

Recommendation:- Refuse for the reason set out below.

Recommended Reason for refusal

1. The erection of two dwellings on the site would significantly detract from the setting of the adjoining former village school, which is listed for its architectural and historic interest, and result in the loss of a car park which was used informally for functions at the village hall, opposite. The dwelling on plot 1 is situated behind the recently converted school and would impinge on the amenity and privacy of the occupiers. The proposal would not, therefore, be in accordance with policy CS6 of the adopted Core Strategy. In this instance, the adverse impact would significantly and demonstrably outweigh the benefits of the proposal in adding to the supply of housing and is therefore not considered sustainable in the terms of the requirements of the National Planning Policy Framework.

Statement of Positive and Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason for the refusal, approval has not been possible.

REPORT**1.0 THE PROPOSAL**

- 1.1 This is an application for outline planning permission for two dwellings with garages on the site of the former car park and demountable classrooms at the village school in Caynham. All matters are reserved for future consideration but a layout has been submitted demonstrating how two detached dwellings could be accommodated; one behind the school and one on the car park. A shared access is proposed via an existing access to the main road through the village.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is just under 0.1 ha in size and is centrally situated in the village of Caynham. It was previously used in connection with the village school prior to it relocating to Ashford Carbonell in 2011. The former car park is located to the east of the school and has a frontage to the road. Open land borders the site to the south and a large detached house to the east. The site of the two demountable classrooms is located to the rear of the school and adjoins the car park, the open space and residential development to the west.
- 2.2 Caynham School is grade II listed and dates from 1834. It is a single storey 3 bay hall constructed of coursed stone rubble under a slate roof with decorated bargeboards and 2 king post trusses with hammerbeam bracing. There is a twentieth century extension to the side of the original school building. It has recently been converted to a dwelling. The residential curtilage is small and the southern

boundary runs tight against the rear wall of the school.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is put before the Committee for a decision with the agreement of the Planning Services Manager because the application adjoins the site for four houses (13/03834/OUT elsewhere on the agenda) and relates to land formerly leased to the Village School, Caynham.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 SC Drainage

No objection subject to conditions.

4.1.2 SC Ecologist

I have read the above application and the supporting documents including the Protected Species Survey conducted by John Morgan (August 2013). No objection subject to conditions and informatives.

4.1.3 SC Affordable Housing

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.

The current prevailing target rate for affordable housing changed on the 1st September 2013. All applications received after this date will be subject to revised target rates.

4.1.4 SC Highways

The proposed two dwellings would share a central means of access onto the highway and I consider this to be the best option at this location as it would maximise the visibility in both directions along the adjacent carriageway for an emerging driver. I would recommend that any full application included parking and vehicle turning facilities within the curtilage of the site to avoid the need for the occupants to reverse out onto the carriageway or park on it.

The highway authority raises no objections to the granting of outline consent subject to the following condition.

Details of the means of access, including the layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

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

4.1.5 SC Archeology (Historic Environment)

I have no comments to make on this application with respect to archaeological matters.

4.1.6 SC Conservation (Historic Environment)

Caynham School is grade II listed and is dated 1834. The school sits centrally within the village of Caynham and recently has had works undertaken to convert it to a dwelling.

The application for 2 dwellings to the south and rear of the school – the impact is much higher and I would suggest that this land should accommodate only one house to the south as the one to the rear would obscure the view and setting of the listed school. Any proposal adjacent the school should be of high quality design and materials and should be sympathetic to its setting, character and appearance – and pick up on details and materials seen locally. A dwelling to the south of the school may work better if its building line corresponded to the dwellings to the south’.

To reiterate the proposal for this application would result in a detrimental impact on the listed former school house.

4.17 Caynham Parish Council

The Parish Council objects to the application in relation to Core Strategy CS1 - Caynham is classed as countryside and has no allocation for market housing and there is no economic diversification reasons for development to take place on this site. Any development for market Housing should take place on already allocated sites in Clee Hill which is within the Parish area

4.2 Public Comments

4.2.1 Thirteen letters of objection have been received making the following points:
Planning policies: The proposal is contrary to policies CS1, CS4, CS5, CS6 and CS17 of the Core Strategy and saved policies in the South Shropshire Local Plan.

