



Committee and date

South Planning Committee

8 September 2015

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 14/05689/FUL	<u>Parish:</u>	Church Stretton
<u>Proposal:</u> Erection of one dwelling and car port; alteration to existing access		
<u>Site Address:</u> Land South Of Cargan All Stretton Shropshire		
<u>Applicant:</u> Mr & Mrs C Stratton		
<u>Case Officer:</u> Emily Napier	<u>email:</u> planningdmsw@shropshire.gov.uk	

Grid Ref: 345633 - 294900



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

Recommended Reason for refusal

1. The application site occupies in policy terms, a countryside location, where open market housing provision is not supported in principle by existing and emerging development plan policies. The development is not considered to represent sustainable development in accordance with the three dimensions of sustainable development as referred to in the National Planning Policy Framework. (Economic, social and environmental). It is further considered that the benefits of developing the site for housing are outweighed by the impact on local visual amenities, given the unsustainable location within the Shropshire Hills Area of Outstanding Natural Beauty and the social harm from departing from the the Local Planning Policy.

As such the proposal is considered contrary to Shropshire Core Strategy policies CS1, CS4, CS5, CS6, CS9, CS11, CS17 and CS18; emerging Site Allocation and Management of Development (SAMDev) , Policy S1 of the South Shropshire District Local Plan and the overall aims and objectives of the National Planning Policy Framework.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application proposes the erection of a single dwelling, with a carport to include alterations to existing access.
- 1.2 The proposed dwelling is a single detached four bedroomed one and a half storey dwelling, with the use of dormer windows to reduce the prominence of the building. The property will measure approximately 7.6 metres in total height to the ridge, with 11 metres in width and 7.5 metres in depth.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site related to this application is situated on the periphery of All Stretton, situated to the South West of the dwelling known as Cargan. The site is currently occupied as garden land serving Cargan. Cargan is a detached one and a half storey property; with a single window on the front elevation the property appears from the street scene to be more single storey in form.
- 2.2 The site sits in an elevated position from the main road frontage, which whilst being a common form along Shrewsbury Road, the site and adjoining Cargan appear more elevated.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view contrary to the Officer recommendation and the Local Member has requested that this application be determined by Committee. The Committee Chairman in consultation with The Area Planning Manager has agreed that the application is one to be determined by Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Shropshire Council Drainage –

The proposed surface water soakaway design is acceptable.

Informative: Consent is required from the service provider to connect into the foul main sewer.

4.1.2 Shropshire Council Affordable Housing –

The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

4.1.3 Shropshire Council Public Rights of Way –

Footpath 83 Church Stretton runs along the western boundary of the development site but does not appear to be affected by the proposal. However the developer must be aware of the following:

- ☐ The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- ☐ Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- ☐ Building materials, debris, etc must not be stored or deposited on the right of way.
- ☐ There must be no reduction of the width of the right of way.
- ☐ The alignment of the right of way must not be altered.
- ☐ The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- ☐ No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.1.4 Shropshire Council Ecology-

No objections conditions and informative advised.

4.1.5 Shropshire Hills Area of Natural Beauty Partnership –

When determining the application the local planning authority has a statutory duty to take into account the AONB designation, and in particular National Planning Policy Framework (NPPF) policies which give the highest level of protection to AONBs. The application will also need to conform to the Council's own Core Strategy policies and emerging Site Allocations and Management of Development (SAMDev) plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the AONB Partnership should not be interpreted as suggesting that the application raises no landscape issues.

4.1.6 Church Stretton Town Council - SUPPORT

No reasons given

4.2 Public comments –

4.2.1 Five letters of representation received, one detailing OBJECTION and four SUPPORT, one letter of support come from the applicant Mr C Stratton.

Full details of the representations are available on the planning file, however, a summary is provided as follows;

Objections:

- ☐ Would extend ribbon development along west of B5477.
- ☐ Would reduce area of green space between All Stretton and Church Stretton.
- ☐ Site very prominent and highly visible
- ☐ A large four bedroom house on a restricted site, would be an over intensive development in a sensitive landscape.
- ☐ Would be too high on its elevated site and would be out of keeping with less prominent Cargan.

Support (three public representations):

- ☐ Small scale single plots can be accommodated within this landscape with ease.
- ☐ Development will finance an improved access onto the highway, which is in the interest of highway users.
- ☐ Planning permission has been granted for small scale development elsewhere in All Stretton
- ☐ People find it hard to upkeep large gardens
- ☐ Estates of similar houses are boring.
- ☐ The traditional 4 bedroom double storey house like one two doors along creates a diversity of character along the line of bungalows and houses on the road.
- ☐ Being in a garden does not pose a threat to lengthening the village, unlike potential estate of Church Stretton School Playing fields.
- ☐ The house will no more block the view of the hill behind that the tall leylandii hedging that used to grow there.
- ☐ Proposal is quite well shielded from the road by hedging and being no taller than Cargan would not appear over imposing.

