



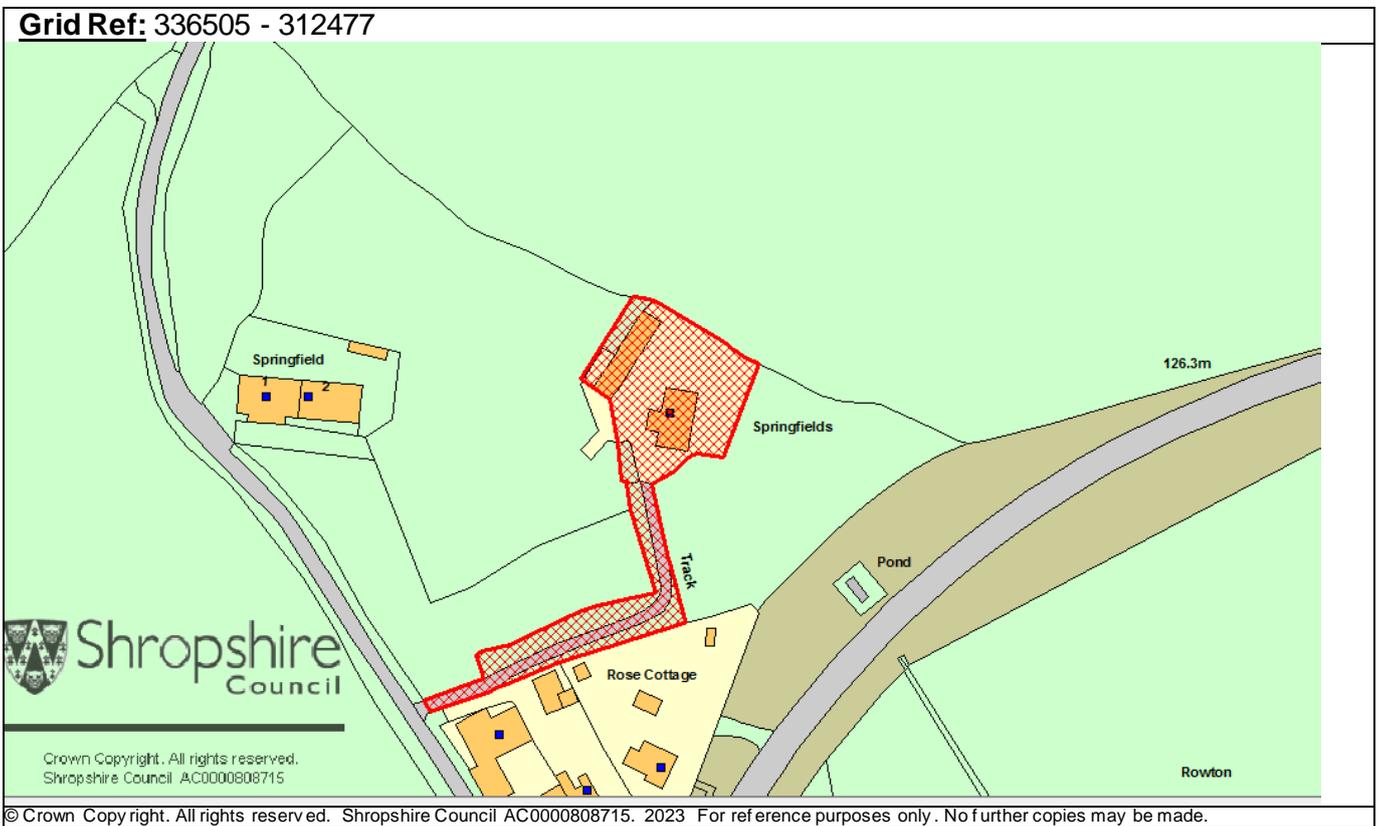
Committee and Date
 Northern Planning Committee
 18th June 2024

Development Management Report

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

Summary of Application

Application Number: 24/01161/FUL	Parish:	Alberbury With Cardeston
Proposal: Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding		
Site Address: Springfields Rowton Shrewsbury Shropshire SY5 9EJ		
Applicant: TK And L Evans		
Case Officer: Sara Robinson	email: sara.robinson@shropshire.gov.uk	



