

TWC/2016/0761

Land adjacent Oakfield, Middle Lane, Cold Hatton Heath, Telford, Shropshire
Erection of 1no. dormer bungalow with associated access and detached garage

APPLICANT

Claire Hopkins

RECEIVED

19/08/2016

PARISH

Waters Upton

WARD

Edgmond and Ercall Magna

OFFICER Kirsty Johnson

**APPLICATION IS TO BE CONSIDERED BY MEMBERS AS A DEPARTURE
FROM THE DEVELOPMENT PLAN**

1. PROPOSAL

- 1.1 Full application for the erection of one dwelling at land to the east of Oakfield, Middle Lane, Cold Hatton Heath.
- 1.2 The development will provide a modest four bedroom dormer bungalow with a ground floor bedroom. The ground floor bedroom and wet room will be for applicants young daughter Belle and the three bedrooms will be for Mr & Mrs Hopkins and their son as well as for an aunt who also assists the family.
- 1.3 A new dwelling is proposed to support a young family and their daughter who suffers from Type 1 diabetes. The applicant has chosen this site as they are living with the applicant's father in his house next door at Oakfield, Middle Lane and this land is associated with this property. Medical evidence has been submitted as justification for a new dwelling in this location.

2. SITE AND SURROUNDINGS

- 2.1 The application site lies off Middle Lane, accessed from the A442, in the rural village of Cold Hatton and is a sizeable relatively level plot. Cold Hatton is located approximately 8 miles north of Wellington and 10 miles north of Telford.
- 2.2 The land is vacant overgrown land and is not used for agricultural purposes.
- 2.3 The site lies between two residential properties, to the west is Oakfield a single storey bungalow, brick built with a tiled gable pitched roof. To the east is a one and half storey bungalow, white rendered with a gable pitched roof. The bungalows are a mix of age, style and design.
- 2.4 Existing boundary treatments are hedgerows with trees along the site boundary.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history

4. PLANNING POLICY CONTEXT

4.1 National Planning Policy Framework (NPPF)

4.2 Water Upton Neighbourhood Development Plan
Policy WUH1

4.3 Core Strategy:

- CS1 Homes
- CS7 Rural Area
- CS9 Accessibility and Social Inclusion
- CS12 Natural Environment
- CS15 Urban Design

4.4 Wrekin Local Plan:

- H9 Location of new housing
- UD2 Design Criteria

4.5 Telford & Wrekin Local Plan (Submission Version)

- SP1 Telford
- SP3 Rural Area
- SP4 Presumption in favour of sustainable development
- HO10 Residential development in the rural area
- NE2 Trees, Hedgerows and woodlands
- BE1 Design criteria

5. SUMMARISED CONSULTATION RESPONSES

5.1 Waters Upton Parish Council: Support – contrary to policy however consider there is special circumstances to grant permission.

5.2 Drainage: Support subject to foul and surface water conditions.

5.3 Arboricultural: Support subject to protective fencing condition to Oak Tree on the eastern boundary.

5.4 Highways: Comment – requested parking and turning details

5.5 Shropshire Fire Service: Comment – recommend informative

5.6 Ecology: Support subject to conditions lighting plan and nesting bird informative

5.7 West Mercia Police: Comment- opportunities to improve to meet secured by design status.

5.8 Neighbour Comments: No comments have been received.

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
- Character and appearance
- Impact on the living conditions of neighbours
- Technical details

Principle of development

- 6.2 The application seeks consent for the erection of one dwelling within the rural area. Notably the site is within a village with residential properties surrounding the site boundaries and is not considered to be open countryside.
- 6.3 Policy CS7 Rural Area provides the spatial interpretation of the housing target defined by CS1 Homes, with an emphasis on helping to sustain rural communities. On this basis, policy defines that new development would be focussed on the three suitable settlements of High Ercall, Tibberton and Waters Upton. Outside of these nominated settlements, development will be limited. These policies are considered in parallel with relevant saved policies of the Wrekin Local Plan. Policy H9 of the Wrekin Local Plan locates new housing in named settlements, but this policy is no longer relied upon.
- 6.4 The National Planning Policy Framework defines that development in rural areas should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. The special circumstances referred to in para. 55 of the NPPF are for the essential need for a rural worker, or where the development would re-use a redundant or disused building and lead to an enhancement to the immediate setting. A case has not been made suggesting that the application is for the benefit of a rural worker to live permanently at or near their work, and does not seek to reuse a current redundant building. There are provisions within the NPPF that might support buildings that are of exceptional quality or innovative nature in terms of their design, possibly reflecting the highest standards in architecture whilst also being sensitive to the designing characteristics of the local area and the immediate setting. However there is no evidence submitted to date that demonstrates that a building of truly exceptional quality will occur here.
- 6.5 At face value, the proposal is not consistent with the relevant parts of the development plan (Wrekin Local Plan, Core Strategy and Waters Upton Neighbourhood Plan). However, there are a number of material considerations that lead to the view that this proposal should be considered favourably nonetheless. The courts have held that any consideration is capable of being a material consideration (*Stringer v MHLG* 1971), thus decision makers are required to have a very broad interpretation of what is a

“material consideration” and to demonstrate the weight they give to them in a decision.

