

FULL PLANNING APPLICATION (Further Resubmission)

Proposed single and two-story Extensions at

**“The Coppie”, Woolston, West Felton, Oswestry, Shropshire**



## **Planning / Design & Access Statement**

On behalf of Jack & Frankie Roberts

**February 2024**

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## 1. Introduction

This application is the second re-submission of proposals to extend The Coppie, Woolston, Oswestry.

The property is an affordable 'Single Plot Exception Site' (SPES), originally granted planning permission in 2013. The Applicants are Jack and Frankie Roberts.

The application proposes the construction of single and two-storey extensions to the property.

This report describes the site and its surroundings, and the planning history, including two earlier refusals of permission to extend.

It then seeks to respond to the Council's initial concerns regarding the proposals, and to justify the proposals in terms of relevant planning policy and guidance and other material considerations.

It is concluded that planning permission should therefore be granted.

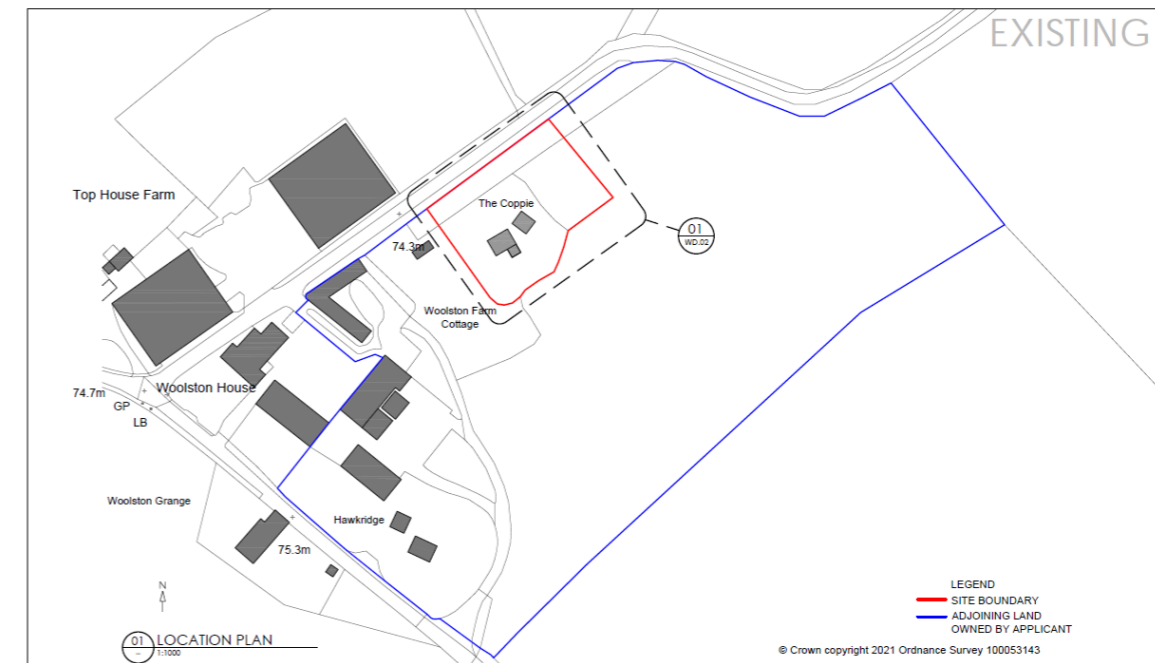
## 2. The Site and its Surroundings

The Coppie is situated to the north-east of the small settlement of Woolston. It is one of two 'affordable' dwellings approved under the Council's "build your own affordable home" policy.

*The Coppie*



*The Coppie*



The dwelling has been built in an attractive traditional style, with red brick, slate roof, and timber windows and porch, with a detached single garage and garden store.

*Front Elevation*



***Rear Elevation***



To the south-west are the Parents' property, and the family business, EKA Roberts & Sons, where Jack Roberts is employed. To the north-east and south-west are open fields, and to the north is the tree-lined Woolston to Maesbury road.

***Open fields to the south-west***



***Adjoining Properties to the south-west***



***Open fields to the north-east***



### 3. Planning History

#### Original Planning Permission

Planning permission was originally granted for the existing affordable dwelling on 8<sup>th</sup> February 2013, under reference 12/03644/FUL.

Conditions were attached removing permitted development rights to extend, and requiring the development to be carried out in accordance with the approved plans.

It should also be noted that the original approved design of the building provided floorspace of just over 90 sqm, slightly under the maximum of 100 sqm normally imposed by the relevant policy.

