

Appeal Decision

Inquiry opened on 4 April 2017

Site visit made on 7 April 2017

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 03 May 2017

Appeal Ref: APP/C3240/W/16/3149398

Land off Muxton Lane, Muxton, Telford, Shropshire TF2 8PG

- 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/2015/0556, dated 18 June 2015, was refused by notice dated 25 November 2015.
 - The development proposed is '*a residential development of up to 78 dwellings with associated access*'.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate decision.
 3. The Inquiry opened on 4 April and it sat for 4 days, closing on 7 April. Following the close of the Inquiry, I made unaccompanied site visits to the site of a previous appeal at Haygate Road, Wellington and to the Monument at the top of a hill in Lilleshall (Lilleshall Monument). I also made an accompanied site visit to view the appeal site, walk some of the local footpaths and to Muxton Primary School, the nearest bus stop and Shropshire Golf Course.
 4. The description of the development proposed on the application and decision notice includes that given in the above header and indicates that the application was made in outline form with all matters of detail, except access, reserved for subsequent consideration. Whilst the appellant has submitted a Framework Plan Ref 5701-L-02 Rev O with the application and an illustrative layout plan with the appeal, I have taken the details provided of layout, appearance and landscaping as being indicative only. I have determined the appeal on the basis of the only matter of detail to be considered being the vehicular access, using those details of the proposed access and highway improvements shown on Drawing No C14188 006 in the Transport Assessment.
 5. At the Inquiry the appellant submitted an engrossed Section 106 (S106) Agreement, dated 6 April 2017. The obligations in the Agreement would secure a contribution towards the improvement of bus stop infrastructure; contributions towards off-site play areas and maintenance of public open space; a contribution towards the provision and/or improvement of primary
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education extensions at Muxton Primary School; the provision and management of informal open space on the appeal site; contributions towards the maintenance of a Sustainable Drainage System (SuDS); a contribution towards traffic calming measures; and a contribution towards the monitoring of a travel plan. Having considered the information provided by the Council, including the Community Infrastructure Levy Regulations (CIL) compliance statement, I am satisfied that all these provisions would be directly related, and would be fairly and reasonably related in scale and kind, to the development. Based on this, I find that all the planning obligations would be necessary to mitigate the effects of the development on local facilities and services and they meet the tests in CIL Regulations 122 and 123(3). I have therefore taken them into account in my determination of this appeal.

6. Following the refusal of the application, the Council has reconsidered its reasons for refusal in the light of further information and has indicated that it no longer wishes to defend its reasons for refusal 3, based on the scale, layout and design of the proposal, and 4, based on the mitigation of its effect on ecology. I am satisfied that these matters would be satisfactorily addressed by appropriate planning conditions and I have therefore not included them as any of the main issues in this appeal.

Main Issues

7. The main issues are the effect of the proposal on the character and appearance of the surrounding countryside, taking account of the physical separation between Telford and Lilleshall and the value of the landscape; its effect on the delivery of Strategic Urban Extensions (SUEs) and associated infrastructure; the sustainability of the location of the site, in terms of the need to travel to facilities and services; and the planning balance, having regard to whether relevant policies are considered to be out-of-date and whether the proposal would represent sustainable development in accordance with the National Planning Policy Framework (Framework).

Reasons

Character and Appearance

8. The appeal site adjoins, but is outside, the built up area of Telford as defined in the Wrekin Local Plan 1995-2006 (WLP). It is in agricultural use, consisting of four fields, each of which is enclosed by mature hedgerows along most of the boundaries. I observed at my site visit that the fields consist of grassland that has mainly been used for grazing. Two Public Rights of Way cross the site entering the southern field at two points via stiles off Muxton Lane. They converge at a stile leading into the north western field and the footpath crosses that field towards the village of Lilleshall which is located about 1km to the north east. The other two fields which form the south east part of the site do not have any formal public access.
9. Muxton Lane is signed as a 'no-through road' but does provide access to a number of housing developments via roads from it; the nearest one to the appeal site being Halcyon Court, which is a cul-de-sac that is near to the west corner of the site. Although in the area of the appeal site Muxton Lane has a footway along its south west side adjacent to a hedgerow that acts as a boundary to the built development, it has the character of a rural lane. This is due to its windy alignment, the lack of footway and formal edging on most of

the appeal site side, no street lighting along that part of it and the mature hedgerow with gaps for stiles and a field gate along the site boundary that offer views from the lane across the open field and to the boundary hedgerows that form part of the appeal site.