Recommendation:- Refusal

1. The proposed replacement dwelling is materially higher and significantly larger than the existing dwelling and is not sympathetic to the size, mass, character and appearance of the existing structure. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside.
2. The proposed design and scale for the dwelling does not satisfy SAMDev Policy MD7a Managing Housing Development in the Countryside or para 2.23 of SC Type and Affordability of Housing SPD. Moreover, the proposed replacement dwelling does not respond appropriately to the form of existing development and will be prominent in the rural landscape and have detrimental visual impact where the existing dwelling although of no historic significance in its relatively simple form contributes to the local character. Whilst an appropriately designed and slightly larger replacement dwelling may well be acceptable in principle, the proposed replacement dwelling will not conserve and enhance the built and natural environment or be appropriate in scale and design taking into account local character and context and that of the existing dwelling and would be contrary to SC Policies CS6 and 17 and SAMDev Policies MD2 and 13 and the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a replacement dwelling and car port following demolition of existing dwelling and outbuilding at Springfield, Rowton.
- 1.2 The dwelling referred to as Springfield is a single storey bungalow. No existing plans of the bungalow have been submitted, however the bungalow measures approximately 15.2m in width and 8.3m in depth. The dwelling has a gross internal floor area of approximately 124.7m². An outbuilding is also located to the north west of the dwelling and would be demolished as part of the proposed development. This outbuilding appears agricultural in format and was associated to a previous dwelling on site which the current one replaced.
- 1.3 The replacement dwelling is proposed to be part single storey and part a two storey, three bedroom dwelling. The dwelling is proposed to be of a single storey L shape to include the car port, entrance hall, utility and open plan living and kitchen area with a link leading into an additional protruding two storey element which will include two bedrooms and a bathroom on the ground floor and a master bedroom with en-suite on the first floor. The car port (including covered walkway) will measure approximately 12.5m in width and 6.5m in depth and will reach a height to the ridge and eaves of approximately 5.4m and 2.7m respectively. The main central element is to measure approximately 6.25m in width and 19.7m in depth and will reach a height to the ridge and eaves of approximately 5.48m and

2.7m respectively. The link will measure approximately 3 m in width and 10.5m in depth and will reach a height of approximately 2.7m. The two-storey element will measure approximately 10.7m in width and 5.9m in depth and will reach a height to the ridge and eaves of approximately 6.5m and 4.4m respectively. It is proposed for the replacement dwelling to be finished in reclaimed Cardeston Stone and timber for the walls and the roof material is yet to be confirmed.

- 1.4 The proposed replacement dwelling is proposed to have an internal floor area of approximately 246.5m² (320m² including car port and walkway) which is approximately 97% increase on the original floor area (156% including car port and walkway).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The development site is located adjacent to the dispersed settlement of Rowton, however is identified as Open Countryside within the SAMDev. The site is slightly detached from the neighbouring dwellings. It is noted that area is formed of a mix of two storey dwellings, storey and a half dwellings, as well as a bungalow to the south.
- 2.2 The site is bound by agricultural land to the north, east and west, and beyond the access track to the south are neighbouring residential dwellings.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In this instance the application was called in within 21 days by the Local member. It was agreed at the committee draft agenda setting meeting that the application be taken before committee for determination.

4.0 Community Representations

Full comments can be found on the Shropshire Council website.

4.1 Consultee Comment

4.1.1 Drainage & SUDS - 28/03/2024

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Condition to secure scheme of surface and foul water drainage

Comments:

1. Further to the submitted drainage Technical Note and proforma, percolation tests and the sizing of the soakaways should be designed in accordance with

BRE Digest 365 to cater for a 1% Annual Exceedance Probability rainfall event plus an allowance of 40% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site

equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1% AEP rainfall event + 40% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. On the Pluvial Flood Map, the site is shown to be at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level.

3. If non permeable surfacing is used on the driveways and parking areas which slope towards the highway, a drainage system to intercept water prior to flowing on to the public highway must be submitted for approval.

