



Committee and date
Southern Planning
Committee

31st May 2022

Item

Public

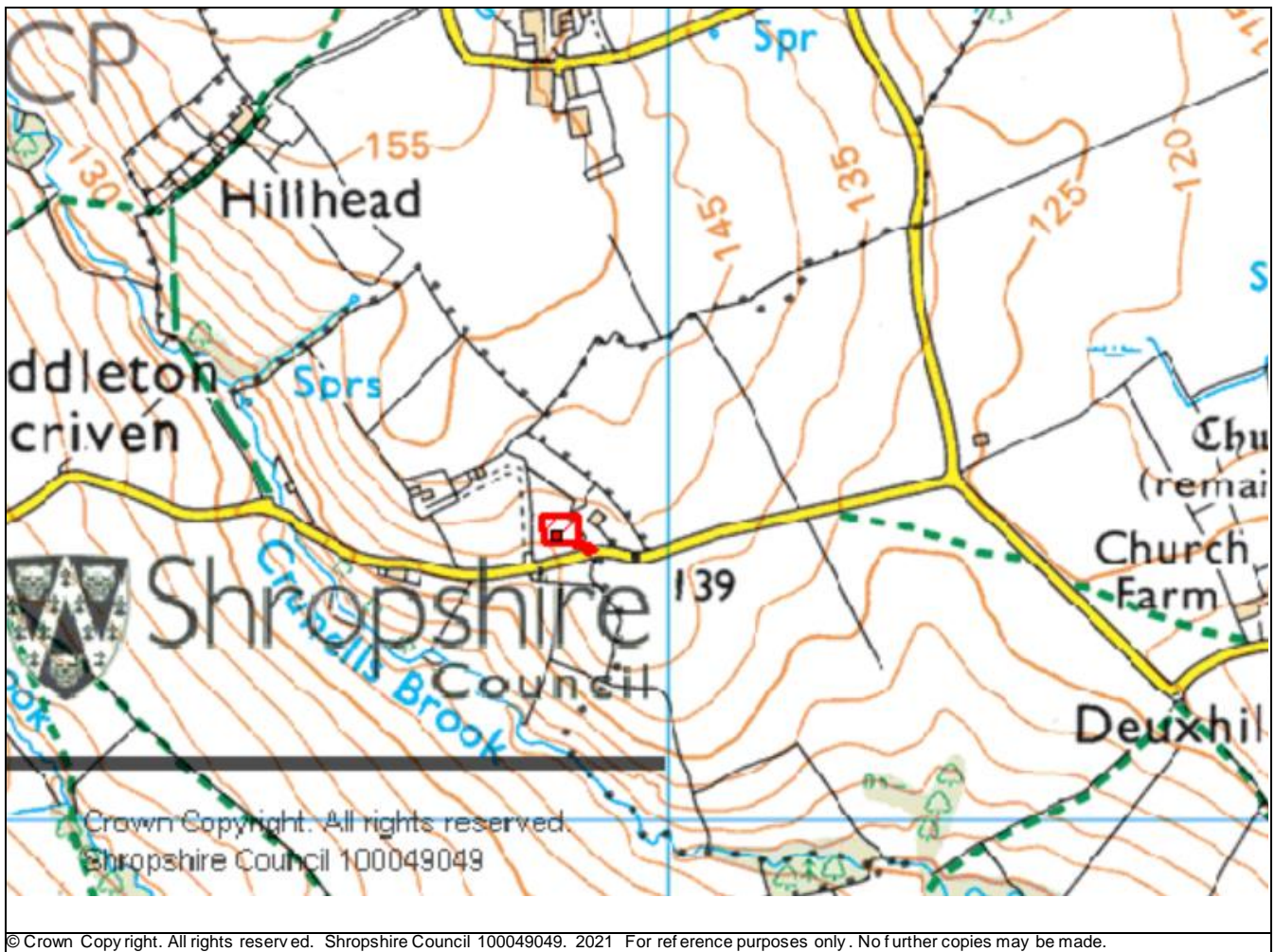
Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/05418/FUL	<u>Parish:</u>	Middleton Scriven
<u>Proposal:</u> Erection of an affordable home to include detached garage and private treatment plant.		
<u>Site Address:</u> Proposed Affordable Dwelling Middleton Scriven Bridgnorth Shropshire		
<u>Applicant:</u> Mr Graham Tranter		
<u>Case Officer:</u> Jacob Collett	<u>email</u>	: jacob.collett@shropshire.gov.uk

