



Committee and date
Southern Planning
Committee

23rd July 2024

Item

Public

Development Management Report

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

Summary of Application

Application Number: 24/01654/FUL	Parish:	Kinlet
Proposal: Erection of an affordable dwelling (in response to an identified local need) and detached garage and associated works		
Site Address: Land At Tip House Farm, Billingsley		
Applicant: Mr Benjamin Lewis		
Case Officer: Jacob Collett	email	: jacob.collett@shropshire.gov.uk

Grid Ref: 371170-281313



Recommendation:- Refuse

Recommended Reasons for refusal

1-The site is not part of or adjacent to a recognisable named settlement and it is isolated development within the countryside and harmful to the rural landscape and character. The principle of the proposed development is therefore contrary to the adopted Type and Affordability of Housing SPD and Samdev Policies MD2, MD7a and M7b and Core strategy policies CS5 and CS6.

REPORT

1.0 THE PROPOSAL

- 1.1 The application proposes the erection of an affordable dwelling at land 1.3 miles from the southern edge of Highley, 1.2 miles from the centre of Netherton and 1.8 miles from Billingsley. The application has been submitted as a single plot exception site, which if granted would be subject to a Section 106 agreement. The Section 106 ensures the affordability of the dwelling in perpetuity. The proposed dwelling is a single storey bungalow with a detached garage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Site is located within the open countryside (as defined within the development plan) and is located on the corner junction of a private road and the B4555. The Site is surrounded to the south and east by agricultural fields and is not within a defined settlement boundary.

The proposed dwelling's principal elevation will face east with the garage to the north. The driveway will join onto the private road, meaning there is no public highway involvement with the proposal.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 In accordance with the 'Scheme of Delegation' this application has been concluded by the committee chair to be determined by planning committee. This was due to a ward councillor call in and parish council support.

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

Kinlet Parish Council

It was a unanimous decision to recommend approval as the addition of affordable housing stock in the Parish is very much needed to allow younger members of the area to stay in the Parish.

SUDS

No Objection

SC Highways

No Objection

- Public Comments

No public representations were received

5.0 THE MAIN ISSUES

Principle of development
Scale and Design
Visual Impact and Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 Shropshire's housing development plan restricts new open market dwellings to community clusters and main towns. However, the development plan also allows for new affordable houses in the open countryside through the single plot exception scheme. These developments are subject to additional restrictions and controls. These are outlined within the Type and Affordability of Housing SPD.

6.1.1 The SPD requires that a single plot exception site must be part of, or adjacent to a recognisable named settlement to maintain control over housing growth in the countryside. The policy does not consider historic development patterns, with the siting assessment undertaken entirely on its spatial, visual, and functional relationship to the nearest settlement.

6.1.2 The Site is not part of, adjacent too or within a named settlement. The nearest named settlement is over nine hundred metres away and there is a clear spatial, functional, and visual separation between Netherton and the proposed siting. Whilst Netherton has an open knit settlement pattern, its western development edge is concluded to be the Borle Brook where development beyond this edge is sporadic and isolated in nature.

6.1.3 Consequently, the proposed siting is entirely isolated in its location with no tangible relationship to any other dwellings, spatially or visually. The nearest dwellings to the Site are located 300 metres to the northeast and 420 metres to the southeast. The dwelling to the northeast is isolated with no relationship to any other dwellings. The houses to the southeast are two semidetached cottages that whilst having a relationship to each other, are accessed down a private road and do not constitute a recognisable named settlement. Therefore, there is not any reasonable evidence to conclude that the proposed dwelling or even the nearest dwellings to it are part of a defined settlement.

6.1.4 Therefore, the siting does not meet adopted policy and is not acceptable in principle. An affordable dwelling at the proposed siting would represent misapplication of adopted planning policy, potentially setting a precedent for uncontrolled development in the countryside.

6.2 Scale and Design

6.2.1 Whilst the principle of development is not supported, the proposal is acceptable in its scale and design.

- 6.2.2 The proposed scale of the dwelling and plot size meets the limitations outlined within the SPD. Equally the building's design is modest and domestic in nature, with its single storey scale mitigating some of the developments impacts. The dwelling's scale is not disproportionate to the site it is proposed to be located at or other isolated dwellings in the area.
- 6.2.3 The proposed garage is a subservient building which will clearly be secondary to the main dwelling. It's straightforward design ensures practicality and doesn't challenge the dwelling's prominence. The Site's layout is contained with the two buildings maintaining a visual relationship.
- 6.3 Visual Impact and Neighbour Amenity
- 6.3.1 By consequence of being an isolated dwelling in the countryside, the development has the potential to alter the rural character of the area. Whilst the single storey scale does to a small extent mitigate the development's prominence, the addition of a dwelling in this location will be visually noticeable. This is particularly the case when approaching the dwelling from the east along the B455 which is elevated compared to the Site.
- 6.3.2 The present rural landscape is characterised by open fields and a lack of built form. The proposed development will permanently alter this character by its prominent inclusion to an untouched landscape.
- 6.3.3. Consequently, this will permanently harm the rural character, vitality, and value of the Shropshire countryside.
- 6.3.4 Given the isolated location there will be no harm to any existing residential amenity.

7.0 CONCLUSION

The proposed scheme in its current form is contrary to Shropshire's adopted policy and represents unacceptable development in the countryside. Approval would potentially create a precedent for uncontrolled isolated development in the countryside, significantly weakening the development plan and adopted policy. Single Plot Exception schemes must be located within or near to a settlement, a requirement that is clearly not met by this proposal.

It is also concluded that the proposed development will harm the rural landscape of Shropshire.

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:

NPPF

Core Strategy and Saved Policies:

CS5

CS6

SamDev MD2

SamDev MD7a

SamDev MD7b

Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Local Member
Cllr Simon R Harris Cllr Gwilym Butler
Appendices APPENDIX 1 - Conditions

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