#### Proposed Extension (July 2022)

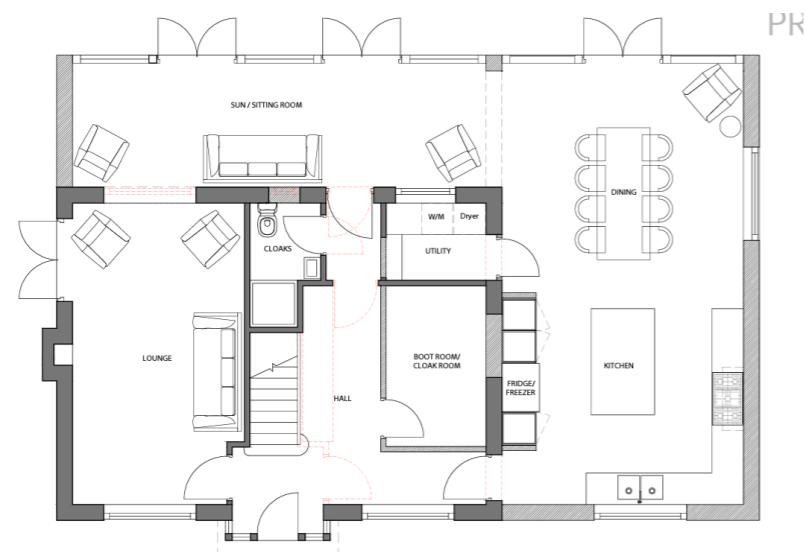
A planning application (22/03101/FUL) was submitted in July 2022 for the extension of the dwelling, as shown on the plans below.

**Proposed Front Elevation**

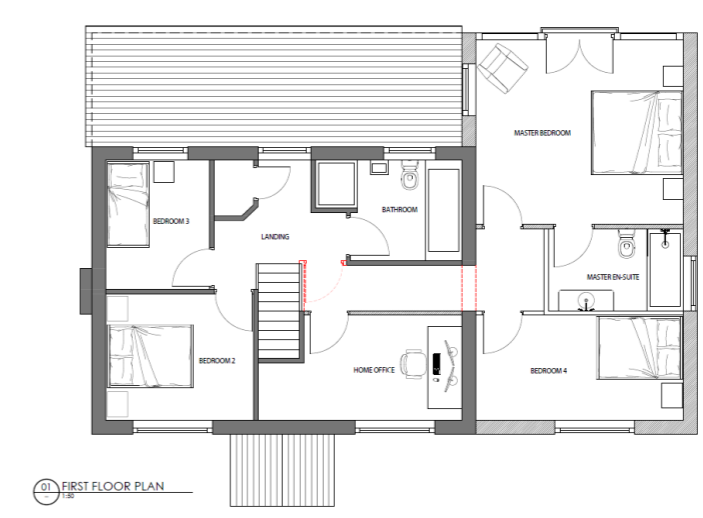
**Proposed Rear Elevation**



**Proposed Ground Floor Plan**



**Proposed First Floor Plan**



The scheme proposed a 'wrap around' single & 2-storey extension, providing for an upstairs office, 4 bedrooms, and a ground floor open-plan kitchen/dining/sitting room.

The Officer's report on the application concluded as follows :-

- An enlarged dwelling will obviously command a higher market value and thus removing the affordability element.
- Only in exceptional circumstances would an extension to an affordable property be allowed. The extension of a family/requiring room for visitors is not regarded as an exceptional need unless it exceeds the 6 bed spaces. We would not therefore support an application to extend the property over the 100sqm.
- It is proposed to erect a single storey rear extension and a two-storey side extension. It is noted that the two-storey side extension has not been set down or set back from the original dwelling and therefore would not be subservient from the original dwelling.
- The proposed extension would result in an extension with an internal floor area of approximately 94m<sup>2</sup>. The proposed extensions will double the internal floor area of the existing property.
- The proposal is considered not to be acceptable in terms of scale. The justification submitted is insufficient to support an extension of this scale in this instance in relation to an affordable dwelling, contrary to SAMDev policy MD7a, Core Strategy Policies CS5 and CS11 and Type and Affordability of Housing SPD.

The application was refused on 21<sup>st</sup> September 2022, for the following reason:-

*"The proposal in relation to an affordable dwelling is considered not to be acceptable in terms of scale. The justification submitted is insufficient to support an extension of the significant increase in scale as proposed in relation to the existing dwelling on site and therefore the*

proposal is contrary to SAMDev policy MD7a, Core Strategy Policies CS5 and CS11 and Type and Affordability of Housing SPD”.

**First Resubmitted Scheme (June 2023)**

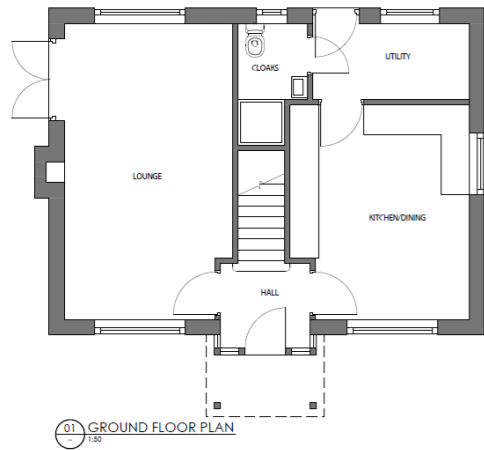
An amended planning application was submitted on 15<sup>th</sup> June 2023 under reference 23/02582/FUL.