10. Whilst users of the footway along Muxton Lane are adjacent to built development, at my site visit I found that the views to the north east provide an attractive rural feel and appearance to that part of the lane, particularly when travelling in a south easterly direction. From that footway, the adjacent houses are not particularly noticeable as the boundary hedge in that area is relatively dense with only a few gaps in it and users are more likely to look away from that hedge to gain more open views along the lane. The lane takes you to the Shropshire Golf Club, which is about 660m to the south of the access to the site and is where the footway ends. Muxton Lane appears to me to become increasingly more rural in character as you head south along it.
11. At the time of my site visit the hedgerows alongside Muxton Lane benefitted from spring growth but the openness of the appeal site was clearly apparent through small gaps in the boundary hedge, adjacent to the field gate where there is very limited growth, and at the stiles. The field is likely to be even more visible in winter months when there is less foliage. I also observed that above the hedgerows on the appeal site Lilleshall Monument can be seen in the distance from Muxton Lane, which is where the footpaths take you. As such, it is possible to associate the footpaths from Muxton Lane with an attractive rural route to Lilleshall and beyond, as part of a network of footpaths that include a publicised walking route known as the Hutchison Way.
12. A single vehicular access point is proposed to the south east of the junction of Muxton Lane and Halcyon Court at the existing entrance into the field. The illustrative plans indicate that about three quarters of the site would remain undeveloped and preserved as a managed nature conservation area and wildflower meadow and that the proposed housing would occupy about 2.9 hectares within the southern field, which is adjacent to backs of housing in Granville Drive and north east of Muxton Lane. The proposal would include the translocation of part of the hedgerow between the proposed access and No 87 Muxton Lane to provide the required visibility splay and widening of Muxton Lane.
13. The appellant has indicated at the Inquiry that the hedgerow that would be translocated would be about 45m in length and at my site visit I observed that it is relatively dense and provides significant screening to part of the field. Whilst the appellant has provided evidence to show the success of this process, it would involve an initial significant reduction in the height and scale of the hedge. Based on the appellant's 'Translocation Statement', it would take at least 2 years for the hedgerow to reach anywhere near its present scale. As such, it would take a significant time for the hedgerow to provide a level of screening to the appeal site that would be comparable with that currently provided.
14. In assessing the impact of the proposal on the landscape, I have taken account of a Landscape and Visual Appraisal (LVIA) carried out to accompany the application. In this LVIA reference has been made to the Telford and Wrekin Landscape Sensitivity and Capacity Study 2009 (LSCS), which was updated in 2014 and has assessed the landscape capacity to accommodate housing

development. As the appeal site is not one of the sites covered by the Study, which are sites put forward in the Council's Strategic Housing Land Availability Assessment, the results provide inconclusive evidence as to the sensitivity of the landscape at the appeal site. However, comparing the field to be developed with the assessed sensitivity of nearby sites references TWMu4-64 and TWMu6-64, I find that its landscape is of medium rather than high sensitivity to housing development due to its location near to existing housing but taking account of its rural character and contribution that it makes to the visual amenity of the area.

15. The appeal site has been identified in the Shropshire Landscape Typology as being within the Estate Farmlands landscape type, which covers a wide area. Key landscape characteristics of this area include the trees and hedgerows, as well as the field patterns. I accept that the proposal identifies that the hedgerows and trees would be retained and three of the fields within the site would not lose their character as open fields, which would be secured by planning conditions. However, the character of the southern field would be lost for ever due to the proposed development.
16. The 'Shropshire Historic Landscape Characterisation' describes most of the appeal site, including the part to be developed, as being medieval/post medieval 'Piecemeal Enclosure'. Whilst historic maps have identified that in 1717 the southern field had potentially been subdivided, this evidence is not conclusive and the appellant accepted at the Inquiry the inclusion of this field within the typology, and not as a 'Reorganised Piecemeal Enclosure', which appears to me to be more common in the area of Telford. As such, I find that the fields that are included in the appeal site have a local rarity value as a surviving historic landscape. Whilst the appellant has identified other similarly rare landscape typologies in the area of Telford, in my opinion, this factor adds to the landscape value of the site and increases its sensitivity to housing development.
17. In considering the Council's submissions regarding whether the appeal site represents a 'Valued Landscape' in terms of paragraph 109 of the National Planning Policy Framework (Framework), I have noted that no definition is given. In this respect, I have taken account of the historic field patterns and the relative rarity in the locality of the presence of the 'Piecemeal Enclosure' character that covers 3 of the appeal site fields, as well as the use of the footways and local value that has been given to the site. At the Inquiry, the Council did not criticise the approach taken by the appellant in referring to the Guidelines for Landscape and Visual Impact Assessment (GVLIA), which sets out criteria in Box 5.1.
18. Taking account of the criteria in Box 5.1, the appeal site is not subject to any current national, local or other landscape value designations. The Council has argued that the recreational value of the appeal site, together with its historic field pattern and rarity value as 'Piecemeal Enclosure' provide sufficient reasons to treat it as a 'Valued Landscape'. In this respect, the local 'Hutchison Way' runs alongside and crosses the appeal site and there is evidence of frequent use of the footpaths. However, in my opinion, because of the lack of official access to the remainder of the site and the Hutchison Way not being a nationally recognised long distance footpath, this does not give the site any exceptional qualities in terms of recreational use. The pleasant rural landscape

