

Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 21/01708/OUT	Parish:	Sutton Upon Tern
Proposal: Outline application for the erection of 1 No local needs dwelling including provision of access		
Site Address: Land Opposite 6 Sandy Lane Pell Wall Market Drayton Shropshire TF9 2AE		
Applicant: Mr Louis Tomkinson		
Case Officer: Alison Lloyd	email: planning.northern@shropshire.gov.uk	
Grid Ref: 367912 - 332187		



Recommendation: - REFUSAL for the following reasons

- Whilst the applicant has demonstrated that he complies with the local housing need criteria due to working for the family business, the siting of the dwelling is considered contrary to planning policies and deemed unacceptable. The land to which this application relates is detached from any defined settlement. The proposed site does not have any built development adjoining the site boundaries and will be clearly prominent within the rural setting. The proposed development would be exposed and visible from the passing highway, impacting on the sites long standing rural character. Due to the open nature of the site, the dwelling will have a clear prominent position within the rural setting and is not considered acceptable.
- Additionally; the site is close to several stated noise sources including a dog training facility, tractor repair and private hire area. As such a full noise assessment report is required in order to fully consider the background noise levels from the adjoining land uses. Due to insufficient information being provided in support of this application, it has not been demonstrated that the development would not result in any harm to any future occupiers.
- For the above reasons the principle of development is not supported by officers as this application is contrary to planning policies CS5, CS6, CS17, MD02, MD07a and MD13 of the Shropshire Core Strategy and the SAMDev Plan, along with the aims of the National Planning Policy Framework (NPPF) published February 2019, and The Type and Affordability of housing SPD 2012 and is therefore recommended for Refusal

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks outline planning approval for the erection of 1 local needs dwelling including provision of access.

All other matters are reserved for approval at a later date as part of a Reserve Matters application.

- 1.2 Pre-application advice with regards to the proposed siting only was applied for by the applicant under reference PREAPP/20/00280 in August 2020, an extract from the response is detailed below:

Pre-application Advice summary:

"The proposed site location does not form part of a recognised settlement, nor does it adjoin or sit within close proximity of a settlement, the site has no clear relationship to a recognised settlement, furthermore the proposed, would not follow the form of existing development along the north side of Sandy Lane.

The site is of a detached nature and would be exposed and visible from the passing highway, therefore having prominent position within the rural setting, having an adverse effect on the surrounding landscape and rural character if developed.

Taking into account the above, officers consider that the site does not comply with

the relevant adopted local planning policies and the proposed development would not gain the support of officers if a formal application was to be submitted."

- 1.3 Whilst the pre-application advice was clear in advising that the development of the site was not compliant with planning policy, the applicant chose to pursue the proposed development with the submission of this outline application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The land to which this application relates is within a rural countryside location, south of Market Drayton, north of Sutton Upon Tern. The site is south of the unclassified road known as Sandy Lane, Sandy lane terminates to the west adjoining an unnamed road and bridleway, and to the east adjoins a main A road.

The land sits south of Sandy lane and is surrounded by countryside land, across the highway to the north sits the applicant's parent's property and business.

The location of site is mark with a blue cross below:

2.2



Aerial image of the site in the context with the rural setting.



- 2.3 The site currently has a field gate (agricultural) access along the northern boundary which adjoins the unclassified road known as Sandy Lane, this will be improved in order to create a private vehicular access to support the proposed residential development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Sutton Upon Tern Parish Council support the application as the applicant works locally and they feel the development is compliant with emerging Rural Housing

Policy. (this document is yet to be formally adopted and holds no weight in the consideration of this application)

The Local member Cllr Gittins supports the application as he feels the site forms part of the settlement known as Woodseaves. Cllr Gittins has called for the application to be heard at a planning committee meeting.

The Principle Planning Officer, the Committee Chair and Vice Chair have agreed that the application should be heard at the June committee meeting and decided by members.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Historic Environment Officer

We do not wish to comment from a heritage perspective.

4.1.2 SUDs

Surface Water Drainage Informative advised

4.1.3 Severn Trent Water

As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

4.1.4 Affordable Housing Officer

Applicants meets the single plot exception site criteria.