<u>Grid Ref:</u> 368879 - 287310



Recommendation:- Refuse subject to the conditions set out in Appendix 1.

Recommended Reason for refusal

1. The site is not part of or adjacent to a recognisable named settlement, there are only a limited number of dwellings nearby, most are separated from one another by agricultural land and by farmsteads; cumulatively the built environment in the area is made up of sporadic, isolated pockets of development. The principle of the proposed development is therefore contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing

2. Due to the position of the proposed plot, which is centrally placed within agricultural land with the remaining field surrounding on all sides and a driveway cutting through it, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

REPORT

1.0 THE PROPOSAL

1.1 The application proposes the erection of an affordable dwelling at land circa 1km east of Middleton Scriven. The application includes the provision of a package treatment plant. The application has been submitted under the single plot exception site policy which if approved are subject to a Section 106. The proposed dwelling is a single storey bungalow with a detached single garage.

1.2 There is previous planning history at the site with in total six previous applications related to a dwelling at the site. The planning history is as follows;

PREAPP/15/00472 – Single Plot Affordable Dwelling – Determined to be unacceptable development – Development not within or in the sphere of influence of a named settlement

PREAPP/16/00557 – Proposed Affordable Dwelling - Determined to be unacceptable development – Development not within or in the sphere of influence of a named settlement

PREAPP/18/00472 – Erection of an Affordable Dwelling – Determined to be unacceptable development - Development not within or in the sphere of influence of a named settlement

18/05043/OUT – Affordable self-build dwelling – Delegated refusal decision – reasons for refusal were are follows;

1-No information has been provided in support of this proposal to demonstrate that the applicant has a local connection to the area, why there is a need to live in the local area or that he is unable to obtain an alternative property within the Parish. As such the applicant has not met the qualifying criteria set out in the adopted Supplementary Planning Document on the Type and Affordability of Housing. Accordingly, the development is contrary to Policies CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, and Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan.

2- The site is not part of or adjacent to a recognisable named settlement, there are only a limited number of dwellings nearby, most are separated from one another by agricultural land and by farmsteads; cumulatively the built environment in the area is made up of sporadic, isolated pockets of development. The principle of the proposed development is therefore contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of

Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

3- The adopted SPD Type and Affordability of Housing requires applications for single plot affordable dwellings to be submitted as a Full Planning Application to allow the Council to fully consider all aspects of this proposal as a Single Plot Exception Site., in accordance with the Development Plan. The Outline application submitted is therefore contrary to paragraph 5.20 of the Council's Supplementary Planning Document on the Type and Affordability of housing.

4- Due to the position of the proposed plot, which is centrally placed within agricultural land with the remaining field surrounding on all sides and a driveway cutting through it, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

19/02168/FUL – Erection of Single Plot Affordable Dwelling and Detached Garage – Withdrawn for the following reason ‘We remain of the opinion that this particular location does meet the policy for single plot affordable dwellings but agree that the actual siting and design of the dwelling are not appropriate’

PREAPP/20/00486 – Single Plot Affordable exception Site – Unacceptable Development – Development not within or in the sphere of influence of a named settlement

1.3

The proposal was approved at committee in March 2022 where the resubmission to committee is due to an altered siting, garage roof orientation and the addition of rooflights to the rear elevations. These changes are considered material.

