
Appeal Decision

Site visit made on 31 January 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2020

Appeal Ref: APP/C3240/W/19/3240330

Land off Cherrington Road, Tibberton, Shropshire

- 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 Mara Homes (Shropshire) Limited against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2019/0251, dated 7 January 2019, was refused by notice dated 7 May 2019.
 - The development proposed is an outline application for a residential development and formation of a new access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with approval sought for access, and all other matters reserved for future consideration. I have dealt with the appeal on this basis. Other than the Location Plan (L001) and the proposed access drawing (CR-Lp-200), no indicative site layout, or elevations of the dwellings have been provided.
3. The description of the proposal on the application form does not include the number of dwellings. However, the affordable housing statement, the decision notice and the statements of case from both parties' state that the proposal would consist of up to 9 affordable dwellings. I have proceeded on this basis.

Main Issues

4. The main issues are whether the appeal site is a suitable location for the proposed development, having regard to local and national policies for housing in rural areas; and the effect of the proposed development on the character and appearance of the area.

Reasons

Character and Appearance

5. The appeal site is situated to the north of Cherrington Road, it consists of agricultural land within open countryside. The boundary of the site along Cherrington Road comprises of mature hedgerows, and there are a number of mature trees and hedgerow running along the western and eastern boundaries. To the north the site slopes down towards a river, providing views and a sense

- of connection to the wider open countryside to the north. The open nature, and boundary hedgerows provides a distinctive rural character and appearance.
6. The site is located to the west of the built up part of the village of Tibberton, and has a field gate access off Cherrington Road, adjacent to No 45 a detached two storey dwelling to the east. Further east is a row of bungalows which are arranged in a linear manner along Cherrington Road. The proposed development is to erect up to nine dwellings on the site. A new access is also proposed from Cherrington Road, as well as a new footway which would extend from the site to the junction with Back Lane, this would require the removal of mature hedgerow from the front of the site.
 7. Whilst the appeal site is relatively close to the core of Tibberton, when driving past the site along Cherrington Road there is a clear transition between the built up part of the village and the appeal site which is more open in appearance and agricultural in character. I acknowledge that there are further buildings to the west of the site. However, these are more spaced out and sporadic in nature, and their prevailing character and appearance is rural, open, and less developed than the main built up part of Tibberton to the east.
 8. The existence of mature hedgerows along Cherrington Road, and the trees along the boundaries, help to preserve a green buffer, softening the transition from the built up part of Tibberton, into the open countryside, which contributes to the distinctive rural character of the area.
 9. The proposed residential development would appear as an extension of the village, which would encroach into the open countryside, and have an urbanising effect, visually out of kilter with the distinctive rural character of the site. Furthermore, I concur with the previous Planning Inspector in that whilst the provision of a new footpath linking the site to the heart of Tibberton would improve pedestrian access, the likely loss of existing mature hedgerow would erode the rural character of the area, creating a more urbanised appearance.
 10. While no indicative site layout or indicative elevations have been provided, I note that the design principles are outlined. These include that the development would comprise of dwellings of up to two storeys, to reflect the density of surrounding development and local vernacular.
 11. I accept a density and appearance reflecting nearby developments could be achieved, given the size of the site. However, this does not assuage my concern that built development of up to 9 dwellings would appear unduly imposing and incongruous in this generally open and rural location, particularly when viewed from Cherrington Road.
 12. I conclude that the proposed development would harm the character and appearance of the area. As such it would not accord with Policies BE1 and HO 11 of the Telford and Wrekin Local Plan 2011- 2031 (the Local Plan) which collectively seek to ensure that new development is of an appropriate scale and design that respects local character and integrates with its surroundings. Furthermore, it would not be consistent with paragraphs 124 and 127 of the National Planning Policy Framework (the Framework) which seek to achieve well-designed places.

Location of Development and Housing Need

13. The appeal site is located within the rural area, which is defined in paragraph 3.2.3.1 of the Council's adopted spatial strategy, contained in the Local Plan, as the area which lies outside the built up areas of Telford and Newport. Policy SP3 supports development in the rural area where it addresses the needs of rural communities, and the delivery of approximately 1,000 net new homes in the rural area up to 2031. Policy HO 10 states that the Council will direct most of new rural housing to sites with unimplemented planning permission, it also lists a number of rural settlements within which it will also support a limited amount of infill housing, where it is demonstrated that it will help meet the rural housing requirement. This list includes the village of Tibberton.
14. From the information provided I understand there is no defined settlement boundary for the village. Whilst I noted the Tibberton signage to the west of the appeal site, this does not necessarily represent the physical built up extent of the settlement for planning purposes. In the absence of an actual defined settlement boundary and based on what I could see as part of my site visit, I concur with the previous Inspector¹ that the site falls within open countryside, outside of the built up part of the village. Therefore, the proposal cannot be considered as limited infill housing within the settlement of Tibberton.
15. Policy HO 11 of the Local Plan states that the Council will support small scale affordable housing schemes, including affordable self-build and custom build housing, as an exception to normal rural housing policy, subject to an identified local need and appropriate scale and design. Paragraph 5.3.1.5 of the Local Plan anticipates a requirement for 80 affordable dwellings to 2031 within the rural areas, to be shared across five settlements including Tibberton. From the evidence provided, I understand that there are existing commitments for 34 affordable units in Tibberton, thereby already significantly contributing to the Local Plan requirement.
16. Even if the affordable housing supply situation does reflect the net imbalance in rural areas, as the appellant suggests, I have not been provided a suitable mechanism to secure this. Whilst the appellant has provided a draft legal agreement for an affordable housing scheme, this has not been completed and can be provided no weight. The benefit of affordable housing therefore attracts negligible weight in this case, which is insufficient to outweigh the harm to the character and appearance of the rural area.
17. Consequently, I conclude that the appeal site is not an appropriate location for the proposed development, having regard to local and national policies for housing in rural areas. The proposal does not accord with Policies SP3, SP4, BE1, HO 10 and HO 11 of the Local Plan which collectively seek to direct new homes to previously developed land and to existing settlements with good infrastructure, so as to protect and enhance the rural areas environmentally, socially and economically, sustain its natural character, and to support local communities. These Policies are consistent with the Framework in respect of rural development.

¹ APP/C3240/W/17/3167843

Other Matters

18. I have considered the various appeal decisions referred to by the appellant including other residential developments allowed elsewhere in Tibberton. These differ significantly from the case before me, including in relation to existing built form nearby or on the site, the land supply circumstances pertaining, and the scale and nature of the developments proposed. My findings above are therefore unaffected.
19. The appellant states that the housing would include provision for affordable self-build or custom-build dwellings, for which they consider the Council has a shortfall of plots. Whilst this may be the case, there is insufficient evidence before me to demonstrate that any of the homes would fall within the definition of self-build and custom housebuilding contained within the Planning Practice Guidance and the relevant Act. Furthermore, there is no mechanism before me to secure delivery of the development as custom or self-build homes. Therefore, this also does not alter my findings above.
20. I also understand that a separate outline application has been submitted on the site for 9 self-build units (TWC/2019/1039). However, this remains undetermined by the Council and does not affect my conclusions above.

Conclusion

21. The proposal would significantly harm the character and appearance of the area, which outweighs the benefits of the proposal. Given that results in conflict with development plan policies, I conclude that the proposal would be contrary to the development plan as a whole. As such, I conclude that the appeal should be dismissed.

R Cooper
INSPECTOR