

Appeal Decision

Site visit made on 28 February 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/C3240/W/16/3164108

The Mount, Chetwynd Aston, Shropshire TF10 9LF

- 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 Ron Bowering against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2016/0247, dated 14 March 2016, was refused by a notice dated 1 June 2016.
 - The development proposed is outline planning application for the development of four residential units.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline planning permission, with all matters except for access and layout reserved for future consideration. Photomontages illustrating views of the proposal were submitted with the application and I have had regard to these in determining the appeal.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be appropriate in principle in such a location having regard to local settlement policies; and
 - The effect on the character and appearance of the area.

Reasons

Whether the proposal would be appropriate in principle in such a location having regard to local settlement policies.

4. The development plan for the area comprises the saved policies of the Core Strategy Development Plan Document for Telford & Wrekin (CS), adopted 2007 and the Wrekin Local Plan (WLP), adopted 2000. The emerging Telford & Wrekin Local Plan 2011 – 2031 (TWLP), June 2016, has been submitted for examination and initial hearings have been conducted. There is no evidence before me to the extent to which there are any unresolved objections to the relevant policies and the Inspector's report has not been published.
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Consequently, the weight that I can afford to Policies SP3, SP4, HO10 and BE1 of the emerging TWLP is limited.

5. Policy CS1 of the CS sets out the Council's housing strategy. It identifies the number of homes to be brought forward during the Plan period, and its overall distribution strategy. However, the housing figures identified are based on requirement figures contained within the Regional Spatial Strategy for the West Midlands which was revoked in 2013, and not on any objective assessment of need (OAN) as required by the National Planning Policy Framework (Framework)¹. Policy CS1 is therefore out-of-date and can only be afforded limited weight.
6. Policy CS7 of the CS relates to development in rural areas. It seeks to focus new development on the settlements of High Ercall, Tibberton and Waters Upton which are identified as key service centres. It advises that outside of these settlements development will be limited and within the open countryside will be strictly controlled.
7. Saved Policy H9 of the WLP similarly seeks to control the location of new housing and advises that new residential development will be permitted only within a short list of settlements, which does not include Chetwynd Aston. Elsewhere in the Rural Area, it states that new residential development will be refused except for that permitted under exceptional circumstances provided for by other policies within the Plan.
8. Chetwynd Aston lies outside of the urban boundary of Telford in an area defined as a Rural Area by the development plan. It is a small settlement located just less than a kilometre to the south of Newport. With the exception of the public houses and post box, the settlement has no services or facilities. Whilst there is a local primary school and convenience store within a kilometre of the site, the nature of the connecting roads and distance is such that it is likely that future occupiers of the proposal would be heavily reliant on the use of a car to access even those basic facilities.
9. In recognition of its limited facilities Chetwynd Aston has not been identified as a settlement suitable for housing development either in the development plan or in the emerging TWLP. Despite previous grants of planning permission for housing in the settlement where the Council have taken the view that some forms of development would be sustainable, it is clear from the Council's more recent Rural Settlements Technical Paper² that the settlement scores very poorly in terms of infrastructure provision and has no extensive area of previously developed land. It is not therefore considered to be a settlement suitable for siting new housing to support services in other villages. On the evidence I have before me and from what I saw on site I would agree with the Council that Chetwynd Aston is not a sustainable location suitable for new housing development, having regard to paragraph 55 of the Framework.
10. The appellant has not put forward any exceptional circumstances necessary to justify the proposal in this Rural Area, and consequently I conclude that the development would not be appropriate in principle in such a location having regard to local settlement policies. It would not comply with the development

¹ Paragraph 47 of the National Planning Policy Framework, 2012.

² Technical Paper-Rural Settlements, Telford & Wrekin Council, 2016.

plan, and in particular I find conflict with Policy CS7 of the CS and H9 of the WLP.

Character and appearance

11. Chetwynd Aston is a small settlement with its core centred to the East of Newport Road where its original farmsteads are situated. The settlement has expanded through ribbon development along Newport Road, and this now gives the village a more linear form.
12. The appeal site fronts onto the western side of Newport Road, and although it is located close to the settlement core, visually it forms part of the swath of open fields and countryside which rise gently to the West of the settlement. Despite the position of The Wheatsheaf Inn to the South of the site, and the pair of cottages to the North, the site is visually distinct from the built form of the Chetwynd Aston. The deep hedgerow which encompasses the sites frontage with Newport Road and Littlehales Road to its North and South clearly separate the site from the neighbouring settlement and reinforce its position within the open countryside.
13. On entering Chetwynd Aston from the North, the site is particularly prominent. Ribbon development aligns the eastern side of Newport Road towards the settlement core, and as the road bends to the left, the appeal site can be seen in the forefront of a vista of open countryside rising to the West. Any development on this site would be visually prominent and would erode a wedge of open countryside which currently provides an attractive and rural setting to Chetwynd Aston. The site has an extensive frontage and is physically separated by roads from neighbouring development. The development of four houses on this land could not therefore in my mind be considered to be infilling. Moreover, it would introduce a substantial built form which would encroach into a swath of open countryside and have a significant harmful effect on the character and appearance of the area and Chetwynd Aston's settlement edge.
14. I recognise that the site is in private ownership and does not therefore make a contribution towards recreation space, nor does it have any importance as a natural habitat. However, the site does make a positive contribution to the character and appearance of the area. For the reasons set out above, I therefore conclude that the appeal proposal would have a harmful effect on the character and appearance of the area and conflict with the development plan. In particular, I find conflict with Policies CS11 of the CS and OL6 of the WLP which aim, amongst other things, to protect locally important incidental open land within or adjacent to a built up area where the land contributes to the character and amenity of the area. Furthermore, it would conflict with paragraphs 17 and 58 of the Framework in that it would be harmful to the intrinsic character and beauty of this part of the countryside and would not add to the overall quality of the area.

Presumption in favour of sustainable development

15. The Framework seeks to boost significantly the supply of housing and advises that Councils must identify and update annually a supply of specific deliverable sites sufficient to provide a 5 year supply of housing land. Paragraph 49 of the Framework makes it clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot

demonstrate a five year supply of deliverable housing land and the 'presumption in favour of sustainable development' should be applied. The mechanism for applying that presumption is set out in paragraph 14 of the Framework and advises that where relevant policies are out-of-date (unless material considerations indicate otherwise) 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, or specific policies in the Framework indicate that development should be restricted.

16. The Council has stated that they have a five year supply of housing land and this does not appear to be disputed by the appellant. The appellant does however consider that the development plan policies for the supply of housing are out-of-date because they are not based on a fully tested OAN, and are therefore not consistent with the Framework. In this respect I have had regard to the Inspector's Decision³ at Kynnersley, who concurred with this view.
17. Paragraph 7 of the Framework however advises that there are three dimensions to sustainable development: economic, social and environmental. I have found that the proposed development would cause substantial harm to the character and appearance of the area, would not be sustainably located, and would conflict with policies both set out in the Framework and the development plan. I have also had regard to the social benefits that would be accrued through the provisions of four new homes, and the economic benefits derived from local spend, construction jobs and the support for some rural facilities. However, the economic and social benefits would be limited, and I am mindful that the harm I have identified would be permanent. Consequently, even if I were to find that relevant housing policies in the development plan were out-of-date, the adverse environmental impacts of the proposal would significantly and demonstrably outweigh the limited benefits that would flow from the provision of four new dwellings, when assessed against the Framework taken as a whole. The appeal proposal would not therefore be sustainable development

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR

³ APP/C3240/W/16/3150674