2.0 SITE LOCATION/DESCRIPTION

2.1

The site falls within open countryside to the south west of Bridgnorth and is accessed via Class C roads from the B4363 in the east. There is an existing field gate into the site at its south east corner. The site is an agricultural field sloping upwards to the north and laid to grass with a mixture of timber fencing and native hedging around its perimeter. There is an adjacent dwelling to the east side at The Poplars which has a south east facing front elevation and there is an evergreen hedge of approximately 2m high between this dwelling and the site. There is also a neighbouring property to the north west at Birch Hall Farm, where the dwelling is approximately 100m from the site and 70m above the road to the south. This farm is accessed via a dedicated track containing a line of mature trees and that extends from the road along the western boundary of the site. There is also a cottage across the road to the south. Otherwise the surrounding land is agricultural.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application has been concluded at the Agenda Setting Meeting on 20th January 2022 to be determined by planning committee due to ward councillor call in.

4.0 Community Representations
A Site notice was displayed at the Site.
- Consultee Comments

Billingsley Parish Council

The Members of Billingsley Parish Council have considered the above Application and wish to make the following comments –

Mr. Tranter is a local parishioner who has lived in the area all of his life. His parents lived in Middleton Scriven but the family can be traced back to Aston Botterel in 1850. Mr. Tranter owns a plot of ground in Middleton Scriven on which he wishes to build an Affordable Home. The ground which is on the outskirts of the village belonged to his family, it is closely positioned between Birch Hall Farm and The Poplars with Brook Cottage a little further along the lane. Opposite to the plot stand No.1 and No.2 M. Scriven with an adjacent wood-yard is just below. A home on this site would provide manageable accommodation where he could remain close to neighbours and friends.

The Members of Billingsley Parish Council are very supportive of this application and are anxious to retain Mr. Tranter in this area where he plays such an active role in many local country pursuits.

The Parish Council has contacted Claire Hughes who agrees that Mr. Tranter qualifies for a Single Exception Plot.

SUDS

Suggested the following condition (and informatives);

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

SC Environment Protection

Suggested the following condition;

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a mine gas risk assessment has been undertaken to assess the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021 and having regard to current Environment Agency guidance Land Contamination: Risk Management (LCRM; 2020). The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the mine gas risk assessment finding the site to be affected by mine gases a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation

Strategy must be in accordance with BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the mine gases shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the Environment Agency guidance Land Contamination: Risk Management (LCRM; 2020), which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the risks from mine gases and any contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Verification must be in accordance with BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and, CIRIA C735 Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases, 2014.

Reason: To ensure that risks from potential mine gases to the future users of the land, property and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

SC Highways (Most Recent Comment)

Further to the Highway Advice Note dated 20.12.2021, revised details have been demonstrated on New Access Site Plan Drawing No. 1618 D 100 B and published on 04.01.2022. The highway matters previously raised in terms of the visibility arrangements are not considered to have been satisfactorily addressed. The site has access onto a rural derestricted section of Class III road. The proposed visibility splays as shown on the Proposed Site Plan Drawing no. 10986-102 needs to be satisfactorily demonstrated as being in line/commensurate with the prevailing highway conditions by an appropriate assessment of the likely speed of traffic passing the site and in accordance with appropriate documentation of MfS and Shropshire Council's Shropshire Manual for Adoptable Roads and Transport. (<http://shropshire.gov.uk/roads-and-highways/developing-highways/design-standards/>). The documentation quoted is not applicable as this refers to Trunk Roads and Strategic Highways.

Informatives were also suggested. The above outstanding highway issue can be dealt with by condition.

SC Ecology

No objection after discussion of the issue where it was confirmed that no ecology survey was needed.

- Public Comments
No public representations were received.

