



Committee and Date
Northern Planning Committee
12th January 2021

Item
6
Public

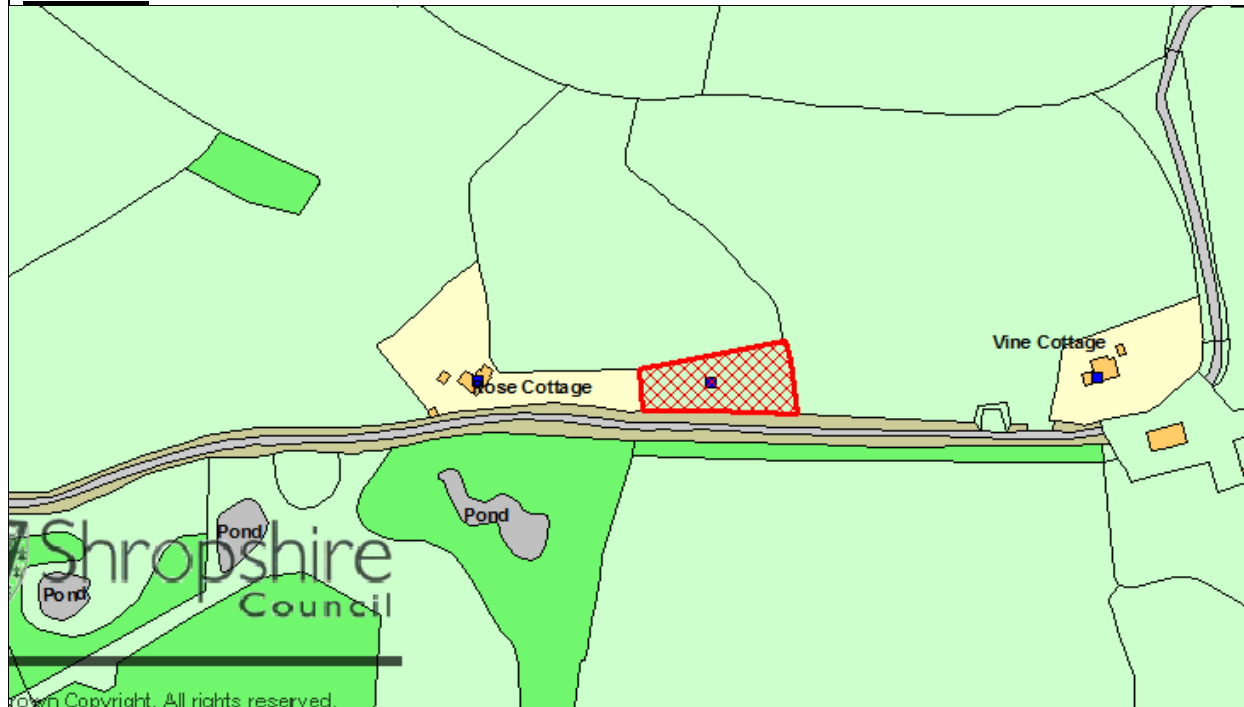
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 20/04567/FUL	Parish: Oswestry Rural
Proposal: Erection of a single plot exception (SPE) affordable dwelling and garage	
Site Address: Proposed Affordable Dwelling West of Vine Cottage Middleton Road Middleton Oswestry Shropshire	
Applicant: Miss Laura Goodall	
Case Officer: Mark Perry	email : planning.northern@shropshire.gov.uk

Grid Ref: 332218 - 328964



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Recommended Reason for refusal

1. Whilst the applicant may have met the criteria for an affordable dwelling and are proposing a property of an appropriate design and scale, its siting is not considered to be within or adjacent to a recognised settlement. Therefore the proposal fails to comply with planning policies CS5 of the Core Strategy and MD07a of SAMDev along with the aims of the National Planning Policy Framework (NPPF) published February 2019, and The Type and Affordability of housing SPD 2011

REPORT

1.0 THE PROPOSAL

1.1 The application seeks planning permission for the erection of a single plot affordable bungalow and detached double garage.

1.2 The bungalow is to have typical living accommodation on the ground floor with a covered porch attached to the front elevation and a projecting gable to the rear. The applicant is proposing a bungalow rather than a two storey dwelling in order to meet her needs as she has Multiple Sclerosis which is a progressive disease that leaves her with an uncertain future.

1.3 The total floor area of the property is 100sqm with the dwelling and garage sitting within a plot of 0.1 hectare. The proposed double garage measures 6.1 by 6.1 m in footprint. The applicant has been asked to provide amended plans to change the roof pitch of the garage so that it matches the bungalow and thereby lowering the ridge line of the garage.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is in a countryside location on a no-through road which serves two other dwellings. The site forms part of a large field and adjoins the curtilage of one of these other dwellings which is located to the west.

2.2 The application site has an existing field access from the road and the site sits behind an existing roadside hedgerow.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member has requested that this application be referred to committee for its determination.

4.0 Community Representations

Consultee Comments

4.1 **Parish Council-** Whilst the Parish Council supports this application please note that the site maps are poor.

