

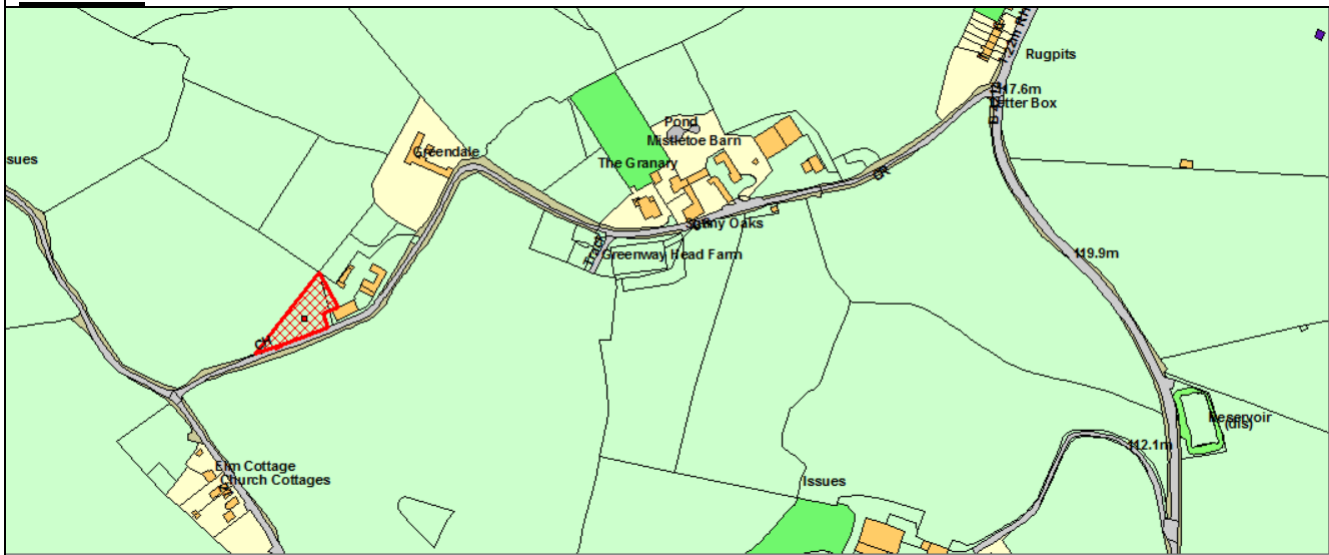
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/02749/FUL	Parish:	Nash
Proposal: Erection of an affordable dwelling (single plot exception site) with detached garage		
Site Address: Proposed Affordable Dwelling Land West of Greenway Head Burford Shropshire		
Applicant: Ms Harriet Beaumont		
Case Officer: Helen Tipton	email: helen.tipton@shropshire.gov.uk	

Grid Ref: 358703 - 269879



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Recommendation:- Refuse.

Recommended Reason for refusal

1. The site is in open countryside and not within or adjoining any recognisable named settlement. Consequently and notwithstanding the fact that the applicants have been found to fulfil the local connections and housing need criteria for a designated affordable home, the principle of the proposed development is contrary to the National Planning Policy Framework, Policies CS5 and CS11 of the Shropshire Local Development

Framework Adopted Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan and the Council's Supplementary Planning Document (SPD) on the Type and Affordability of Housing.

