 23/06/2020

No objection raised to the proposed development subject to the inclusion of the recommended informative to any grant of permission.

Highways – 09/07/2020

Conditional acceptance.

A number of conditions and informative have been requested to be attached to any grant of permission.

Parish Council – 21/07/2020

The site is within the development boundary for Maesbrook, Four Ashes Farmhouse has already been subject to extensive development (under applications OS/03/12697/REM and OS/06/14758/FUL, which were subsequent to OS/01/11834/FUL and OS/01/11835/OUT) the first of which was particularly unsympathetic to the character of the area. The SAMDev guideline for the settlements of Kinnerley, Maesbrook, Dovaston and Knockin Heath for future housing growth of around 50 dwellings during the period to 2026 has already been exceeded, so there is no need for the proposed house. The design guideline G9 ii at page 108 of the Kinnerley Parish Neighbourhood Plan states that building a dwelling within a garden should not involve the sub division of the curtilage in such a way that this adversely affects the setting of the original dwelling, the adjacent houses or the character of the village or hamlet. Four Ashes Farmhouse is a substantial family house and building a house within its enclosed garden would constitute overdevelopment and would detract from its setting, and from that of its historically attached barns and from that of this corner of Maesbrook. We also note that road safety, the lack of a nearby footpath along the main road and sewerage were also raised as issues by local residents. For all these reasons we therefore object to this proposal.

- Public Comments

Following neighbour notifications and the display of a site notice for the period of 21 days, 8 public representations of objection were received at the time of writing this report. The reasons of objection are as follows;

- Impact upon Historical Heritage
- Inappropriate insensitive infill
- Lack of detail for the disposal of Foul & Surface Water, history if issues regarding drainage in the area
- Impact upon Natural Environment
- Highway Safety
- Lack of pedestrian access to the village
- Contrary to local and national planning policies
- Impact upon neighbour amenities, mainly overlooking
- Two allocated development sites for residential dwellings which would provide in excess of need within the area.
- Supporting document describes development in the area as having 'a varied mix of type and form, with no one prevalent pattern', however objector states this is not the case in the immediate area,
- The proposal calls for the sub-division of the residential curtilage of the existing Four Ashes property,
- The neighbouring barn conversions which previously formed Four Ashes Farm were undertaken sympathetically and reflect local vernacular,
- Construction of a new dwelling would significantly impact the collection of

buildings and surrounding environment and architectural agricultural heritage.

- Historic applications stated that "The barns relate to the original farm house and their development will preserve the rural character of the area".
- Supporting planning statement describes the farmhouse as a 'modest dwelling' however they consider the dwelling to be a 5/6 bedroom dwelling within a large footprint,
- Sub-dividing the curtilage would leave an inappropriate sized plot of land for such a large property
- Development could impact upon the long-term future of Four Ashes
- Development should have concentrated on refurbishment of Four Ashes and valued character and setting.
- Application seeks to agree access and increase of parking to 7 spaces,
- Application fails to describe appearance, layout or scale, other than 'a single detached dwelling, with associated garaging'.
- Plans submitted indicate a substantial imposing dwelling
- No detail of disposal of Foul Sewerage
- States that no trees will be impacted, there are a number of trees on site some of which have been felled prior to submission of application.
- Access will be off an unclassified single track road which is in a poor state of repair and prone to localised flooding
- Proposed development would further deteriorate the road due to increase in traffic,
- Visibility is poor and there is a lack of passing places and speeds exceed safe driving speeds and development would result in unacceptable impact on highway safety
- Road joins onto the B4398 within 40mph speed frequently exceed this.
- No footways in place, disconnected from main village with no safe means of access on foot.
- Site is located within but western fringe of Maesbrook.
- There are two allocated housing sites identified within the SAMDev which are centrally located and preferable sites.
- Development fails to accord with national and local planning policies, fails to observe the environmental objective of protecting our historic environments and the desirability of maintaining areas of prevailing character and setting
- Further development of Four Ashes is unsuitable representing poor example of infill development
- the number of commitments for new housing in the Parish already significantly exceeds that identified in the plan (MBK001&MBK009) and sites with permission in stages of development

5.0 THE MAIN ISSUES

- Principle of development
- Design and Visual impact
- Access
- Residential Amenity
- Conservation
- Drainage

- Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

The adopted development plan for Shropshire is the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. Significant weight is also to be attributed to the National Planning Policy Framework (NPPF) in the determination of planning applications.

Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can happen; these hubs and clusters were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.

The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach; the majority of recent appeal decisions support this position. Consequently the Council's policies on the amount and location of residential development should be regarded as up-to-date and that there is no pressing need to support sites beyond the boundaries of the designated settlements by way of supplementing the County's housing targets.