4.1.2 SC Highways - 05/04/2024

NO OBJECTION

24/01161/FUL Springfields, Paddock Lane, Rowton SY5 9EJ

Demolish Existing & Replace with New Dwelling & Car Port

Recommendation (Date: 05/04/2024)

Observations/Comments:

The existing access is to be utilised and will be unchanged. Parking provision is acceptable as is manoeuvrability. As this is a replacement dwelling there will be no intensification of the site therefore based upon the information contained within the above submitted statement it is considered that there are no sustainable Highway grounds upon which to base an objection.

4.1.3 SC Ecology - 12/04/2024

SC Ecology are happy that this application can be dealt with using the Standing Advice.

4.1.4 Affordable Housing - 15/04/2024

Site Allocation and Management of Development (SAMDev) Plan Adopted Plan Policy MD7a states replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case.. Guidance in respect to replacement dwellings is contained in the Supplementary Planning Document on the Type and Affordability of Housing at paragraph 2.23 it states that a replacement dwelling should be sympathetic to the size, mass, character and appearance of the original building. The proposed development is considered to be contrary to Policy MD7a.

4.2 Public Comments

4.2.1 Local Member - 02/04/2024

Site Allocation and Management of Development (SAMDev) Plan Adopted Plan Policy MD7a states replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case.. Guidance in respect to replacement dwellings is contained in the Supplementary Planning Document on the Type and Affordability of Housing at paragraph 2.23 it states that a replacement dwelling should be sympathetic to the size, mass, character and appearance of the original building. The proposed development is considered to be contrary to Policy MD7a.

4.2.2 Parish Council – 20/05/2024

The Parish Council strongly supports this application, which will result in a dwelling far superior in appearance to what was there before, benefiting the whole neighbourhood. There has been careful use of sympathetic materials, and the applicant has liaised with the Parish Council before this application was lodged. The Evans family provide much needed employment in the area and this development should be encouraged.

4.2.3 Following the display of a site notice for the period of 21 days, no public representations were received at the time of writing this report.

5.0 THE MAIN ISSUES

Planning History
Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highways
Ecology

6.0 OFFICER APPRAISAL

6.1 Planning History

6.1.1 PREAPP/24/00033 - Proposed replacement dwelling - Amendments Required 13/02/2024

6.1.2 PREAPP/23/00721 - Request for Site Visit with officer to discuss proposed re submission of refused application 23/01337/FUL Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding. (2 officers to attend) - Amendments needed 03/10/2023

6.1.3 23/01337/FUL - Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding - Refuse 21/07/2023

6.1.4 PREAPP/22/00382 - Replacement Dwelling - Amendments Required 15/09/2022

6.1.5 SA/76/0336 - Extension to front elevation to provide dining room. - Granted
02/06/1976

6.1.6 64/1498 - Erection of Farm dwelling on site of existing smallholding cottage and
formation of vehicular access to rear road - Grant 14/05/1964

6.2 **Principle of development**

6.2.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.2.2 Shropshire Core Strategy Policy CS6 seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate;

6.2.3 Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.

6.2.4 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.

6.2.5 Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.

6.2.6 Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring design policies to reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.

6.2.7 It is considered that the proposed development would result in a replacement dwelling and therefore the principal of the development is acceptable in this instance. The development would be acceptable subject to the assessment of siting, scale and design of structure, visual impact and landscaping as well as other relevant matters which are assessed in the report below;

6.3 **Siting, scale and design of structure**

6.3.1 The adopted development plan for Shropshire comprises the Local Development Framework (LDF) Core Strategy, the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the Site Allocations and Management of Development (SAMDev) Plan. Since the adoption of the Shropshire Core Strategy (March 2011) the National Planning Policy Framework (NPPF) has been published and is a material planning consideration in planning decisions. The NPPF has been further revised (2023) since the publication of the SPD and the adoption of the SAMDev Plan (2016).

6.3.2 It is noted that the site sits adjacent to the named settlement of Rowton. The proposed site falls outside any development boundary identified within Policy MD1 of the SC SAMDev policy and the current settlement policies of SAMDev. In terms of policy and for the purposes of the development plan, the development site is classified as within countryside, where new open market housing would not be permitted.

