



Committee and date
Southern Planning Committee

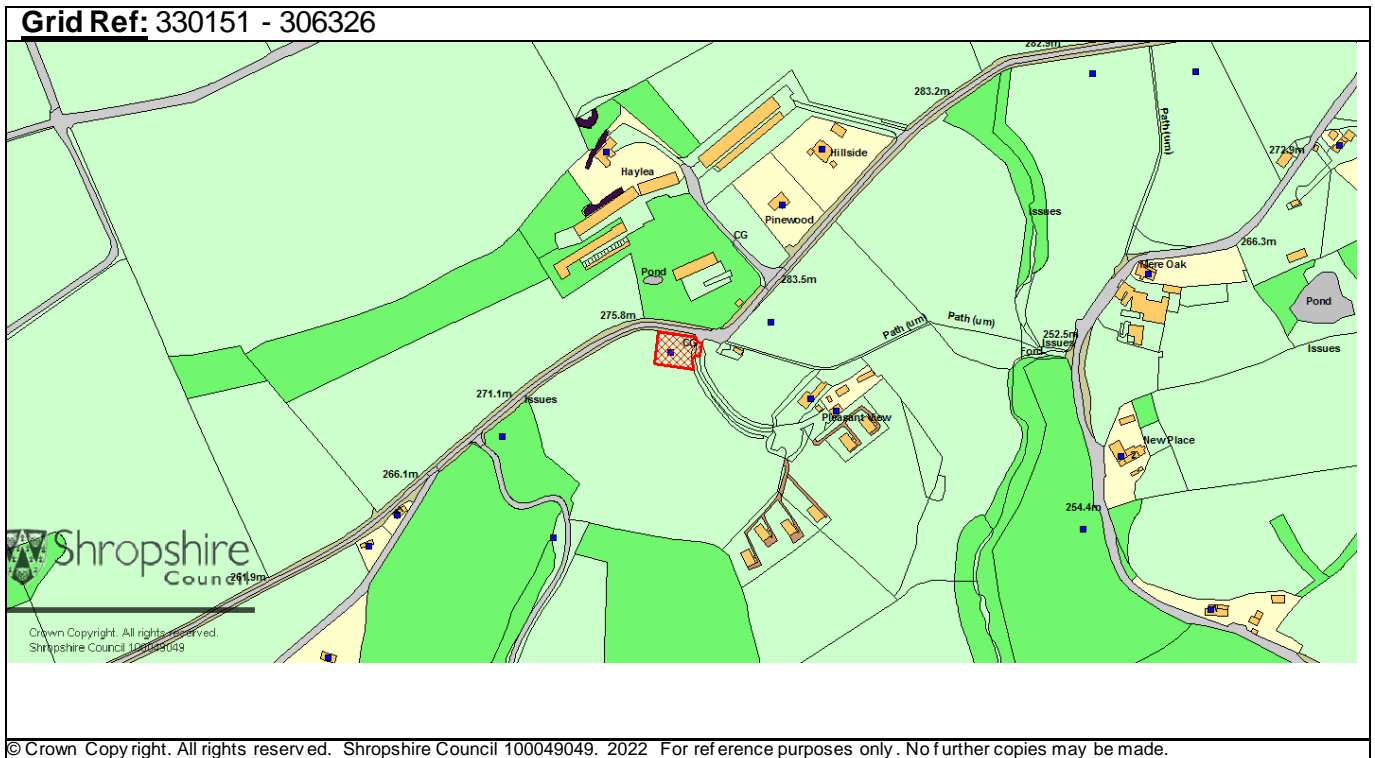
18 October 2022

Development Management Report

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

Summary of Application

Application Number: 22/04011/OUT	Parish:	Worthen With Shelve
Proposal: Outline application for the erection of a pair of two bedroomed affordable houses with associated access and parking facilities		
Site Address: Proposed Dwelling North West Of Pleasant View Rowley Shropshire		
Applicant: Mr Gavyn Williams		
Case Officer: David Jones	email	: david.jones@shropshire.gov.uk



Recommendation:- Refused as set out in Appendix 1.

