

TWC/2015/0999

Land adjacent Crown Farm & Swift Barn, Kynnersley, Telford, Shropshire  
Outline application for the erection of 2no. detached dwellings and associated works  
with access and all other matters reserved \*\*\*\*AMENDED RED LINE PLAN  
RECEIVED\*\*\*\*

**APPLICANT**

Neil Dobson

**RECEIVED**

04/01/2016

**PARISH**

Kynnersley

**WARD**

Edgmond and Ercall Magna

**OFFICER** Marie Smyth

**OBJECTIONS RECEIVED: YES**

**KYNNERSLEY PARISH COUNCIL HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY THE PLANNING COMMITTEE**

**1. THE PROPOSAL**

- 1.1 The application seeks outline consent including details of access for the erection of 2, two storey detached dwellings and detached garages on land adjacent to Crown Farm Barns and Swift Barn, Kynnersley. All other matters relating to appearance, layout, landscaping and scale would be dealt with later at the reserved matters stage.
- 1.2 The indicative layout illustrates two detached dwellings fronting the road to the north with pedestrian access from here and vehicular access from the side via an existing private drive. The dwellings are illustrated as being two storey bespoke, border oak designed properties, incorporating traditional features. During the process of the application a revised site location plan was submitted at the request of highways officers to include the access drive within the site boundary. A revised site layout was also submitted to illustrate the root protection areas of trees within the site.
- 1.3 The application is accompanied by a Design and Access Statement and a Tree Inspection and Report.
- 1.4 The applicant has previously received pre-application advice, initially in 2013 where it was advised that the council would be likely to be supportive of a proposal. At the time of responding the council could not demonstrate a five year housing land supply. Accordingly housing applications in the rural area were being considered favourably, in line with paragraph 49 of the National Planning Policy Framework (NPPF). The agent was subsequently advised later in 2015 that, following the announcement in March 2015, the Council had more than five years' deliverable supply. This changed the policy position and an application at the site would no longer be supported.

## **2. SITE AND SURROUNDINGS**

- 2.1 Kynnersley is a village located in the rural area approximately 7.5km to the north of Telford. The village is predominantly residential in character with properties varying in age, style and appearance. A predominant feature is stone boundary walls. Within the village is a church, village hall and a timber structure at no. 3 Kynnersley for use as a shop for the sale of local products. The village also has the benefit of a bus service.
- 2.2 To the north of the site is the highway, this then continues round to the east boundary of plot 1. To the south of the site is the Crown Farm complex. Plot 2 is located to the west of the site and to the south of this is the original farm building, known as Crown Farm Barns, with the boundary defined by a fence and plantings. The former barns have been converted to four properties; Swift Barn, Willowdene, Greenbank and The Stables, which utilise the existing drive that is also proposed to serve the application properties. Swift Barn is located directly to the south of plot 1. The facing elevation of this neighbouring property includes ground floor windows and dormers adjacent to the property's driveway, with an approximately 2m high hedge to the boundary with the site.
- 2.3 To the west of plot 2 is Whym Cottage. The neighbouring property itself is located over 20m away although there is a 1 ½ storey garage/studio structure directly adjacent to the boundary.
- 2.4 The site measures 0.1 hectares, is generally level and roughly rectangular in shape. The site is subdivided by the access drive running north to south creating the two plots either side. The land levels are comparable to those outside of the site. Some sections of the boundary to the site are open, with others defined by a brick wall and railings. The site is overgrown and accommodates two trees; one to the north east corner, a TPOd Lime tree, and a Sycamore to the north west corner. The site was formerly used for agricultural purposes and historically accommodated a large agricultural building. There is some evidence of this former use on site in the form of areas of gravel although the site has been vacant for some time.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 W2002/0723: Erection Of Two Dwellings And Construction Of A New Vehicular Access. Outline Refused 04/12/2002.

