



Committee and Date
Northern Planning Committee
8th June 2021

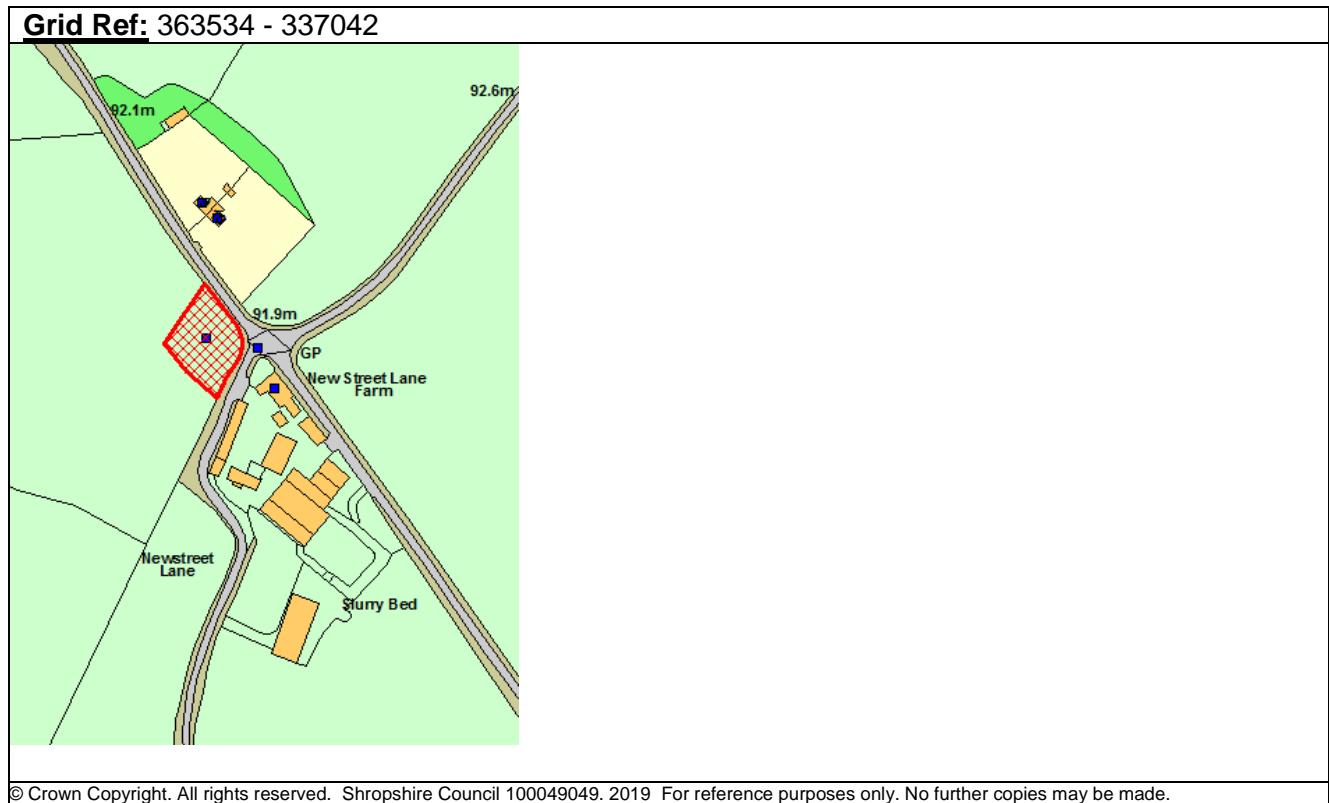
Item
6
Public

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 20/04347/FUL	Parish: Moreton Say
Proposal: Erection of a single storey local needs dwelling including new access and detached garage	
Site Address: Proposed Local Needs Dwelling NW Of New Street Lane Farm New Street Lane Market Drayton Shropshire	
Applicant: Mr & Mrs R & A Yeomans	
Case Officer: Sue Collins	email : planning.northern@shropshire.gov.uk



Recommendation:- Refuse subject to the conditions set out below.

Recommended Reason for refusal

1. Whilst the applicants may have met the criteria for an affordable dwelling, its siting is not considered to be within or adjacent to a recognised settlement. Therefore the proposal fails to comply with planning policies CS5 and CS11 of the Core Strategy, policy MD7a of SAMDev Plan along with the aims of the National Planning Policy Framework (NPPF) and the adopted Type and Affordability of housing SPD 2012.

2. The proposed development is to be sited within close proximity of a Grade II listed building. No Heritage Impact Assessment has been provided with the application to identify the potential harm to the character and setting of this listed building. Therefore the scheme is contrary to the NPPF, policies CS17 and MD12 of the Shropshire LDF, and Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the erection of a single local needs dwelling which includes the creation of a vehicular access and the erection of a detached garage.

1.2 During the course of the application amended plans were received and it is on the basis of these amended plans that this report is written.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a corner plot at a junction of a single track lane with another public road.