4.1.5 Highways

No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

4.1.6 Ecology Officer

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

4.1.7 Tree Officer

This proposal does not appear to affect any important or protected trees and I have no objection on the grounds of trees. If adjacent trees are within falling distance a tree survey may be required for a full application

4.1.8 Regulatory Services

It is noted that the proposal is to allow an individual linked to the operations in the locality to live close to site to enable the business activities to run smoothly e.g. take receipt of goods at antisocial hours as specified in the Design and Access Statement.

The site is close to several stated noise sources including a dog training facility, tractor repair and private hire area. As such there is the potential for noise from these sources to impact on anyone living close by.

If the dwelling will be able to be sold on the open market in future it is recommended that a noise assessment is submitted to consider if the site is

suitable in terms of noise. If the dwelling is to be linked to the existing businesses this may not be required to the same level other than to ensure that the property can meet reasonable internal noise standards in line with BS:8233:2014 which requires less consideration than a full noise report where consideration of background noise level information will be relevant. Once any further information is submitted please consult for additional commentary as required.

4.2 Public Comments

4.2.1 Sutton Upon Tern Parish Council

In terms of the above outline application the Parish Council's view is one of very strong support.

This support comes from the Parish Councils emerging Rural Housing Policy view and any similar future applications based on this type of local need will be supported and needs to be seen in the context of the developing Community led Housing Strategy the Parish Council have been pursuing with the help of Shropshire Council's housing and place plan officers

The Parish Council is finding on the ground is that younger people are being lost from this rural area and its fragile economy to move into larger Towns thereby destroying elements of the economic and social fabric which is key to sustaining rural hamlets and settlements into the future, something that should be supported not discouraged.

That said the Parish Council feels that the applicant has very special circumstances and demonstrates essential need for a local needs dwelling as a rural worker needed permanently to support the farm business; the family is integral to the farmstead for its effective management and succession. The Parish Council can confidently support this application as many national and local policies have been taken into account, the property will not be visually intrusive and will blend in well within the cluster of existing buildings and will allow the applicant to live permanently near their place of work within the countryside. The planning authority should at detail stage take account of any design details with the applicant in order to raise the standards of design within this rural setting.

4.2.2 Local ward members comments - Cllr R Gittins:

"In respect of the recent application made on behalf of Mr L Tomkinson for a local need dwelling at Woodseaves; in the event of Officers recommending refusal I would ask that the application is referred to Committee for a decision. Woodseaves is considered by me as a loose knit, linear settlement pattern either side of the road, which is clearly indicated on the OS map and forms part of the address of properties making up Woodseaves. Based on the current edition of the Type & Affordability of Housing SPD 2012, the application is consistent with policy as set out in paras 5.14, 5.15, 5.16 & 5.17 on page 28.

<https://www.shropshire.gov.uk/media/8593/adopted-type-and-affordability-of-housing-spd-2012.pdf> . The design and scale of the proposed dwelling is appropriate and does not adversely affect either the landscape or rural character of the area (para 5.14). The proposal is in accordance with policies Cs5, CS6, CS17, MD02, MD07a and MD13 of the Shropshire Core Strategy and SamDev Plan. In planning terms, the application would appear to meet both the spirit and letter of

the Council's current policy. I fully support the application and it should therefore be approved with any appropriate conditions.

4.2.2 A site notice was displayed on the site from 28.04.2021 for a 21day period.

5.0 THE MAIN ISSUES

Principle of development / Affordable Housing Local Need
Siting / Visual Impact / Amenity
Highways
Drainage
Ecology

5.1 Relevant Planning Policy

Shropshire Core Strategy

CS05: Countryside Development
CS6: Sustainable Design and Development Principles
CS11: Type and Affordability of Housing
CS17: Environmental Networks
CS18: Sustainable Water Management

SAMDev Plan

MD02: Sustainable Design
MD7a: Managing Housing Development in the Countryside
MD12: The Natural Environment
MD13: Historic Environment

The Type and Affordability of housing SPD 2012
National Planning Policy Framework

6.0 OFFICER APPRAISAL

6.1 Principle of development / Affordable Housing Local Need

6.1.1 The Housing Supplementary Planning Document (SPD) and policy CS11 'Type and Affordability of Housing' of the Core Strategy provides a positive support framework for the consideration of single plot exception sites in open countryside subject to a number of criteria including location, size of dwelling and local housing need.