## **4. PLANNING POLICY CONTEXT**

- 4.1 National Guidance:  
National Planning Policy Framework
- 4.2 Wrekin Local Plan:  
H9 Location of New Housing  
UD2 Design Criteria

- 4.3 Telford and Wrekin Core Strategy:  
CS1 Homes  
CS7 Rural area  
CS9 Accessibility and Social Inclusion  
CS13 Environmental Resources  
CS15 Urban Design
- 4.4 Telford and Wrekin Local Plan:  
SP3 Rural area  
SP4 Presumption in favour of sustainable development  
HO 10 Residential Development in the Rural Area  
BE 1 Design Criteria  
NE 1 Biodiversity and geodiversity

## 5. SUMMARY OF CONSULTATION RESPONSES

### **Standard consultation responses**

- 5.1 Kynnersley Parish Council: No objection  
No objection to the two dwellings but request that the access is reconsidered as the driveway position restricts vision for other residents.
- 5.2 Drainage: Support subject to conditions  
Conditions requested relating to a scheme of foul and surface water drainage and written confirmation that any necessary off site drainage improvements have been completed by Severn Trent Water, or that there is no need for these to be provided to cater for foul and surface water flows from the site following Severn Trent Water investigations.
- 5.3 Highways: Support subject to conditions  
No formal objection in principle subject to a condition requiring further details of parking, turning and loading to be submitted for approval.
- 5.4 Ecology: Support  
Nesting wild birds informative requested.
- 5.5 Arboricultural: Objection  
The tree report which accompanies the application is not BS: 5837 survey. No root protection areas have been specified.
- 5.6 Shropshire Fire Service: No comment

### **Neighbour consultation responses**

- 5.7 Following consultation with neighbouring residents on the initial proposal and the revised site location and layout plans eight letters of objection and one with comments have been received. The comments from both consultation exercises are summarised as follows:
- Hazardous for vehicles from the proposed to gain access onto the driveway, also limited views.

- The driveway currently serves four properties and is not sufficient for an additional two, resulting in safety issues.
- Access should be taken from road to the north.
- Additional strain on sewage system.
- Scale, design and density of properties would be out of character with the village.
- Proximity, overlooking and loss of privacy.
- Height of proposal and overshadowing.
- Noise and disturbance.
- Use of access would result in noise, disturbance and loss of privacy.
- Impact on tree protection areas from dwelling and drainage.
- Limited bus service.

5.8 The following, non-material matter has also been raised:

- Rights of access.

## 6 PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of development
- Impact on character and appearance of the area
- Impact on living conditions of neighbouring properties
- Access and highway safety
- Trees and ecology
- Drainage

### **Principle of development**

6.2 Telford and Wrekin Council now has in excess of a 10 year housing land supply (Telford and Wrekin Five Year Housing Land Supply Statement 2014-2019). This position has previously been considered by an Inspector at an appeal in Tibberton to be credible, up to date and that it presents 'a cogent argument that it [the council] can currently demonstrate a five year housing land supply'. This is therefore sufficient to demonstrate that, in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), the council's housing land supply policies are up to date and that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

6.3 The relevant development plan policies to consider are saved policy H9 of the Wrekin Local Plan (WLP) and policy CS7 of the Core Strategy (CS). Policy H9 is acknowledged by officers to be somewhat subservient to CS7 as it is older and less strategic. However, it lists those settlements selected to receive development and goes on to state that elsewhere in the rural area new residential development will be refused unless there are exceptional circumstances. Kynnerlsey is not one of the suitable settlements listed in

policy H9. The development would also not constitute an exceptional circumstance, such as agricultural workers accommodation or affordable housing, and therefore would be considered by officers to be contrary to this policy.