5.0 THE MAIN ISSUES

Principle of development
Siting Scale and Design
Visual Impact and Amenity
Other Issues

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 MD7a outlines that housing development should be strictly controlled outside of main urban centres and designated community clusters. However, it also outlines support for new housing that meet a demonstratable need or assists in providing affordable homes. CS4 further reinforces this standpoint by outlining no development should occur outside of development boundaries unless they accord with CS5, whilst also outlining support for dwellings that help rebalance rural locations within community settlements and clusters. CS5 outlines the acceptable reasons for new housing outside of development boundaries and community clusters which focuses on agricultural worker homes and affordable dwellings. These developments need strong justification and to evidence need whilst also being expected to take place in recognisable named settlements or linked to other development/businesses. The aforementioned community clusters are listed within SamDev where the proposal is not located within on as outlined on the policies map. MD3 outlines further requirements on new dwellings including development outside of development boundaries, although this is mainly restricted to designated development sites.

6.1.2 These policies outline the standard position when assessing housing development. However as outlined within MD7a and CS11 there is provision within policy for single home exception sites that are 100% affordable. The exact policy for this exception sites is outlined within the Type and Affordability of Housing Supplementary Planning Document Chapter 5. Firstly, 'Exception sites must, first and foremost, relate to the local needs of the settlement and its 'hinterland' (sphere of influence). Secondly, they must be 'demonstrably part of, or adjacent to, a recognisable named settlement'. Guidance on this judgement is outlined as follows '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. 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'. Furthermore because 'a settlement is a *relationship* between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors'. The SPD then goes on to further outline the scaling, occupation and design restrictions of single plot affordable exception site proposals to ensure they remain affordable. This also includes the criteria to be

able to occupy such a dwelling and it is confirmed in this case by the housing enabling officer that the applicant accords with this.

6.1.3

As such, in regard to the above, the application has to be considered to be part of or adjacent to a recognisable named settlement (para 5.13) to meet the relevant policy. Whilst a subjective judgement, it is concluded in this circumstance that the proposed site is not acceptable. As outlined in previous applications the site is not viewed to be part of, adjacent too or within a named settlement. The named settlement of Middleton Scriven is circa 900 metres away to the west of the site with the settlement consisting of around 20 dwellings all within close proximity or adjacent to one another. As such Middleton Scriven is considered to be a tight knit settlement focused around two lanes. The distance from one end of Middleton Scriven to the other is around 375 metres and the settlements relationship ends immediately on the clearly identifiable end houses.

6.1.4

The site is located centrally between three other dwellings. These dwellings are not within a named settlement nor are they within the sphere of influence of Middleton Scriven given the near 1km distance. There are no other dwellings or buildings between the three dwellings and Middleton Scriven and as such they are clearly separated with no tangible relationship between them, especially given the clear end boundaries of Middleton Scriven. It is not unfair to say they can be identified as independent from one another and the site would be within an isolated pocket of development which is characteristic of the area. There is also another small settlement to the east circa 820metres away known as Deuxhill. It is dubious whether this would even constitute a settlement, however it is named and consists of circa four dwellings all centred around a T Junction. Again, this settlement is considered to be tight knit with clear boundary edges and there are no other dwellings between Deuxhill and the site. As such the proposed site sits between two small named settlements but is not clearly identifiable with either one given the distance gaps (as the crow flies) outlined. Actual travel from each of these settlements to the site would be further given the rural road network not being straight. As such it is not concluded that the site is part of or adjacent to a recognisable named settlement, doesn't meet the policy for a single plot exception site and therefore represents unacceptable development in principle.

