

AGENDA ITEM



Committee and date

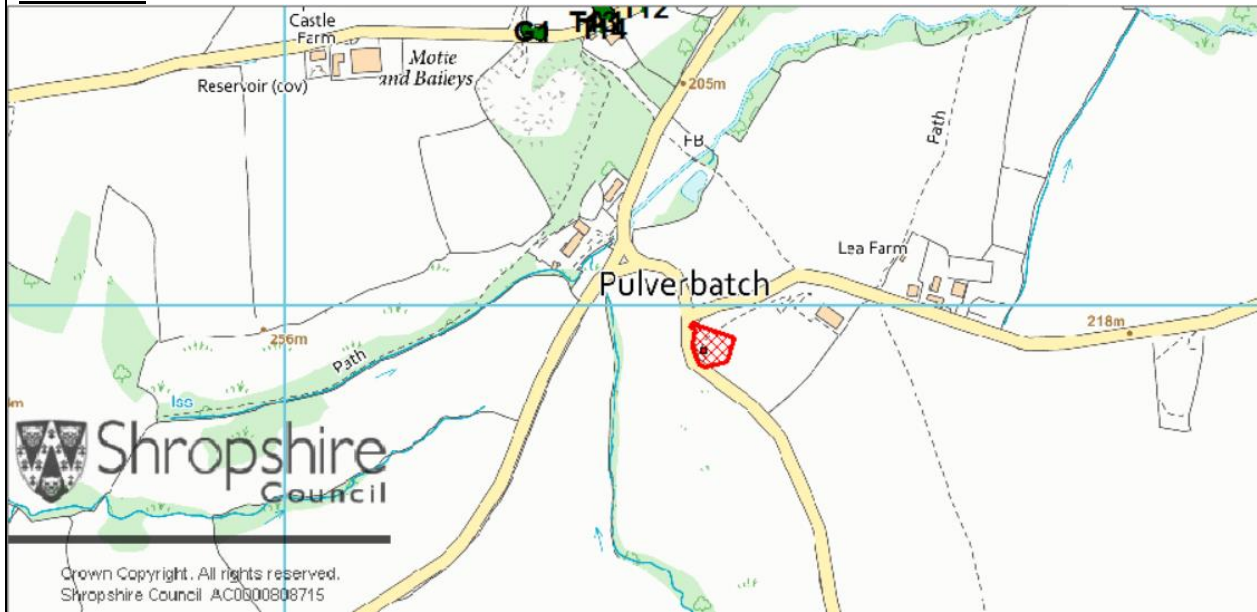
Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

<u>Application Number:</u> 24/04212/FUL	<u>Parish:</u>	Church Pulverbatch
<u>Proposal:</u> Proposed erection of local needs single plot exception site dwelling		
<u>Site Address:</u> Proposed Local Needs Dwelling To The South Of Pulverbatch Shrewsbury Shropshire		
<u>Applicant:</u> Mr J Hill		
<u>Case Officer:</u> Dunya Fourie	<u>email:</u> dunya.fourie@shropshire.gov.uk	

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Recommendation:- Refuse.

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Recommended reason for refusal

The proposed single plot affordable dwelling is not part of, adjacent to or influenced by a recognisable named settlement given the distances from nearby settlements. Pulverbatch, the nearest settlement is separated from the site by fields, wildlife trust sites, a road, and the castle mound ancient monument. To the north-east of the site there is a farmhouse and stables building converted to a dwelling. A further dwelling here would however appear as new sporadic development within the Shropshire Hills National Landscape and separate from the spatially clustered settlement; Pulverbatch, to the northwest. As such the proposed development is contrary to the objectives of the National Planning Policy Framework, Core Strategy policies CS1, CS5 and CS11, Site Allocations and Management of Development Plan (SAMDev) policies MD3 and MD7a, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

REPORT

1.0 THE PROPOSAL

- 1.1 This application has been submitted following the refusals of planning application 24/02405/FUL and 24/01580/FUL for similar proposals. The application proposes the erection of a single storey dwelling under the Council's Single Plot exception scheme. The amended application shows the proposed dwelling being position at the edge of the wider site, close to the existing access.
- 1.2 Planning application 24/02405/FUL was refused for the following reason:

The proposed single plot affordable dwelling is not part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. Castle Pulverbatch, the nearest settlement is separated from the site by fields, wildlife trust sites, a road, and the castle mound ancient monument. To the north-east of the site there is a farmhouse and a further dwelling following the conversion of a stables building, both which appear on historic mapping. A further dwelling here would however appear as new sporadic development within the AONB countryside and separate from the spatially clustered settlement to the northwest. As such the proposed development is contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Core Strategy, Policies MD3 and MD7a of the Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

- 1.3 Planning application 24/01580/FUL was refused for the following reasons:

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1. *The proposed single plot affordable dwelling is not part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. Castle Pulverbatch, the nearest settlement is separated from the site by fields, wildlife trust sites, a road, and the castle mound ancient monument. To the north-east of the site there is a farmhouse and a further dwelling following the conversion of a stables building, both which appear on historic mapping. A further dwelling here would however appear as new sporadic development within the attractive AONB countryside and separate from the spatially clustered settlement to the northwest. As such the proposed development is contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Core Strategy, Policies MD3 and MD7a of the Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.*

2. *The dwelling would be located within the existing yard area and accessed via a shared access driveway with the business. The scheme indicates minimal separation from the business activities and has the potential to have a significant adverse impact upon the residential amenity of the occupiers, and as such would not provide a suitable location in terms of residential amenity for an occupant who did not have an interest in the business. As such the proposed development would be contrary to policy CS6 of the Core Strategy, policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.*

3. *Whilst the information submitted states that there are no ponds nearby, there is a pond mapped 110m northwest and accordingly the Council require the submission of a HSI Assessment of the pond and recommendations from an ecologist to determine as to whether more surveys are required or if Reasonable Avoidance Measures are suitable. The application is not supported by an Ecological Impact Assessment (EclA), which is required in order for the Council to accurately assess the character of the land in and surrounding the application site and any potential ecological impacts that the development could cause. As such, the development falls contrary to the objectives of Core Strategy Policy CS17 and MD12 Site Allocations and Management of Development Plan, and Environmental objectives contained within the National Planning Policy Framework.*

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is approximately 350m to the south of Pulverbatch. The wider site is occupied by a machinery storage building (approved under ref 18/02534/FUL) and a modest general storage building (approved under reference 21/05180/FUL). In seeking to address the residential amenity issues identified in the second reason for refusal on the latter decision, the dwelling was repositioned to the west of the site. The northern and eastern boundaries of the application site are bounded by

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hedgerow. The southern side of the wider site opens onto an agricultural field. The site lies within the open countryside and the Shropshire Hills National Landscape.

2.2

Access to the site is proposed to be afforded from the access drive which is one of the accesses serving the existing yard to the west. This has previously been accepted as providing an improved access in highway safety terms.

2.3

A public footpath runs through an adjacent field, to the east. The site is on a gentle, north-facing slope, and surrounding land is undulating with a ridge of land visible to the north-west. A Scheduled Monument, Church Pulverbatch motte and bailey castle, is located approximately 280 metres to the north-west.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The proposed development is not considered to accord with the requirements of the Council's relevant adopted policies whilst the Parish Council and Local Member supports the application on material grounds, given the contrary views cannot be overcome the Planning Services Manager in consultation with the Chairman of the Planning Committee have concluded that the application shall be determined by the Members of the Planning Committee.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 Shropshire Hills National Landscape – Consulted, no response received.

4.1.2 Drainage-The Foul Drainage Assessment is acceptable

4.1.3 Affordable Housing- the applicant meets the 'need' requirements of the 'build your own' affordable housing scheme

4.2 Public Comments

4.2.1 Site notice displayed.

4.2.2 Church Pulverbatch Parish Council – support

4.2.3 Local Member-Cllr Dan Morris, request committee determination

5.0 THE MAIN ISSUES

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Principle of development
Siting, scale, and design of structure
Visual Amenity
Residential amenity
Highway Safety
Drainage
Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site lies in the countryside where Shropshire Core Strategy Policy CS5 permits “*limited local needs affordable housing*” on exception sites that accord with Policy CS11, namely, in and adjoining recognisable named settlements. The main issues raised by this aspect of the application are as follows:

- Does the applicant fulfil the requirements of the policy with regard to being in local housing need, and having strong local connections; and
- Whether or not the site accords with the requirements of the policy in regard to its location.