2.2 The area is bounded on all sides by mature hedgerows with an existing access off the single track lane. There are no buildings adjacent to this site with the nearest being the existing farmhouse and associated agricultural buildings which are on the opposite side of the highway. The farmhouse is a grade II listed building.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The recommendation of the Parish Council is to support the proposal. In addition the Chair and Vice- Chair of the Northern Planning Committee considered that material planning issues had been raised by the Parish Council which warrant Committee consideration.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online

4.1 **Consultee Comments**

4.1.1 **Parish council:**

Response received 14.05.21

Moreton Say Parish Council reiterates their full support of this planning application for these long-standing parish residents. The Council agrees with the statements within the memo from Shropshire Council's Communities and Housing Policy Team which confirms that the applicants meet all the criteria required for this proposed affordable housing and meets a local need. The Council also unanimously agreed that the revised drawings, put together by the architect who overs much of the work undertaken on the neighbouring Cloverley and Shavington Estates, will be more in keeping with the adjacent grade 2 listed farmhouse.

Response received 27.11.20

Moreton Say Parish Council fully supports this planning application.

4.1.2 **Affordable Housing Team:** No objection

I can confirm that Mr and Mrs Yeomans have demonstrated strong local connections to the Moreton Say Parish Council local administrative area. After considering the couples housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

The Local Housing Need elements of this application were established as follows from information presented to the Housing Enabling and Implementation Team in November 2020.

Mr and Mrs Yeomans currently live within the Parish. Their current home will not meet future requirement due to health issues; a single storey property will be required.

In a letter dated 27th July 2020 Moreton Say Parish Council were able to confirm Mr Yeomans strong local connection to the Parish.

As part of the couple's application medical details and supporting information has been provided along with details regarding the running and management of New Street Lane Farm.

From financial information provided the couple are unable to purchase a suitable single storey property in the immediate area due to availability and cost, this is due to a lack of lower cost smaller affordable properties available locally.

Therefore, Mr and Mrs Yeomans have demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability they are unable to meet their own housing need within the parish without assistance from this policy.

4.1.3 **Conservation Officer:** Objection

Our previous comments raised concerns over the lack of supporting information in the form of a heritage impact assessment, as well as the impact of the proposed dwelling on the character and setting of the listed farmhouse opposite.

Furthermore, its design, siting and appearance were also considered to be overly suburban and contribute to the detrimental impact on the rural locality and the setting of the historic farmhouse.

The proposal is still on the same plot of land opposite the listed farmhouse, though it is acknowledged that attempts have been made to redesign and site the dwelling with the intention of replicating a single storey barn structure. However,

this hasn't been informed by any supporting information, i.e. heritage impact assessment and design rationale, and it is still considered that the layout, character and appearance of the proposal is overly domestic and doesn't closely reflect the typical single storey agricultural buildings or their relationship with a primary farm building. Design issues are present including triple paned windows and a lack of overall fenestration variation, inclusion of arched header detail just below eaves where this should be simplified and include corbel detail with eaves sitting just above windows, layout including detached garage, turning head, main building sitting in the middle of the plot etc.

Notwithstanding the potential for amending the scheme further, concerns would still be raised over the development of this plot and particularly given the open, isolated and loose knit nature of the area where this would still be considered to be a contrived form of development which will impact the character and setting of the adjacent listed farmhouse. Whilst the design improvements are noted, it is nevertheless still considered that the proposal would create harm to the character and setting of the listed building. Whilst this would be less than substantial harm, and with further amendments could be considered at the lower end of this spectrum, it is nevertheless harm where this is considered within the context of paras 193, 194 and 196 of the NPPF where great weight is given to the conservation of the heritage asset. Furthermore, in terms of legislation special regard to the preservation the listed building and its setting, is required under Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Ecology: No objection

Great Crested Newts

There are no ponds within 100m of the proposed development. Greenscape Environmental has assessed the ponds within 100-250m of the site and has recorded them as having potential to support breeding great crested newts. Due to the distance from the site and size of the proposed development no further survey work has been recommended. A method statement approach should be followed.

Nesting Birds

The boundary vegetation has potential to support nesting birds. Any works to remove vegetation should be undertaken outside of the nesting bird season.

Bats

The site has the potential to support foraging and commuting bats. In order to ensure there is no negative impact a bat lighting plan should be conditioned. Conditions and informatives are recommended for inclusion on any planning permission which may be granted.

Highways: No objection – subject to the development being constructed in accordance with the approved details. Conditions and informatives are recommended for inclusion on any planning permission which may be granted.

The development proposes the erection of a local needs affordable dwelling for a family member in a corner plot of land directly opposite the farm's main buildings. The proposed access and parking arrangements are considered to be satisfactory for the development and the prevailing highway conditions. Subject to the inclusion of the recommended conditions on any planning permission which may be granted, it is considered that there are no sustainable Highway grounds upon which to base an objection.

Drainage: No objection.