6.2 Siting, Scale and Design

6.2.1 Even though the principle of development is not considered to be acceptable, assessment of the details of the proposal has been undertaken. The proposal outlines a bungalow development with detached garage. The dwelling proposed will not exceed the 100sqm as restricted by the policy or the site area maximum of 0.1 hectare. In regard to the design of the proposal it is considered that the dwelling is of a good simple, coherent design with the materials not confirmed but broadly appropriate subject to further confirmation secured through conditions. The detached garage is also acceptable in its scale and siting, being a subservient addition. The primary concern in regard to the proposal is the siting where it is located in the centre of an agricultural field. This is not appropriate where the proposal should be to the sides or corners of the field. The siting at present will restrict the use of parts of the field unnecessarily, resulting in a greater loss of usable agricultural land. This siting also has a greater impact on the visual landscape and open countryside. Furthermore, due to the position of

the proposed plot the site also does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. As such the siting is not considered to be acceptable.

6.3 Visual Impact and Neighbour Amenity

6.3.1 The proposed development is on balance not considered to cause considerable harm to the visual landscape or adjacent dwellings that would constitute a reason for refusal even though the siting of the proposal makes the visual impact worse. This is mitigated mostly by the single storey nature of the proposal and its location centrally between three other dwellings alongside existing vegetation. Equally the visual harm that any new development would cause would also be justified by the proposal providing an affordable dwelling and contributing to Shropshires housing supply.

6.3.2 The siting of the proposal is also a significant enough distance from these nearby dwellings to not cause any significant overlooking, overshadowing of amenity harm where the dwelling will be surrounded by agricultural land on the southern, western and northern borders in any case. Furthermore, the single storey nature of the dwelling further limits the neighbour impacts. The adjacent dwelling to the east is also on higher topography than the proposal, reducing the neighbour amenity impacts further.

6.4 Other Matters

The proposed dwelling will utilise an existing access that is well established.

6.4.1 There are outstanding visibility issues to be confirmed however this could be dealt with by a pre-commencement condition and therefore would not constitute a reason for refusal. The issue is centred around appropriate visibility provision for the speed of the road. It is also noted the access is existing and could be used currently without restriction.

6.4.2 The site is located within a coal reporting area. Any new dwelling within such an area is considered by the Environment Protection team to require a mine gas risk assessment to ensure the residential standards of living are acceptable in terms of public health. This has not been undertaken as part of this application but could also be conditioned and therefore again would not constitute a reason for refusal.

7.0 CONCLUSION

The proposed single plot affordable dwelling on balance is not considered to part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. As such the proposal does not accord with the exception sites policy in this respect and therefore is not acceptable development in principle. Furthermore, the siting of the development is not well considered where the domestic curtilage will be in the centre of a field resulting in greater visual harm, but also leaving the field in a strange shape reducing its agricultural viability and not representing the most effective use of the land. Consequently, this application is recommended for refusal on the above grounds.

The design, scale, visual impact and neighbour amenity impacts are considered to accord with the relevant criteria of the outlined policies and are acceptable to not represent reasons for refusal individually.

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:

PREAPP/16/00557 Proposed affordable dwelling PREUDV 8th December 2016

BR/83/0395 The erection of a single storey front extension to form bathroom, lobby and w.c.
GRANT 15th August 1983

PREAPP/20/00486 Erection of single plot exception site affordable dwelling. PREUDV 27th
November 2020

21/05418/FUL Erection of an affordable home to include detached garage and private
treatment plant. PDE

BR/APP/FUL/00/0291 Erection of a single storey and a first floor extension and a detached
double garage and workshop GRANT 14th June 2000

PREAPP/15/00472 Proposed single plot affordable dwelling PREUDV 26th October 2015

PREAPP/16/00557 Proposed affordable dwelling PREUDV 8th December 2016

PREAPP/18/00472 Erection of an affordable dwelling PREUDV 9th October 2018

18/05043/OUT Outline application for the erection of an affordable self build dwelling (all
matters reserved) REFUSE 9th January 2019

19/02168/FUL Erection of a single plot affordable dwelling and a detached double garage.
WDN 13th December 2019

PREAPP/20/00486 Erection of single plot exception site affordable dwelling. PREUDV 27th
November 2020

21/05418/FUL Erection of an affordable home to include detached garage and private
treatment plant. 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)

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Robert Tindall

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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