- 6.4 Policy CS7 also does not include Kynnersley as a suitable settlement. This policy states that within the rural area residential development will be focussed on the three settlements of High Ercall, Tibberton and Waters Upton. Outside of these specified settlements development will be limited and within the countryside will be strictly controlled. Directing development to these three settlements, that offer rural residents a number of key local services and facilities, should help sustain rural communities. By focussing housing, employment, and service and facility development within these settlements, a pattern of development should be created that maximises the accessibility of services and facilities to rural residents, whilst reducing the need to travel by car and enhancing local identity and character. Officers therefore consider that the proposal would be contrary policy CS7.
- 6.5 In February the Council published the Telford and Wrekin Local Plan (TWLP). In accordance with paragraph 216 of the NPPF this is to be given weight in considerations as it has been written to be consistent with the NPPF and is in an advanced stage of publication. This is therefore a material consideration. Policy HO 10 relating to residential development within the rural area adds two additional settlements to the three identified by the CS, Edmond and Lilleshall. It states that limited development in the five settlements will be supported and elsewhere in the rural area residential development will be strictly controlled. Kynnersley is not identified in this most recent policy as a suitable settlement. The proposed development would accordingly be contrary to policy HO10 which further endorses that Kynnersley is not considered a sustainable location in which to focus housing. This position would be further supported by policy SP 3 of the TWLP which states that development in the rural area should be directed to settlements with good infrastructure.
- 6.6 The submitted Design and Access Statement considers that the site is classed as brownfield and infill, which will not lead to sporadic development in the open countryside. It goes on to state that, although Kynnersley is not considered to be within one of the settlements identified in policy CS7, this policy does not restrict residential development elsewhere; only that development should be limited outside of those defined settlements.
- 6.7 The supporting statement also points to a previous approval for one dwelling on the boundary of Kynnersley (TWC/2014/0315). The statement outlines that in the officer's report Kynnersley was considered to be a sustainable location, despite not being an identified settlement, where proportionate development can be accepted. However, the decision on this application pre-dates the Council's housing land supply announcement, where applications were being considered favourably in line with the NPPF. This therefore cannot be used as a comparison to the application site as the policy position has changed since the housing land supply announcement.

6.8 Finally the supporting statement identifies an appeal decision at The Queens Head, Wheat Leasows to Horton Junction, Horton (APP/C3240/W/15/3008330 following the refusal of TWC/2014/1060 for two dwellings). The Inspector concluded that the local policies 'appear out of step with the PPG and carry only limited weight, having regard to Framework paragraph 215, in this instance. As a result, the proposed development must therefore also be judged against the Framework, which is a material planning consideration attracting substantial weight.' This conclusion relates to policies H9 and H10 of the WLP, which officers acknowledge are somewhat subservient to the more recent CS, but was also made at a time when the council did not have a five year housing land supply. Accordingly applications were being considered favourably in line with the NPPF. The Council now has more than a 10 years' housing land supply and more up to date policies within the TWLP, which is a material consideration.

6.9 Notwithstanding the above, paragraph 49 of the NPPF requires that proposals are considered within the context of the presumption in favour of sustainable development. Paragraph 7 identifies three dimensions to sustainable development; an economic role, a social role and an environmental role. The consideration of the application against each of these are as follows:

- An economic role  
The development is of a small scale and therefore will not have a significant value to the economy within the area to outweigh the principle objection.
- A social role  
It is not considered that the site has convenient access to local facilities. The village has the benefit of a church, village hall and a small shop selling local produce. Despite the availability of a limited bus service, on balance, it is not considered that the site would be in a suitable location to meet the present and future needs of the occupants, without the need to rely on travel by car. It is therefore reasonable to conclude that the occupiers of the development would be reliant on the use of motor vehicles to access the most basic facilities and services such as schools, doctors and employment. Officers therefore do not consider that the site is sustainably located. This would also be contrary to the requirements of CS policy CS 9 which aims to improve social inclusion and accessibility. It is worth noting that this approach would also be consistent with the decision of the Inspector when dismissing an appeal for a dwelling in the Charlton; a settlement within the rural area with limited facilities (APP/C3240/W/15/3065782).
- An environmental role:  
The site was historically used for agricultural purposes and previously accommodated an agricultural building, although is now vacant and overgrown. Its loss would therefore not have an undue impact on the wider area. However, there is no indication of any innovative measures to reduce the carbon footprint of the properties to advocate the application in this respect.

- 6.10 Policy SP 4 of the TWLP similarly relates to a presumption in favour of sustainable development. However, in this case it is not considered that the proposal would meet any of the requirements of this policy.
- 6.11 The Council has taken account of the applicant's supporting statement but it is not considered that the principle of the development in this location can be supported. It would be contrary to guidance within the NPPF, policies CS7 and CS9 of the CS, policy H9 of the WLP and policies SP3, SP4 and HO10 of the TWLP.