2. By reason of its countryside location and only sporadic housing existing in the locality, the introduction of additional buildings to the vicinity would visually detract from and spoil the open countryside. The development would therefore be contrary to the National Planning Policy Framework, (NPPF); Core Strategy Policies CS5, CS6, CS17 and policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission to erect an affordable dwelling (single plot exception (SPE) site) with detached garage for the occupation by a named individual with an identified local housing need.
- 1.2 The proposed dwelling would be of a single-storey, with its walls constructed of horizontal timber boarding, a black coloured, metal sheet roof and timber window casements. The garage would also be of a single-storey and consist of a pitched roof, with one half of the structure enclosed. The garage building would provide parking for two vehicles, whilst the dwelling would provide up to three bedrooms, with an en-suite and separate bathroom, kitchen / dining room and a dressing room.
- 1.3 The application originally proposed a new access route from the road, although this, along with the site layout has since been amended to utilise an existing access serving the adjacent stable yard, which is in the ownership of the applicant's mother.
- 1.4 It is intended that the foul waste connection would be made to an existing septic tank on the adjacent stable yard site. The septic tank serves a toilet, which was approved as part of a scheme to extend the stables and provide additional storage within the adjacent site, (application 19/02198/FUL refers).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The land proposed for development forms the corner of a larger field and is located more than a mile from Burford village. It is enclosed by hedgerow and lies adjacent / to the north of 'Greenway Head Lane'; an unclassified, rural road leading between the Greete to Burford road and the B4214 / Clee Hill Road. The site sits approximately 0.19 miles to the south west of Greenway Head Farm and a small group of barn conversions. A residential dwelling, (Greendale), also sits closer, approximately 150 metres or more away to the north east.

The dwelling would be approached via an existing, gated access leading to the rear of a stable yard, which is sited to the north east of the development site.

The ground here is mainly level with grazed farmland rising on the opposite side of the road.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Parish Council has expressed a view contrary to the officer recommendation. The Local Ward Member supports the scheme and, in consultation with the Chair and Vice Chair of the South Planning Committee and the Principal Planning Officer, it is concluded that the matter should be raised for determination by Committee.

4.0 **Community Representations**

4.1 Consultee Comments

4.1.1 Shropshire Council Ecology - comment.

Ecology standing advice is provided, which provides general informative comments in relation to protected species.

4.1.2 Shropshire Council Highways - no objection.

8 July 2021 - comment.

Full detailed construction information, relevant for a full highways assessment to be undertaken is required for submission, so that pre-commencement conditions can be avoided, as recommended by the National Planning Policy Framework (NPPF). The following, further information is required to be submitted on a dimensioned scale drawing:

- Full construction details of the proposed access, including layout, construction, radii and visibility splays commensurate with the speed of traffic passing the site.

Any further information submitted should provide any and all details necessary to assist with the appropriate determination from a Highways and Transport perspective. It should demonstrate that the proposed new vehicular access, associated visibility splays, parking and turning facilities are commensurate with the prevailing local highway conditions, in accordance with 'Manual for Streets 1 & 2'.

20 August 2021 - no objection.

Further drawings indicate a revised scheme and access will now be taken through the existing access to the stables and stable yard. The stables were extended in 2019 under planning application 19/02198FUL and the access was considered acceptable for the development. Given that access is existing, it is considered that a highway objection to the proposal could not be sustained.

Although access is existing, it should be noted that the access bell mouth should be surfaced in a bound material and the gates should be set back at sufficient distance from the edge of the adjoining carriageway to allow the largest vehicles using the access to pull clear of the highway while the gates are opened and closed.

General informative comments are provided.

4.1.3 Shropshire Council Affordable Housing - comment.

The applicant submitted an Affordable Housing Questionnaire with accompanying evidence and the Affordable Housing Team sent a letter to the applicant on 17th March, 2021. This letter confirmed they had demonstrated an affordable housing need and had strong local connections to the area in which they proposed to build a home. The Affordable Housing Team were therefore satisfied they had met the need requirements of the build your own affordable housing scheme. The approval letter was based upon the information provided and will remain valid for 12 months from the date of the consent letter. However, we must be notified immediately if any of the personal or financial circumstances change significantly during this period.

4.1.4 Shropshire Council Drainage - comment.

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. This 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.

4.1.5 Nash Parish Council - support.

18 July 2021 - support.

The Parish Council wishes to support this application as the applicant fits the criteria for affordable housing need and is sited in a reasonable settlement. The site doesn't impose on any neighbours views of the countryside and will not cause any great loss to agricultural land. The Parish Council are happy to support this application taking into account any considerations made by highways and planning.

25 August 2021 - support.

The Parish Council also approve the amended scheme and wish to support the revised plans.