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REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission in outline for the erection of a pair of semi-detached dwellings. It is proposed that the properties would be affordable dwellings available for rent and provided by a private landlord.
1.2	Matters of scale, appearance, landscaping, and layout are reserved for later consideration. Access is included for consideration. An illustrative block accompanies the planning application illustrating a new access of the applicant's existing private way, car parking would be provided along the frontage of the site and a pair of semi-detached dwelling located to the south.
	Illustrative sections accompany the planning application which show that the floor levels of the proposed dwellings would be reduced in height relative to the slope in the land to the southwest by around 1 metre.
	The application is supported by ecological, archaeological impact assessments and a landscape and visual impact assessment, (LVIA).
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site lies on the south side of a lane some 0.6km to the west from what would appear to be the centre of Rowley, that being the crossroads at Church Farm. Rowley is a small and dispersed settlement on high ground above Worthen and is a Cluster settlement according to SAMDev Plan Policy S2.2(x)
2.2	The application site slopes to the south west, and has far reaching views from an elevated position towards Chirbury and most likely further into Wales.
	The existing access to the grass field is through a field gate, just inside the highway junction of a track which leads to a dwelling, buildings and tourist chalets known as Pleasant View some 120m beyond.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	The Parish Council support the planning application. Given the that the officer recommendation is one of refusal the application was considered by the agenda setting committee and it was decided that the planning application raises issues which are appropriate for consideration by the Planning Committee.
4.0	Community Representations

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	Consultee Comment
	<p>Worthen with Shelve Parish Council</p> <p>Supports This Parish Council would like it noted that a condition of support is that this is considered an exception site and the affordable housing commitment is in perpetuity.</p>
	<p>SC Highways</p> <p>Although, the general principle of the proposed development could be acceptable, from a highways and transport perspective. It is considered that the existing main access and driveway serving the applicants wider holdings, is no longer suitable to accept the additional traffic proposed by this new development. Subsequently, it would be in the applicant's interest to consider providing appropriate improvements to the existing main access and driveway, as part of the development proposed. Ideally, the existing site driveway should be widened sufficiently, to enable simultaneous entry and exit from/to the public highway and to provide a suitable passing area for opposing vehicles accessing/egressing the proposed new developments. Furthermore, the hedges/vegetation along the site frontages, on the southwestern side of the existing access point to the public highway, should be cut back/reduced in height, to ensure vehicular inter-visibility for emerging vehicles and passing traffic. This visibility splay at the existing access should be commensurate with approaching traffic speeds, in accordance with Manual for Streets 2.</p> <p>Conditions:</p> <p>Access</p> <p>Notwithstanding the plans submitted and prior to any construction, the access road from the public highway shall be widened to a minimum of 4.5m for at least the first 10m in order that two vehicles can safely pass Reason: In the interest of highway safety</p> <p>Parking & Turning</p> <p>The parking and turning as identified on the proposed site plan submitted with the application shall be retained and available at all times when the dwelling is in use Reason: To enable the drivers of vehicles to enter and egress the site in a forward gear for highway safety.</p> <p>Informative notes:</p> <p>Works on, within or abutting the public highway</p>

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This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-formsand-charges/>

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. Please note Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are

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	kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety
	SC Conservation (Historic Environment) We have no comments to make in relation to conservation matters.
	SUDS All correspondence/feedback must be directed through to Shropshire Councils Development Management Team. Informative Notes: A sustainable scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils SuDS Handbook which is available in the Related Documents Section on the Councils Website: https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-andmaintenance/sustainable-drainage-systems-handbook/ Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. 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. Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook. Shropshire Council will not permit new connections to the Highway Drainage network. Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance.
	SC Ecology I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out. The Great Crested Newt habitat suitability assessment and Badger survey carried out by Churton Ecology (January 2021) determined the site to be of little suitability for great crested newts. No further surveys were recommended. A precautionary method statement for great crested newts has been provided, which will be strictly adhered to. In the event a great crested newt is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed. No evidence of badgers was found during the site survey and no impact on

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badgers is anticipated by the proposed development.

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. SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat boxes/integrated bat tubes and bird boxes will enhance the site for wildlife by providing additional roosting and nesting habitat. I recommend that the following conditions and informatives are included on the decision notice:

Bat and bird boxes condition

- Prior to first occupation / use of the building[s], the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development. For swift boxes: Boxes should be positioned out of direct sunlight, at least 5m high, preferably under the eaves of a building and with a clear flight path to the entrance. North or east/west aspects are preferred.

(See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

Lighting Plan condition

The lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried

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out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.
Working in accordance with method statement condition

All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 5.1 of the Great Crested Newt habitat suitability assessment and Badger survey carried out by (Churton Ecology, January 2021).

Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species.

Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

SC Archaeology Historic Environment

Comments

Background to Recommendation:

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The development site is intersected by a cropmark feature, forming part of a more extensive series of curvilinear cropmark features north of Walton Camp (Shropshire Historic Environment Record [HER] PRN 04385). These comprise several parallel linear ditched features visible as cropmarks that have been suggested to form part of a large curvilinear enclosure or hillfort, measuring c.220m across. The cropmarks however closely conform to the direction of the natural contours indicating that a geological origin cannot be ruled out.

