
Appeal Decision

Site visit made on 24 July 2017

by Harold Stephens BA MPhil DipTP MRTPI FRSA

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

Decision date: 28 July 2017

Appeal Ref: APP/C3240/W/17/3176462

Land north of Cottage Kennels, Grange Lane, Redhill, Telford, Shropshire TF2 9PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dennis Roberts against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2017/0096, dated 13 January 2107 was refused by notice dated 12 April 2017.
 - The development proposed is the erection of 1 No. dwelling and erection of a garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - (i) whether, in the light of prevailing planning policies, occupants of the proposed development would have reasonable access to shops and services;
 - (ii) the effect of the proposal on the Green Network and its functions; and
 - (iii) the effect of the proposal on surface water drainage.

Reasons

3. The appeal site is located towards the east of the Borough boundary within the built up area of Telford & Wrekin, about 4.5kms north east of the centre of Telford. There is a Kennel and Cattery located to the south of the site, dense woodland to the west and south west and agricultural fields adjoining the eastern boundary and to the north of the site. The site is used for the Appellant's personal hobbies (caring for chickens and allotments). There are some structures on the site towards the northern end including a caravan.
4. The appeal proposal seeks full planning consent for the erection of a dwelling and a garage. Access to the site would be via Grange Lane with a drive leading to the detached garage with a turning area provided. The proposed dwelling would be set back about 16.2m from the Grange Lane. It is intended to construct a single storey bungalow with a hipped roof and gable features. The materials proposed include a brick base, part render and concrete pantiles. The proposed floor plans show the property would provide two bedrooms, a kitchen, a bathroom and a utility room.

5. The statutory development plan includes the Core Strategy (CS) which was adopted in December 2007 and the saved policies of the Wrekin Local Plan (WLP) which was adopted in February 2000. The Council is preparing a new Local Plan. The Public Examination into the emerging Telford and Wrekin Local Plan (TWLP) 2011-2031 ended in February 2017. In accordance with the guidance in paragraph 216 of the National Planning Policy Framework (NPPF) substantial weight can be afforded to the emerging TWLP.

Accessibility to shops and services

6. The site appeal site is within the Urban Area of Telford and is designated as Green Network in the WLP and is also proposed to be within the emerging TWLP. Policy CS3 recognises Telford as the focus for spatial development that will accommodate the majority of new homes, jobs and services. Policy CS5 directs development to be within district and local centres and in locations highly accessible to these centres. Policy CS9 also directs development to be located in existing centres to minimise the distance people travel so that they are accessible by public transport, walking and cycling.
7. Policy H6 of the WLP permits development in the built up area where the site can be adequately drained, accessed and parking provided and where there are issues of land stability or contamination that these have been addressed. Any new development should not have an adverse impact on the local environment especially in its relationship with adjacent land uses and must show a high quality of design.
8. Whilst the appeal site is not located within the rural area as defined by the WLP and the emerging TWLP, I saw that it is rural in nature and relatively isolated from built up development on undeveloped land surrounded by open fields to the north and east and by dense woodland to the west and south west. The Appellant claims that the appeal site has convenient access to services, facilities and employment. I disagree. There are no facilities in close proximity to the appeal site which would support the use of a dwelling with only a small amount of built development consisting of a cattery, a tourism site and ancillary structures associated with the nearby Civic Amenity site. Moreover, there are limited employment opportunities, no school facilities,¹ no shops, no public house or other community facilities within this isolated location.
9. I am aware that the nearest services are within Priorslee which is about 2.6kms from the site and would involve walking along an unlit road with no footpath for about 1.6kms before joining the A5 which also does not have a footpath. I note that the availability of public transport is limited, with the nearest bus stop being 1.7km away.² The distance and undesirable routes to services is unlikely to provide a viable alternative to car travel. Any development provided on the site is likely to be accessed via the private car and in my view would not be a sustainable location for new residential development.
10. Paragraph 55 of the NPPF advises that LPAs should avoid permitting isolated homes in the countryside unless there are special circumstances such as the need for an agricultural worker to live in the area, where the development would involve the re-use of a redundant or disused building or where the dwelling would be of truly outstanding and innovative design. The proposal

¹ The nearest being Priorslee Primary Academy some 2.9kms away

² Powell Road No14 Arriva Bus Service

would not meet any of the special circumstances set out in paragraph 55 of the NPPF. I conclude on the first issue that the occupants of the proposed development would not have reasonable access to shops and services and the proposal would be in conflict with prevailing planning policies.