presented by the site and the reasonable condition of its hedgerows and presence of streams are also not unusual features.

19. I am not convinced that the local rarity of the historic landscape type and the conserved field pattern provide sufficient physical attributes to include the field that is to be developed as a 'Valued Landscape' in terms of paragraph 109 of the Framework. Therefore, I do not accept that the appeal site should have the protection afforded to a 'Valued Landscape' under the Framework. However, I have taken the above factors into account in assessing the degree of harm that the proposed development would cause to the character and appearance of the area.
20. In terms of the visual analysis in the LVIA, the users of the footpaths within the site are assessed as being of high sensitivity. However, I do not agree that the proposal would have moderate adverse effects on these users during construction and on completion. As the footpaths that cross the southern field would be through or next to the area that would be developed with housing, there would be significant harm to the views from them. During construction the harm would result from the activity and works taking place as well as the necessary security measures. Although one of the footpaths is adjacent to the rear of houses in Granville Drive and there is scope for planting adjacent to the footpaths, after completion the whole context of them would significantly change from having open views into the surrounding countryside to being enclosed with limited views between the housing. This would similarly apply, but to a lesser extent due to the width of the lane and the screening provided by the existing hedges, to the views experienced by those that cycle, walk or go on horseback along Muxton Lane.
21. Whilst there would be some benefit to the views from the north western field looking north, due to the proposed wildflower meadow, woodland buffer planting and balancing pond, when looking south there would be a view of urban development either through the gap in the hedge or over the top of the planting adjacent to the Granville Drive development. The views from the Shropshire Golf Course car park, which is used by the public and is in an elevated location looking down onto the appeal site, would be harmed due to the development of the southern field which, even with proposed buffer planting, would be visible. Whilst there are currently partial views of buildings in Granville Drive and of some buildings adjacent to Muxton Lane, the proposed housing would be significantly closer and more prominent, resulting in the loss of an expanse of open field that is clearly visible from the car park. I consider this to represent moderate harm.
22. With regard to views from the Lilleshall Monument, at my site visit I observed that the southern field that would be developed is visible. Any development within that field would be seen as a further encroachment into the countryside that separates Muxton from Lilleshall. I accept that there are already views from the Monument of built development at the edge of Muxton, particularly in Granville Drive, and that the proposal would not reduce the gap between this existing development and Lilleshall. Also, the field to be developed is not included in the proposed Strategic Landscape Area in emerging Telford and Wrekin Local Plan (eLP) Policy NE7, which seeks to protect the gap between settlements. However, even though the views would be distant, this would represent a negative impact of the proposed development which would be apparent as a further encroachment into the countryside.