A Heritage Assessment (Crow Archaeology, Feb 2021, Ref. CA00031) has been submitted with the planning application. This has concluded that a natural origin seems more plausible in relation to the wide cropmark feature noted on the site, as these appear to be associated with the natural contours and also a fault between the two mudstone bedrock formations that is observable in the 1:50,000 BGS data. Whilst an anthropogenic origin could not be entirely ruled out, this was considered unlikely but not impossible. Overall, it was considered unlikely that sub-surface archaeological remains will survive within the site boundary and the archaeological potential of the site is therefore considered low.

RECOMMENDATION:

We would concur with the conclusion of the Heritage Assessment, particularly the likely natural origins of the cropmark feature noted within the development site. We would also consider the overall archaeological potential of the site to be low. In view of the above, we are satisfied that the Heritage Assessment has provided a sufficient level of information on the character of the archaeological resource in the area of the proposed development in relation to Paragraph 189 of the NPPF. Therefore, it is advised that no further archaeological mitigation measures are required. We therefore have no further comments to make on this application with respect to archaeological matters.

SC Affordable Housing

04/10/2022

1. The Type and Affordability of Housing Supplementary Planning Document at Appendix G (3) – Discounted Rent – states that “the Council recognises that private landlords, landed estates, community land trusts, development companies and registered providers may seek to provide rented affordable housing in Shropshire independently of the grant funded Homes and Communities Agency* Affordable Homes Programme. Such rented housing may be delivered as part of a planning gain obligation or could be used to increase the proportion of affordable dwellings on a particular development site. We are keen to encourage this type of innovative practice in the delivery of rented affordable housing”. “They will be secured as affordable

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	<p>housing in perpetuity and be subject to Council regulation in respect of rent levels, occupancy requirements, allocation procedures and general management standards through the use of a Section 106 Agreement and/or Planning Conditions”. *now Homes England</p> <ol style="list-style-type: none"> 2. Chapter 5 of the SPD provides guidance on ‘Affordable homes for local people: exception sites. Paragraph 5.1 “Exception sites are in locations that would not normally obtain planning permission for new housing development. The exception is made because it is development of affordable housing for local people. The sites can involve a number of dwellings or be a single plot”. Paragraph 5.4 “Core Strategy Policy CS11 permits, “exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity”. 3. If the site therefore meets the spatial requirements set out in 2 above, then consideration can be applied to the need for local needs affordable homes. The housing register as of September identifies 9 households with a local connection to Worthen and Shelve Parish who are seeking homes. The need is identified as 1 and 2 bed accommodation. We understand that there is likely to be hidden need in addition to this evidence. We would suggest that 2 bed provision is provided and also that homes meet Nationally Described Space Standards. A proposal for 2 x 2 bedroomed dwellings could therefore be supported in principle. 4. The homes would need to be subject to a S106 Agreement to control allocation (local connection and advertised through Shropshire Homepoint) and Affordable Rent (80% of the open market rent but restricted to Local Housing Allowance currently £524.99 for a two bed – reviewed annually). <p>Summary – if the site meets the spatial requirements and wider planning considerations there is evidenced housing need to support a private provider development of two dwellings. These dwellings would be controlled and maintained as affordable dwellings in perpetuity through a S106 Agreement.</p>
	SC Trees No comments received at the time of writing.
	SC Landscape No comments received at the time of writing.
	Natural England No comments received at the time of writing.
	Historic England No comments received at the time of writing.
	Public Comments
	<p>A site notice was displayed by the applicant and the publicity period will expire on the 26.10.21. Fourteen supporting representations have been received on the following grounds:</p> <ul style="list-style-type: none"> • Proposal provides much needed affordable rental housing for local people and notably youngsters which assists preserving the local community