The revised application proposed a much smaller extension, involving :-

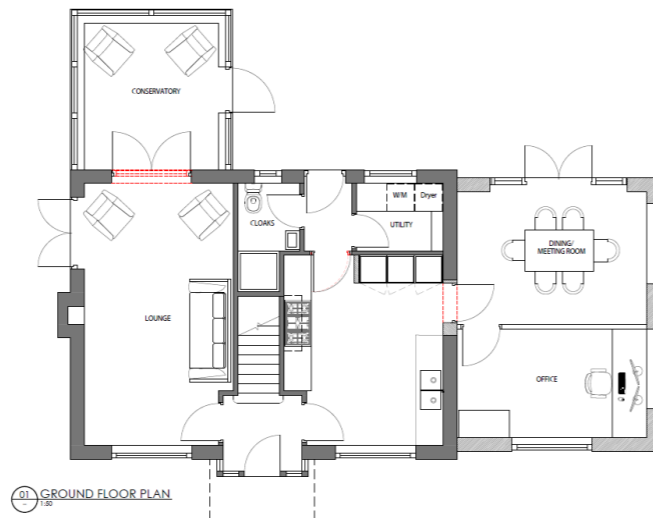
- An extension of less than half of the floorspace of the first refused scheme;
- A more ‘subservient’ design;
- An extension which does not ‘engulf’ the existing dwelling;
- Bespoke ground-floor workspace and meeting room for Jack Roberts, in connection with his employment in the adjoining family business;
- Provision of four bedrooms, including provision for the Frankie Roberts’ parents, who visit regularly and provide childcare;

The proposed plans are shown below.

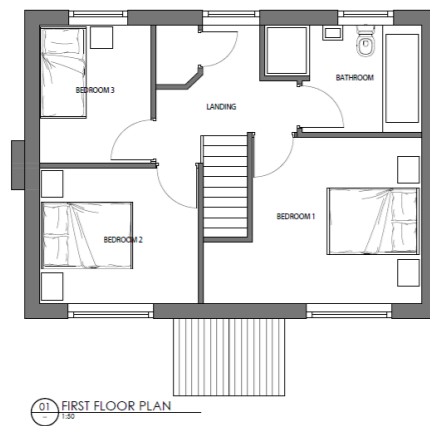
**Existing Ground Floor Plan**



**Proposed Ground Floor Plan**



**Existing First Floor Plan**



**Proposed First Floor Plan**



**Existing North Elevation**



02 NORTH ELEVATION  
1:100

**Proposed North Elevation**



02 NORTH ELEVATION  
1:100

**Existing South Elevation**



04 SOUTH ELEVATION  
1:100

**Proposed South Elevation**



04 SOUTH ELEVATION  
1:100

**Existing East Elevation**



01 EAST ELEVATION  
1:100

**Proposed East Elevation**



01 EAST ELEVATION  
1:100

**Existing West Elevation**



**Proposed West Elevation**



metres - still below the 100 sqm limit. The side extension would add 22.2 square metres on each floor, making a total internal floorspace proposed of **144 square metres**.

	Existing Affordable Dwelling sqm	Proposed Conservatory sqm	Existing plus Conservatory sqm	Proposed 2 Storey side extension sqm	Total sqm
Ground Floor	45.38	9.7	55.08	22.2	77.28
First Floor	44.52	-	44.52	22.2	66.72
<b>Total</b>	<b>89.90</b>	<b>9.7</b>	<b>99.60</b>	<b>44.4</b>	<b>144.0</b>

We have therefore assumed that the conservatory extension (on its own) would be within policy. As a result, whilst the proposed extension is a 60% increase on the existing property, it would be a 44% increase on the 100 sqm limit for affordable dwellings.

The resubmitted application was refused on 10<sup>th</sup> August, 2023, for the following reasons :-

- 1. The proposal is considered not to be acceptable in terms of scale. No justification has been submitted to support an extension of the scale as proposed in this instance in relation to an affordable dwelling, contrary to SAMDev policy MD7a, Core Strategy Policies CS5 and CS11 and Type and Affordability of Housing SPD.**
- 2. Insufficient information has been submitted in order to assess the potential impact upon protected species contrary to policy CS17 of the Core Strategy.**

#### 4. The Second Re-Submitted Application

This second re-submitted application **proposes the same design as in the June 2023 proposals above**, but with additional information and further material considerations to address the two reasons for refusal, as set out in Section 5 below.

In view of the original refusal in September 2022, the proposals in the June 2023 application were significantly reduced in size, and the design was altered.

Instead of a full-width rear extension, the application proposed a small rear conservatory (off the living room).

The two-storey side extension was reduced in size, and stepped in slightly from the walls of the existing house, and stepped down slightly from its roof. This would provide an office and a dining room on the ground floor, and an en-suite 4<sup>th</sup> bedroom on the first floor.

The only other changes internally would be a slight re-positioning of the existing kitchen units, and the creation of a corridor through the existing bedroom to access the new one, as shown on the plans below.

The combined internal floorspace proposed in the application is shown in the table below. The conservatory measures 9.7 square metres, and when combined with the existing house, is 99.60 square

## 5. Justification

### Relevant Development Plan Policies & Other Guidance

The relevant development plan is made up by the Shropshire Core Strategy (adopted March 2011) and the Shropshire SAMDev Plan (adopted December 2015).

The Council's Type and Affordability of Housing SPD (adopted September 2012) is the most detailed policy document relevant to this application, supplementing the Core Strategy, and containing more detailed policy on single plot exception sites.

The relevant Core Strategy Policies are CS5, CS11, and CS17. Policy CS5 (Countryside and Green Belt) sets out the LPA's general approach to housing development in the countryside, which includes making provision for 'affordable housing' to meet a local need.