Maesbrook is recognised as comprising part of community cluster within the Oswestry area within policy S14.2 (vii) of SAMDev. The hamlet is close knit which follows the B4398 and the U1421/10, the proposed site is located off the U1421/10 within the development boundary of Maesbrook.

The application site is not within the Conservation Area or near any Listed Buildings, however the development is within the curtilage of a non-designated heritage asset and adjacent buildings are also considered to be non-designated heritage assets. Consideration will be required to assess its potential impact upon the surrounding non designated assets. Whilst to the south of the application site is an established modern residential area.

It is considered that a new dwelling would not itself have a significant impact on the landscape subject to an appropriate and sensitive design since the site is already surrounded by housing development.

In this regard, the application for a new dwelling within the community cluster of Maesbrook is considered acceptable in principle and therefore appropriate.

6.2 Design and Visual impact

6.2.1 As the proposal is outline with all matters reserved with the exception of access and siting, a consideration of design, scale, and appearance will take place at the reserved matters stage. This application is simply to assess the principle of the development and its siting.

The proposed dwelling will be sited within the curtilage of the dwelling known as Four Ashes Farm. The former agricultural buildings have now been converted and the site is no longer part of a working agricultural farmyard.

Notwithstanding the above, it has been discussed the type of dwelling that would be acceptable within this setting. Having reviewed the setting it is considered that a modest dwelling would be acceptable in the site and should only be of a dormer height. (Use of the roof space for the first floor accommodation). Indicative plans have been submitted to demonstrate the style of property. Although the indicative design required some alterations to be acceptable it was considered that the scale would be acceptable and to be considered at reserved matters.

Concerns had been raised in relation to the siting of the proposed development and its potential impact upon neighbouring dwellings. It was requested that amended plans should be submitted to alter the orientation of the proposed dwelling so as not to be overlooking the barn conversions.

Amended plans have since been received which have altered the orientation accordingly and include the siting of the garage. It is considered that the siting and orientation of the dwelling in its current location will limit the impact upon privacy afforded to neighbouring dwellings and improves its association with the principal dwelling. It has therefore been agreed that the siting is to be determined at outline to secure the appropriate siting of the dwelling.

Alongside careful siting of the subsequent dwelling, the plot should be subjected to a sympathetic landscaping scheme. These measures shall cumulatively work to reduce the visual impact and bulk of any property here constructed. This is particularly key where the development site falls within the curtilage of a non-designated heritage asset.

6.3 Access

6.3.1 The property shall be served by sharing the existing access onto the U1421/10, however the access will be widened and improved so as to accommodate the two properties.

Concerns have been raised within the public representation in relation to the proposed increase in traffic along the highway. However, it is noted that the proposed dwelling is located within close proximity to the junction on to the B5398

and therefore will only impact upon a short length of the unclassified road.

Concerns have also been raised in relation to the lack of footpath access to the centre of the village, however it is considered that this development is not commensurate to providing such access.

Whilst subject to the national speed limit, due to the alignment of the road from both directions vehicle speeds are highly likely to be universally below this. Accordingly, though the proposed visibility splays are lower than that recommended in Manual for Street 2, sufficient supporting evidence has been provided surrounding the road conditions to justify that the substandard visibility splay proposed is adequate and commensurate with the local traffic conditions and shall not compromise highway safety.

The Highways Authority have been consulted and have stated that the principle of the proposal is not considered to raise any undue adverse highway conditions in this location whilst an adequate measure of visibility for the prevailing highway conditions is to be provided. The officer concluded that based upon the information contained within the submitted application details it is considered that, subject to the conditions listed being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

6.4 Residential Amenity

- 6.4.1 It is noted that the siting was not originally proposed to be considered at outline, however, due to the concerns regarding the siting and impact upon neighbouring amenities it was determined that siting should be considered at outline.

The orientation of the dwelling has been altered so as not to be overlooking from the rear over the barn conversions to the east of the dwelling and therefore the proposed dwelling will be south facing. Due to the existing screening and separation to the south of the site it is considered that the proposed development would not impact upon the amenities afforded to the dwelling of orchard park. It is also considered that sufficient separation can be achieved between the proposed dwelling and Four Ashes Farm House.

Based on the ample size of the plot, and the separation from residential neighbours it is not considered that the addition of a sole dwelling house at this location would pose unacceptable harm to the amenity of neighbouring residents.

6.5 Conservation

- 6.5.1 The site is not in a Conservation Area nor within the setting of a Listed Building but is within the curtilage of Four Ashes Farm, and its associated former farmstead. The farmstead was first identified and classified by the Historic Farmsteads Characterisation Project, 2008 – 2010, (ESA6427), largely from the digital version of the c.1900 OS large scale mapping. At that time it was described: Loose Courtyard comprising an L- Plan range with detached buildings to the third side of the yard. Additional Plan Details: Covered Yard. Date Evidence from Farmhouse: 19th Century. Date Evidence from Working Building(s): None. Position of

Farmhouse: Detached, side on to yard. Farmstead Location: Hamlet. Survival: Partial Loss - less than 50% change. Confidence: High. Other Notes: Large L-range farm buildings, part of roof structure ruinous/to be converted to dwelling. Separate covered yards demolished, replaced by house. No longer in agricultural use.

