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| MEETING: | PLANNING COMMITTEE |
| DATE: | 15 DECEMBER 2010 |
| TITLE OF REPORT: | <p>DMN/102035/O - ERECTION OF AN AFFORDABLE DWELLING AT HIGHTREE NURSERIES, HIGHTREE BANK, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0LU</p> <p>For: Mr and Mrs Morgan per Les Stephan Planning Ltd, Sweetlake Business Village 9 Longden Road, Shrewsbury, SY3 9EW</p> |

Date Received: 9 August 2010

Ward: Mortimer

Grid Ref: 340424,275075

Expiry Date: 3 November 2010

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site is located in open countryside and some 900 metres (almost 1,000 yards) from the main village of Leintwardine, and comprises an open plot of land which forms part of the former High Tree Nurseries. In this area, which is open in nature the development pattern is isolated and sporadic and comprises individual dwellings, the exception being Leintwardine Manor which has been converted into six units. There is no built core or a collective which can be described as a settlement.
- 1.2 The application site is adjacent to Bank House, originally an agricultural workers' dwelling, which has had its restrictive occupancy condition adjusted to include a more general 'rural worker' restriction.
- 1.3 The proposal is for the erection of an affordable dwelling, with all details reserved except access where the current access with internal modifications would be used. The proposed curtilage is approximately square in shape, with a road frontage to the North. An illustrative plan places the proposed dwelling at the centre of the plot. The other boundaries are arbitrarily drawn.

2. Policies

2.1 National Planning Guidance:

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| PPS7 | - | Sustainable Development in Rural Areas |
| PPS3 | - | Housing |
| PPS1 | - | Delivering Sustainable Development |

2.2 Herefordshire Unitary Development Plan:

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|-----|---|---|
| S1 | - | Sustainable Development |
| DR1 | - | Design |
| DR2 | - | Land Use and Activity |
| DR3 | - | Movement |
| H7 | - | Housing in the Countryside Outside Settlements |
| H10 | - | Rural Exception Housing |
| T8 | - | Road Hierarchy |
| LA2 | - | Landscape Character and Areas Least Resilient to Change |

3. Planning History

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|-----|-------------|---|---|---|--------------------------|
| 3.1 | NW09/1881/F | - | Change of use of agricultural land to agricultural contractors yard, erection of workshop/storage building, and 1.0 metre high bund | - | Approved with conditions |
| | NW09/1663/F | - | Variation of agricultural occupancy condition | - | Approved with conditions |
| | NW99/2477/F | - | Removal of agricultural occupancy condition | - | Refused |

4. Consultation Summary

Internal Council advice

- 4.1 Transportation Manager - no objection.
- 4.2 Planning Policy Manager - objects to the proposal, with the following comments –

Policy H10 remains, for the moment, the development plan policy and indicates with the term "within or adjoining" an established rural settlement. The development is not well related to the existing settlement and therefore would not be consistent with H10.

Having looked at the proposal not convinced that the need for the dwelling has been demonstrated in respect of criterion 1 or 2 of policy H10. There is a letter from Strategic Housing indicating that the applicant meets the criteria to require affordable housing but there seems little with the application to explain what the full need is, why the need could not be met in any other way

There is no conflict between policy H10 and paragraph 30 of PPS3 as suggested, indeed, the policy has been through the process of being saved with GOWM earlier this year (2010) and no issues of non-conformity were raised.

In respect of the emerging policies of the Core Strategy no weight can be given to these at present, which have been published for consultation purposes only at this stage.

Shropshire policies are also not relevant in Herefordshire.

- 4.3 Head of Strategic Housing - supports the proposal and notes that if approved a Section 106 agreement requiring a resale value capped at 60% of the open market value in perpetuity must be applied, along with any subsequent dwelling being required to meet Housing Corporation Design and Quality Standards, and Joseph Rowntree Lifetime Homes standards.

5. Representations

- 5.1 The applicant's agent refers to their local connections, and that they meet the criteria and requirements to qualify for low cost market housing, and then makes reference to procedures in

Further information on the subject of this report is available from Mr C Brace on 01432 261795

place in Shropshire regarding such applications for individual affordable homes. An interpretation of both PPS3 and Herefordshire Council's UDP policies is presented, including the claim that UDP policy H10 is out of date and does not conform with national policy. Reference is also made to the emerging Core Strategy and draft housing policies.