Policy CS11 (Type and Affordability of Housing) sets out the approach to be taken by the LPA towards the type, size, tenure, and affordability of existing and new housing, including permitting 'exception schemes' for local needs affordable housing on suitable sites in recognisable named settlements.

Policy CS17 (Environmental Networks) requires development proposals to protect and enhance the natural environment.

The relevant SAMDev Plan policy is MD7a (Managing Housing Development in the Countryside). This affirms the strict controls over new housing development in the countryside, whilst making provision for suitably designed and located exception site dwellings.

The more detailed Type and Affordability of Housing SPD contains various paragraphs relating to single plot exception sites, which are referred to in detail throughout this section.

### The Second Reason for Refusal (Protected Species)

Dealing with the second reason for refusal first, **Appendix A** provides a copy of a recent email exchange between the Applicants' Agent and the Council Ecologist.

This reveals that, following submission of further information and photographs, the Ecologist cannot see any obvious cracks or crevices in the mortar or any raised/missing tiles, and does not believe there is any potential access for bats to use. She is now satisfied that a preliminary roost assessment of the dwelling is not required.

The second reason for refusal has therefore been resolved.

### The First Reason for Refusal (Scale)

It appears to the Applicants that the main issue here is whether the proposals are compliant with the Council's adopted "Type and Affordability of Housing" Supplementary Planning Document (SPD) in terms of the justification for the proposed extension, the resulting size/design of the proposed dwelling, and its affordability.

### Justification for the Extension

The adopted SPD deals with extensions to affordable dwellings at paragraphs 5.62 and 5.63. Paragraph 5.62 states :-

*"Permitted development rights of the affordable dwellings will normally be removed in order to retain control over future extensions. Applications for extensions and adaptations will be considered on their merits, **including the personal circumstances of the applicant such as the needs of an occupant with disabilities, or to accommodate appropriate extensions for significant family growth, or formal homeworking**". (our emphasis)*

The original application suggested that the extension was required in order to occasionally accommodate visiting relatives, and the need for a 'home office' space for the Applicant, who works in the adjoining family business.

The Applicants feel that the original submission placed insufficient emphasis on, and didn't fully explain, the need for a Home Office for the Jack Roberts.

It also placed this office space in an upstairs bedroom, which would have been far from ideal – particularly when the Jack has to occasionally meet with customers or suppliers.

The existing office accommodation within the adjoining family business building is very cramped, accommodating 5 full-time and one part-time Office workers.

There are also frequent visitors to the office – including both customers/suppliers – and the need for regular discussions with the other 6-10 staff who are employed in the Cutting Room.

### ***Office Space – E.K.A. Roberts & Sons***



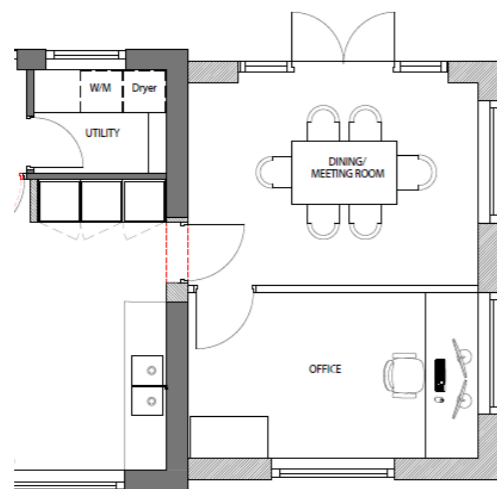
Rather than expanding the size of the office, the business plan is to allow both Jack and his brother Sam (who lives in another adjoining affordable dwelling) to both work from home. This has been made possible by recent significant investment in a new web-based computer ordering system.

At the moment, office staff need to be in the office building (and to connect to the server) in order to do their work. The new system will allow both Jack and Sam to work remotely from home, freeing up space in the cramped office.

The office building also does not have a meeting space. When customers or other visitors attend site for a meeting, or when there is a need for other confidential business meetings, these currently have to be held in the kitchen of Jack’s Father’s adjoining house (Woolston Farm).

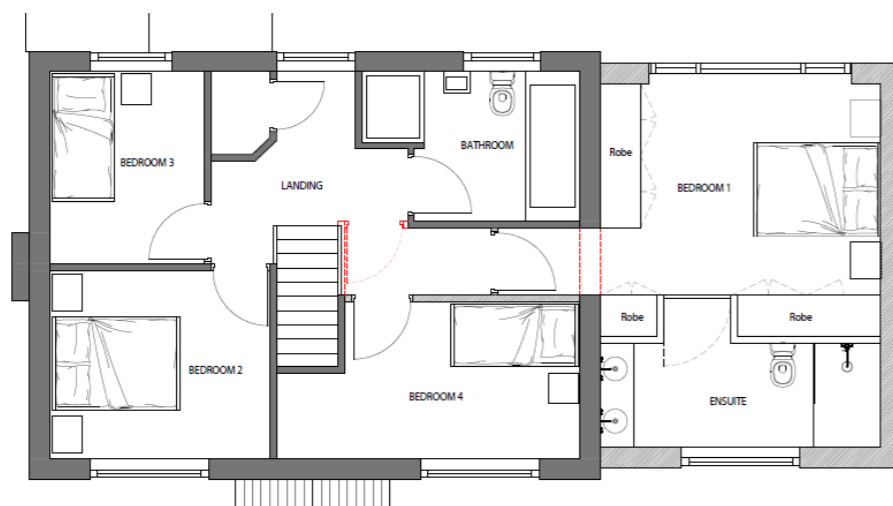
The revised plans for the extension therefore now show a ground floor office space for Jack, together with a meeting room, which can also double-up as a dining room for use by his family. These rooms can both be accessed separately via rear doors. This is a far better arrangement than using one of the bedrooms for the office (see below).