6.1.2 The Councils Housing Enabling and Development Officer has confirmed that the applicant can demonstrate affordable housing need and local connection to the parish. Therefore, the applicant meets the ‘need’ requirements of the ‘build your own’ affordable housing scheme.

6.1.3 As previously, the principal issue raised by this application is whether the site forms part of or adjoins a recognised named settlement. This can be a finely balanced decision and the Council’s SPD Type and Affordability of Housing advises that:

- A settlement always comprises a group of houses occupied by households from different families.
- The group becomes a settlement due to the number and proximity of the houses in the group.

Although a matter of judgment in each case, particularly for settlements where the number is small or where the houses are dispersed, for example strung along a road, it is the combination of these two factors that determines whether the dwellings constitute a settlement.

6.1.4 Additionally, the SPD advises that a settlement is a relationship between different properties accordingly the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a

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number of factors. For example, a site a short distance from a loose-knit settlement may be considered “*adjoining*” while a similar distance in a tightly clustered settlement would not be. Larger settlements also have a wider “pull” or “*sphere of influence*” than small settlements, influencing the relationship between a site and the settlement.

6.1.5 In this case, mapping of Pulverbatch Parish shows a clear concentration of dwellings at Pulverbatch along the C classified road to the northwest of the site. Otherwise, dwellings are scattered on rural roads within the countryside and are physically separate from this core area.

6.1.6 Pulverbatch is the nearest cluster of dwellings to the proposed site. It is named on mapping and there is a public house within the village and a regular bus service to Shrewsbury. This settlement would therefore fall within the definition of a “*recognisable named settlement*” as included within the Glossary to the Core Strategy and as described in the SAMDev adopted plan. The Planning Statement submitted with the application and comments submitted by the Parish Council refer to the settlement ‘Pulverbatch’ being made up of 3 different parts; Pulverbatch forming one part of this, the other two parts are described as the Church Pulverbatch which is a cluster of dwellings surrounding the Church and public house and the remaining part comprising of scattered dwellings in the wider area around these clusters and including Pulverbatch within their residential address. While these points are noted, the planning policy approach adopted, supports residential development in sustainable locations and seeks to protect the rural character of areas outside of settlements. Pulverbatch would be the only grouping of houses which would meet the definition of a settlement, as defined within the SPD.

6.1.7 Pulverbatch is a linear settlement extending from a fork in the road to the north, on either side of the road until a further fork to the south where development continues along the north of the road and terminates before the Castle Mound. The dwellings are in close relationship to each other and the limits to the settlement are clear.

6.1.8 The application site however lies approximately 500m distant from the nearest dwellings at Pulverbatch. It is separated from the settlement by fields, wildlife trust sites, a road, and the castle mound ancient monument.

6.1.9 It is acknowledged that the site has an existing use for storage within a small agricultural contracting business which use was considered acceptable, within constraints, in terms of providing rural economic development and employment. Information has been included within the planning statement regarding the business operation on the site and gives examples of when and why the applicant is required to be on site. On the other side of the road, to the north there is a farmhouse to the

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north-east and a further dwelling following the conversion of a stables building, both appearing on historic mapping. It is also acknowledged that the position of the proposed dwelling has been slightly revised however Officers remain of the opinion that a further dwelling here would however appear as new sporadic development within the attractive National Landscape countryside and quite separate from the spatially clustered settlement to the northwest.

Siting, scale and design of structure/Visual Amenity

6.2 Core Strategy policy CS6 seeks to ensure that all development is appropriate in
6.2.1 scale, density, pattern and design taking into account the local context and character. SAMDev Plan policy MD2 supplements CS6, expanding on how this objective would be achieved.

6.2.2 It is acknowledged that the position of the dwelling on the original application was revised in order to increase the separation distance from the business activities and reduce any potential adverse impact upon the residential amenity of the future occupiers, who did not have an interest in the business.