Effect of the proposal on the Green Network

11. Policy OL3 of the WLP protects the Green Network and in particular key sites and links throughout Telford in order to achieve the six aims set out in paragraph 8.2.12 of the WLP. Policy NE6 of the emerging TWLP will only support new development within the Green Network where it identifies protects and enhances the Green Network and its functions. Where adverse impacts are identified, development will need to demonstrate that the benefits of the development outweigh any adverse impacts on the Green Network and its functions. It is noteworthy that the Green Network is an inter-linked system of open land and landscape within the town, which has a collective value for ecology and nature conservation, recreation, access and visual qualities.
12. The Appellant states that the land was purchased as temporary pasture land. Whilst that may be so plainly he has failed to demonstrate that the proposed development would meet the six aims of the Green Network set out in Council policy. Furthermore, the minimal benefit provided by a single dwelling would fail to outweigh the adverse impact on the Green Network. There are no special circumstances to justify the development in this case. The proposal would not contribute to or complement the aims of the Green Network and environmental and community benefits are not an integral part of the proposal. In essence, the site is not a suitable location for residential development. I consider that the proposal would conflict with the long term aims and function of the Green Network in the locality. It would be contrary to Policies OL3, OL4 and OL5 of the WLP and Policy NE3 of the emerging TWLP. On the second issue I conclude that the appeal must fail.

Effect of the proposal on surface water drainage

13. From the evidence that is before me the appeal site is not served by any foul or surface water infrastructure and the ground conditions in the area are known to be poor. As such the Council is concerned that the proposed development has not identified a suitable means of disposal for surface water flows. As the submitted plans show, the intention is to provide a septic tank and natural rain runoff. I accept that foul drainage via a septic tank might be achievable subject to details although none have been submitted. However, the developer is also required to demonstrate that soakaway drainage is achievable with tests or identify a suitable means of disposing of any surface water flows. The Appellant has failed to provide sufficient information to establish the principle of surface water drainage for the site. In the absence of any confirmation that the site can be adequately drained, the proposal is in conflict with Policy H6 of the WLP and CS Policy CS13. On the third issue I conclude that the appeal must fail.

Other Matters

14. I have taken into account all other matters raised. I acknowledge that the appeal site is located within the built up boundary of Telford. However, it is rural in character with agricultural fields to the north and woodlands to the west and as such it does not relate to the existing built environment. I accept

that the design and siting of the proposed dwelling, which would be set well back from the highway, would sit comfortably within the plot and would be sympathetic in terms of scale and design. I appreciate that the proposal would not impact on the safety of pedestrians, cyclists and drivers using Grange Lane.

15. The Appellant has provided an ecology survey which noted there was a large population of Great Crested Newts breeding at a pond some 223m west of the appeal site. Furthermore, no evidence of any protected species or invasive weeds were identified on site and no trees, hedges or structures would be affected by the proposed works. I agree with the conclusion of the report that the development would not have an impact on any protected species that might be found in the local area. In addition, I note that there are no residential properties nearby and therefore the impact of the proposal on the living conditions of neighbouring occupants, in terms of overlooking or loss of light is not a material issue in this case. The development would be some 40m from the shared boundary of the Cottage Kennels and the Civic Amenity site is 250m away therefore there are no issues of conflict in uses.

Conclusion

16. Although the proposal is within the built up area of Telford as defined by the development plan and is of an appropriate scale and design and would not impact on the adopted highway or protected species, the appeal site is in an isolated and unsustainable location having regard to the distance to the nearest basic services and facilities and the lack of any bus service or public transport links to where such services and facilities are available. As a result, the proposal would result in a heavy reliance on journeys by private motor car to access essential goods and services. The proposal would also have a detrimental impact on the designated Green Network. Furthermore, the proposal fails to demonstrate that the proposed development could be adequately drained. Any benefits in terms of local housing provision would be significantly outweighed by the harm as identified above.
17. The proposal fails to comply with Policy CS13 of the CS and Policies H6, OL3 OL4 and OL5 of the WLP and Policy NE3 of the emerging TWLP. I conclude that the proposal is in overall conflict with the development plan, the emerging TWLP and the NPPF. Having considered these and all other matters raised, I find nothing of sufficient materiality to lead me to a different conclusion. I conclude that the appeal should be dismissed.

Harold Stephens

INSPECTOR