4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site and neighbouring residential properties were notified by letter. The full text of public comments can be viewed online, although they are summarised below:

4.2.2 Two separate households object for the following reasons:

- The site is within open countryside and outside of the nearest settlement boundary of Burford; identified as a Community Hub. The submitted planning statement identifies 13 residential properties in proximity to the site and these are all listed as addresses in Burford. The northern edge of Burford is over a kilometre from the application site and therefore cannot be determined to be adjacent to a recognisable named settlement.
- The site is isolated from other residential properties and located over 160 metres away from the nearest property to both the north and south, so has no physical relationship with any other residential curtilage. The 13 properties listed are spatially dispersed, comprising no physical characteristics or relationship representative of a settlement and no community facilities that would engender a sense of community. The site is therefore not in or adjacent to any settlement.
- The Planning Statement identifies a number of affordable homes that have been consented within proximity to the application site. These applications do not set a precedent and provide evidence that the application site is not located within the recognised named settlements of Round Oaks or Rugpits, as determined by Council officers in previous decisions.
- There is currently no residential or commercial use permitted on the site. It is not connected in any way to the non-commercial equine use of the site [adjacent] and therefore does not constitute an essential rural workers dwelling.
- This is not an essential workers dwelling. The land is supposed to be used for a private horse stabling yard, not involving any 'rural workers'.
- There are a good number of affordable dwellings available that lie within recognized named settlements. The current construction of the Castle Reach Development in Burford is one example.
- The applicant is not the owner of the site and therefore if transference were to be effected, it would mean that the site would have no legal connection to the stabling.
- The proposed access point to the site is across land in my ownership and therefore the applicant would be legally required to serve notice to any affected landowner.
- The future use would totally change the beautiful area we live in.

4.2.3 Nine separate households support the application on the following grounds:

- There is a pressing need for affordable housing for people who are local.
- As long as local needs dwellings fit national and local policy, they can only be a good thing.
- The property is to be developed on family owned ground, which is what affordable housing is all about.
- The proposed development has been designed to fit in, visually, with the surrounding area and is modest.
- The lane is not at all busy so traffic should not be an issue.
- Being local to schools, shops and facilities makes the site a good location to build a home.

- The site is already used for equestrian purposes so the development would add security to it.
- Given that the owner currently has to travel to the site on a daily basis, the development would result in a reduction in traffic.

5.0 THE MAIN ISSUES

Principle of development
Scale, layout, design and landscape impact
Residential amenity
Highways
Ecology
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the Site Allocations and Management of Development (SAMDev) Plan. Isolated or sporadic development in open countryside, (i.e. outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.
- 6.1.2 One of the exceptions mentioned under Core Strategy Policy CS5 and SAMDev Policy MD7a is where named individuals with strong local connections and who are in demonstrable housing need wish to build their own 'affordable' home. Detailed guidance on this initiative, including a definition of the terms 'strong local connections' and 'housing need', can be found in the Council's Supplementary Planning Document, (SPD). The Council's Housing Enabling Officer is satisfied that these two aspects of the policy are met. If planning permission were to be granted it would be subject to prior completion of a legal agreement to control both initial and future occupancy of the house, and to cap its resale value. It should be noted that the application does not propose a 'rural workers dwelling', which would carry separate regulations and different policy requirements.
- 6.1.3 In terms of the issue of location, even affordable homes on rural exception sites are required by the SPD to be within or adjoining "recognisable named settlements". Isolated or sporadic development in open countryside, or which would otherwise adversely affect the landscape or an area's local distinctiveness or historic character, is unacceptable. The SPD explains that all settlements comprise a group of houses occupied by households from different families, with the group becoming a settlement on account of the number houses and their proximity. Its limits are defined by where the relationship between the different properties peters out and hence a site divorced slightly from a dispersed or loose-knit settlement might be considered to adjoin it, whereas one a similar distance from a tightly clustered or

nucleated settlement would not.

6.1.4 Burford is a Community Hub, where new open market or affordable housing development would be acceptable in principle. Similarly, Rugpits and Round Oak have previously been considered as recognisable settlements for affordable housing, although none of these settlements are positioned along Greenway Head Lane and the site is not recognised as being within or close to these settlements. Clearly, this site is too far removed from any pattern of residential development and cannot be regarded as being close to or adjoining a settlement. The small number of dwellings along Greenway Head Lane are far from continuous and most significantly, the overriding impression, when stood at the application site, is of open, largely undeveloped and scenic, rural countryside. Notwithstanding the adjacent stable yard, (where no dwelling exists), the site is separated, both physically and visually by agricultural land and the development would be seen as an isolated dwelling in open countryside. This was also the conclusion of the officer at the pre-application stage of enquiry in March 2020.