Applicant comments:

- ☐ The hillside will remain highly visible
- ☐ The current site will not be extended
- ☐ Cargan is a two storey house 14m wide 12m deep
- ☐ Proposal is 11m x 7.5m
- ☐ Both sites will have good sized patios and gardens

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

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. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material planning consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development 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.
- 6.1.2 The NPPF sets a presumption in favour sustainable development, and this must be applied as a material planning consideration throughout decision making. It is widely accepted that the NPPF has a specific aim to 'boost significantly the supply of housing', with the requirement Local Planning Authorities to evidence a five year housing land supply in order to achieve the aims of the NPPF. It is therefore considered that where a proposed development will work towards achieving this objective that a degree of weight should be afforded to this aspect of achieving sustainable development.
- 6.1.3 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position (as published in an amended Five Year Housing Land Supply Statement on 12/08/14) is that it has identified a housing supply of 5.47 years for Shropshire which is sufficient to address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.
- 6.1.4 Shropshire Core Strategy is an up to date development plan document. Policy CS6, amongst a range of other considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.

- 6.1.5 The application site sits on land adjacent to the village of All Stretton, along the B4577 leading out of the town of Church Stretton. Within the Saved South Shropshire Local Plan (2004), All Stretton is not identified as a settlement with a designated development boundary where open market housing will be supported under policy S1. As such the application sites location is subsequently regarded as Open Countryside and the development of Open Market Housing in this location is deemed to be contrary to policy S1 of the Local Plan. Policy CS5 of the Shropshire Core Strategy limits the types of development that are permitted within the Open Countryside to those such as accommodation for essential countryside workers and other affordable housing.
- 6.1.6 The Shropshire Core Strategy was formally adopted by the Council on 24th February 2011 and is an additional document which must be considered in the assessment of a planning application; this document was submitted to the Secretary of State in July 2010 and underwent independent examination. All Stretton is not coming forward under policy CS4 of the Shropshire Core Strategy as a community hub or cluster where residential development would be supported as a means to encourage more sustainable communities in rural areas. Hub and Cluster settlements are set out in the Pre-Submission Draft Site Allocations and Management of Development (SAMDev) Plan, published 17th March 2014, which is currently undergoing independent examination. The SAMDev Plan Inspector has now confirmed the proposed main modifications to the plan following the examination sessions in November & December and these are being published for a 6 week consultation. This means that any plan content not included in the schedule of proposed main modifications may be considered to be sound in principle in accordance with NPPF paragraph 216. Therefore significant weight can now be given to SAMDev policies in planning decisions where these are not subject to modifications. Therefore it is likely that open market housing would not be supported under emerging policy and would be contrary to the local community's aspirations for development within this area. As such this can provide a strong indication that this area will remain to be considered as open countryside under emerging planning policy and will remain contrary to policy CS5 of the Shropshire Core Strategy. However, as full weight cannot be given to SAMDev it is considered that as a means to ensure reasonable and fair consideration applications which are otherwise considered sustainable in line with the NPPF should not solely be refused against the SAMDev. As a result the officer must give consideration to the three elements forming the NPPFs principle to identify whether the site is sustainable and whether there is any harm that would significantly and demonstrably outweigh the benefits of the development.
- 6.1.7 Reference has been made within letters of representation relating to the fact that other small scale dwellings have been approved within the settlement of All Stretton. The officer considers that, whilst no specific sites have been referred to, every application must be considered within it's own merits, and within this the material considerations taken into account are variable. The sites context, siting, location and the weighting afforded to relevant planning policies can significantly alter dependent on the location of an application and the time a development is considered. Within this regard, the officer subsequently considers that the past approval of dwellings within the settlement cannot be used as a material consideration in this respect.

6.2 Sustainability

6.2.1 Sustainability objectives are formed of three principle elements, economic, social and environmental, consequently the assessment made into whether a site is sustainable cannot purely be judged on its distance and ease of access to key services and facilities. The NPPF advises that all three elements of sustainable development should be sought for and where a site fails to meet one or more of the objectives there is a case to support the argument that the site does not present a sustainable form of sustainable development, where the harm is considered to be demonstrable to outweigh the benefits. It must also be acknowledged that the National Planning Policy Framework, within its definition of the presumption in favour of sustainable development the NPPF sets out that Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications are determined in accordance with the development plan, unless material considerations indicate otherwise. Within this it is set out that the NPPF does not change the statutory status of the development plan, and development that conflicts with an up-to-date Local plan should be refused. Subsequently the sites location outside of a designated development boundary or a hub and cluster settlement must be given weight in the sustainability criterion.

6.2.2 Furthermore, as set out in Paragraph 17 of the NPPF, one of the core planning principles is that planning should be genuinely plan-led, empowering local people to shape their surroundings. In this regard, the existing, and emerging local plan should be factored in as a social sustainability consideration in that it is reflective of the wider aspirations of the County.