**Impact on the character and appearance of the area**

- 6.12 The detailed design of the dwellings would be considered at the later, reserved matters stage although the indicative layout submitted demonstrates the position of two individually designed units fronting the road to the north with driveways and detached garages to the side/rear. The submitted, indicative sketch elevations illustrates two storey bespoke border oak designed dwellings, incorporating traditional features. The height will not exceed 8m, with dormers included, in order to reduce the mass.
- 6.13 The village is predominantly defined by a mix of traditional cottages and dwellings; including detached, semi-detached and some terraces of varying designs, scale and positions. To the south of the site is the original Crown Farm building and smaller scale converted barns. The consultation process has raised some concerns from neighbours that the scale, design and density of properties would be out of character with the village.
- 6.14 However, officers are satisfied that the site can adequately accommodate two dwellings with the appropriate levels of parking and garden land, which would not be unacceptable within the context of the mixed character of the surrounding area. The site has a former commercial use and is therefore not considered to be open land, and there would be no issue in principle with its loss. Given the varied design and scale of properties in the vicinity it is considered that appropriately designed dwellings would be acceptable in this location and within the context of the wider area, without detriment to the character or appearance of the village.
- 6.15 Officers are therefore satisfied that two appropriately designed dwellings could be accommodated on the site which would not cause harm to the quality of the local environment, although this would be considered fully at the reserved matters stage against the requirements of policy UD2 of the WLP, CS15 of the CS and BE 1 of the TWLP.

**Impact on the living conditions of neighbours**

- 6.16 The indicative position of plot 1 to the east of the site suggests an L shaped dwelling with a section located opposite the rear, south boundary with the neighbouring Swift Barn. The facing elevation of Swift Barn incorporates ground floor windows and dormers, separated from the application site by the applicant's driveway and an approximately 2m high hedge. Concerns have been raised by the occupants of this property regarding the height of the

adjacent dwelling and overlooking. The indicative layout would suggest a separation of approximately 9m and the height is proposed to be limited through the use of dormers. There is scope within the site to increase this separation if necessary but officers are satisfied that a suitably designed dwelling could be accommodated on this plot without appearing unduly overbearing to the neighbouring property. Located to the north loss of direct sunlight would not be an issue. The position of windows could be controlled at the reserved matters stage, specifically to ensure there is no direct overlooking between the closest section of the proposal and the windows within Swift Barn directly opposite. Officers therefore consider that the dwelling could be designed so as not to have an unacceptable impact on the privacy of the occupants of Swift Barn.

- 6.17 The dwelling within plot 2 would be located over 12m from the rear, south boundary with Crown Farm Barns, with a total separation of over 25m between the two dwellings. Given this separation officers are satisfied that the proposal would not appear overbearing, result in loss of light or have an unacceptable impact on the privacy of Crown Farm Barns.
- 6.18 To the west of plot 2 is a brick boundary wall to the garden of Whym Cottage with the neighbour's 1 ½ storey garage/outbuilding directly adjacent to the proposed dwelling. The facing elevation of this structure is blank. The neighbouring property itself is located over 20m from the boundary and officers are satisfied that a suitably designed dwelling would not adversely impact on the occupants of Whym Cottage through loss of light, appearing overbearing or resulting in overlooking and loss of privacy.
- 6.19 Finally, neighbours have raised concern regarding noise and disturbance associated with the proposed properties and vehicle movements. It is not considered by officers that the introduction of two dwellings would have an unduly harmful impact, either through general noise or additional traffic movements. A condition suggested by highways officers would ensure that there is sufficient room for vehicles to manoeuvre within the site so as to avoid the need to encroach on the parking area of the barns to the south. Officers therefore do not consider that the occupants of neighbouring properties would be unduly harmed through noise and disturbance as a result of the proposal.

**Access and highway safety**

- 6.20 Both proposed properties will utilise the existing drive that serves the four adjacent barns, which is accessed from the public highway to the north. Objectors consider that the driveway is not sufficient for an additional two units due to its width and visibility, which will result in highway safety issues for users.
- 6.21 However, highways officers have considered the application and have raised no formal objection in principle subject to a condition requiring further details of parking, turning and loading to be submitted for approval. Accordingly there is no objection to the application on the grounds of highway safety.