Settlement Policy: The site is not allocated for residential development in the South Shropshire Local Plan or the proposed Site Allocations and Management of Development Plan. The local community has not put the village forward as a Community Hub or Cluster under policy CS4 and therefore should be considered under policy CS5 relating to open countryside. The proposal does not meet any of the exceptions set out in the policy. The proposal does not constitute economic diversification or meet the needs of the local community for affordable housing. In addition, there is already an adequate supply of housing land available for development in the Ludlow area.

Impact on Listed Buildings: The site is bordered by the listed school and two listed cottages opposite. S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to have ‘special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ in making their decision. It is not possible to do this on the

basis of an outline application as this contains insufficient detail of the appearance of the development.

Loss of car park: The site could continue to be used as a car park if the development of housing did not proceed. There will be nowhere for vehicles to park when there are functions at the village hall or for rambles.

Loss of residential amenity: Plot 2 is very close to the boundary with Mont de Seigneur and may have an adverse impact on loss of light, privacy and overbearing. There is insufficient detail in an outline plan to comment in detail. The size of the houses are totally out of character in this rural village.

Access to land at the rear of the car park: Over the last 10 years an arboretum with a large pond and wildflower meadows have been established to the rear of the car park. Maintenance depends on access with machinery through the gateway to the rear of the car park. Severn Trent also has a sewage pumping station on the land and require access for monitoring and maintenance. Occasionally this involves vehicular access and heavy lifting equipment. If the application is successful there is no alternative access for equipment.

Impact on the public right of way: There has always been a footpath across plot 2 down through woods to the river. This is not safeguarded on the plan.

Vehicular access: The shared entrance will be very busy near a corner and the cottages opposite will have difficulty in getting out onto the highway. We are also concerned about road side parking that these houses may generate

Previous Refusal: We object to this application for the reasons set out for the refusal of the previous application and in line with the letter of objection submitted on behalf of the village community

5.0 THE MAIN ISSUES

- Land use and planning history
- Principle of development
- Impact on the setting of the Listed school
- Other Material Considerations

6.0 OFFICER APPRAISAL

6.2 Principle of development

6.1.1 Caynham is in the Ludlow area of the emerging SAMDev and is not identified as a Community Hub or Cluster. The site is outside a settlement where development is envisaged in the 'saved' policies in the South Shropshire Local Plan or Council's adopted Core Strategy. Caynham therefore falls under the policy requirements of Core Strategy Policy CS5: Countryside and Green Belt which restricts new build housing to agricultural, forestry or other essential countryside workers dwellings and affordable housing/accommodation to meet local need. However, housing land supply in Shropshire has recently fallen below the 5 year level required by the

National Planning Policy Framework (para. 47). As a consequence, existing policies on housing supply are now considered to be out of date and this has major implications for determining this application.

At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF states (para. 14) that 'where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted'.

Whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward with developments which might not otherwise succeed when the SAMDev is adopted.

The argument that Caynham is a settlement where there is a presumption against further housing development no longer holds weight in the face of policies in the NPPF. The issues are now whether or not the adverse impacts of the proposal outweigh the benefits of the providing new homes and supporting the construction industry in general. These issues are considered below.

6.3 Impact on the setting of the Listed school

6.3.1 The village school, known as Bishop Hooper's school, was built for the purpose and maintained its function as a school from 1834 until 2011 when the school was merged and moved to Ashford Carbonell. The school is a grade II Listed Building and has a traditional hall arrangement which was later extended as space requirements changed. Historically the school had a tight curtilage to accommodate the school and playground. Temporary classrooms and a car park were developed on adjoining land that was privately owned and leased to the local Education Authority. The school has recently been converted to a dwelling following planning approval in 2013.

The proposal to construct two dwellings on the site of the temporary classrooms and car park crowds the building, obscures the view of it and is detrimental to its setting. Plot 1, as proposed, extends right up to the rear elevation of the school. This could give rise to overlooking issues to and from windows in the rear elevation of the building and the proposed house. Similarly, plot 2 encroaches close to the building and would have a potentially over bearing effect.