6.1.2 A site for a single plot exception affordable dwelling needs to be in a location that demonstrably forms part of a recognised settlement.

If the planning application is successful, it will be subject to the applicant entering into a section 106 agreement, which will ensure future sales of the property will be to another local qualifying person for the formula price which is expressed as a percentage of open market value.

6.1.3 The location of proposed Single Plot Exception sites are referenced in Shropshire Councils SAMDev Policy adopted on 17th December 2015.

MD7a : Managing Housing Development in the Countryside:

- 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.

- In order to protect the long term affordability of single plot exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions.

“3.53 Exception sites for local needs affordable housing on suitable sites adjoining recognisable named settlements are allowed by Core Strategy Policies CS5 and CS11 as an exception to normal policies. This also applies to suitable sites adjoining settlements in the Green Belt. Exception site proposals should meet the detailed criteria on site suitability, “local need” and eligibility contained in the Type and Affordability of Housing Supplementary Planning Document.”

The Type and Affordability of housing SPD 2012:

Paragraph 5.13 states that: other than when built as part of the rural occupational dwelling scheme, (Section 3 of this SPD), exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement. Larger settlements, such as market towns and villages, obviously qualify as recognizable named settlements. Guidance is provided in paragraphs 5.15 to 5.17 regarding whether a small hamlet or group of houses qualifies as a recognizable named settlement.

Paragraph 5.14 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.

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. The case officer may seek the views of the Parish Council for additional assistance in cases where it is a finely balanced judgement.

The officer informed the local members of the pre-application request with regards to a single plot exception dwelling on this site. The local members comments were as follows:

"In relation to this pre app I am not aware of any opposition locally and generally in the past the community has been very supportive of trying to help local young people onto the housing ladder specially when it comes to local needs dwellings and agricultural dwellings. It is also of my opinion that these dwellings would in principle not look out of place in the local setting and would be a benefit to the local community and the local economy."

- 6.1.4 The type and affordability of housing SPD, advises how the suitability of each proposed site should be considered on its individual merits; *Each case is treated on its merits, but the following guidelines apply when assessing whether a small hamlet constitutes a “recognisable named settlement”. 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* [evident from the OS Plans and aerial imagery]. *Although a matter of judgment in each case, particularly for settlements where the number is*

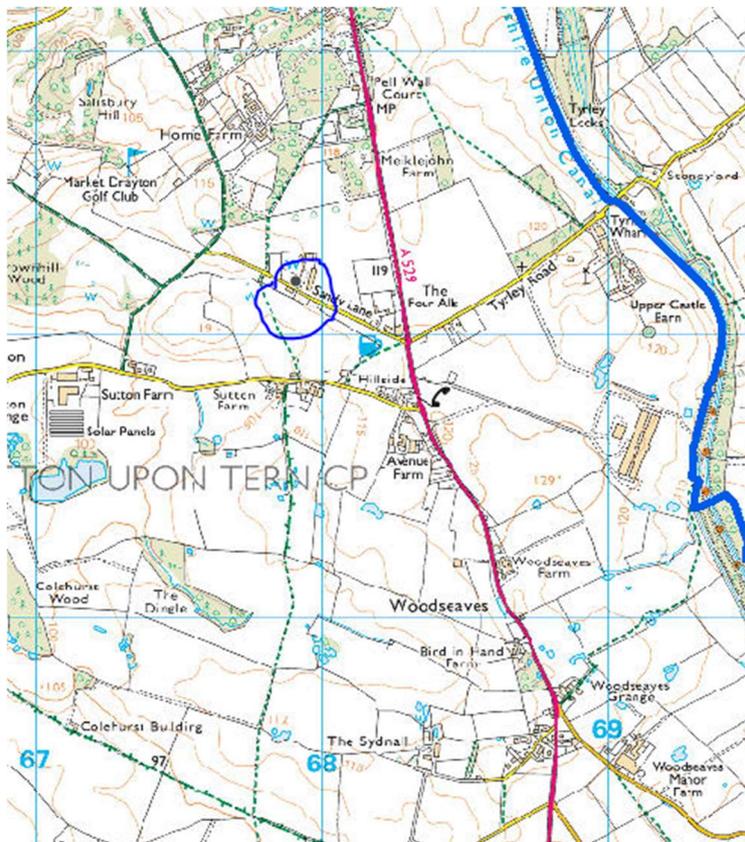
small or where the houses are dispersed, for example strung along a road, it is the combination of these two factors that determines whether the dwellings constitute a settlement.