6.1.5 For these reasons officers consider that the site does not form part of a settlement, instead being in open countryside, with only very sparse housing which mostly predate modern planning requirements. Any new dwelling in this deeply rural and attractive landscape would inevitably erode its character.

6.2 **Scale, layout, design and landscape impact**

6.2.1 Following the receipt of amended plans, the site area would accord with the 0.1 hectare limit imposed by the SPD, whilst the dwelling's gross internal floor space would not exceed the 100 square metre threshold. In itself, the design of the house is also generally satisfactory, as it combines a simple building form with reasonably traditional proportions and mostly vernacular materials, akin to a modest farm building. Its height is of no concern, given the single-storey nature of the building, its dark coloured roof, timber walls and its position on level ground, behind roadside hedgerow.

6.2.2 However, the development would introduce building sprawl and further elongate the adjacent stable yard site, almost doubling the area of development here. This would have a negative impact on the rural idyll, particularly when viewed from higher ground or from other, wider viewpoints

6.3 **Residential amenity**

6.3.1 Although the proposed development has the potential to be visible from the nearest neighbouring property, (Greendale), there is no legal right to an unrestricted view across private land and given that soft landscaping could be introduced to provide some screening around the site, the development should not appear overbearing to neighbours.

6.3.2 Additionally, low-level noise from day-to-day domestic activities is unlikely to be problematic and no more so than the daily activities carried out at the stable yard.

6.4 Highways

- 6.4.1 Given that approach to the site would be made via an existing access to the adjacent stable yard, the Council Highways team have no objection, although they would prefer, amongst others, for the entrance to have its gates set in from the road, to allow safe ingress and egress of traffic and preventing vehicles being stationed in the road while the gates are opened or closed.
- 6.4.2 Whilst the narrowness of Greenway Head Lane is acknowledged, it is lightly trafficked and the Highways team have raised no concerns about its capacity to accommodate the traffic likely to be generated by one additional household.
- 6.4.3 A supporting public comment makes reference to the reduced need for the existing owner to travel so frequently to the stable yard, once the proposed development is occupied. Given the limited information provided to the local planning authority, it cannot be ascertained whether or not traffic would actually be reduced although, as aforementioned, it is not considered that any additional traffic to one residential unit would be problematic.

6.5 Ecology

- 6.5.1 The Local Planning Authority is legally obliged to have regard to biodiversity when exercising any of its statutory functions. In this case, the development would take place on improved pasture and it is noted the Council's Ecology team raise no overriding concerns in this regard.

6.6 Other matters

- 6.6.1 An objection comment makes reference to the originally proposed access point to the site being in their ownership and the need for the applicant to serve notice on them. Amended plans were subsequently provided, which would see an existing access being utilised instead. In any event, this is a civil matter and not one for the Local Planning Authority to decide.
- 6.6.2 If planning permission were to be approved, then a Section 106 legal agreement would be entered into and the occupier would have free passage through the adjacent stable yard site, regardless of the stable yard changing hands in the future. There would not be a need to tie the development site to the stable yard.

7.0 CONCLUSION

The applicants have been found to fulfil the local connections and housing need criteria for an affordable home. However, the scheme is contrary to the relevant planning policies because the site is in open countryside, with only very sporadic housing existing in the specific locality. Whilst the form and appearance of the proposed development is generally acceptable, its siting would introduce spill into the rural area and would detract from the character and visual amenity of the countryside location. For these reasons 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, 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:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 Strategic Approach

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

MD2 Sustainable Design

MD7a Managing Housing Development in the Countryside

MD12 Natural Environment

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/01981/FUL Erection of private stables GRANT 30th July 2015

19/02198/FUL Erection of extensions to existing stables to provide additional equine accommodation and covered storage; erection of a barn for storage and tack (amended description) GRANT 8th August 2019

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Local Member

Cllr Richard Huffer

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APPENDIX 1

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.