**Proposed ground floor Office / Meeting Room**



The smallest first floor bedroom (Bedroom 3) will become a nursery for the Applicants’ new-born daughter. Bedroom 4 will accommodate their 3-year-old daughter. Bedroom 2 will thus be available for when Frankie Roberts’ parents regularly visit from Carlisle, leaving bedroom 1 for the Applicants.

**Proposed First Floor Plan**



We conclude therefore that there is a very clear justification for the proposed extensions to the affordable dwelling – to provide for Home Working - one which is specifically referred to in the SPD policy. Local planning policies do not, and should not, restrict the use of a dwelling for home office use – whether it is an open market or an affordable dwelling.

There is further justification for the additional bedroom in that Frankie Roberts’ parents regularly visit, and stay for several days. The Applicants also hope to extend their family, which the proposals will allow for.

Scale & Design of the Extensions

There are two elements to the proposed extensions :-

1. A single-storey conservatory extension of just under 10 square metres at the rear of the property. The existing dwelling is just over 90 square metres, and therefore this will take the size of the affordable dwelling up to the normal 100 sqm limit.
2. A two-storey side extension, incorporating the 22.2 sqm ground floor office/meeting/dining space, and the new 22.2 sqm en-suite bedroom 4 on the first floor.

In total, after allowing for the conservatory to bring the house up to 100 sqm, the proposed side extension will increase the size of the dwelling by 44%. The proposal is therefore for roughly half of the floor area of the earlier refused proposals.

Neither the SPD nor the Development Plan policies set a maximum size of a residential extension. The SPD policy does however cover the subject in paragraphs 2.20 and 2.21 :-

*“2.20 As noted above, the size of dwellings in the countryside can be of concern, as the market trend is towards providing larger and more expensive dwellings and this tends to exclude the less well-off, including those who need to live and work in rural areas. Whilst this problem can be partly addressed through providing affordable rural dwellings, it is also important to maintain and provide an appropriate stock of smaller, lower cost, market dwellings.*

*2.21 With these objectives in mind, the Council is concerned to control both the size of any replacement dwellings in the countryside and the size of extensions to houses in the countryside, as these can otherwise create larger and larger dwellings. In addition, there are other considerations which require the size of dwellings in the countryside to be controlled, namely the visual impact of large buildings in rural areas and the need to ensure the development is sympathetic to the character and appearance of the original building”.*

In this case, the Council does not need to worry about the potential ‘loss’ of affordability arising from the proposed extensions, because this is an affordable dwelling, with its price controlled in perpetuity by a Section 106 Agreement. This is explained in more detail later below.

In terms of the visual impact of the revised proposals, and the requirements of paragraph 2.21 of the SPD, the proposed conservatory extension is situated to the rear of the dwelling and will be



unobtrusive. It brings the size of the affordable dwelling up to 100 sqm, and is therefore compliant with the wider aims of the policy in terms of size.

The two-storey side extension has also been reduced in size, and is to an amended design, compared with the first refused scheme.

The difference between the two schemes from the front is that, although the side extension remains the same width, it has been set back slightly from the existing front elevation, and slightly lowered, whereas the previous extension was flush with the existing dwelling.

On the rear elevation, the glazed rear gable has also been reduced in size, and the previous full-length glazed sunroom is replaced with a smaller conservatory, and thus the proposed extensions appear more subservient to the original dwelling.

The rear conservatory part of the extension will not be visible from the front of the property and the lane, and will thus have very little impact on the appearance of the dwelling.

The 2-storey part is set back from, and slightly below, the current house, so that it reads as an extension. If necessary, it could be conditioned to be clad in an alternative material to brick (for example, horizontal timber cladding), so that it looks more subservient to the original house.

The Officer's Report does not provide any further detailed information or explanation as to why the 'physical' scale of the proposed extension is unsuitable.

#### Scale and Affordability

This is the most fundamental part of the case for the application proposals.