6.3.3 Policy CS5 states that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside, and with an overarching aim of maintaining and enhancing the vitality and character of the countryside. Policy CS11 is closely linked with the Strategic Approach (Policy CS1) and particularly with Policies CS4 and CS5, and together these aim to ensure that the development that does take place in the rural areas is of community benefit with local needs affordable housing a priority.

6.3.4 As regards replacement dwellings, the NPPF only makes comment in relation to proposals affecting the Green Belt, where para 145(d) indicates that the replacement of a building is an exception to the rule that the construction of new buildings is inappropriate in the Green Belt, provided that the new building is in the same use and not materially larger than the one it replaces.

6.3.5 SAMDev Policy MD7a, Managing Housing Development in the Countryside, indicates at 3. that replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.

6.3.6 Explanatory para. 3.62 provides further detail as to the application of the policy. The control of replacement of dwellings in the countryside needs to be considered

in conjunction with general criteria which also highlight and address visual, heritage loss and other impacts associated with proposals for replacement buildings. In the case of residential properties, there is additionally the objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside and to maintain a mix of dwelling types.

- 6.3.7 SAMDev Policy MD7b, general management of development in the countryside indicates that (2): proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development.
- 6.3.8 Explanatory para. 3.66 indicates that proposals for replacement of dwellings can significantly impact on the character of the countryside and there is a need to ensure appropriate scale, design and location of new development.
- 6.3.9 The Adopted Type and Affordability of Housing Supplementary Planning Document provides further detail;
- At para. 2.20. the SPD states that the size of dwellings in the countryside can be of concern, as the market trend is towards providing larger and more expensive dwellings and this tends to exclude the less well-off...it is important to maintain and provide an appropriate stock of smaller, lower cost, market dwellings.
 - Para.2.22 indicates that rural replacement dwellings outside of settlements will only be permitted provided that the existing building has established and continuing residential use rights and has not been abandoned.
 - Para 2.23 reiterates that proposals for replacement rural dwellings must meet CS6 and 17. Regard will also be had to the NPPF and to the following: □- The visual impact of the replacement dwelling or existing dwelling plus extension on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling. □
 - A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling. □
 - The existing balance of housing types and tenures in the local area, and the need to maintain a supply of smaller and less expensive properties in the local area that are suitable for the needs of many newly-forming households
- 6.3.10 The proposed replacement dwelling will sit partially on the footprint of the existing bungalow, however the orientation would be slightly different to that of the existing. It is noted that the development will extend over the footprint of the existing agricultural building. The footprint of the agricultural building cannot be

used to justify the increase in floor area of the proposed replacement dwelling as this does not form part of the domestic dwelling.

6.3.11 It was advised within the pre-application written advice that the proposed development could be a storey and a half as Policy MD7a states that; *Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed.*

6.3.12 The NPPF states the following;
131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

6.3.13 It is noted that the bungalow currently on site is of no special architectural merit, however, it is considered that the proposed development is not cohesive. The design and access statement has referred to some buildings within the vicinity, but does not refer to dwellings to the south-west of the site. If evidence of the previous cottage on site can be found it is considered that inspiration could be taken from this, which was more reflective of the surrounding area, although the existing dwelling on site is considered modest in scale.

6.3.14 The design and scale of the proposed dwelling is considerably larger than that of the existing bungalow and would not comply with relevant planning policies. The footprint of the outbuilding cannot be taken into consideration for the increase in floor area for the replacement dwelling. Consideration needs to be given to the design of surrounding properties and the scale and massing of the dwelling on site.

6.4 **Visual impact and landscaping**

6.4.1 It is noted that the replacement of a bungalow with a part single storey and part two storey dwelling will result in a visual impact. The proposed development is detached from the neighbouring dwellings and will result in a dwelling which is substantially larger than that existing and can be seen from the neighbouring highway.

6.4.2 In light of the above it is considered that the proposed development will result in an unacceptable visual impact, resulting in a dwelling significantly larger in scale and layout than the existing which is not in compliance with Policy on replacement dwellings in the open countryside.