23. The proposed development would be contained within the existing field boundaries and would act as an extension to the development that is within Granville Drive. However, it would be beyond the boundary hedge to the development to the south west of Muxton Lane, which currently acts as a green edge to the settlement, and would result in the loss of the rural character and appearance of that part of Muxton Lane and the footpaths that cross the southern field adjacent to that development. As such, I consider that the development would be an unacceptable encroachment into the open countryside that provides an attractive visual amenity to those living in Muxton and those using the footpaths and Muxton Lane for recreational purposes.
24. The appellant has accepted that the proposal would represent a breach of WLP Policy H9 and Telford and Wrekin Core Strategy (TWCS) Policy CS7 in terms of being outside the defined Telford settlement boundary. The reason for refusal also refers to WLP Policy OL6 with regard to 'open land'. I am satisfied that the appeal site would relate to this Policy in that it could be considered to be locally important, it is adjacent to a built-up area and contributes to the character and amenity of the area. However, I do not consider it to be 'incidental open land' as its agricultural use is not included in the examples given in the accompanying text and there is nothing before me to show that it is 'incidental'.
25. In relation to TWCS Policy CS11, which seeks to protect and enhance both formal and informal areas of open space, the accompanying text in paragraphs 9.66 to 9.69 gives clarification as to what the Policy covers. Based on this, in my opinion, it is not intended to include agricultural land outside the settlement boundaries that is not available for public use. Whilst the footpaths across the site provide some recreational use and the fields and hedgerows are important for wildlife and biodiversity, the protection of the appeal site under this Policy would not be consistent with the remainder of the wording, which refers to open space standards that appear to me to have not been set. Therefore, I find that neither this Policy nor WLP Policy OL6 apply to the appeal site. With regard to WLP Policy OL11, I find that this is not breached as the proposal would not result in the loss of any trees or woodland.
26. In conclusion on this main issue, I have found that the proposal would result in a serious adverse effect on the character and appearance of the surrounding countryside and would fail to accord with WLP saved Policy H9 and TWCS Policy CS7, as it would represent built development within the open countryside where new development is strictly controlled other than in the exceptional circumstances referred to in Policy H9. It would also be contrary to one of the core planning principles listed in paragraph 17 of the Framework with regard to the need to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside.

Strategic Urban Extensions (SUEs)

27. Although the second reason for refusal alleges that the proposal would undermine the preferred delivery of a SUE with integrated infrastructure proposed in the eLP, the Council has not provided any substantive evidence at the Inquiry to support this concern. I accept that the preferred way to provide the necessary housing is through the plan-led system, based on the allocation of suitable sites that cater for the required services and facilities and provide the necessary infrastructure to support them. However, no substantive

evidence has been provided to demonstrate that the appeal proposal to provide a relatively modest number of additional dwellings to those allocated in the eLP would undermine the provision of the SUEs within that plan or the provision of the associated infrastructure. In addition, I understand that the Priorslee site that has been identified as a SUE in the eLP has been granted outline planning permission for 1100 dwellings.

28. I therefore conclude on this main issue that the proposal would not have an adverse effect on the delivery of SUEs and associated infrastructure.

Sustainability of the Location

29. The Council and the appellant have agreed distances from the proposed access to the site to some of the local services and facilities and, at my site visit, I walked some of the routes. The nearest railway station in Telford town centre is over 5kms away. The nearest bus stop, which is on Marshbrook Way, is about 500m away, taking a route via a pedestrian alleyway between houses that is currently unlit but the proposal would provide funding for its lighting. This is also a pedestrian route that would be taken from the site access to the nearest primary school, which is about 400m from the access. The bus stop provides access to an acceptable frequency of service to Telford town centre.
30. Whilst some of the necessary services and facilities are within reasonable access by walking from the appeal site, including a doctor's surgery, the Golf Club and a playground, the nearest local shop and post office are some 1.5km away from the access. There is also the option of cycling to services and facilities that are further away, but this would be limited to those that would be able to do so. Although the accessibility of the site to necessary services and facilities would be sufficient to not make it an unsustainable location for housing development, no additional formal facilities would be provided as part of the development as would be likely with the proposed SUEs identified in the eLP.
31. Taking account of the above, I find that the accessibility of the location of the site is not good enough to weigh in favour of the proposed development. However, with the contributions towards off-site infrastructure that would be secured through the S106 Agreement and suggested planning conditions, the proposal would accord with TWCS Policy CS9, as it would afford reasonable opportunity for future residents to access necessary facilities and services and thereby address the issue of social inclusion.

Other Matters

32. In support of the current appeal, the appellant has referred to a previous appeal decision involving land north of Haygate Road¹. From my observations at the site visit and the information provided, I consider that this previous appeal involved significantly different circumstances from those of the current appeal, and in particular the scale of the development proposed, its relative location to facilities and services, the potential use of the footpath across the site, the character of the adjacent roads, which appeared to me to be less rural than that of Muxton Lane, and the character of the agricultural land to be developed. Whilst I have noted the points made, and in particular the weight given to the development plan policies and the planning balance used to assess

¹ Appeal Ref APP/C3240/W/15/3025042

the acceptability of the proposal, no direct comparisons can be made with the current appeal.

