



Appeal Decisions

Site visit made on 8 March 2016

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 April 2016

Appeal A Ref: APP/C3240/W/15/3141136

The Croft, Church Road, Lilleshall, Newport, TF10 9HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs M Shanks & Family against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2014/0532, dated 8 May 2014, was refused by notice dated 25 June 2015.
 - The development proposed was originally described as a residential development of 12 houses and 3 bungalows.
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Appeal B Ref: APP/C3240/W/15/3141156

The Croft, Church Road, Lilleshall, Newport, TF10 9HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs M Shanks & Family against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2014/0434, dated 8 May 2014, was refused by notice dated 25 June 2015.
 - The development proposed was originally described as a residential development of 7 Houses and 2 Bungalows.
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Decision

1. Both appeals are dismissed.

Procedural Matters

2. Both applications were submitted in outline, with all detailed matters reserved for future approval. However both were amended following submission to the Council but prior to their determination. These changes have resulted in the reduction of the amount of development from 15 to 14 dwellings in Appeal A, and 9 to 8 dwellings in Appeal B. Access was also then sought for consideration as a part of the application for Appeal A. I am satisfied that all relevant parties have had the opportunity to comment on these amendments and would not be prejudiced. I have therefore determined Appeal A taking account of the revised indicative plans to the original application submission, with access to be considered at this stage.
 3. However, the appellants have submitted further amended plans with the appeal for Appeal B. Although indicative, these show a reduction in the amount of development from 8 to 5 dwellings and a retained grassed area that is intended
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to be transferred to the Parochial Church Council (PCC) for an extension to the adjacent cemetery. Nonetheless, the appeal proposal is outline with all matters reserved, and does not include the cemetery extension itself. I therefore consider that the reduction in housing on its own would not be a substantial change, and any objections to the scheme, if they remained, would be of the same nature as to the original scheme. As such I have no reason to think that any party would be prejudiced by proceeding in this way and I consider that to determine Appeal B on the basis of the amended scheme (for 5 dwellings) would be consistent with the principles set out in the Wheatcroft judgement.

4. The Council has referred to policies within the emerging Telford & Wrekin Local Plan 2011-2031 (publication version). However, this is still in the early stages of preparation, and does not form a part of the statutory development plan. As such I have given it limited weight as a material consideration.

Main Issues

5. The main issues in respect of both appeals are whether the proposals would provide suitable sites for housing, having regard to their location and effect on the character and appearance of the area.

Reasons

6. The appeal sites are two areas of grassed land that are situated on either side of a property known as "The Croft", fronting the eastern side of Church Road. Although the site for Appeal A includes part of The Croft's side garden area, these two sites predominantly comprise open agricultural land and are aligned with hedgerows and dry stone walls. Due to the topography of the area both sites sit at a lower level than the Church Road highway.
7. There is dense built up development on the opposite side of the highway, which bounds three side of the Grade I listed St Michael's Church. However the properties along the eastern side of Church Road are much more sporadically sited and do not alter the prevailing rural character of the immediate area which is dominated by spacious gardens, open land and agricultural fields. As such I consider both appeal sites to have more affinity with the open agricultural land form and I share the Council's view that they are located outside of the main settlement and within the countryside.
8. In such areas Policy CS 7 of the Telford & Wrekin Council – Core Strategy Development Plan Document 2007 (CS) seeks to strictly control development, limiting it to that necessary to meet the needs of the area and focussing it on the three settlements of High Ercall, Tibberton and Waters Upton. CS Policy CS 1, which sets out the general approach to the distribution of housing, also seeks to provide every household in the Borough with an affordable, decent and appropriate home.
9. Although it has been put to me that Lilleshall is the second largest village in the rural area, with a range of facilities, it is not identified in Policy CS 7 as a sustainable settlement that development should be focussed on. Whilst I also saw on my site visit that the appeal sites are within walking distance of bus stops, I am informed that they only operate on an hourly service. I also could not locate any important local services or facilities such as shops, health centres or secondary schools within the vicinity and I have not been provided with any details of these. I therefore consider that there would be a strong likelihood that