Page 4 of the Officer Report states :-

*"The SPD stipulates when the first occupier no longer has need for the dwelling, they will transfer it at the appropriate affordable value to another local person in need. Thus, the community benefit of providing the affordable dwelling in the first place is itself recycled.*

***Adding an extension as proposed would extend the definition of what is deemed to be affordable and would not appear to be in the spirit of the policy". (our emphasis)***

*"A key point of the Policy is that of ensuring affordability in perpetuity. Although the applicant has stated that the additional space would not be included in future valuations, **it would be difficult to determine a valuation for only part of the property and the increased size and facilities would have an impact on the value". our emphasis)***

Paragraph 5.63 (on page 39 of the SPD) states :-

*5.63 While households that can afford suitable open market properties are expected to meet their needs in the market by moving house, the Council recognises that there are genuine difficulties faced by growing households already occupying affordable housing, due to its chronic*

*shortage in Shropshire. Consequently, it may be acceptable to enlarge an existing affordable house in order to accommodate the needs of the existing household, **but applicants should be aware that its potential sale value will remain restricted as if it were still a maximum of 100 square metres and therefore there will be no financial profit from an enlargement". (our emphasis)***

Furthermore, the signed Section 106 Agreement for the original 2012 permission also states:

1.4 "Formula Price" means the sum which is sixty per cent (60%) of the Open Market Value of the Dwelling (excluding any extensions or conversions or alterations to the Development)

Therefore, both the policy and the legal agreement are very clear on what happens if an affordable dwelling is extended, or parts of it are converted or altered – the Formula Price is **not affected**. It is still assessed on the basis of the **original** dwelling.

The LPA states in the Officer report that it would be difficult to determine a valuation for only part of the property, and that the increased size and facilities would have an impact on the value. This flies in the face of what the policy actually says, and what is written into the Section 106 Agreement. The modifications proposed to the existing house involve the kitchen remaining where it is (but re-arranged) and an upstairs bedroom made smaller to allow for a corridor to the new bedroom in the first floor extension. The rooms added by the extensions are clearly therefore 'bolted-on' to the existing house and are thus very distinct.

We therefore disagree with the Officer's report. It would not be beyond the means of a Valuer to exclude the extension from any future valuation. In fact, it is not much different to excluding the detached garage from the valuation, which is required by policy.

The Applicants are still prepared to make the investment on this basis, because they are still in need of affordable housing. This is explained further below.

Rather than employing a single building contractor to construct the original house, a number of different tradesmen were employed, thus taking out any 'developer profit' from the construction costs. The construction was funded through a combination of Jack Roberts' own savings, and a cash contribution and a loan from his Parents. 12 years later, he no longer owes any money on the original construction costs.

The existing dwelling has not been valued formally, but based on property values locally it is considered that a reasonable estimate of its (unrestricted) open market value (taking account of its location, setting, lack of very close neighbours and outside space) might be somewhere between £300,000 and £350,000. If the higher figure is used, then the 'equity' owned by the Applicants will be 60% of this figure – ie. £210,000.

**Appendix B** provides a recent search of Rightmove for similar detached (but larger 4-bedroomed) properties available within 3 miles of the application site, which would meet the Applicants' needs in terms of internal floorspace.

The asking prices of the properties in Appendix B are such that the Applicants would need to take out a minimum mortgage of £130,000 – which at current interest rates, would be unaffordable.

The proposed extensions to the property add up to 54.1 square metres. The basic construction cost of the proposed extensions will be in the region of £1700 per square metre. This equates to a total cost of just under £92,000.

However, as with the original house construction, the Applicants are hoping to do a small part of the work themselves, and rely on friends and family for some of the other basic tasks, such as fitting out the kitchen, some plumbing, joinery, and electrical work, and decorating. There are also other things they can do if necessary to keep costs down, perhaps including delaying the full fitting out of the ensuite to the new bedroom, until a later date. On this basis, they therefore hope to be able to construct the extensions for around £80,000. A mortgage of this scale would be affordable.

Extending the property is therefore a far more affordable and achievable option than moving house. Fundamentally, they cannot find or afford a larger open market property in Woolston. There are possibly open market properties available further afield, but the benefits of more internal space are far outweighed by the significant mortgage costs, and the very clear disbenefits of moving away from Jack Roberts' workplace and his parents.

Fundamentally, the proposed extensions will have no impact on the Formula Price of the dwelling in the future, and it will therefore remain affordable in perpetuity. This is a very significant material consideration in support of the application.

#### Justification for the Proposed Extension

Paragraph 5.62 of the SPD states:

*“ Permitted development rights of the affordable dwellings will normally be removed in order to retain control over future extensions. Applications for extensions and adaptations will be considered on their merits, including the personal circumstances of the applicant such as the needs of an occupant with disabilities or to accommodate appropriate extensions for significant family growth or formal homeworking”.*

Page 4 of the Officer report also states:

*“The applicant states visiting parents as a need for an additional bedroom, but they do not permanently live in the dwelling and even if they did that would mean a household of 6 people. As the children are still young enough to share a bedroom they could easily share when the grandparents are staying and the property would not be deemed as overcrowded. We therefore do not class this as an exceptional circumstance for an additional bedroom”.*

The justification for the proposed extensions put forward with the application has been deemed by the LPA to be insufficient. However, the fact that the scheme will deliver a larger affordable family home for the same affordable value, in perpetuity, is in itself justification.

The Applicants' need to live there has not changed since the original approval in 2012, and as explained earlier, they are still unable to meet their housing needs on the open market.

But as stated on page 4 of the Officer Report, the rationale for the Single Plot Exception Scheme is to engender additional community resilience and sustainability, and to increase the affordable rural housing stock. The application proposals will do just that.

The proposals are quite exceptional, in that the Applicants are effectively 'gifting' the cost of construction of the extensions to the wider local community, and in so doing, is adding a larger family home to the long-term stock of affordable homes locally. This 'gift' will be available to others well beyond the Applicants' lifetime, and this in itself is regarded as a strong justification for the proposals.