33. A number of other appeal decisions have been referred to in support of the appeal, together with permissions that have been granted for new development adjacent to Telford settlement boundary. Whilst I have taken account of the relevant points that have been raised in relation to these other proposals, I have not been given sufficient information regarding the sites to make any direct comparisons with the current appeal proposal. With regard to the development at Priorslee for which outline permission has recently been granted, it involves a SUE, which is at a different scale to that of the current appeal proposal and would include the provision of necessary infrastructure.
34. I have considered the concerns expressed by local residents, some of which I have dealt with under the main issues. I am satisfied that the Transport Assessment that accompanied the application has addressed the matters regarding traffic and highway safety and that there is insufficient evidence to show that the additional traffic, including during construction, would cause any significant harm to the Listed Building at No 45 Muxton Lane. A Flood Risk assessment has been provided and suitably worded conditions would deal with any concerns with regard to flooding. However, I am not satisfied that the harm that would be caused to the character and appearance of the surrounding countryside would be able to be significantly reduced by landscaping or other mitigation measures, secured by planning conditions.

Sustainable Development and the Planning Balance

35. For the purposes of this appeal, the appellant has accepted that the Council is able to demonstrate a five year housing land supply. There is nothing before me to show otherwise. Therefore, in terms of paragraph 49 of the Framework, I find that the Council can demonstrate a five year supply of deliverable housing sites. However, in considering whether or not relevant policies in the development plan are out-of-date, for the purposes of paragraph 14 of the Framework, I have examined the development plan policies, and in particular those that have been referred to in the reasons for refusal.
36. In terms of both the WLP and the TWCS, they predate the publication of the Framework and the period that they cover, which is 1995 to 2006 for the WLP and up to 2016 for the TWCS, has expired. The relevant TWCS policies include Policy CS7, which appears to me to be the most applicable Strategic Development policy to cover the appeal site, and Policy CS9. I have found for the reasons that I have previously given that WLP Policy OL6 and TWCS Policy CS11 are not relevant to the appeal site.
37. With regard to the consistency of the policies to those in the Framework, I find that the wording of TWCS Policy CS7 is such that it would apply a strict control over new development in the open countryside, even though it also states that outside the three identified settlements development will be limited. In this respect, it is inconsistent with the Framework, which does not include a blanket protection of the countryside for its own sake, but favours sustainable development. I have attached some weight to this Policy as it is the most relevant development plan policy to control where new development in the countryside would be directed, but have limited that weight due to the inconsistencies with policies in the Framework.

38. The Council has accepted that the housing figures contained in TWCS Policy CS1 are out-of-date, as they are based on the now revoked Regional Spatial Strategy, and that WLP Policy H9 has been superseded by TWCS Policy CS7, as it considers that the latter Policy is less absolute. As such, I am satisfied that most of the relevant policies to the determination of the appeal proposal are out-of-date in one way or another, and in particular with regard to the level of housing for which they provide and the protection given to the countryside. In these circumstances, paragraph 14 of the Framework applies the test that planning 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, as specific policies in the Framework do not indicate development should be restricted.
39. The Framework acknowledges that planning law² requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. However, it also suggests that it is highly desirable that local planning authorities should have an up-to-date development plan in place. In this respect, the Council's eLP has recently been the subject of an Examination in Public (EiP). The interim findings of that Inspector are given in a note, dated 30 March 2017. These include concerns about the housing site selection methodology, which has led the Inspector to conclude that the housing site selection exercise underpinning the Local Plan is flawed and that this calls into question the ability to reach a finding of soundness. He has recommended that those housing site allocations that have been identified but have not gained planning permission or consent be deleted. As such, I have attached limited weight to the eLP.
40. In weighing the adverse impacts against the benefits of the proposal, I have assessed it against the three dimensions of sustainable development given in the Framework. I have included the economic benefits of the jobs that would be created during construction, a potential increase in spending to support local businesses and services and the economic activity that would be generated by the increase in the supply of market and affordable homes. It would only make a modest contribution to support infrastructure in order to mitigate its effects.
41. The social benefits would be related to the market and affordable housing. The proposal would provide up to 29% of the housing units as affordable, which would be secured by a planning condition that would ensure that at least 80% would be for rent. Although this is below the Council's target for the area, which is set out as 40% in TWCS Policy CS7, it would nevertheless help to address the Council's acknowledged need for affordable housing. As the Framework aims to boost significantly the supply of housing, the addition of up to 78 houses that the proposal would supply would be a significant benefit.
42. With regard to the accessibility of the site to services and facilities, the contributions that the proposal would make towards them would only mitigate the lack of on-site services and facilities that it would provide. The proposal would however offer public access to areas of the site that are currently not officially accessible to the public, which would be of moderate benefit. The social harm that would be caused would be to the attractiveness of the footpaths across the southern field for recreational purposes during construction and following completion of the development.