6.5 Highways

- 6.5.1 The proposed development would result in an increase in occupation of the site and seeks the erection of a garage. The means of access would remain largely unchanged. SC Highways have been consulted as part of the proposed development due to the proposed alterations to the layout of the site.
- 6.5.2 SC Highways have raised no objections to the replacement property and the use of the existing access would be acceptable. However, the SC Highways team have requested a number of appropriately worded conditions and informative notes be attached to any grant of permission.
- 6.5.3 In light of the above, and subject to the inclusion of appropriately worded conditions and informative notes being attached to any grant of permission, it is considered that the proposed development complies with relevant planning policies.

6.6 Ecology

- 6.6.1 Para 174 of the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. SC Core Strategy 17 requires development to protect and enhance the diversity and high quality of Shropshire's natural Environment.
- 6.6.2 An Ecological Assessment undertaken by Arbor Vitae as well as an update Ecological Assessment have been submitted as part of the proposed development. The assessments conclude that the dwelling and barn provide 'negligible' potential for bat roosts and the barn provides the potential for nesting birds. The assessments include suggestions for mitigation and enhancements.
- 6.6.3 The SC Ecologist has reviewed the Ecological Assessment and has requested a number of conditions and informative notes to be attached to any grant of permission.
- 6.6.4 In light of the above, and subject to the inclusion of appropriately worded conditions and informative notes being attached to any grant of permission, it is considered that the proposed development complies with relevant planning policies.

7.0 CONCLUSION

- 7.1 The proposed replacement dwelling is materially higher and significantly larger than the existing dwelling and is not sympathetic to the size, mass, character and appearance of the existing structure. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in

order to limit the tendency towards the provision of larger dwellings in the countryside.

7.2 The proposed design and scale for the dwelling does not satisfy SAMDev Policy MD7a Managing Housing Development in the Countryside or para 2.23 of SC Type and Affordability of Housing SPD. Moreover, the proposed replacement dwelling does not respond appropriately to the form of existing development and will be prominent in the rural landscape and have detrimental visual impact where the existing dwelling although of no historic significance in its relatively simple form contributes to the local character. Whilst an appropriately designed and slightly larger replacement dwelling may well be acceptable in principle, the proposed replacement dwelling will not conserve and enhance the built and natural environment or be appropriate in scale and design taking into account local character and context and that of the existing dwelling and would be contrary to SC Policies CS6 and 17 and SAMDev Policies MD2 and 13 and NPPF. As such refusal is recommended for the following reasons:

1. The proposed replacement dwelling is materially higher and significantly larger than the existing dwelling and is not sympathetic to the size, mass, character and appearance of the existing structure. In addition, the proposed new dwelling will not meet the policy objective of regulating the size of replacement properties in order to limit the tendency towards the provision of larger dwellings in the countryside.
2. The proposed design and scale of the dwelling does not satisfy SAMDev Policy MD7a Managing Housing Development in the Countryside or para 2.23 of SC Type and Affordability of Housing SPD. Moreover, the proposed replacement dwelling does not respond appropriately to the form of existing development and will be prominent in the rural landscape and have detrimental visual impact where the existing dwelling although of no historic significance in its relatively simple form contributes to the local character. Whilst an appropriately designed and slightly larger replacement dwelling may well be acceptable in principle, the proposed replacement dwelling will not conserve and enhance the built and natural environment or be appropriate in scale and design taking into account local character and context and that of the existing dwelling and would be contrary to SC Policies CS6 and 17 and SAMDev Policies MD2 and 13 and the NPPF.

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/22/00382 Replacement dwelling PREAMD 15th September 2022

23/01337/FUL Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding REFUSE 21st July 2023

PREAPP/23/00721 Request for Site Visit with officer to discuss proposed re submission of refused application 23/01337/FUL Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding. (2 officers to attend) PREAMD 3rd October 2023

PREAPP/24/00033 Proposed replacement dwelling PREAMD 13th February 2024

24/01161/FUL Erection of replacement dwelling and car port following demolition of existing dwelling and outbuilding PCO

SA/76/0336 Extension to front elevation to provide dining room. PERCON 2nd June 1976

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SAPOVLTGDL200>

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 Chris Schofield
Local Member Cllr Ed Potter
Appendices None