
Appeal Decision

Site visit made on 19 June 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/C3240/W/19/3224603

Barn Cottage, Heath Lane, Ellerdine, Telford TF6 6QG

- 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 and Mrs Michael and Rosmary Talbot against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2018/0939, dated 7 November 2018, was refused by notice dated 15 February 2019.
 - The development proposed is erection of one self-build dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application is made in outline with all matters including access, layout, scale, appearance and landscaping reserved for future consideration.
3. A completed Unilateral Undertaking (UU) made under Section 106 of the Town and Country Planning Act 1990 (as amended) was submitted by the appellants during the course of the appeal. I shall return to this undertaking later.

Main Issue

4. The main issue is whether the appeal site represents an appropriate location for residential development having regard to the spatial strategy for the area.

Reasons

5. The appeal site is a grassed parcel of land, largely enclosed by mature hedges and trees. It is part of Barn Cottage, a two-storey, detached dwelling located within a spacious plot. The site is in a rural area known as Ellerdine Heath, with other settlements nearby.
6. The proposal is for the erection of a self-build, open market dwelling to meet the retirement needs of the appellants. For a number of reasons, they wish to downsize to a smaller property but are seeking to stay in the area where they have resided for many years and have social ties, including an elderly neighbour who is reliant upon them.
7. Policies guiding the development of housing in the rural areas are set out in the Telford and Wrekin Local Plan 2011-2031, adopted January 2018 (LP). Policy SP3 of the LP directs development in the rural strategy area (outside of Telford

- and Newport) to the reuse of previously developed land and to settlements with good infrastructure. The appeal site is in the rural strategy area.
8. Policy HO10 of the LP supports infill housing development within the rural area where it is located within one of the five named settlements. These settlements have the highest concentration of primary services (for example, primary school, village centre, shops and some level of Post Office service and/or access to local employment) as well as other services that help promote community life. Elsewhere in the rural areas residential development is restricted to certain exceptions. The aims of Policies SP3 and HO10 are broadly consistent with the National Planning Policy Framework ('the Framework') which amongst other things seeks to ensure that homes can be provided to meet the needs of present and future generations with accessible services, to minimise pollution and adapt to climate change. The site is not located within one of the five named settlements and does not meet any of the exceptions.
 9. In relation to the site, nearby facilities identified by the main parties include a village hall, public house and church. The appellants also advise that a bus service runs alongside the existing dwelling. However, the evidence presented does not show the location of any bus stops or the frequency and destinations of any service. In a similar vein, limited information has been submitted to show the availability of services in nearby settlements. The Framework¹, suggests that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and despite the availability of online shopping, the evidence presented does not show that nearby infrastructure would be sufficient to meet the needs of future occupiers of the dwelling. As such, occupiers would be highly reliant on the private car to meet their day-to-day needs, which does not meet with the Government's aims of reducing carbon emissions.
 10. One of the exceptions in Policy HO10 is detailed under Policy HO11 of the LP. This supports small scale affordable housing schemes, including affordable self-build and custom build housing, as an exception to normal rural housing policy, subject to a number of requirements. The aims of this policy are consistent with Paragraph 77 of the Framework.
 11. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) imposes certain duties on planning authorities, one of which is to keep a register of all individuals and organisations who are interested in acquiring a self-build/custom-build site. The appellants have registered on the Council's self-build and custom-build register. The planning authority must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. Further guidance on the above is set out in the Planning Practice Guidance (PPG).
 12. Paragraph 61 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Footnote 26 to this

¹ Paragraph 103

paragraph adds that self and custom-build properties could provide market or affordable housing.

13. However, I do not agree with the appellants' assertion that because there is no specific policy relating to open market, self-build dwellings that the development plan is out-of-date. Self-build dwellings are one of a number of types of development that fall under housing policy, which could also include, for example, families with children and people who rent their homes. There is no requirement within Paragraph 61 that there must be a specific policy addressing each of these needs. It advises that the needs of these different groups must inform the development plan policies. In the context of this appeal, the evidence presented does not show that the Council did not take into account the needs of these groups when they drafted the development plan policies.
14. There is nothing under Policy HO10 preventing developments being for open market, self-build dwellings. Moreover, Policy HO11 of the LP allows residential development outside of these areas, albeit subject to further restrictions. Nevertheless, these policies support self-build dwellings, providing they are secured as affordable dwellings.
15. Therefore, the development plan includes relevant policies for self-build dwellings, providing they are in suitable locations, as identified in Policy HO10 and as exceptions to the rural strategy under Policy HO11. There is no dispute that the Council can demonstrate a five-year supply of deliverable housing land. Consequently, the policies relevant for determining the application are not out-of-date and as such paragraph 11d) of the Framework is not engaged. The fact that the LP predates the publication of the Framework does not render the policies within the development plan out-of-date.
16. The appellants assert that if the site is 'suitable' to meet the requirements of an affordable, self-build dwelling, then it should also be acceptable for an open market, self-build dwelling. However, Policy HO11 does not support this interpretation.
17. Moreover, support for proposals under Policy HO11 is also subject to an identified local housing need and adequate occupancy controls. In this case the UU allows for the freehold title of the serviced plot to be transferred to anyone on the Council's self-build register. Consequently, the UU would also not satisfy the definition of self-build housing, as set out in the Framework². The appellants are willing to accept conditions to address these matters. Nevertheless, the PPG³ advises that planning permission usually runs with the land and it is rarely appropriate to provide otherwise, unless an appellant has successfully demonstrated an exceptional need. Although, the appellants have demonstrated a need, this is not one I consider to be exceptional.
18. For the above reasons, I conclude that the proposal would not be located in a suitable location, in conflict with Policies HO10 and HO11 of the LP and therefore significantly undermines the Council's housing strategy.

² Annex 2: Glossary

³ Paragraph: 015 Reference ID: 21a-015-20140306

Other Matters

19. Although the appellants have referred to an appeal in Lancashire⁴, a copy of the Inspector's decision is not before me and therefore the information provided does not show direct comparisons with the current appeal. Accordingly, this does not alter my findings on the main issue.
20. In the absence of any scheme, I am not persuaded that the proposal would bring any significant bio-diversity and ecological improvements. Given the presence of nearby properties the new dwelling would not be isolated and would provide social and economic benefits for the area. Nevertheless, any benefits of the scheme given the modest scale of the proposal would be limited. In view of my conclusions on the UU, I attach limited weight to the appellants' personal circumstances. Consequently, the benefits of the proposal and the personal circumstances of the appellants do not outweigh the overall conflict with the Council's housing strategy and the development plan.

Conclusion

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

M Aqbal
INSPECTOR

⁴ Planning Resource, 20 February 2019