6.2.3 The site lies in the National Landscape where the NPPF places great weight on new developments conserving and enhancing landscape and the scenic beauty, Section 85 of the Countryside and Right of Way Act 2000 (as amended), requires that relevant authorities “seek to further the purpose of conserving and enhancing the natural beauty” of the National Landscape. Such designated landscapes have the highest status of protection in relation to landscape and scenic beauty alongside National Parks and the Broads. The scale and extent of development within all these designated areas should be limited.

6.2.4 The explanatory text to Policy CS5 informs us there will be areas of the countryside where development will need to pay particular regard to landscape character, including the Shropshire Hills National Landscape. Policy MD12 of the SAMDev Plan concerns new development that affects the natural environment. It lends support to proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills National Landscape.

6.2.5 CS17 seeks to ensure development contributes to local distinctiveness, having regard to the quality of Shropshire’s environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills National Landscape. MD12 goes further by seeking the avoidance of harm to Shropshire’s natural assets and their
6.2.6 conservation, enhancement and restoration.

The Shropshire Hills National Landscape Management Plan 2019-2024 states in its Policy P4 (Housing and Design of Development) that the design of all housing should

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- 6.2.7 demonstrate sensitivity to the immediate surroundings and the special qualities of the National Landscape and that where affordable housing is allowed when other forms of development would not be, in order to meet social need, the standards of design and sensitivity to the National Landscape should not be compromised. Affordable housing within the National Landscape is expected to be of a higher design quality than outside the National Landscape.

The area has a rural character comprising of rough or improved pasture enclosed by traditional hedgerows. The scale and single storey design together with an undulating landscaping scheme would assist in mitigating its impact on the largely undeveloped character of the surrounding landscape.

Residential Amenity

- 6.3 Policy CS6 and MD2 seek to ensure that development contributes to the health and well-being of communities, including safeguarding residential and local amenity. The
6.3.1 proposed siting and design of the dwelling would not result in any undue overlooking or overbearing/overshadowing impacts on neighbouring properties

- 6.3.2 There is sufficient separation distance between the existing yard area and the dwelling, if in the future the dwelling was occupied by someone who did not have an interest in the business there would be no amenity conflict.

Highway Safety

- 6.4 The Core Strategy policy CS6 objective of achieving safe developments, in the context of highway safety, is echoed by paragraph 114 - 115 of the NPPF. The
6.4.1 access arrangements from the public highway have not been amended from that previously proposed. As previously noted (24/03405/FUL), the Council's Highways Team are content that the proposed access arrangements would not be detrimental to highway safety, being safe and of a suitable standard for vehicles.

Drainage

- 6.5 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by the use of sustainable drainage systems within developments. The Flood Drainage
6.5.1 Assessment and plans submitted with the application indicates that the surface water would be disposed via a soakaway system and states that the foul drainage arrangements are to be disposed of by way of a package treatment plant. These methods are accepted by the Drainage and Suds team.

Ecology

- 6.6 The previous application is supported by information, this information is less than 2 years old and as such is still relevant. The ecological information has been assessed
6.6.1 by the SC Ecology Team under the previous application and was found to be

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acceptable. Any forthcoming consent would include the conditions previously recommended by the ecologist to ensure ecological interests are protected and enhancements made.

7.0 CONCLUSION

7.1 The site is not part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. As such a dwelling in this location would not accord with the exception sites policy in this respect and therefore is not acceptable development in principle. A further dwelling here would appear as new sporadic development within the Shropshire Hills National Landscape and separate from the spatially clustered settlement; Pulverbatch, to the northwest. As such the proposed development is contrary to the objectives of the National Planning Policy Framework, Core Strategy policies CS1, CS5 and CS11, Site Allocations and Management of Development Plan (SAMDev) policies MD3 and MD7a, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

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.

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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:

Core Strategy and Saved Policies: CS1, CS5 CS6, CS11, CS17 and CS18

Site Allocation and Management of Development Plan Policies: MD2, MD3, MD7a and MD12 and MD13

RELEVANT PLANNING HISTORY:

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24/04212/FUL Proposed erection of local needs single plot exception site dwelling, Pending
24/02405/FUL Erection of a local needs exception site dwelling, Refused August 2024
24/01580/FUL Erection of a local needs exception site dwelling, Refused June 2024

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SMACZ0TDLF100>

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 Dan Morris