- 6.1.5 The Shropshire Council Affordable Housing Officer has confirmed that the applicant Mr Tomkinson meets the relevant local needs criteria.

The land to which this application relates is agricultural land within a rural countryside location. The land sits south of Sandy lane and is surrounded by countryside land, across the highway to the north sits the applicant's parent's property and business.

The blue circle below identifies Sandy Lane to which this application relates, rural properties and farmstead within the rural area referred to as Pell Wall, sit some distance away to the north, the image below also identifies the rural area known as Woodseaves which is also some distance away from the application site to the south. It is clear to see that whilst Pell Wall is included in the sites address the agricultural land to which this application relates does not form part of either area Pell Wall or Woodseaves.

Officers would also like to point out that Pell Wall would not be looked upon as a defined settlement and is considered a small hamlet of houses and farmsteads within a countryside location.



The land to which this application relates is detached from any defined settlement. The proposed site does not have any built development adjoining the site

boundaries and will be clearly prominent within the rural setting. The proposed development would be exposed and visible from the passing highway, impacting on the sites long standing rural character. Due to the open nature of the site, the dwelling will have a clear prominent position within the rural setting and is not considered acceptable.

6.2 Siting / Visual Impact / Amenity

6.2.1 This is an outline application to include the proposed site access arrangements, with all matters to be reserves.

A block plan has been submitted demonstrating the potential siting of the dwelling house and detached garage structure within the application site area. The block plan demonstrates that the site can accommodate the development, whilst proving a sufficient level of domestic amenity to support the dwelling house, to include an on site parking provision.

The site access is discussed in detail below all other matters are to be agreed at a later date through the submission of a reserved matters application.

6.2.2 The proposed development would be exposed and visible from the passing highway, and due to the open nature of the site, the dwelling will have a clear prominent position within the rural setting and is therefore not considered acceptable due to the potential visual impact and harm that could be caused.

6.2.3 It is noted that the proposal is to allow an individual link to the operations in the locality to live close to site to enable the business activities to run smoothly e.g. take receipt of goods at antisocial hours as specified in the Design and Access Statement.

The site is close to several stated noise sources including a dog training facility, tractor repair and private hire area. As such there is the potential for noise from these sources to impact on anyone living close by.

In order if required for the dwelling to be sold on the open market in future it is considered that a noise assessment is required to consider if the site is suitable in terms of noise as advised by the Council's Regulatory Services in response to the application. A full noise report where consideration of background noise level information will be relevant and is necessary in order to fully consider the principle of development in relation to a 'local needs dwellings' as this is proposal is not in consideration of a rural worker's dwelling where a functional need to be on site has been established. In fact given the fact that the business on opposite side of the highway connected to the site already has a dwelling as part of it, Officers do not consider an essential need in this instance exists on site.

The acting agent was made aware of the need for a noise assessment; however no noise assessment has been provided in support of this application to date.

6.3 Highways

6.3.1 The development proposes the erection of a single dwelling with access included as a determined matter in consideration of the outline consent. The application was the subject of a recent pre-planning enquiry under reference PREAPP/20/00280.

6.3.2 The proposed access and visibility provision are considered to be acceptable for the proposal and in line with the prevailing highway conditions. Based upon the information submitted it is considered that, subject to the conditions listed by the Highways Officer being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

6.4 Drainage

6.4.1 No supporting drainage details have been provided with this application, the applicant will need to address the site's foul and surface water drainage at the reserved matters stage, if this application was to be successful.

