
Appeal Decision

Site visit made on 22 September 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2020

Appeal Ref: APP/C3240/W/20/3246180

Land to the South of The Queens, Horton, Telford TF6 6DW

- 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 A Phillips & Son against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2019/0815, dated 3 October 2019, was refused by notice dated 8 November 2019.
 - The development proposed is the erection of a single dwelling and formation of access.
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Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of a single dwelling and formation of access at land to the South of The Queens, Horton, Telford TF6 6DW in accordance with the terms of application TWC/2019/0815, dated 3 October 2019, subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. The planning application form submitted states that outline planning permission is applied for with access provision. Appearance, landscaping, layout and the scale of the development are all reserved for subsequent approval. Other than the position of the proposed access I have therefore treated the layout shown on plan drawing number 19-150 as indicative only.
3. The Council's Decision Notice refers to the location of the appeal site within the rural area and outside of an existing identified settlement would be unsustainable. The submitted delegated report highlights the location as having no public transport or access to local facilities without dependence on the private motor car. There is also reference to encroachment within the open countryside. I shall deal with all those points collectively in my reasoning.

Main Issue

4. The main issue is the appropriateness of the site location for new housing within the rural area having regard to (i) accessibility to local services and employment; and (ii) the character and appearance of the countryside.

Reasons

5. The site is part of an undeveloped field within the open countryside adjacent to the settlement boundary of Horton. Policy HO10 of the Telford & Wrekin Local Plan 2011-2031 directs new housing to be located within the boundaries of

identified rural settlements. The policy strictly controls new development outside of the identified areas. Development proposals are only supported in other locations where several specific exceptions covering heritage value, design and rural worker provision are apparent.

6. I acknowledge that the Council has a 5-year housing land supply which is suggested to be 6.4 years in the appeal documents. I also acknowledge that the Telford & Wrekin Local Plan 2011-2018 was adopted in January 2018 and that appeal decision reference APP/C3240/W/15/3008330 determined in 2015 predates the plans adoption, also at a time when the Council had a 5-year housing land supply.
7. The inspector to the 2015 appeal case previously pointed out Hortonwood Business Park is just over half a mile away which has good level of connectivity to the appeal site by both cycle link and a Public Right of Way (PRoW). The larger settlement of Preston is around half a mile away which has a school and church. There is also a PRoW linking Horton and Preston. Trench and Donnington are a little further away (roughly 1.5 miles) and have a range of facilities including public transport, shops, schools, surgeries and leisure facilities. I also note that the Queens Head public house appeared to be an active use at the time of my site visit.
8. Whilst the proposed development would be outside the boundary of Horton which is not a settlement identified by Policy HO10 it would be well-located to access a range of facilities. Regardless of the existence of a five-year housing land supply, it would not therefore, be inconsistent with the provisions of the National Planning Policy Framework (the Framework) which amongst other things encourages accessibility to key services. Moreover, the proposed development would further contribute to the local economy through construction work as a substantive benefit commensurate to one dwelling.
9. Framework paragraph 79 seeks to avoid the building of new isolated homes in the countryside. However, although the proposed development would be separated from the settlement boundary of Horton as part of a defined built-up area it would only be by the width of the highway. Thus, I do not find that the proposal constitutes an isolated form of development the Framework seeks to discourage.
10. The Council have referred to encroachment into the open countryside but have not highlighted any specific harm. At my site visit I could see that the site which as part of a larger undeveloped open field. However, the level of encroachment would be modest comparative to the overall size of the field and the development would be seen in a row of other properties. Therefore, the physical presence of a single dwelling plot in this context would have a negligible effect on the character and appearance of the area.
11. Therefore, I find that when applying the overarching social, economic and environmental dimensions of sustainable development specified within the Framework no substantive harm would arise from the proposal.

Other Matters

12. The Council suggests that the site might be used by bats for foraging purposes. Bats are protected under European Law. They suggest minimising disturbance to bats by controlling any external lighting within the proposed development. It

is accepted by the Council that the matter could be dealt with by means of a suitably worded condition. I have no reason to reach a different conclusion.

Planning Conditions

13. The Council have suggested a range of conditions should be applied if the appeal were to be allowed. Standard conditions subject to minor modification defining the outline consent, associated time limits and approved plans for the access are necessary. A condition relating to sewerage and surface water is appropriate in the interests of safeguarding the water environment and proper site drainage. I have amended the suggested terms to allow a greater degree of flexibility to allow certain commencement works as the suggested wording is overly restrictive.
14. A condition relating to visibility splays is appropriate to ensure that sight lines are secured and maintained in the interests of highway safety. Conditions relating to the driveway being constructed in a bound material alongside adequate parking, turning, and areas for loading and unloading of vehicles is provided are also necessary to ensure highway safety is protected. I have amended the suggested terms to be less restrictive enforceable factoring implications to construction management and reasonableness.
15. A lighting condition is necessary in order to minimise disturbance to European Protected Species. I have modified the suggested wording to ensure it is enforceable.
16. The Council have suggested conditions in relation to prior approval of external facing materials; hard and soft landscaping with a variety of sub elements including levels, means of enclosure and biodiversity enhancement provision amongst other specifications; bat box provision; construction management details for parking, plant/materials and loading/unloading; along with a general condition requiring the development scheme is carried out in accordance with the approved plans. However, such conditions are not appropriate having regard to: the outline nature of the application where further details are to be considered at reserve matters stage; there is no evidence supporting that biodiversity enhancements (inclusive of bat box provision) should be required; the size of the scheme does not warrant the submission of additional construction management details in a location where there is sufficient storage space within the site boundary and highway safety is unlikely to be impeded or existing living conditions adversely affected; and the tests within Planning Practice Guidance¹ and the Framework.

Conclusion

17. I conclude that the development has sufficient levels of accessibility to local services and employment opportunities. And would not harm the character and appearance of the area. Whilst not within the spirit of Policy HO10 which seeks to restrict development in the open countryside, there is no significant harm which would arise from the scheme. It would therefore comply with the provisions of the Framework relating to sustainable development and for the reasons set out above I allow the appeal.

¹ Paragraph: 003 Reference ID: 21a-003-20190723

M Shrigley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout including space for the parking and turning of vehicles, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Existing and Proposed Indicative Site Layout Drawing No 19-150.
- 5) No development above slab level shall take place until details of foul drainage and surface water drainage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details
- 6) No development above slab level shall take place until visibility splays of a depth of 2.4 metres and a length of 43 metres measured from the centre point of the junction of the access with the public highway have been provided. The provided visibility splays shall subsequently be kept free from obstruction.
- 7) No development above slab level shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.
- 8) Before the development is brought into use the access drive within the site shall be surfaced and thereafter maintained in a bound material for a minimum distance of 5 metres to the rear of the highway boundary.
- 9) The dwellings shall not be occupied until details of any external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.