The former school is a heritage asset of special architectural interest and is part of the social and cultural history of the village. The proposal conflicts with the need to maintain a suitable setting for the building and the proposal does not demonstrate that the amenity of the house is maintained and the significance of the building will not be harmed. As a result, the proposal is contrary to the policy direction set out in Part 12 of the NPPF and policy CS17 of the Core Strategy.

6.4 Other Material Considerations

6.4.1 Consultees and objectors have flagged up a number of issues that require consideration.

A public right of way crosses plot 2 linking the road to the river. The indicative plan takes no account of the footpath and it would have to be diverted before development could go ahead. It also appears that the gateway in the south western boundary of plot 2 is used by the neighbouring property and Severn Trent to access the land and sewage pumping equipment. The existence of private rights is not essentially an issue in determining the application but appropriate access may have to be provided through plot 2, as well as a vehicular access to plot 1.

The neighbour to the east of plot 2 has raised concerns about the potential loss of residential amenity. There is a substantial evergreen hedge along the boundary of the plot. It is likely that a house would have to be set forward of the neighbouring house but the space is not constricted. Although care would be needed to site a dwelling in a manner that would not impinge on the neighbour, there is sufficient space available to site a house without adversely affecting residential amenity to the extent that planning permission could be refused. This would be an issue for the Reserved Matters stage.

The car park has served a useful purpose providing unrestricted off road parking for the school and the village hall. The car park has been closed and the objections have been made to the loss of this facility. Core Strategy Policy CS8 aims to protect facilities and services that contribute to the quality of life in villages. Planning policies encourage sustainable forms of transport and the protection of a car park is probably not envisaged by policy CS8. However, the car park could be important to the viability and future of the village hall and this is a material consideration in making a decision on the proposal. Ultimately the car park would have to be brought into public ownership to be opened up again.

7.0 CONCLUSION

The site is located in a village where no further residential development is advocated in the current development plan. Local residents have opted not to become part of a cluster or a hub in drawing up proposals for the Site Allocations and Management of Development plan. The proposal would therefore involve development contrary to the development plan for the area. However the Council does not have the minimum 5 year land supply required by the National Planning Policy Framework (NPPF). Consequently under paragraph 49 of the NPPF the policies relating to the supply of housing cannot be considered up-to-date. There is a presumption in favour of sustainable development in situations where housing policies are out of date. Planning permission should be granted unless the adverse impacts demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The development would be located in the vicinity of existing residential properties and would not be prominent or out of character with the area. The use of the land would not result in the impact on any protected species and wildlife. The site can be developed without an adverse impact on highway safety or drainage.

The site will increase market housing in a rural settlement and provide financial benefits to the local community and affordable housing in the wider area.

However, the construction of two dwellings would inevitably lead to a cramped form of development in very close proximity to a Listed Building. The former school is a heritage asset and the recent conversion to a dwelling is welcomed. It has no rear curtilage and the dwelling proposed on plot 1 will greatly detract from the setting and impinge on the privacy and amenity of the occupants. The NPPF (para. 132) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this instance the impact on the setting of the Listed school is sufficient to outweigh the benefits of the proposal. Planning permission is accordingly 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 three months 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 1970.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Part 1: Building a strong, competitive economy

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 8: Promoting Healthy Communities

Part 10. Meeting the challenge of climate change, flooding and coastal change

Part 11. Conserving and enhancing the natural environment

South Shropshire Local Plan:

SDS3: Settlement Strategy

Core Strategy Development Plan Document

CS4 Community Hubs and Community Clusters

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Supplementary Planning Document (SPD) on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

12/02245/OUT Outline application (all matters reserved) for the erection of 2no dwellings and associated garages REFUSED 1st November 2012

13/00647/FUL Conversion of redundant school building to one residential dwelling with parking and new vehicular access GRANT 30th April 2013

13/00648/LBC Conversion of redundant school building to one residential dwelling with parking and new vehicular access GRANT 30th April 2013

11. Additional Information

List of Background Papers Planning application file 13/03835/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Richard Huffer

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