4.2 **Affordable Housing-** No comments received at time of writing report

4.5 **Highways-** No objection subject to conditions and informatives

4.6 **Drainage-** no objections subject to conditions and informatives

4.7 **Public Comments**

Three representations in support have been received, commenting on the following:

- Applicant has local connections
- Applicant medical needs needing care and support
- No additional traffic
- Modest wheelchair friendly dwelling proposed.
- No impact on neighbours
- Appropriate located and design
- Property would be well screened
- Allow the applicant independence

5.0 **THE MAIN ISSUES**

Principle of development

Siting, scale and design

Visual impact and landscaping

Housing need

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'. The local development framework of the county of Shropshire principally consists at this time of the Core Strategy (2011) and Site Allocations and Management of Development (SAMDev) Plan (2015), and a range of supplementary planning documents.

6.1.2 Shropshire Council Core Strategy Planning Policies CS1, CS5 and CS11, allow for the building of affordable dwellings on rural 'exception sites' to meet specific local needs. The NPPF at Chapter 5 seeks to deliver a sufficient supply of homes with emphasis on rural housing in paras 77-79.

6.1.3 Policy MD7a (Managing Housing Development in the Countryside) of the Site Allocations and Management of Development (SAMDev) Plan states that the long term affordability of single plot exception dwellings will be protected.

6.1.4 According to the SPD Type and Affordability of Housing (SPD), rural exception sites are generally required to be within or adjoining "recognisable named settlements" and should not constitute isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character.

6.1.5 The applicant has submitted a pre-application enquiry to the Council where they were advised by Officers that the proposed site did not fall within, or adjoin a recognised settlement.

6.2 **Siting, scale and design**

6.2.1 The NPPF (Chapter 12) seeks to achieve well designed places and high quality buildings.

6.2.2 In their submission the applicant is of the opinion that the site falls within the settlement of Middleton. It is Officers view that whilst the name 'Middleton' is labelled on the Ordnance Survey maps, the area is dominated predominantly by the sporadic scattering of farms along Middleton Road. There are very few dwellings in the immediate area that are not associated with a farm. There is also significant distance between the individual farms with the area feeling and appearing more like the open countryside than it does a settlement. The SPD states that, "a settlement always comprises a group of houses occupied by households from different families. The group becomes a settlement due to the *number and proximity* of the houses in the group". In this case whilst the proposed site does adjoin another residential curtilage, there are only two other dwellings within a 200m radius of the site and there are only 4 more if the radius is broadened out to 400m. It is considered by Officers that because there are so few dwellings within close proximity to one another then a 'recognised settlement', even one that is loose-knit, has not been formed. Therefore the location of the proposed bungalow fails to comply with the requirements of the SPD as it would result in an isolated dwelling in the open countryside.

6.2.3 The bungalow would be positioned so that it fronts the road and is set back behind the existing roadside hedgerow. The proposed garage would sit alongside the bungalow. The site is the preferred option of the applicant as it is a field that they already own and is close enough to her parents dwelling (Vine Cottage) which is positioned at the end of the no-through road. Living nearby will allow the applicant's parents to continue providing the level of care that she is likely to need in the future because of her medical condition.

6.2.4 Currently, the applicant lives at home with her parents but is of an age where she now requires her own home. The applicant has Multiple Sclerosis. Currently she has hospital treatment every 4 weeks, and she relies on assistance from her parents with various day to day activities, this need is likely to continue in the future.

6.2.5 The proposal is for a modest 2-bedroom affordable bungalow. The proposal has been designed specifically for the applicant's needs for both now and in the future allowing her to stay in the property should she need to use a wheelchair. In terms of the proposed dwelling and its scale and design it is considered to be appropriate for the current needs of the applicant. The property is also of a simple, modest appearance that will ensure its affordability in the future. The property is of a form that would sit sympathetically within its setting and with other nearby properties. The proposal is considered by Officers to meet the requirements of CS6 and MD2 which together seeks to secure sustainable development and design.

6.2.6 Setting aside locational issues, the overall design of the bungalow is on balance acceptable and in accordance with CS6 and MD2, subject to receiving amended plans for a garage with a lower ridge height. The bungalow and its garage would

not be visually prominent from the highway and its position relates well to the neighbouring property and its curtilage with little impact upon the character and appearance of the open countryside because of the modest scale and design of the proposed property.

6.3 Housing Need

6.3.1 It is understood that the applicant has been through the interview process with the Council's Affordable Housing Officer and that they have met the requirements of being in housing need and that they have the necessary local connections to meet the requirements of the SPD. Formal comments from the Affordable Housing team will be presented to members at committee.

7.0 CONCLUSION

7.1 Whilst the applicant may have met the criteria for an affordable dwelling and are proposing a property of an appropriate design and scale, its siting is not considered to be within or adjacent to a recognised settlement. Therefore the proposal fails to comply with planning policies CS5 of the Core Strategy and MD07a of SAMDev along with the aims of the National Planning Policy Framework (NPPF) published February 2019, and The Type and Affordability of housing SPD 2012. The application is therefore recommended for Refusal

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

Core Strategy and Saved Policies:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development principles

CS17 Environmental Networks

MD2 Sustainable Design

MD7b Managing Housing Development in the Countryside

RELEVANT PLANNING HISTORY:

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)

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member
Cllr Joyce Barrow

Appendices
None