The Applicants are happy to make this gift. They are grateful for the opportunity to live where they do, which they have been given by the ground-breaking SPES policy and by Jack Roberts' Parents. However, financial gain is not important or necessary to them, when compared with the opportunity to meet their family's changing housing needs where they currently live. It is a price worth paying.

We also do not consider there to be any adverse precedent created by the approval of the application proposals. It is probably unlikely (but perhaps not impossible) that these exact circumstances will arise elsewhere. But even if they did, the safeguards in the policy and the legal agreements would ensure that the LPA's original exceptional decisions would remain intact, and there would be clear community gains.

Page 4 of the Officer Report includes the following comments :-

*“The applicant also states that they require office accommodation. Single Plot exception dwellings are family homes, not live-work units, and although in some circumstances home working is accommodated - this is for personal use and of a modest nature and size, it does not include meeting rooms and large office space. This should be accommodated in the adjacent business space”.*

*“Officers are of the opinion that the extension proposal does not appear to be commensurate with a scheme for an affordable dwelling. Most applicants requiring a home office accommodate in this in the garage space as the garage does not form part of the resale value as they are built at nil value and so easier to discount when valuing the home for resale”.*

We cannot see where in the policy there is any reference to limits on the space within affordable dwellings for formal homeworking. Furthermore, paragraph 5.62 of the SPD does not say that such provision will be “for personal use and of a modest nature and size”, as stated in the Officer report.

The suggestion in the application that the dining room could be used for occasional confidential meetings of the family business is a very small part of the wider justification for the development – it is not the main justification. The office extends to around 10 sqm. The policy is not so specific as to determine whether that is ‘too large’.

The Applicants cannot accommodate office space (or room for visitors) in the garage. It is already needed for domestic storage, which, by virtue of the 100 sqm floorspace restriction, is very limited in the house. Garage storage space is needed for mowers, garden tools, bikes, larger toys and so on. Crucially, it is also needed for its intended purpose – to store the car safely. This is a more remote village with no street lighting, where thieves operate. There has already been a break-in at their Parents house next door.

Since COVID-19, a very large number of people across the country were either required to (or chose to) work from home. Many have still not returned to the traditional office environment. The impetus for home-working is therefore much stronger now than it was in 2012, when the Affordable Housing SPD was adopted. The Officer’s comments regarding affordable dwellings not being “live-work units” are therefore rather outdated.

By putting forward the proposed extensions, the Applicants are effectively future-proofing their home, in line with changing needs and lifestyle choices, in the light of current circumstances with the family business, and taking account of more recent experience with COVID-19.

## 6. Other material Considerations

### The S.106 Legal Agreement

In order to provide the Council with assurances over the issue of the affordability of the dwelling, the Applicants have prepared a draft Deed of Variation for the existing Section 106 Agreement, which they are more than willing to sign, subject to the granting of planning permission for the extensions.

This will enable the Council to retain control over the affordability of the dwelling, and this is a significant material consideration in making that decision.

The draft Deed of Variation is attached at **Appendix C**. It was prepared with a planning appeal in mind, against the second refusal, but can be easily modified to allow for an approval of this application.

### Relevant Appeal Decision – Quercus Domus

The Applicants also wish to draw the Council’s attention a previous appeal decision on a very similar case.

The Appeal reference was APP/L3245/W/19/3222930 relating to Quercus Domus, Pound Lane, Hanwood, Shrewsbury SY5 8JR. The application reference was 18/04951/VAR, and sought planning permission for the erection of a 2-bed affordable dwelling and detached double garage without complying with a condition attached to planning permission Ref 13/01656/FUL, dated 18 June 2014.

The condition in dispute was number 8, which stated that the dwelling hereby permitted, shall not exceed 100 sqm gross internal floor area, including any future extensions. No further internal habitable space shall be created within each of the dwellings by internal alterations.

The reason given for the condition was to ensure that the dwellings are of a size appropriate to the local affordable housing market.

The appeal against the condition was allowed.

A key quote from the appeal decision notice is paragraph 12, which states :-

***“On the evidence before me, the house would remain as a unit of affordable accommodation. Therefore, in terms of the availability of affordable housing, nothing would be gained by resisting the removal of Condition No 8. The need for affordable housing is not limited to small dwellings and Policy CS11 recognises that housing needs are diverse in terms of size. The proposal would not cause the loss of an affordable dwelling and would enable the appellant to have the ability to meet his future household needs in his existing home.*”**

### Relevant Appeal Decision – Greenacres, Cross Head Lane, Bridgnorth

A further appeal relating to the above affordable dwelling was allowed in May 2019 (reference 18/04455/FUL). Paragraphs 6-8 of the appeal decision letter state :-

*“Notwithstanding the size limitation set out above, the SPD provides for applications for extensions to be considered on their merits, including the personal circumstances of the applicant. It indicates that it may be acceptable to enlarge an existing affordable house in order to accommodate the needs of the existing household when there are genuine difficulties faced by growing households. Furthermore, the SPD acknowledges that it may not be possible for occupants to move to a new house due to the chronic shortage of affordable housing in Shropshire. However, it advises applicants that the potential sale value of the dwelling would be restricted as if it were still 100 sqm. Therefore, there would be no financial profit from any enlargements.*