In the early and mid 2000's the farm buildings gained consent to be converted to two dwellings.

We would consider Four Ashes and the farmstead previously associated with it to be non-designated heritage assets (as defined in Annex 2 of the NPPF) as they are still a legible farmstead group and retain the farmstead character and traditional construction materials.

The Conservation Officer has raised no objection to the proposed development, however has stated that consideration should be given to the design of the proposed dwelling and in the context of the surrounding farmstead. concern had been raised that the siting of the garage had not been provided, however amended plans now demonstrate the location of the garage and the Conservation Officer does not raise any concerns in regard to siting.

Public comments have been raised in relation to the sub division of the curtilage of the dwelling, however no concerns have been raised by the heritage officer and it is considered that the can be undertaken without adversely impacting upon the curtilage of Four Ashes through suitable boundary treatments.

6.6 Drainage

6.1 Concerns have been raised in that little detail for the disposal of Foul & Surface Water has been submitted as part of the application. However the Drainage Officer has been consulted and has requested that an informative is attached to any grant of permission to ensure that suitable drainage scheme is to be designed in accordance with relevant legislation and Building Regulations.

Concerns have also been raised in relation to the history of issues regarding drainage in the area as well as flooding, however having reviewed surface water and flood mapping for the area none have been identified on the site itself.

6.7 Other matters

6.7.1 Public representations of objection have been received in relation to this application which are as follows;

It has been stated that the proposed development is inappropriate insensitive infill, however having reviewed the application it is considered that the development can occupy the site sensitively without unacceptable impact upon its surroundings.

Concerns were also raised in relation to the impact upon Natural Environment, however the proposed site will occupy a garden area, limited appropriate areas for biodiversity due to it being well kept and mowed garden.

It is noted that there are two allocated development sites for residential dwellings which would provide in excess of need within the area. However, these development sites have not yet been brought forward or developed and therefore the area has not yet reached the need for the area. Further still housing numbers during the plan period are a guidance and not an exact amount for development consideration.

It has been stated that the supporting planning statement describes the farmhouse as a 'modest dwelling' however they consider the dwelling to be a 5/6 bedroom dwelling within a large footprint. It is considered that there will still be sufficient curtilage for the dwelling known as Four Ashes.

7.0 CONCLUSION

The principle of an additional market dwelling in Maesbrook is acceptable. Some matters – scale; appearance and landscaping are reserved for later approval. These matters would therefore be considered in subsequent reserved matters application(s). There is no objection from the Council's Highways Team or Conservation Team to the principle of a dwelling on this site.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

20/02256/OUT Outline application for the erection of a single dwelling, with associated garaging (to include access and siting) PDE

OS/01/11834/FUL Conversion of existing farm buildings to 3 no. dwellings served by private drive GRANT 30th May 2002

OS/01/11835/OUT Erection of five dwellings served by a private drive GRANT 30th May 2002

OS/03/12697/REM Erection of five dwellings with associated highway works GRANT 11th December 2003

OS/06/14758/FUL Change of use of redundant farm buildings to 2no. dwellings GRANT 6th

February 2007

PREAPP/14/00333 Proposed housing development consisting of five three/four bedroomed properties PREUDV 19th September 2014

20/02256/OUT Outline application for the erection of a single dwelling, with associated garaging (to include access and siting) PDE

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member Cllr Matt Lee

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development will be limited to one dwelling. The dwelling will have a maximum of 2 storeys and be reflective of the scale and design as indicated in drawing number HPT10800-003 – Typical House layout (Indicative plan submitted in support of the outline application) and will not exceed 140m² internal floorspace, (measured externally and excluding garages) The associated garage will be single-storey and thus appropriate and subservient in size to the size and scale of the associated dwelling.

Reason: In order that development on site is of a scale and design that is appropriate to the location and setting in this semi-rural location.

5. The development shall be carried out in strict accordance with the approved plan insofar as it relates to defining the site's boundaries.

Reason: To define the permission, and for the avoidance of doubt.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved by the Local Planning. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

7. The visibility splays shown on Location Plan published on 09.06.2020 shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwelling being occupied and thereafter be maintained at all times free from any obstruction.

Reason: To provide a measure of visibility from the shared access in both directions along the highway in the interests of highway safety.

8. The extended shared access shall be satisfactorily completed and laid out in accordance with the Indicative Site Plan Drawing No. HPT10800-002 Rev A prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety

9. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

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

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

Informatives

1. Highways Informative notes:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-networkmanagement/application-forms-and-charges/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storageand-collection.pdf>

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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