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# Appeal Decision

Hearing Held on 20 September 2017

**by G D Grindey MSc MRTPI Tech. Cert. Arb**

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

**Decision date: 27 September 2017**

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**Appeal Ref: APP/C3240/17/3170037**

**Land rear of 31 Shrewsbury Road, Edgmond, Shropshire, TF10 8HX.**

- 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 Gladman Developments Ltd against the decision of Telford and Wrekin Council.
  - The application Ref TWC/2016/0603, dated 30 June 2016, was refused by notice dated 31 October 2016.
  - The development proposed is outline planning permission for up to 85 residential dwellings (including up to 35% affordable housing), structural planting & landscaping, informal public open space & children's play area, surface water flood mitigation & attenuation, vehicular access point from Shrewsbury Road & associated ancillary works. All matters reserved with the exception of the main site access.
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## Decision

1. The appeal is dismissed.

## Preliminary matters

2. The application was made in outline with all matters, save for access, reserved for later consideration. Nonetheless an illustrative plan showing access, internal movement routes and community facilities was helpfully submitted to demonstrate one way in which the site could be developed. I have determined the appeal on this basis. At the hearing I was handed an executed S106 Agreement; I deal with this below.

## Main Issues

3. From my inspection of the site and surroundings and the representations made, I consider that there are 3 main issues in the determination of this appeal. These are (i) whether the site is an appropriate location for housing with regard to national & local policy; (ii) the effect of the scheme on the character & appearance of the area, taking into account the suggested landscaping and mitigation proposed and (iii) the planning balance.

## Reasons

4. *(i) Location for housing.* The development plan consists of the saved policies of the Wrekin Local Plan 1995 – 2006 (WLP) and the Core Strategy Development Plan adopted in 2007 and covering the period up to 2016 (CS). The appellant does not contest the Council's position that there is a 5 year

housing land supply. Recent appeal decisions drawn to my attention<sup>1</sup> (including one decided only last month) have examined various relevant policies like CS1 and CS7 and found them to be out of date and that they therefore carry less than full weight. While I have examined the position afresh, I have no reason to depart from my colleague's view in the Wellington Road Muxton appeal<sup>2</sup>, expressed in paragraphs 16 – 20 (which I need not repeat here) that CS1 and CS7 may be accorded moderate weight, for the reasons given there. The appellants argue that CS7 applies a 'blanket protection' to open countryside, contrary to the Framework, whereas the CS7 phrase is 'strictly controlled,' not an absolute ban. This does not seem to me to be entirely out of step with the Framework, paragraph 17, a view shared by other Inspectors.

5. The Council, in the Statement of Common Ground (SofCG), has agreed with the appellants that, given relevant policies in the Development Plan are out-of-date, the tilted balance in paragraph 14 of the *National Planning Policy Framework* (NPPF) is engaged. I agree.
6. CS policy CS9 aims to improve accessibility and states that development will locate in existing centres to minimise travel, among other policy strands. This objective is consistent with the Framework and the core principle to support the transition to a low carbon future, it can be given significant weight.
7. CS15 requires new development to strengthen local identity, while Wrekin Local Plan policy UD2 sets out design parameters; schemes must respect, respond to and integrate with the context and the wider landscape setting. These principles have been carried through into the emerging Telford & Wrekin Local Plan 2011 – 2031<sup>3</sup>, policy BE1. They are consistent with the aims of the Framework to respond to local character and establish a strong sense of place; these can carry significant weight in the determination of this appeal.
8. Wrekin Local Plan policies H9 and H10 are agreed in the SofCG to be of limited weight; I note that they are based on an historic housing requirement and the distribution of where that growth should go. Nonetheless the appellants accept<sup>4</sup> that the scheme is contrary to H9 and H10, although this is not the end of the matter.
9. The emerging Telford & Wrekin Local Plan 2011 – 2031 supports development in rural areas where it addresses the needs of rural communities. Development is directed to the re-use of previously developed land and to settlements with good infrastructure (SP3). Priority is given to focusing development on the built up areas of Telford and Newport and maintaining the character and appearance of the countryside (SP4). These seem to me to be broadly in accordance with the Framework, (particularly paragraphs 17, 54 and 55) and can be accorded significant weight. HO10 supports a limited amount of infill housing in Edgmond where it can be demonstrated it will help to meet the rural housing requirement. Elsewhere in the rural area residential development will be strictly controlled.