6.4.2 A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:
<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, 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

6.5 Ecology Matters

6.5.1 Having reviewed the information submitted with this application, the Ecology officer comments are as follows:

"Shropshire Council ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. To achieve this hedgerow planting should be implemented along the eastern boundary composed of native species and a mix of at least five woody species, the existing hedgerows should also be enhance via infill planting. The installation of bird boxes and a bat box/integrated bat tube will also enhance the site for wildlife by providing additional roosting habitat. Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area."

6.5.2

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

7.0 CONCLUSION

7.1 Whilst the applicant has demonstrated that he complies with the local housing need criteria due to working for the family business, the siting of the dwelling is considered contrary to planning policies and deemed unacceptable. The land to

which this application relates is detached from any defined settlement. The proposed site does not have any built development adjoining the site boundaries and will be clearly prominent within the rural setting. The proposed development would be exposed and visible from the passing highway, impacting on the sites long standing rural character. Due to the open nature of the site, the dwelling will have a clear prominent position within the rural setting and is not considered acceptable.

Additionally; the site is close to several stated noise sources including a dog training facility, tractor repair and private hire area. As such a full noise assessment report is required in order to fully consider the background noise levels from the adjoining land uses. Due to insufficient information being provided in support of this application, it has not been demonstrated that the development would not result in any harm to any future occupiers.

For the above reasons the principle of development is not supported by officers as this application is contrary to planning policies CS5, CS6, CS17, MD02, MD07a and MD13 of the Shropshire Core Strategy and the SAMDev Plan, along with the aims of the National Planning Policy Framework (NPPF) published February 2019, and The Type and Affordability of housing SPD 2012 and 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

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

20/02953/FUL Application under section 73A of the Town and Country Planning Act 1990 for the change of use of agricultural field to a dog exercising area. GRANT 17th September 2020

21/01708/OUT Outline application for the erection of 1 No local needs dwelling including provision of access PCO

NS/03/01174/FUL Erection of agricultural shed for storage of farm implements, to provide shelter for cattle during winter and storage of hay/straw and animal feeds CONAPP 5th January 2004

NS/07/02148/FUL Proposed extension to existing agricultural building WDN 18th December 2007

NS/08/00409/FUL Application Under Section 73a of the Town and Country Planning Act 1990 for the partial change of use of an agricultural building to allow the storage and restoration of classic tractors and provision of exterior storage/display area CONAPP 9th May 2008

NS/08/01353/FUL Proposed extension to existing agricultural/commercial unit for the storage of classic tractors CONAPP 8th September 2008

PREAPP/14/00488 Proposed erection of 2 detached dwellings with detached double garages

replacing existing outbuildings PREUDV 17th October 2014
 PREAPP/18/00142 Proposed erection of 2no log cabins to provide holiday let accommodation
 PREAMD 11th April 2018
 19/04045/FUL Erection of 2No. log cabins to provide holiday let; formation of access track and
 parking and installation of septic tank GRANT 20th November 2019
 PREAPP/20/00280 Proposed 2no. local needs dwellings PREUDV 23rd July 2020
 21/01708/OUT Outline application for the erection of 1No local needs dwelling including
 provision of access PCO
 NS/01/00695/FUL Erection of two storey extensions side and rear elevations, raising of roof
 height of existing dwelling and associated alterations CONAPP 18th September 2001
 NS/99/10523/FUL ERECTION OF TWO STOREY EXTENSION TO REAR
 ELEVATION OF EXISTING DWELLING CONAPP 22nd March 1999
 NS/99/10524/FUL SITING OF A RESIDENTIAL CARAVAN FOR THE
 DURATION OF RENOVATION WORKS TO EXISTING
 PROPERTY CONAPP 3rd September 1999
 NS/99/10525/FUL ERECTION OF TWO STOREY EXTENSION TO REAR
 ELEVATION, SINGLE STOREY EXTENSION TO SIDE
 ELEVATION, RAISING OF ROOF HEIGHT AND
 ASSOCIATED ALTERATIONS TO EXISTING DWELLING CONAPP 16th November 1999
 21/01708/OUT Outline application for the erection of 1No local needs dwelling including
 provision of access PCO

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 Ed Potter
Local Member Cllr Rob Gittins
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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