- 6.22 Objectors have also suggested that access should be taken directly from the road to the north, and the Parish Council has requested that the access is reconsidered as the driveway position restricts vision for other residents. However, as highways officers have raised no concern to the current arrangement, officers cannot reasonably request such revisions.

### **Trees and ecology**

- 6.23 A tree survey has been submitted with the application although the arboricultural officer has objected on the grounds that this is not a BS:5837 survey and no root protection areas have been specified. The submitted site location plan identifies the trees within the site; a TPOd lime to the north east and a Sycamore to the north west corner. In addition there is a tree identified adjacent to the south west corner of the site, within the adjacent garden. The canopies of the trees and the root protection zone of the Lime are illustrated on an amended plan. A neighbour has raised concern regarding the impact on the trees from the dwellings and drainage.
- 6.24 Officers are satisfied that the submitted information is sufficiently detailed for this outline consideration; namely to identify the trees and their location. The final location of the dwellings will be determined at the reserved matters stage and there is scope within the site to increase separation distances as necessary. A BS compliant tree survey could also be requested by condition to accompany the reserved matters application. Therefore, despite the objection from the arboricultural officer, officers are satisfied with the level of detail provided and that the trees can be protected. The application would not warrant refusal on these grounds.
- 6.25 The council's Ecologist supports the application with a nesting wild birds informative recommended. The application therefore meets the requirements of policy NE 1 of the TWLP.

### **Drainage**

- 6.26 The consultation process has raised some concerns from neighbours regarding the strain the development will put upon the sewage system. However, drainage officers support the application subject to conditions relating to a scheme of foul and surface water drainage and written confirmation that any necessary off site drainage improvements have been completed by Severn Trent Water.

### **Other matters**

- 6.27 An issue has been raised during the consultation process relating to rights of access across the private drive. However, this is a private matter. All other objections raised in the consultation process have been considered but do not raise any issues that would warrant a review of the analysis of this proposal.

## **7 CONCLUSIONS**

- 7.1 It is considered that the principle of the development would be contrary to policy; located within the countryside outside of the identified settlements within policy H9 of the WLP, policy CS7 of the CS and policy HO 10 of the

TWLP. It would also fail to meet the three sustainability tests of the NPPF, meaning the proposal would not be a sustainable form of development that would meet the current and future needs of the occupants. The development would therefore be contrary to guidance within the NPPF, policies CS7 and CS9 of the CS, policy H9 of the WLP and policies SP3, SP4 and HO10 of the TWLP.

- 7.2 Notwithstanding the objection in principle to the application, officers are satisfied that appropriately designed dwellings can be achieved at the reserved matters stage so as not to adversely impact on the character and appearance of the area. In addition designs can be achieved that do not harm the residential amenities of neighbouring properties. There is no objection to access or highway safety and matters relating to trees, ecology and drainage are to the satisfaction of officers and there are no technical reasons upon which to warrant refusal. In these respects the development would be in accordance with policy UD2 of the WLP, policy CS15 of the CS, policies BE 1 and NE 1 of the TWLP and national policy guidance.

## **8 RECOMMENDATION**

- 8.1 Based on the conclusions above it is recommended that the Committee **REFUSE OUTLINE PLANNING PERMISSION** for the following reason:

1. The Local Planning Authority considers that Kynnersley is not a suitable settlement identified to receive housing in policies H9 of the Wrekin Local Plan, CS7 of the Core Strategy or HO10 of the Telford and Wrekin Local Plan. The proposed site is not considered to be in a sustainable location for residential development; given it is not located in one of the identified settlements and there is a lack of convenient access to services, facilities and employment. The proposal also fails to address the three tests of sustainable development as set out in national policy. The proposed development does not represent an exceptional circumstance to warrant a departure from policy. Accordingly the proposal is contrary to the National Planning Policy Framework, Policies CS7 and CS9 of the Core Strategy, saved Policy H9 of the Wrekin Local Plan and Policies SP 3, SP 4 and HO 10 of the Telford and Wrekin Local Plan.