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<sup>1</sup> APP/C3240/W/16/3149398, Muxton Lane; APP/C3240/W/16/3144445, Kestrel Close; APP/C3240/W/16/3162166, Wellington Road, decided only a month ago

<sup>2</sup> APP/C3240/W/16/3162166

<sup>3</sup> Currently out to consultation on the Local Plan Inspector's proposed main modifications

<sup>4</sup> Mr Easton's closing

10. The appellants submitted that the emerging Local Plan is unsound and thus it can be accorded little weight<sup>5</sup>. I bear in mind that the main modifications are now published and a consultation exercise is on-going. My attention was drawn to the note at the beginning of the schedule<sup>6</sup>. It seems to me that the note is clear that the modifications are those that the Local Plan Inspector considers "are likely to be required in order to make the Local Plan sound and legally compliant"; albeit a draft. Thus these are matters that are fundamentally important to the soundness of the plan and presumably flow from discussions at the Local Plan hearing (to which I believe the appellants were a party). I think it unlikely that the Local Plan Inspector will, at some future date, arrive at the conclusion that the Local Plan is incapable of being made sound and that the Council must start again. If this were to be the case, it would seem odd to publish the main modifications likely to be required in order to make the Local Plan sound, not least because of the inevitable delay that would cause and the need to repeat consultations etc.
11. It was said at the appeal hearing that that the housing numbers for the rural area are increased only by 100 units; not a vast number,<sup>7</sup> which adds weight to my view that unknown but fundamental changes are unlikely to be made. Thus I agree with the Council that the Inspector's note issued in March 2017 indicates a positive 'direction of travel' as Mr Kaul put it. I think the relevant policies of the emerging LP can be afforded moderate weight.
12. The emerging Neighbourhood Plan is at an early stage of preparation and so can be afforded only limited weight.
13. HO10 of the emerging Local Plan allows limited infilling in Edgmond and the justification for the policy explains that these are likely to be delivered in "small infill sites within" the settlements. Proposals should be related properly in scale to the community in which they are located without representing a visually undesirable encroachment into surrounding countryside<sup>8</sup>. In terms of sheer scale, it is clear that the addition of 85 dwellings to this settlement could not be termed 'limited infill'.
14. On the basis of the above policies the proposed development would be in conflict with CS1, CS7 and CS9 of the Core Strategy which broadly aim to create sustainable developments by focusing most new building into built up areas where a greater range of infrastructure exists. The scheme would also not accord with emerging Local Plan policies SP3, SP4 and HO10.
15. (ii) *Character and appearance*. The appeal site is a large field, some 7.08ha, currently with a tall maize crop; I understand that it is farmed by the Harper Adams University nearby. The field is surrounded by mature and well managed hedgerows.
16. The un-built field and its substantial hedgerows is an important part of the rural setting of the village and this relationship can be perceived from Shrewsbury Road, Longwithy Lane, the existing children's play area, the playing fields and the NE-SW footpath across the playing fields. The proposed scheme would bring about a complete change in the landscape character at this

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<sup>5</sup> Particularly in the 'update note' paragraph 2.2.11 onwards

<sup>6</sup> Quoted in the appellant's update note paragraph 2.2.9

<sup>7</sup> SP3: from 900 to 1000 units

<sup>8</sup> Emerging Telford & Wrekin local Plan paragraph 5.3.1.5

- point, and not of small scale; around 85 dwellings would be a sizeable addition, beyond the edge of a village of this size.
17. Of particular importance is the role and character that this undeveloped field has, as part of the narrow open area that separates the Harper Adams University campus from the settlement. At present the Agricultural University is in a discrete enclave, separate from the settlement, visually and physically. If the appeal site were to be developed, it would not only consolidate the sporadic ribbon development along the north side of Shrewsbury Road, but would close the gap between the substantial University campus and the settlement, to the detriment, visually, of both.
  18. The proposal would result in the loss of the existing substantial hedgerow along the northern boundary on Shrewsbury Road to create the new access point and visibility splays. This would be another harmful consequence of development. I found this hedgerow to be one of the main, defining, features along this part of Shrewsbury Road. It has an entirely rural appearance, particularly with the lack of pavement and just a grass verge. The illustrative plan suggests setting the built development back from this line and a strip of landscaping that could, in time, replace the hedgerow. Notwithstanding the evidence, of the growth rate of planted trees from the Landscape and Visual Statement,<sup>9</sup> this would take some time to mature.
  19. Whether it would compensate for the loss of the simple and highly characteristic hedgerow is debateable in any event. It seems to me that the introduction of the proposed urbanising footpath along the road together with this somewhat contrived strip of planting would not serve to assimilate the new development. In the short term it would certainly be a markedly urban and unfortunate change in the character and appearance here. In the longer term it would still result in an obvious breach in the boundary, with unavoidable views through into a housing estate of urban built form.
  20. While the illustrative plan indicates a swathe of open space, proposed to the south of the development, with pedestrian and cycle links beyond, it seems to me the development would still not be in anyway contained by the existing settlement. It would be a westward extension, out into open, unbuilt countryside. Mr Nye's description that it would be "set *beyond* the existing built form of the village"<sup>10</sup> [my emphasis] is apt. While, in answer to my question, he sought to change this to "behind" the village, it seems to me that the development could well be described as to the rear of existing built development but that would not preclude it also projecting out into the open countryside. The additional planting included on the illustrative plan would not offset this harm.
  21. Another defining characteristic of the settlement is the 'fingers' of farmed countryside that extend right into the heart of the village. The swathe of public open space indicated on the illustrative plan would not replicate this feature; the two land uses are different in character and appearance.
  22. The Landscape and Visual Statement submitted concluded that the "residual overall landscape and visual effects are at most minor-moderate adverse at the