6.6 In this situation, the following material considerations are pertinent to the case.

- The applicant is seeking to build a house for the extended family;
- The applicant’s daughter has a medical condition;
- The applicant has submitted medical evidence to show that there is a strong need for the extended family to support the applicant’s daughter;
- The proposed development would be on land contained within the village. It would not harm other interests of acknowledged importance such as agricultural land;
- Requiring the applicant family to move to a new village where planning policy would support the proposal or to urban Telford would be disproportionate to the particular circumstances raised by this application and could impede the applicant’s right to a family life.

(a) Additional residential accommodation

6.7 Three generations currently live within one bungalow off Oakfield Middle Lane and it is recognised that the current dwelling is no longer suitable. The applicant has considered alternative options such as extension, annexes and larger replacement dwellings to support the extended family; however these options would cause significant disruption to the special requirements of the daughter’s care. The child requires frequent attention throughout the day and prolonged and repeated attention at night. Disturbed sleep can have a knock on effect of causing a deterioration of diabetes control, according the house has been specifically designed to provide a ground floor bedroom for the young daughter separated from the family at first floor. As a result the only sensitive option is a dwelling for extended family, this alone would not be a reason for approval.

(b) Medical circumstance

6.8 Medical evidence has been submitted that explains the need for independent space to help deal with the care of the applicant’s daughter who has type 1 diabetes. The evidence also gives a requirement for extended family to be in immediate proximity and promotes the key role the applicant’s father has as an additional carer for the applicant’s daughter. The applicant’s daughter requires independent space, area for storage of medical supplies and equipment as well as distance from siblings and parents to minimise disruption to the family with frequent night care. As a result the applicants require a suitable space designed to meet the family needs and to be in close proximity to extended family, but medical evidence alone would not be a reason for approval.

(c) Location of Development

6.9 The applicant has demonstrated a local connection to the village and has considered other properties within the locality but the specific requirements

of the building itself and the location at an affordable price has limited this opportunity.

- 6.10 The preferred options of moving the family to an identified suitable settlement as identified in development plan does not outweigh the personal and particular circumstances raised by this application. It is clearly inappropriate to approve or refuse a planning application based on the requirement for this consideration alone but this support provides further evidence of the acceptability of the proposal.
- 6.11 Collectively, all matters referred to contribute to the principle of a dwelling in this location being acceptable. It must be noted that none of these reasons singularly or only a few combined can be considered an acceptable reason to approve a dwelling in such location. The application site has provided evidence of an exceptional circumstance for a dwelling to be erected in this location in immediate proximity to the adjacent grandparents dwelling, as well as the change in character and the landscape quality of the area.
- 6.12 On balance, the proposal should be supported because of these considerations. No overall harm to the development plan would arise from this modest decision nor would it set precedent that would harm the principles of sustainable development.

Character and Appearance

- 6.13 The low value land use plot lends itself to residential development siting between two existing residential properties as infill following the rhythm of development along Middle Lane, Cold Hatton. The scale of the dwelling relates to those in the locality and its design respects and relates to the character of the area. The dwelling is modest in scale and is proportionate to the need. Along Middle Lane there have been recent approvals for replacement and new dwellings resulting in a change of character along this road. This planning application contributes further to the changing character of the area as infill development, but would not stand alone as a reason for approval.

Impact on Neighbours

- 6.14 The new dwelling will not impact on Oakfield or Heath Lodge Middle Lane. Oakfield has one habitable window in the east elevation, however, this is a low level window and is well screened by the boundary hedge with a distance separation of 8m.
- 6.15 The dwelling will sit 20m forward of Heath Lodge and therefore will not impact on this resident.
- 6.16 It is further noted that the parish council and ward member support the proposal reflecting the personal circumstances of the application.

Technical Details

6.17 The proposal can be suitably accessed and will not prejudice highway safety. The site can be suitably drained and there are no concerns with regard to land contamination, so the stability of the site. The proposed development would not adversely affect wildlife or any trees. There are no other technical issues associated with this application.

7. CONCLUSION

7.1 In conclusion, although the application is not within a sustainable location and not within an identified settlement in policy CS7 and ordinarily planning permission would not be granted for a dwelling within this location the applicant/agent has provided exceptional circumstances that will allow a dwelling in this instance. Notably, the material considerations singularly would not be sufficient enough on their own or as a selective few. However, the recommendation for approval is due to the combination of all these significant material considerations and as such, on balance a dwelling is acceptable in this situation. The design of the dwelling is also considered to be acceptable consequently the application is considered to comply with local and national planning policies and the application is recommended for approval.

8. RECOMMENDATION

8.1 Based on the conclusions above, it is recommended the members of Planning Committee **GRANT PLANNING PERMISSION** subject to the following conditions:

Conditions

1. A04 Time Limit
2. BO11 Sample of Materials
3. BO19 Details of windows and doors
4. B062 Surface Water Drainage
5. B121 Landscape Design
6. B130 Trees – Protective Fencing
7. C38 Development in Accordance with Plans
8. C13 Parking, turning, loading
9. C073 Hedgerow and tree protection
10. C106 Lighting Plan
11. D01 Removal of permitted development rights

Informatives

- I11 Highways
- I25a Nesting Wild Birds
- I32 Shropshire Fire Authority