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

43. The most severe adverse effects of the development would be environmental. Whilst there would be some biodiversity benefits from the management of three of the fields for wildlife and conservation, the loss to built development of what I consider to be an important and attractive part of the countryside that provides a valued visual amenity to users of footpaths, local residents within Muxton and an important contribution to defining the edge of the settlement would result in substantial harm to the environment.
44. The proposal would involve the loss to agricultural use of some Grade 2 and Grade 3a agricultural land, as identified on the broad agricultural land classification maps. This would represent Best and Most Versatile agricultural land in accordance with the Framework. However, only part of the appeal site that would be developed for housing has been classified as Grade 3a, with the majority of it being Grade 3b. Furthermore, the Council has not objected to the proposal on this basis. As such, I have attached limited weight to this matter in assessing the adverse effects.
45. In reaching my overall conclusions below, I have weighed the very significant adverse effects of the proposal on the environment against the above benefits, of which the most significant result from the provision of market and affordable housing. In doing so, I have also attached what I consider to be the appropriate weight to other relevant matters that have been raised in relation to the economic, social and environmental dimensions of sustainable development given in the Framework, having regard to the weighted balance given in paragraph 14.

Overall Conclusions

46. I have found that relevant development plan policies are out-of-date for the purposes of paragraph 14 of the Framework. Although I have not found against the proposal with regard to its effect on the delivery of SUEs and associated infrastructure and the sustainability of the location of the site, it would have a significant adverse effect on the character and appearance of the surrounding countryside. It would be in conflict with the development plan as a whole, with particular reference to TWCS Policy CS7, and this, together with the harm that I have identified would significantly and demonstrably outweigh the benefits. As such, the proposal would not represent sustainable development in accordance with the Framework. There are no material considerations that are sufficient to justify the grant of planning permission. Therefore, for the reasons given above and having regard to all relevant matters raised, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Jones	Of Counsel, instructed by Jonathan Eatough, Assistant Director, Telford & Wrekin Council
He called	
Fiona Fyfe BSc(Hons) MA(Dist) MA CMLI	Director, Fiona Fyfe Associates
Katherine Stephens BSc(Hons) MA DipUD MRTPI	Team Leader, Development Management Department, Telford & Wrekin Council

FOR THE APPELLANT:

Jonathan Easton	Of Counsel, instructed by Gladman Developments Ltd
He called	
Keith Nye BA(Hons) DipLA MArch CMLI	Director, FPCR Environment & Design Ltd
Kevin Waters MSc BSc(Hons) MRICS MRTPI	Director, Gladman Developments Ltd

INTERESTED PERSONS:

Philip Loughlin MBA BA(Hons)	Local resident and a spokesperson for the 'Campaign against the over development of Muxton Lane'
Brian Taylor	Local resident and a spokesperson for the 'Campaign against the over development of Muxton Lane'

