
Appeal Decision

Site visit made on 4 July 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 25 August 2017

Appeal Ref: APP/C3240/W/17/3172451

Land adjacent to 2 Green Farm Barns, Tibberton, Newport, Shropshire TF10 8NW

- 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 Mark Kendall against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2016/1007, dated 5 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is 3 detached dwellings together with outbuildings, garages and access.
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Decision

1. The appeal is allowed and outline planning permission is granted for 3 detached dwellings at land adjacent to 2 Green Farm Barns, Tibberton, Newport, Shropshire TF10 8NW, in accordance with the terms of the application, Ref TWC/2016/107, dated 5 October 2016, and the site location plan submitted with it, subject to the conditions on the attached Schedule.

Procedural Matter

2. The application was made in outline with all matters reserved for subsequent approval.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a grass field which lies behind some new housing within the village of Tibberton. It lies adjacent to a substantial set of barns and former farm buildings which have been converted to residential use. The site is bounded by the gardens of residential development on three sides and a long paddock on the other side which lies behind Rhodon House. The boundary between the appeal site and the paddock to the rear is formed by a mature hawthorn hedge. The appeal site is accessed via a short track which runs from the road between the front garden of the converted barns and a new house 'Swn-Y-Coed'. It does not have public access and is not particularly evident from the highway.

5. Tibberton has a reasonable range of services including a primary school, a community shop, village hall and a public house. The site lies within easy walking distance of the core of the village and there is a bus stop by the proposed site entrance.
6. The proposal development is for three houses which would be served off a private drive. This drive would run from the main road along what is currently the grass track.
7. The Council has confirmed that the replacement Telford and Wrekin Local Plan (the draft TWLP) has been submitted for independent examination and that hearing sessions took place in January and February this year. I am able to afford this document some weight as a consequence and because it has been referred to me by both parties in their statements. The Council has also confirmed that there is a housing supply in excess of five years in the district and this is not disputed by the appellant.
8. Both Policy HO 10 of the draft TWLP and Policy CS7 of the Core Strategy Development Plan Document 2007 (the Core Strategy) identify Tibberton as one of the villages where new development can be accommodated primarily due to its range of services. This approach accords with the provisions of paragraph 55 of the National Planning Policy Framework which seeks to focus development in rural areas in sustainable settlements or collection of settlements. Policy HO 10 of the draft TWLP makes reference to 'limited amount of infill housing' and the support text refers to an expectation that the new housing would be delivered on small infill sites within the existing settlements. Definitions of infill sites or limited infilling are not given.
9. I have not been provided with a defined settlement boundary plan for the village. The Council's Officer's report refers to the site as being located to the eastern end and close to the core of the village. Given this and the site's relationship to surrounding development and clear proximity to the centre of the village, I consider that the appeal site lies within the village.
10. The Wrekin Local Plan (the WLP) remains part of the development plan, although it is rather elderly having been adopted in 2000. Policy H9 of that plan lists Tibberton as a village to which development can be directed but Policy H10 requires such development to (a) be limited to one or two dwellings on an infill plot and (b) does not lead to a loss of important open space or extend the village into the open countryside. However in its statement the Council recognises that on other appeals part (a) of this policy has been considered to be out of date and not compliant with the Framework and consequently it has only relied on part (b) in its decision notice.
11. Policy OL6 of the WLP seeks to protect incidental open land within or adjacent to built-up areas within the district. The supporting text to the policy makes clear references to urban scenarios and also highlights the importance of such areas in Newport. In respect of rural areas the supporting text refers to open land and spaces between buildings and the importance of play facilities in villages.
12. The boundaries of the appeal site are well defined and the proposed development would not extend the village out into the open countryside. The

land surrounding the adjacent converted barns is laid out as domestic gardens with furniture and lawns. On my site visit I was able to see a number of pieces of childrens' play equipment and it had a domestic character. The hedgerow along the boundary with the paddock at Rhodon House is a robust and mature barrier and would help to mitigate the views of the proposed development when seen from the open countryside beyond.

13. I note that the Council considers that the access arrangements, including the principle of the proposed private drive are satisfactory. I also note that the Council considers that a scheme could be designed to avoid overlooking or loss of privacy.
14. I consider that the contribution which the appeal site makes to the character of the village is somewhat limited given its well defined boundaries, its location behind and adjacent to existing residential development and that it does not have public access or visibility. The proposed development would not therefore be harmful to the character of this part of the village.
15. I conclude that the proposed development would accord with Policy CS7 of the Core Strategy which identifies Tibberton as one of three rural villages where development can take place, and with Policy HO 10 of the draft TWLP which enables limited development within the village and which I have afforded some weight. I agree with the Council that Policy CS7 should be afforded moderate weight although I note that it has not been referred to in the decision notice.
16. I do not consider that the appeal site constitutes incidental open space as referred to in Policy OL6 of the WLP or that it would lead to a loss of important open space or extend the village out into the open countryside as referred to in Policy H10 (b) of the WLP. The proposed development would not therefore conflict with either policy. Whilst elderly and predating the publication of the Framework, I have afforded these two policies of the WLP, which seek to protect valuable open space, some, albeit limited, weight.

Other Matters

17. The parish council has expressed concern about the detailed design of the houses. However this appeal relates to an application in outline and detailed design is reserved for subsequent approval.

Conditions

18. The Council has suggested a number of conditions and I have considered these in relation to the Planning Practice Guidance and the Framework. As a consequence, and to avoid duplication, I have not imposed all of the conditions suggested and made a number of minor amendments to others. It is not necessary to impose conditions which relate to the detail of subsequent reserved matters applications with the exception of landscaping which I consider below.
19. The first two conditions are necessary to specify the time period for implementation of the development and the submission of reserved matters. The third condition is necessary to specify the matters which are reserved for subsequent approval.

20. The fourth and fifth conditions are necessary in the interests of ensuring appropriate drainage of the proposed development. The sixth and seventh conditions regarding a landscaping scheme and its implementation are necessary given the importance of landscaping, including the retention and protection of the existing hedgerow along the boundary with the garden of Rhodon House, to the character and appearance of the area.
21. The final condition is necessary to ensure that any external lighting is designed in the interests of ecology with regard to bats, but I have removed the reference to an interim guidance document in the interests of certainty and clarity.
22. I have considered the matter raised by the occupier of 3 Green Farm Barns concerning access. This is not an arrangement which should be formalised through a condition as I consider it would not be in accordance with the Planning Practice Guidance and the Framework.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) Development shall not take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until the drainage has been constructed in accordance with the approved details.
- 5) Development shall not take place until a soakaway test has been carried out in accordance with BRE Digest 365 or such other guidance as may be agreed in writing by the local planning authority together with the details of the soakaways. The results of the test shall be submitted to and agreed in writing by the local planning authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development.
- 6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained, which shall include the hedgerow along the boundary with the rear garden of Rhodron House, and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) Prior to the erection of any external lighting on the site, a light plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.