- 5.2 Leintwardine Parish Council makes no objection to the proposal.
- 5.3 Seven letters of support have been received from local residents, most of which take the form of character references for the applicant. Comments regarding planning matters are summarised as –
- Would not impact upon views
 - There is an issue regarding affordable dwellings in Leintwardine
- 5.4 Three letters of objection have been received from local residents, including a letter on behalf of all six units comprising Leintwardine Manor. The summarised issues are as follows –
- Local need is met through an approved scheme at Dark Lane, Leintwardine
 - Site is outside the settlement boundary of Leintwardine
 - No social benefit to the village
 - Set a precedent for development in countryside
 - Individuals have previously been advised that they could not develop in this area and if this is permitted, given the Council's advice on this matter compensation will be sought and it demonstrates it can't be trusted
 - Impact on the countryside
 - Impact on an adjoining dwelling
 - Leintwardine has a need of 15 affordable units and 20 are provided on the Dark Lane site, therefore the local need is met
- 5.5 Defence Estates who were consulted as the application is in the Clee Hill Safeguarded Area, makes no objection.

The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

Introduction

- 6.1 The most relevant UDP policy applicable to this application is H10 which allows for individual affordable houses but requires that these are within or adjoining an established rural settlement. This policy applies to settlements which are not designated in policies H4 – Main Villages, or H6 – Smaller Settlements and which have some facilities. It is expressly stated that *'it is not the intention of the policy to allow isolated new housing in the countryside'*.
- 6.2 The application site and its environs are divorced from and have no physical connecting relationship with the main village of Leintwardine. The immediate locality of this application is not a settlement in its own right or affirmed as such in UDP policies H4 or H6, and is simply in terms of development pattern, a small number of isolated and sporadic dwellings located about a triangular convergence of three roads. Given all of the above, the proposal fails to meet the essential tests of policy H10.
- 6.3 Planning Policy Statement 3 – Housing, requires that rural affordable housing development should be in sustainable locations and builds on the principles of PPS1 – Delivering Sustainable Development. The application fails to be easily accessible, well connected to public transport and other facilities, and is not well integrated within its context – all requirements of PPS3.

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Need

- 6.4 Leintwardine has an identified local housing need of some 15 units. Planning approval for 20 number affordable units was permitted through application NW/101096/F on a site at Dark Lane, in the settlement itself. As such it is considered the local need has been met and that the development and encroachment into open countryside is not required or justified in pursuit of further, unmitigated local housing development. The applicant would fulfil and be eligible for this approved low cost market housing.
- 6.5 Planning Policy Statement 3 – Housing, is not as stated in the submission, more flexible than UDP policy H10. Indeed adopted and current UDP policies have delivered the opportunity of meeting all the evidenced local need in this area. There is therefore, as per the implication of PPS3, no justifiable reason to release further land for housing development, as the local need is met.

The Applicant

- 6.6 Reference is made that the applicant's are on the Homepoint database, and confirmation that they meet certain housing tests, however no evidence is supplied showing what, if any efforts have been made to secure other alternative accommodation opportunities, including those schemes outlined.
- 6.7 Whilst a medical case has been presented this is not considered to be of such a nature to override or mitigate the conflict in local and national planning policy.

Sustainability

- 6.8 The proposal would introduce a dwelling in an isolated open countryside location, undermining the key aims of PPS1, PPS3, PPS7 and UDP policies S1, S3, DR1, DR2, and H7. The occupiers of the proposal would be dependent on using a private vehicle to access any services or facilities, and its unreasonable to suggest someone would walk from the application site to Leintwardine given the nature of the road and its traffic volumes and types – an A Class road which is a principal route North or South through the county.

Landscape and Visual Impact

- 6.9 The proposal would itself have a detrimental impact on the character and appearance of the open countryside through its very presence. Individually and cumulatively such proposals dilute the intrinsic character of the open countryside.

Conclusion

- 6.10 The application is contrary to national and local planning policies, representing unjustified housing development in an unsustainable open countryside location. No evidence has been demonstrated of the applicant's pursuance of a dwelling beyond this application, or their overriding special individual need, given that the identified local affordable housing need of 15 units has been met through an approved scheme of 20 affordable units in a designated settlement and rural service point. The proposal is therefore clearly contrary to policy H10 of the UDP.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal represents unwarranted and unjustified housing development in an unsustainable open countryside location, outside of an established rural settlement, contrary to Herefordshire Unitary Development Plan policies S1, H7, and H10, or Planning Policy Statements 1, 3, and 7.
- 2. The proposal through its mere presence would create individually and cumulatively a detrimental impact upon the intrinsic character and quality of the open countryside, contrary to Herefordshire Unitary Development Plan policies S1, DR1, DR2, H7, and LA2 or Planning Policy Statements 1, 3, and 7.
- 3. The full identified and quantified local affordable housing need for this area has been met on a site in the main village of Leintwardine, therefore the proposal is unnecessary and no mitigating personal reasons exist why a further unit, in an unsustainable and open countryside location should be permitted.

