

Appeal Decision

Site visit made on 15 August 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 17 October 2016

Appeal Ref: APP/C3240/W/16/3148891

Land to the south of 'The Bungalow', Rodenhurst Lane, Rodington

- 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 Mr Graham Davies against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2015/0427, dated 28 April 2015, was refused by notice dated 19 November 2015.
 - The development proposed is residential development of up to 1 no dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application is in outline with all matters reserved for subsequent approval. Although it is intended that the dwelling be occupied as a live/work unit, the appellant has made it clear that there is no essential need for anyone to live on the site. I shall refer to this further below.

Main Issues

3. The main issues are:
 - i) whether the proposal would accord with the housing strategy set out in the development plan
 - ii) whether occupants of the proposed development would have acceptable access to shops and services, and
 - iii) the effect of the proposal on the character and appearance of the area.

Reasons

Housing strategy

4. The appeal site forms part of an open field on the east side of Rodenhurst Lane, a dead-end road which serves sporadic homes and farms, lying to the north-west of the village of Rodington, a compact settlement with dwellings clustered around the junction of two roads.
 5. Telford and Wrekin Core Strategy (CS) Policy CS7 says that development within the rural area will be limited to that needed to meet the needs of the area, and will be focussed on three named villages, which do not include Rodington. It goes on to say that, outside of the named settlements,
-

- development will be limited and within the open countryside will be strictly controlled.
6. Saved Wrekin Local Plan (LP) Policy H9 says that new residential development will be permitted only within named suitable settlements, one of which is Rodington, and that elsewhere in the Rural Area, there will be a policy of refusing proposals for new residential development except that permitted under the exceptional circumstances provided for in other policies. Whilst the LP is time-expired, its saved policies continue to have force, and I consider that Policy H9 is not inconsistent with the policies in the National Planning Policy Framework (the Framework) which aim to resist isolated dwellings in the countryside and recognise the intrinsic character and beauty of the countryside.
 7. The site lies well outside what I consider to be the limits of the village. The village has a well-defined consolidated core, beyond which there is some more sporadic development before it meets Rodington Heath to the west. The appeal site is well separated from both settlements, and lies in what I consider to be the open countryside. Rodenhurst Lane is characterised by sporadic dwellings scattered very loosely on either side of the road, and the appeal proposal would be isolated from them, the closest of which is about 90m to the south, on the opposite side of the road, whilst the nearest dwelling to the north would be some 150m distant.
 8. I have also been referred to the Telford and Wrekin Local Plan (TWLP) which has been submitted for examination. Of particular relevance is Policy HO10 which directs residential development within the rural area to sites with unimplemented planning permissions and to small scale infill development in 5 named settlements considered to have a basic level of service provision. Rodington is not one of those settlements, and in any event, the proposal would not constitute small scale infill development within it. Thus the proposal would conflict with this policy. However, the weight that I can afford the emerging plan is limited as I am not aware of the extent of unresolved objections, and policies may be subject to change.
 9. The appellant has referred me to the caution expressed by the Inspector who carried out the examination into the Core Strategy about housing delivery. However, the Council can now demonstrate a 5 year housing land supply, the Core Strategy is still current, the Council has taken steps to review housing supply in the intervening period, and the emerging TWLP has been submitted for examination. Under these circumstances I see no reason not to determine the appeal in accordance with the development plan.
 10. Thus, I find that the proposal would conflict with the housing strategy set out in the development plan, and would conflict with policies referred to above.

Accessibility to shops and services

11. Occupiers of the proposed dwelling would be within reasonable walking distance of a shop and a bus stop. However, Rodenhurst Lane lacks a footpath and is unlit. Whilst traffic volumes are likely to be low, the road leads to a commercial unit to the north, and is likely to be used by goods vehicles as well as farm vehicles accessing agricultural land on either side of the road. Whilst the road would be adequate for walking along in good weather and in daylight, I consider that it would be off-putting in wet weather or in the dark.