4.2 **Public Comments**

4.2.1 No letters of representation have been received.

5.0 **THE MAIN ISSUES**

- Policy and Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Drainage

6.0 **OFFICER APPRAISAL**

6.1 **Policy & 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. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that 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 NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. The Core Strategy allows for local needs affordable housing in or adjoining settlements of all sizes. Policy CS5 states that development will be expected to take place primarily in recognisable named settlements. SAMDev Plan policy MD7a states that suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. The Supplementary Planning Document (SPD) on the Type and Affordability of Housing expands on the Council's approach to the provision of affordable housing within the County, providing for exception sites in locations that would not normally obtain planning permission for new housing development. The provision of affordable housing should be commensurate to the size of the community, its local economy and enabling local people to live in close proximity to their work and/or family support network. However it is necessary that applications for such housing meet the exception sites criteria as set out in the relevant policies, and the SPD stresses that 'exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement'. It states that sites that do not lie in a settlement, constituting isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable.

- 6.1.3 In this case the dwelling proposed is not located within or adjacent to a settlement and is detached from any other form of development. On the opposite side of the lane is located the farmhouse where the applicants currently live but are due to move out as family is moving into the farmhouse in order to run the business. The applicant is proposing to assist with the running of the business until he needs to retire however due to ill health the wife of the applicant will need care in the future. Support for the applicants is provided by the Council's Housing Officer. Therefore on this basis the applicants would gain the support of local family members and to be employed in local agriculture.
- 6.1.4 However, this does not overcome the issue regarding the provision of an affordable dwelling in a location that is not adjacent to or within a defined settlement. While there may be a pattern of development that would create the feeling of a settlement this is located some distance away to the north west along New Street Lane where there are a number of farms and dwellings in close proximity to one another.
- 6.1.5 In order to overcome the issue of the location a number of suggestions have been made by officers which include the conversion of an existing building on the farmhouse to create an annex to the main dwelling and also the erection of a building closer and more readily associated with the farm complex. This would be to minimise its visual impact.
- 6.1.6 As such it is considered by officers that the current location for the dwelling does not comply with the NPPF and adopted policies CS5, MD7a or the SPD on the Type and Affordability of Housing.
- 6.2 Design, Scale and Character**
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. It states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting (para. 189). In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design. Also as the site is located within open countryside the proposal needs to be considered against policy CS5 of the Core Strategy.
- 6.2.2 The latest set of plans for the proposed dwelling other for a two bedroomed with open plan kitchen dining room and living room or area a separate utility and a detached garage. This is to be an L shaped structure and single storey in height. Externally the design has been kept relatively simple so as to blend with its surroundings.
- 6.2.3 However Conservation Officers have raised concerns about the application and

the design of the proposed building. As detailed above a heritage impact assessment should be provided as part of the application due to its location close to a listed building this would advise on any potential impact development would have on the character and appearance and the setting of the listed building. In addition, there are small details relating to the design of the proposed dwelling which the Conservation Officer has highlighted for potential amendment in order to improve the overall design of the building.

6.2.4 Given the lack of a heritage impact assessment as required by the NPPF and legislation relating to listed buildings and conservation areas officers are unable to support the proposed scheme. Any approval without such supporting documentation would be contrary to the adopted policy and current legislation.

6.2.5 In view of the above it is considered by Officers that the scheme is contrary to the NPPF and policies CS6, MD17, MD2 and MD13 of the Shropshire LDF. Also it falls short in the level of information required by Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.3.2 As highlighted above there are no residential properties within close proximity of the site and as such the development would not give rise to any loss of privacy or light as a result.

6.4 **Highways**

6.4.1 No objection has been raised by the Highways Development Control Manager in relation to this application. This is subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.

6.5 **Ecology**

6.5.1 The application has been considered by the Council's Ecologist and no objection has been raised subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.

6.5.2 In view of the above it is considered that the proposed development will not have a detrimental impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev

6.6 **Drainage**

6.6.3 No objection has been raised by the council's drainage engineer in relation to the proposed development. In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

7.0 **CONCLUSION**

7.1 Officers recognise that the applicants fulfil the criteria with regard to a single plot local needs affordable dwelling. However, the location of the proposed dwelling

does not comply with the adopted policies. In addition, the lack of supporting information in the form of a heritage impact assessment does not enable officers to fully assess the impact that the development would have on the historic environment of the area. While there is no objection in terms of highways, ecology and drainage these do not outweigh the objections raised by Officers in regard to the principle of the development. Therefore, taking the above into consideration Officers are of the opinion that the proposal is contrary to the NPPF, Development Plan policies CS5, CS6, CS11, CS17, MD2, MD7a, MD13 and the SPD on the Type and Affordability of Housing. In addition insufficient information has been provided to enable the requirements of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to be met. Therefore it is recommended that planning permission is refused.

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 - written representations, a hearing or inquiry.
- The decision is 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 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 give 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

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD13 - Historic Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

20/04347/FUL Erection of a single storey local needs dwelling including new access and detached garage PDE

20/04347/FUL Erection of a single storey local needs dwelling including new access and detached garage 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 Ed Potter

Local Member

Cllr Paul Wynn

Appendices APPENDIX 1 - Conditions

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