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	<p>(including schools) and the wider rural economy.</p> <ul style="list-style-type: none"> • Two-bedroom units required as opposed to large executive houses. • The applicant has lived in the area all hi life and operates a pony trekking and holiday let business which supports the local community and economy. • The decision of the parish council not to support the proposal is very negative.
5.0	THE MAIN ISSUES
	<p>Principle of development Character, Appearance and Visual Impact Highway Safety and Convenience</p>
6.0	OFFICER APPRAISAL
6.1	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.
	Paragraph 78 of the National Planning Policy Framework (NPPF) states that in rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.
	CS1 sets a target of delivering 27,500 dwellings of which 9, 000 will be affordable over the plan period with 35% of these being within the rural area, provided through a sustainable “rural rebalance” approach.
	CS4 states that in the rural area, communities will become more sustainable by focusing investment in the rural area into Community Hubs and Community Clusters.
	CS5 controls development in the countryside but one of the exceptions is affordable housing accommodation to meet local need in accordance with national planning policies and policy CS11.
	CS11 seeks to ensure that development creates mixed, balanced and inclusive communities by way of the listed criteria. These include permitting exception schemes for local needs affordable housing on suitable sites in and adjoining Community Hubs and Community Clusters subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
	Policy MD1 of the adopted SAMDev Plan deals with the scale and distribution of development in Shropshire. Rowley falls within is a Community Cluster settlement (Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, Rowley, Aston Rogers and Aston Pigott) as per SAMDev Plan Policy S2.2 (x). The housing

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	<p>guideline for the Cluster is around 30 additional dwellings over the period to 2026, where development by infilling and conversions may be acceptable on suitable sites. The latest land availability results that there have been 9 completions and that there are 16 residential units with planning permission, giving a total of 25 so capacity exists under the settlement housing guideline figures for the cluster.</p>
	<p>The council's SPD Type and Affordability of Housing Supplementary Planning Document (Adapted 12/09/2012) (SPD) at paragraph 5.7 explains that the Core Strategy allows for local needs affordable housing in or adjoining settlements of all sizes. Further that exception sites must relate to the local needs of the settlement and its hinterland and must be in or adjoining an existing settlement. Paragraph 5.8 explains that affordable housing provision should be reflective of the size of the community and its local economy, enabling local people to live in close proximity to their work and or their family support network and it also provides guidance on material considerations relating to the assessment of housing need is provided.</p>
	<p>Community Clusters do not have defined settlement boundaries in the same way as higher order settlements and the assessment of whether a proposal entails infilling or an acceptable extension is based on a more subjective assessment. The application site is on the outside edge of a group of dwellings and buildings centred on Pinewood, Hillside and Pleasant View which form a small group associated with the dispersed settlement of Rowley. As a designated Community Cluster under the planning policies listed above, as affordable dwelling on the edge of this group of dwellings is permissible in principle. In this regard it is material that general market housing is also permissible on the edge of this small group but that two planning application have in recent years been refused on detailed grounds, and these are considered in more detail in the next section of this report.</p>
	<p>SC Affordable advise that the proposal meets the definition of affordable housing under the SPD subject to a legal agreement being completed to ensure that the units are retained for affordable housing purposes in perpetuity. It is further advised That the legal agreement would control allocation through requiring a local connection and an affordable rent at 80% market value and restricted to the Local housing Allowance as described in the consultation.</p>
	<p>In accord with the planning policies above the number of dwellings proposed on an exception site must relate to the local needs of the settlement. The type and mix of affordable housing must also meet the identified affordable housing need. As a community cluster Rowley is the lowest order settlement in the hierarchy where more limited development is permissible. The council's SC Affordable Housing advises that the housing register as of September identifies 9 households with a local connection to Worthen and Shelve Parish who are seeking homes. The need is identified as 1 and 2 bed accommodation further that there is likely to be hidden need in addition to this evidence.</p>

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	<p>Having regard to the considerations above two 2-bedroom affordable housing units are permissible in principle in this location subject to a legal agreement being completed to ensure that the units are controlled and maintained as affordable housing in perpetuity. Whilst principle is acceptable and affordable housing provision is supported generally, it is also necessary to consider whether the proposal is acceptable in terms of other material considerations. There have been two planning applications for general market housing where the principle was also acceptable refused in recent years on this site on detailed grounds, and the next section of the report considers these matters.</p>
6.2	Character, Appearance and Visual Impact
6.2.1	<p>CS6 and MD2 seek to secure sustainable design. Further, CS17 and MD12 seek the avoidance of harm to the natural environment and Shropshire's environmental networks.</p>
	<p>A previous planning application for an eco-friendly dwelling on this site was refused on the 10th of June 2021. A subsequent outline planning application for a pair of semi-detached two-bedroom dwellings which would have been available to rent for a 10-year period was refused on the 15th of December 2021. Both applications were refused on the grounds that the proposal would harm the character of Rowley and the surrounding countryside.</p>
	<p>The current planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA). In broad terms a LVIA is helps identify the effects of development on views and the landscape in a systematic way as a basis for assessment as part of a planning application. The LVIA concludes that hat there would be no significant changes to the location, character of the landscape or the visual amenity of most residents, users of the footpaths/bridleways or the public highway to the north of the site. This is due to the presence of trees and hedgerows and the diversity and scattered nature of the surroundings which means that there will only be limited landscape impacts at the location of the development, notably at the access with the public highway. At the time of writing the comments of the council's Landscape Advisers are awaited.</p>
	<p>The application site is on the outside western edge of a group of existing developments centred on Pinewood, Hillside and Pleasant View which form a small grouping associated with the dispersed settlement of Rowley. The site is also in an elevated position in the northeast corner of a single pasture field, having far reaching views into a wide arc of the countryside to the southwest. It is considered that within this context that the proposed dwellings would appear detached and prominent relative to the group of existing developments forming this part of Rowley. It is also considered that development on the western side of the private track leading to Pleasant View would extend built development beyond what can be regarded as the limits of this grouping and into an area which is more akin to the</p>