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<sup>9</sup> Paragraph 7.10 of the Landscape & visual Statement and photographs at figures 2 & 3 planting at Donington Park & Conkers Discovery Park

<sup>10</sup> Note on Edgmond Landscape Character Assessment, July 2017, paragraph 1.3

- site and immediate landscape scale". I agree that there would be no views from afar of the development and that its impact would be seen mostly from nearby and from within the settlement and but that does not mean that these residual effects are of no account.
23. Pulling these threads together, the proposals would conflict with Core Strategy policy CS15 and Wrekin Local Plan policy UD2, in that it would not strengthen local identity or respect and respond positively to the local context. Emerging Local Plan policy BE1 contains similar objectives; the scheme would also conflict with this policy.
24. *Other matters* Local residents expressed concern about the volume of traffic on Shrewsbury Road, particularly during term time, and the effect the proposed junction and additional traffic might have. I am aware that my site inspection occurred before the Harper Adams students and staff returned for the new term. However, I note that the Council's Highway Engineers did not support this view<sup>11</sup> and I have no evidence that conditions are materially different to many another B-road network. Other aspects raised concerned drainage, the need for the proposed housing, and poor infrastructure. Since I find that the proposed scheme is unsatisfactory in other respects anyway, these and the traffic implications need not concern me further. As I stated above, the appellants have submitted an executed S106 Agreement which covers affordable housing provisions; travel plan monitoring; contributions to footpaths, play areas, education, public open space and drainage of the site in line with various policies. I have taken it into account. Late in the day the West Mercia Police sent a large representation in support of their request for a S106 contribution. However, as I have found the development unsatisfactory for other reasons, it is not necessary for me to consider this further.
25. *Planning balance and conclusion* Future residents might well contribute to village life and introduce a younger element as the appellants argued (although this cannot be guaranteed). I agree they would be likely to support the existing shop and village infrastructure; this would carry a small weight in favour of the proposal. The other benefits put forward by the appellants<sup>12</sup> (like construction jobs) are no more than would be generated by any residential development of similar scale, wherever it was located; their weight is limited.
26. As agreed in the SofCG, I should apply the 'tilted balance' in this case and grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. I attach considerable weight to the provision of market housing and particularly the affordable housing; this is a material consideration and a benefit in paragraph 14 terms. However, I find that substantially narrowing the open gap between Edgmond and the Harper Adams University campus, extending the village into the countryside with development of considerable scale and the corresponding harm to character, appearance and rural setting would result in severe harm. These adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. Overall it would fail to fulfil the environmental dimensions of sustainable development in the Framework. Notwithstanding that I have found that some

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<sup>11</sup> CD 4.06

<sup>12</sup> Statement of Case, paragraph 13.2 onward

policies carry less than full weight, as described above, the proposals would also conflict with development plan policies and emerging Local Plan policies, as set out earlier.

28. I have taken account of all other matters raised but find nothing that changes my decision on this appeal.

*Gyllian D Grindey*

Inspector

Richborough Estates

## **APPEARANCES**

### FOR THE APPELLANT:

Mr K Waters BSc(Hons) MSc MRICS MRTPI - Planning & Development Director,  
Gladman Developments Ltd  
Mr K Nye BA(Hons) BA(Hons) DipLA March CMLI – Director, FPCR Environment &  
Design Ltd  
Mr J Easton, of Counsel  
Mr L Ryder MPlan MRTPI – Senior Planner, Gladman Developments Ltd  
Mr S Gladman – Project Manager, Gladman Developments Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Mr V Kaul BA(Hons) MA MRTPI – Principal Development Planning Officer Telford &  
Wrekin Council (T&WC)  
Ms E Griffin – Solicitor, T&WC  
Mr D Oakley BA(Hons) MA MRTPI - Principal Planning Officer T&WC  
Mr G Ashford BA(Hons) Assoc RTPI - Principal Infrastructure Planning Officer T&WC  
Ms L Richards BA(Hons) Arch - Urban Designer T&WC  
Dip Arch Dip UD MA UD Dip TP

### INTERESTED PERSONS:

Mr M Vout BA DipLA Dip UD MAUD MRTPI CMLI on behalf of Edgmond Parish  
Council  
Mr D Bayliss MRTPI on behalf of Protect Heritage Edgmond  
Mrs V Mansell – local resident  
Mr M Turner – local resident  
Mr A Wilson – local resident  
Mrs S and Mr D Hancocks – local residents  
Mr D A Ryan - local resident

### DOCUMENTS

Document 1: copy of CS1 and '2 Shaping the borough'  
Document 2: Statement from Edgmond Parish Council  
Document 3: Statement from Mr Bayliss  
Document 4: Statement from Mrs Mansell  
Document 5: signed Statement of Common Ground  
Document 6: Executed S106  
Document 7: suggested conditions printed out at hearing  
Document 8: Summing up submissions T&WC  
Document 9: Closing points Gladman Developments Ltd