DOCUMENTS

Documents submitted after opening the Inquiry

INQ 1	Suggested planning conditions, submitted by the Council on 4 April
INQ 2	Appellant's Note and Examination Inspector's Note on the Examination of the Telford & Wrekin Local Plan (2011-2031), submitted by the appellant on 4 April
INQ3	Extract from the Shropshire Historic Landscape Character Assessment- Final report, submitted by the appellant on 4 April
INQ4	Extract of Glossary from the Landscape Sensitivity Study, submitted by the appellant on 4 April
INQ5	Figure A2: Landscape Cultural Sensitivity Map from the Landscape Sensitivity Study, submitted by the appellant on 4 April
INQ6	Draft S106 Agreement, submitted by the appellant on 4 April
INQ7	Opening points on behalf of the appellant, submitted by the appellant on 4 April
INQ8	Opening Statement on behalf of the local planning authority, submitted by the Council on 4 April
INQ9	Extract from an Approach to Landscape Character assessment, Natural England 2014, submitted by the Council on 4 April
INQ10	List of relevant emerging Telford and Wrekin Local Plan policies, submitted by the Council on 4 April
INQ11	Community Infrastructure Levy Regulations 2010 Statement of Compliance, submitted by the Council on 4 April
INQ12	Extract from the Town and Country Planning (Development Management Procedure) (England) Order 2015, submitted by the Council on 5 April
INQ13	Copies of e-mails regarding the emerging Telford and Wrekin Local Plan, submitted by the appellant on 5 April
INQ14	Inspector's response to the Council, 10 March 2017, with regard to the emerging Telford and Wrekin Local Plan, submitted by the appellant on 5 April
INQ15	Copy of the speech on behalf of Muxton Community, read by Philip Loughlin, submitted by Philip Loughlin on 5 April
INQ16	Notes of the speech read out by Brian Taylor, submitted by Brian Taylor on 5 April
INQ17	Telford and Wrekin Local Plan Examination in Public response to the Inspector's interim note of 30 March 2017, submitted by the Council on 5 April
INQ18	Council's response to the Inspector's interim note of 30 March 2017, submitted by the Council on 5 April
INQ19	Copy of the e-petition, submitted by Philip Loughlin on 5 April
INQ20	Plan of the Haygate Road appeal site, submitted by the Council on 6 April
INQ21	OS Extract showing the Shropshire Way in the vicinity of the Haygate Road appeal site, submitted by the appellant on 6 April
INQ22	Copy of the Shropshire Way route map, submitted by the Council on 6 April
INQ23	Extract from the Agricultural Land Classification Map, submitted by the appellant on 6 April
INQ24	Plans of the suggested itinerary for the site visit, submitted by the appellant on 6 April
INQ25	Revised list of suggested planning conditions, submitted by the appellant on 6 April

INQ26	Application for costs on behalf of the appellant, submitted by the appellant on 6 April
INQ27	Certified copy of engrossed S106 Agreement, submitted by the appellant on 7 April
INQ28	Council's suggested changes to the revised list of suggested planning conditions, submitted by the Council on 7 April
INQ29	Court of Appeal Judgment in Watermead Parish Council v Aylesbury Vale District Council [2017] EWCA Civ 152, submitted by the Council on 7 April
INQ30	Extract from The Hedgerow Regulations 1997, submitted by the Council on 7 April
INQ31	Closing submissions on behalf of Telford and Wrekin Council, submitted by the Council on 7 April
INQ32	Closing submissions on behalf of the appellant, submitted by the appellant on 7 April
INQ33	Council's response to the application for costs by the appellant, submitted by the Council on 7 April
INQ34	Agree list of suggested planning conditions, submitted by the appellant on 7 April

Appeal Documents

APP1	Proof of Evidence of Katherine Stephens on behalf of Telford & Wrekin Council
APP2	Appendices to Proof of Evidence of Katherine Stephens on behalf of Telford & Wrekin Council
APP3	Landscape Proof of Evidence of Fiona Mary Fyfe on behalf of Telford & Wrekin Council
APP4	Appendix to Landscape Proof of Evidence of Fiona Mary Fyfe on behalf of Telford & Wrekin Council
APP5	Proof of Evidence of Kevin Andrew Waters on behalf of the appellant
APP6	Appendices to Proof of Evidence of Kevin Andrew Waters on behalf of the appellant
APP7	Proof of Evidence in relation to Landscape and Visual Matters of Keith Nye on behalf of the appellant
APP8	Appendices to Proof of Evidence in relation to Landscape and Visual Matters of Keith Nye on behalf of the appellant
APP9	Supplementary Proof of Evidence in relation to Landscape and Visual Matters of Keith Nye on behalf of the appellant
APP10	Appendices to Supplementary Proof of Evidence in relation to Landscape and Visual Matters of Keith Nye on behalf of the appellant
APP11	Statement of Common Ground between the appellant and Telford & Wrekin Council
APP12	Agreed Chronology

Core Documents

CD 1	Submitted Planning Application Documents
1.1	Application Covering Letter, Application Form and Certificates
1.2	Location Plan
1.3	Illustrative Framework Plan
1.4	Design and Access Statement
1.5	Landscape and Visual Assessment