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	<p>countryside in character and appearance. The development would also be prominent when viewed from the public highway to the north. Taken together all these considerations lead to a conclusion that the proposal would cause unacceptable harm to the character and appearance of this part of Rowley and the adjacent countryside.</p>
	<p>Open market dwellings have been approved to the east more towards what would appear to be the centre of Rowley at the crossroads at Church Farm. In particular, 20/00884/OUT was approved at around 50m to the east of the current site, and on the south side of the highway. The dwelling approved under 20/00884/OUT was positioned almost directly between Pinewood and Pleasant View and thus more within this grouping of existing developments centred on Pinewood, Hillside and Pleasant View which form a small group associated forming part of Rowley. It is acknowledged that Rowley is a dispersed settlement, and Rowleth House and Rowley Farm lie further to the west. Development was approved under 20/00688/OUT for a single dwelling on land adjacent to No11 Rowley, at around 250m further to the west of the application site. However, that approved dwelling is effectively enclosed in a narrow triangle of land between the highway and a track leading to Rowley Farm where its additional visual impact to the countryside setting is insignificant over and above the existing situation.</p>
6.3	Highway Safety and Convenience
6.3.1	<p>Whilst the council's Highway's Section has raised no objections to the proposed development, they have stated that the proposed vehicular access with the public highway, which would serve the development as well as the dwelling, buildings and tourist chalets known as Pleasant View will require improvement. These improvements will require widening the existing access as well as providing sufficient inter visibility splays in both direction with the public highway. At the time of writing the applicant has been requested to demonstrate that these requirements are achievable and whether any trees or hedges will need to be removed to achieve these improvements. Should any trees and hedges need to be removed to achieve these improvements this could exacerbate the prominence of the development when viewed from this public highway.</p>
7.0	CONCLUSION
	<p>Whilst principle is acceptable, and provisions of affordable housing supported the proposal is not considered acceptable on detailed planning grounds. The application site lies on the outside western edge of a group of existing developments which form a small grouping associated with the dispersed settlement of Rowley. For the reasons described in the report it is considered that a development in this location would cause unacceptable harm to the character and appearance of Rowley and adjacent countryside. Taking all material considerations into account, it is not considered that previous developments approved in Rowley sets sufficient precedent for development in the proposed location.</p>

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	The development is considered contrary to policies CS6, CS17, MD2 an MD12. Planning permission is recommended refused.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
8.2	Human Rights
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	The concern of planning law is to regulate the use of land in the interests of the

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	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 (2021)

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS4, CS5, CS6, CS17, MD1, MD2 an MD12.

RELEVANT PLANNING HISTORY:

21/04556/OUT Outline application for the erection of a pair of semi-detached two bedroomed dwellinghouses to include associated access and parking facilities REFUSE 15th December 2021

20/05055/OUT Outline application (access for approval) for the erection of one 'eco' dwelling with garage and formation of new vehicular access REFUSE 10th June 2021

11. Additional Information

View details online: [22/04011/OUT | Outline application for the erection of a pair of two bedroomed affordable houses with associated access and parking facilities | Proposed Dwelling North West Of Pleasant View Rowley Shropshire](#)

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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 Mrs Heather Kidd

Appendices

APPENDIX 1 – Reason for Refusal

It considered that the location of the development would result in a detached and prominent development that would extend built development beyond what can be regarded as the limits of this part of Rowley and into an area which is more akin to the countryside in character and appearance. This would cause unacceptable harm to the character and appearance of this part of Rowley and the adjacent countryside in contravention of policies CS6 and CS17 of the Adopted Core Strategy (March 2011), MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (Adopted 17/12/2015).

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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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