- most future occupiers would be dependent on the private car for the majority of trips to access local services further afield. The locations of the appeal sites are such that future residents would not be well placed to enhance the vitality of rural services, on the contrary, they would be socially isolated from the services and amenities available within the closest towns.
10. I also appreciate that the appeal proposals would provide a total of 7 affordable houses to meet the Policy CS 7 requirement, some of which are intended to be bungalows and aimed at the elderly. The appellants argue that a Parish Council Housing Needs Survey which identified a local need for only 4 houses in 2011 was never finalised, and I have had regard to the submitted evidence regarding the delivery and need for housing and affordable housing in Newport, the rural area and rural sub areas. Nonetheless, I do not have any conclusive evidence of a specific need or demand for affordable housing in Lilleshall before me.
 11. Therefore whilst the appeal proposals would provide some positive benefits in terms of boosting housing supply, including affordable housing in the Borough, I am unable to conclude that the proposed developments would be necessary to meet the needs of the area or that they would be provided in suitable location. As a result they would conflict with the aims of CS Policies CS 1, CS 3 and CS 7.
 12. In terms of character and appearance, the vast majority of the appeal sites comprise part of a larger open field that positively contributes to the verdant rural character of the area and the attractive open setting to the village. This has led me to consider them to be locally important open land.
 13. I appreciate that both of the proposed layout plans are only indicative, nonetheless the topography of the surrounding area is such that the appeal sites sit at a lower level than the Church Road highway and nearby elevated heritage assets. The Council's Built Heritage Conservation Officer has not raised any objections, in regards to the impact of the proposals on the setting of St Michael's Church or other heritage assets, subject to sensitive design at the reserved matters stage and I have no substantive reason to disagree.
 14. I am also mindful that the appellants' Landscape and Visual Appraisal concludes that the effects on the landscape fabric of this part of the Telford Wrekin landscape would be very localised and that the overall residual magnitude of effect on the local landscape would be negligible and adverse in regards to the appeal site for Appeal B.
 15. It is undeniable however, that were the development to go ahead, those living adjacent to the appeal site, or passing close by on the highway or nearby public footpath (that would be diverted), would look out on a residential development rather than open fields. It has been put to me that the development of Appeal A would result in the removal of electricity pylons, and that both appeal schemes would be relatively small scale and follow the linear form of the village. Nonetheless, I consider that even with the existing and proposed landscaping, the proposals would diminish the spacious and open rural character of the site and thus their contribution to the character and appearance of the countryside.
 16. I therefore conclude that Appeal A and B would not provide suitable sites for housing, having regard to their location and effect on the character and appearance of the area. As such they would conflict with the aims of CS Policies CS1, CS3 and CS7 and Saved Policy OL6 of the Wrekin Local Plan 1995-2006 (2000) (LP). Amongst other things these seek to direct new housing

development to sustainable locations and to protect locally important incidental open land from development where that land contributes to the character and amenity of the area.

Other matters

17. In reaching my conclusions I have attached substantial weight to the presumption in favour of sustainable development which is a golden thread running through the Framework. However it is uncontested that the Council can now provide a five year supply of housing land, and I have no reason to dispute this. In any case, the subject of "achieving sustainable development" in the Framework has 3 dimensions, which are economic, social and environmental roles that are expected to be delivered equally.
18. In defining the environmental role of the planning system, paragraph 7 of the Framework emphasises the need to protect and enhance the natural and built environment. The core planning principles set out in paragraph 17 of the Framework also include the need to take account of different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. They also require the planning system to actively manage patterns of growth and focus development in locations which are or can be made sustainable. For the reasons provided above it is not considered that the proposal satisfactorily address these requirements and therefore cannot be considered as sustainable development.
19. The appellants have also referred to a number of other matters in support of their case. These include the provision of cemetery land and the benefits to small builders in delivering the houses. I also appreciate that the original planning committee reports recommended approval, that the sites are not within a conservation area and that the Council has not raised any concerns regarding access/traffic implications, ecology, drainage and design approach. However, there is little firm evidence to substantiate that the PCC are willing to accept the land transfer and this limits the weight that I can afford to it as a community benefit. Furthermore, given the relatively small scale of the proposals the economic benefits associated with the construction of one or both of the proposed developments would be limited. Moreover, all of these factors do not overcome or outweigh the harm that the proposals would cause.
20. Two signed Unilateral Undertakings in respect of affordable housing provision, the transfer of land to the PCC, and financial contributions towards education facilities and infrastructure in order to mitigate the impacts of the scheme are before me. However, as the appeal is to be dismissed on the substantive matters above, it is not necessary for me to assess the obligations against the statutory tests in the CIL regulations and the Framework. The obligation therefore carries limited positive weight in my decision.
21. Therefore for the reasons given above, Appeal A and Appeal B should be dismissed.

Mark Caine

INSPECTOR