12. Moreover, Rodington has very limited services and facilities. The appellant refers to the Council's Technical Paper – Rural Settlements Update, dated January 2016, and points out that Rodington's infrastructure score ranks it fairly highly in respect of other rural settlements. However, its score is still less than half that of the best scoring villages, and the Update describes Rodington's services as "limited", with which I agree.
13. In my view, whilst the occupiers of the proposed dwelling would have a degree of access to some limited services and facilities by walking, cycling or public transport, the added convenience of using a car is likely to be the overriding determining factor for most in terms of the form of transport used. Those without access to a car would be at risk of greater social isolation.
14. I therefore find on the second main issue that the proposal would not have acceptable access to shops and services, and would conflict with CS Policies CS7 and CS9, the latter policy aiming to locate development in existing centres, and promoting travel other than by car.

Character and appearance

15. The addition of an isolated dwelling in an open landscape, with a strongly rural flavour would fail to pay adequate regard to the intrinsic character and beauty of the countryside. The site itself has a clear rural appearance, and a dwelling would be an obvious intrusion into the countryside, and would be seen from Rodenhurst Lane. The application is in outline and so the full implications cannot be determined, but even at this stage it is plain that the proposal would consolidate sporadic built-development along Rodenhurst Lane.
16. I find that this would be harmful to the character and appearance of the area and would conflict with the policies I have referred to above which include amongst their aims the protection of the countryside, as well as CS Policy CS12 which aims to protect the natural environment. I find no conflict with CS Policy CS13 which deals with natural resources, and I find saved LP Policy UD2, which deals with urban design, to be of marginal relevance.

Other matters

17. The appellant has referred me to two 2014 applications for residential development nearby, one in Rodington Heath and one adjacent the cemetery in Rodington. The Council argues that these were approved against a background of it being unable to demonstrate a 5 year supply of housing land. In such cases, the balance of arguments needs to be considered under paragraph 14 of the Framework, where permission should be granted 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.
18. I have not been provided with the reports for these applications, but it is clear that the cemetery is better located in regard to the built-up limits of Rodington than would be the far more isolated position of the dwelling in this case. I am not aware of the full circumstances which led to their approval, but clearly the balancing exercise would have been different in those cases. I have therefore dealt with this proposal on its own merits.
19. Although not included as a reason for refusal, the Council argues that as the site lies on land, designated as Grade 2 agricultural classification and termed as

“Very Good”, the proposal would conflict with the Framework’s aim to safeguard the best and most versatile agricultural land. However, the Framework aims to divert only significant development on such land to land of poorer quality and the amount of land that would be lost would be very small. Thus this matter does not add to the main reasons for finding against the proposal.

20. Again, whilst not given as a reason for refusal, the Council alleges a conflict with emerging TWLP Policy ER2, relating to the protection of minerals safeguarding areas. I have not been told anything about the minerals concerned on this site, and in view the policy’s emergent status, I afford little weight to this matter.
21. The appellant runs a successful business, and the proposal would provide a live/work unit which would benefit the business. However, the appellant accepts that there is no essential justification for him to live in this location. Whilst the business benefits that would derive from the proposal carry some weight, it is insufficient to outweigh the harm that I have found.

Sustainability and the planning balance

22. Having regard to the component dimensions of sustainable development there would be social benefits in providing an additional dwelling, although this would be tempered by the social isolation that would result from the relatively remote location of the dwelling. Economic advantages would also arise from the construction and occupation of the house and to the appellant’s business. Set against these considerations is the harm to the character and appearance of the countryside, and the reliance on travel by private car. As a result, the environmental role of sustainable development would not be fulfilled. These adverse impacts would significantly and demonstrably outweigh the benefits identified. When looked at in the round the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including those of the Framework.

Conclusion

23. For the reasons given the proposal is unacceptable and the appeal should be dismissed.

JP Roberts

INSPECTOR