1.6	Transport Assessment
1.7	Travel Plan
1.8	Ecological Report
1.9	Arboricultural Report
1.10	Flood Risk Assessment
1.11	Foul Drainage Analysis
1.12	Air Quality Assessment
1.13	Noise Assessment
1.14	Archaeological Desk Based Assessment
1.15	Socio-Economic Statement
1.16	Planning Statement (Including S.106 HOT's)
1.17	Statement of Community Involvement
CD 2	Additional and amended documents submitted after Validation
2.01	Supplementary Foul Drainage Analysis Report
2.02	Phase 1 Site Investigation Report
2.03	Outline Biodiversity Management Plan
2.04	Bus Service Technical Addendum
2.05	Great Crested Newt Response and Plan
2.06	Management Plan Costings
2.07	Revised Framework Plan (5701-L-02 Rev O)
2.08	Revised Sections
CD 3	Correspondence with Telford and Wrekin Council
CD 4	Telford & Wrekin Council Decision Notice
CD 5	Telford & Wrekin Council Planning Officers Report to Planning Committee
CD 6	First (Quashed) Appeal decision Ref APP/C3240/W/15/3010085
CD 6A	Haygate Road, Wellington Appeal Decision Ref APP/C3240/W/15/3025042
CD 7	Update Committee Report considering the instant appeal (14 December 2016)
CD 8	Minutes of 14 December 2016 Committee Meeting
CD 9A	Wrekin Local Plan 2000 (Extracts)
CD 9B	Wrekin Local Plan 2000 – Proposals Map (Extract)
CD 9C	Wrekin Local Plan 2000 – Saving Direction 7 September 2015
CD 10	Telford & Wrekin Core Strategy (2007) [Extracts]
CD 11	draft Telford & Wrekin Local Plan Consultation (August 2015)(Extract - p94)
CD 12	draft Telford & Wrekin Local Plan Consultation Map
CD 13	Telford & Wrekin Green infrastructure evidence and analysis document (2013)
CD 14	Telford & Wrekin Council Landscape Sensitivity and Capacity Study (2009)
CD 15	Telford & Wrekin Council Landscape Sensitivity Study (2014)
CD 16	Strategic Landscape Study (2015)
CD16A	Extracts from TWLP Publication Version
CD16B	G17 - Telford and Wrekin Housing Land Supply Statement 2016-2021 (Update January 2017)
CD17-CD25	- not used
CD 26	Agricultural Land Classification (extract from http://magic.defra.gov.uk)
CD 27	National Landscape Character 66
CD 28	Shropshire Council Landscape Typology (2006)
CD29-CD35	- not used
CD 36	Committee Report - Land between, Castle Farm Way and A5, Priorslee, Telford - TWC/2014/0980

CD37-CD49 - not used

- CD 50 Coalville Appeal Decision
- CD 51 Committee Report regarding First Application
- CD 52 Location Plan (2013-055/101) and Development Framework Plan from previous appeal (5701-L-02 rev L)- up to 110 dwellings
- CD 53 Gladman Statement of Facts & Grounds for s288 challenge of first decision
- CD 54 Consent Order quashing first appeal decision
- CD 55 Judgment of Mrs Justice Lang regarding Haygate Road decision
- CD 56 APP/C3240/W/15/3138598 - Mill Lane, Tibberton (8 March 2016)
- CD 57 APP/C3240/W/16/3149054 - 7 Stars Inn, Cold Hatton (25 July 2016)
- CD 58 APP/C3240/W/16/3143217 - the Priory, Dawley Road, Lawley (4 Nov 2016)
- CD 59 APP/K3415/A/14/2224354 - Watery Lane, Curborough, Lichfield WS13 8ES (13 Feb 2017) DL&IR
- CD 60 APP/G2435/A/14/2228806 - Money Hill Ashby-de-la-Zouch (15 February 2016) DL & IR
- CD 61 TWLP Examination - Council's Matter 6 Hearing Statement
- CD 62 Buses 5 & 5A timetable and routes
- CD 63 Buses 5 & 5A timetable and routes (Sept 2016)
- CD 64 Historic Landscape Assessment
- CD 65 Local Plan policies map (publication version)
- CD 66 SHLC Maps
- CD 67 Kestrel Close Newport Appeal Decision Ref APP/C3240/W/16/3144445