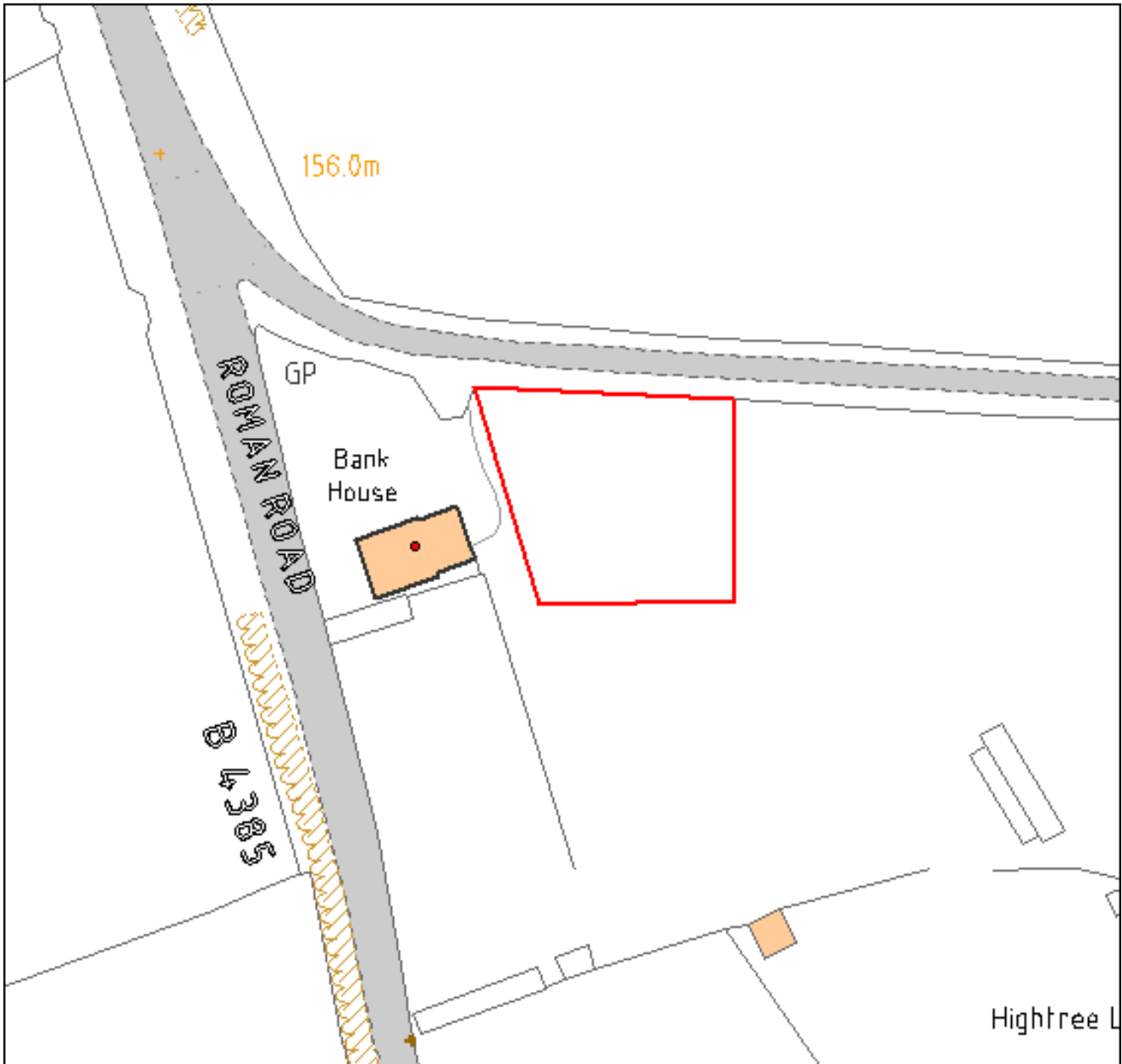
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/102035/O

SITE ADDRESS : HIGHTREE NURSERIES, HIGHTREE BANK, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE

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