*7. These provisions are reinforced by the planning obligation referred to above. Greenacres could only be sold in accordance with the agreed ‘Sale Marketing Plan’ at the ‘Formula Price’ and to a ‘Qualifying Person’. The obligation defines the ‘Formula Price’ as ‘the sum which is sixty per cent (60%) of the Open Market Value of the Dwelling (excluding any extensions or conversions or alterations to the development)’. ‘Open Market Value’ is defined as the price which the dwelling, excluding any extensions or conversions or alterations, would fetch on the open market. Based on the evidence provided, it appears to me that there is no policy objection in principle to the extension of this affordable rural exception site dwelling beyond the maximum 100 sqm. However, the future value of the dwelling would be restricted by the planning obligation to ensure that it would remain affordable in perpetuity.*

*8. Allowing the extension would ensure that the needs of a family in affordable housing need would continue to be met, in accordance with the SPD, noting also that the need for affordable housing is not confined to small dwellings, as recognised by CS Policy CS11. I am satisfied by the evidence that even with the extension, the restrictions already in place would ensure that Greenacres continues to contribute towards meeting Shropshire's affordable housing needs".*

#### Relevant Planning Application – Oak Tree Cottage, Wattlesborough

This application proposed an extension to an affordable dwelling to provide a ground floor office space and a 4<sup>th</sup> bedroom at first floor.

The Officer's report stated :-

*6.1.6 This current application is very similar to the proposal at Greenacres that was allowed by the Inspector as it will provide space for an office in connection with the families business, and a fourth bedroom for a growing family which includes three children aged 17, 5 and 2 who all require separate bedrooms. A full supporting statement outlining the family's personal circumstances and the need for the extended accommodation has been provided.*

*6.1.7 The need for affordable housing is not limited to small dwellings and Policy CS11 recognises that housing needs are diverse in terms of size. The proposed garage (the same as previously approved) plus a link extension would enable the applicants to meet their current and future household needs in their existing home and the proposal would not result in the loss of an affordable dwelling. The proposal is therefore considered to accord with Core Strategy Policies CS11 and CS5 and there would be no conflict with SAMDev policy MD7a or the SPD.*

The arguments in the two appeal decisions and the planning application decision at Wattlesborough apply equally to the re-submitted application at The Coppie.

Because of the provisions in the S.106 Agreement, there is nothing to be gained here by insisting on applying the 100 sqm space limit.

The application will result in a larger but still affordable home being added to the stock locally, to meet long term local needs.

The Applicants are still in need of affordable housing, and have legitimate needs for more accommodation.

## **7. Conclusions**

The Council's SPES policy is clearly ground-breaking, and has helped hundreds of households throughout Shropshire to be able to afford to remain living in their local communities - where they were brought up and where they work - but where their needs are not met by the open market.

The restriction of such dwellings to a maximum of 100 sqm internal floorspace is a vital part of the policy, helping to ensure that SPES dwellings are truly affordable **at the outset** to those who need them.

But like any planning policy, there needs to be flexibility within the policy to allow for changing household circumstances and needs, so that the original concept (and the 100 sqm floorspace restriction in particular) do not become unduly restrictive on people's lives.

This is one such case where circumstances have changed, and where there needs to be some flexibility.

The LPA's initial concerns over the scale of the proposed development are now addressed, in terms of both the physical size and design of the extensions, and in particular, their effect on the long-term affordability of the dwelling.

In the exceptional circumstances of this case, it becomes far less important to continue to impose the 100 sqm restriction, some 10 years after the original decision was made.

Like many people across the country in recent years, the Applicants' employment circumstances have changed. Jack Roberts' desire to have a more flexible working arrangement, and spend more time working at home, is legitimate. Frankie Roberts also needs quiet home-working space, since returning to her job as a teacher. The application proposals also help to alleviate limited working space within the adjoining family business.

It is also legitimate for the household to improve and enlarge their home to give themselves a better living space, to allow for visiting parents, and to allow them to further extend their family.

Crucially, in the 10 years since the original approval, they have managed their household finances very well, such that they are now able to make these important improvements to their home. Even if they wanted to, they are still unable to meet their needs on the open market by purchasing a larger property locally.

Because extensions are specifically excluded from the future calculation of the Formula Price of their home, there is no threat to the status of the affordable dwelling, or to the policy as a whole. This is secured by the suggested Deed of Variation to the S.106 Agreement.

The extensions are being wholly and willingly funded by the Applicants, in exchange for important improvements to their living conditions and working arrangements. The fact that a larger 4-bedroom home with provision for home-working could be added to the stock of affordable homes – at no cost to the Council - should therefore be regarded as a significant material benefit of the application, rather than as a drawback.

The circumstances of this case also appear unlikely to be repeated. But even if they were, provided the Section 106 provisions are the same, the original exceptional decision would be protected, and the policy would remain intact.

In view of the above, and as stated in the Quercus Domus appeal decision, nothing would be gained by the Council resisting this application to extend the affordable dwelling.

It is therefore respectfully requested that planning permission is granted.

**David Parker Planning Associates**, on behalf of Jack & Frankie Roberts

February 2024.