6.2.3 *Economic –*

6.2.4 It is accepted that there may be some economic benefits amounting from the delivery of open market housing this would be achievable in any location close to or within an identified settlement for open market housing. A windfall site within the confines of the nearby town of Church Stretton would likely achieve greater benefits than a site detached from the settlement, which is also on the outer edge of the settlement of All Stretton and subsequently little weight is afforded to the economic benefits of the scheme.

6.2.4 *Social –*

6.2.5 In considering the Councils current housing land supply position, it is not considered that the development is necessary to meet the needs of the County or wider community, and therefore should not be given significant weight in terms of social sustainability. Furthermore, in considering the aspirations of the Shropshire Core Strategy and the Shropshire Local Development Framework SAMDev, the settlement of All Stretton is not designated as a hub or cluster settlement to provide open market housing in smaller rural communities. It is subsequently considered that the development would not contribute to social sustainability in that it would not be delivering open market housing in a settlement which meets the wider community aspirations of Shropshire as set out within the SAMDev.

6.2.6 Environmental –

6.2.7 The site is located on the Southern periphery of All Stretton, a short distance from the Northern boundary of Church Stretton. There is a footpath linking All Stretton to Church Stretton which is served by street lamps, which measures approximately 0.6 miles to the central area of Church Stretton. Within this respect the officer considers that the location is sustainable in the ideology that the dwelling would be located in a location that could reasonably be served by the variety of facilities and services that are required for day to day living.

6.2.8 The site is located within the Shropshire Hills Area of Natural Beauty. The impact upon the character and appearance of the Shropshire Hills Area of Natural Beauty is an important consideration when assessing the environmental implications of the scheme. It is accepted that the site would be situated adjacent to an existing form of development, and subsequently the isolation could not largely be argued as being isolated. However, in considering the general form of development, which has clearly begun to form in a ribbon like form of development along the main roads leading out of All Stretton and Church Stretton, significant consideration must be given to whether this form of development has an impact visually, and its wider impact on the character and appearance of the AONB. Whilst this form of development is occurring in an area where development exists, the officer does not consider that this alone can weigh in favour that the site would be environmentally sustainable with regards to the impact on the AONB.

6.3 Siting, Scale, Design and Visual Impact

6.3.1 The site related to this application forms the garden of an existing dwelling. The site is situated to the south of the existing dwelling and is relatively triangular in shape, with the site being wider to the north than to the south. The site is situated in a relatively elevated position, although this is the character of many properties leading out of All Stretton along the B4577.

6.3.2 The dwelling itself will be a two storey dwelling, although not full height due to the dropped height of the eaves it will still appear significantly larger than the neighbouring dormer bungalow.

6.3.3 The site sits at the southern perimeter of the village of All Stretton which has, overtime, encroached towards the northern perimeter of development forming Church Stretton. The officer considers that development encroaching towards Church Stretton in this nature should be resisted, in order to safeguard the distinguishable relationship between the two settlements. Development of this site would further erode the gap between the two distinctive settlements and lead to a coalescence of the two distinct settlements. This would be at odds with the intrinsic character of the Shropshire Hills Area of Outstanding Natural Beauty and the remaining open appearance of the countryside in this location. It is subsequently considered that the proposals are contrary to policy CS6 and CS17 of the Shropshire Core Strategy.

7.0 CONCLUSION

7.1 In view of the above it is considered that the proposals are contrary to south Shropshire Local Plan, the Shropshire Core Strategy and the Emerging SAMDev, in that the settlement of All Stretton is not a settlement identified for the development of Open Market housing, and will subsequently conflict with policy CS5 of the Shropshire Core Strategy. Furthermore, having undertaken a sustainability assessment it is considered that the proposals present a limited sustainability benefit with respect to the economic outcomes of developing a dwelling, it is considered to be a sustainable location with reasonable access to services, facilities and public transport, however it is not considered that this outweighs the harm from departing from the aspirations of wider Local Planning Policies.

7.2 The site, by way of its location at the south of All Stretton would encroach towards the nearby settlement of Church Stretton, it is considered that the visual harm amounting from this erosion of the gap between the two settlements would have a detrimental impact upon the intrinsic character of the Shropshire Hills Area of Outstanding Natural Beauty. The proposals are subsequently considered to conflict with the principles of policy CS17 of the Shropshire Core Strategy.

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:

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

14/05689/FUL Erection of one dwelling and car port; alteration to existing access PDE

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NGSM9RTDHC800>

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)

Cllr M. Price

Local Member(s)

Cllr. Lee Chapman

Cllr David Evans

Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Informatives**

1. The Council seeks to work with applicants in a positive and proactive manner as required in Paragraph 187 of the National Planning Policy Framework and subsequently offers a pre-application advice service to ensure that applicants are informed of likely opportunities and constraints prior to the submission of a full planning application. In this instance the applicant unfortunately did not take up the opportunity and subsequently the Council has been restricted in its ability to work positive and proactively. Despite the Council wishing to work with the applicant in a positive and proactive manner as required, the proposed development is contrary to the policies set out in the officer report and referred to in the reasons for refusal, and as such it has not been possible to reach an agreed solution in this case.