
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: 27 October 2020

Appeal Ref: APP/C3240/W/20/3256213

Land adjacent to Pear Tree Cottage, Middle Lane, Cold Hatton Heath, Telford, 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 Mr & Mrs Robert & Pauline Hall against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0246, dated 14 February 2020, was refused by notice dated 11 May 2020.
 - The development proposed is one residential dwelling with access off Middle Lane.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address stated on the planning application form is referred to as 'land next to the Nursery, Middle Lane, Cold Hatton Heath'. However, I have used the address on the appeal form in the banner as this corresponds with the other submitted appeal documents, including the Council's Decision Notice, and is not an issue which is in dispute.
3. The planning application form indicates that access is applied for with all other matters of detail reserved for subsequent approval. I have therefore treated the submitted elevation/footprint plans and layout shown on the 1:500 site plan as indicative only, except for the position of the access shown on the drawing which is not a reserved matter.

Main Issue

4. The main issues are i) the appropriateness of the site location for a new dwelling relative to accessibility to local services and employment opportunities, and ii) the effect on highway safety

Reasons

Access to services and employment

5. Policy HO10 of the Telford & Wrekin Local Plan 2011-2031 (Local Plan) directs new housing to be located within specifically 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 related to heritage value, exceptional design and rural worker provision are demonstrated. Proposals for affordable and custom build

housing are also recognised as rural development exceptions which can be supported as set out in Policy HO11 of the Local Plan where an existing location connection by virtue of residency or via a business is apparent. The appeal site is an undeveloped field within the open countryside and the proposal does not meet any of these exceptions.

6. Cold Hatton Heath does not have a settlement boundary designated by the Local Plan and lacks any facilities such as shops, schools, a doctor's surgery or notable employment opportunities. The appellants have drawn my attention to the site's accessibility to other rural settlements: the bus stops on the A442 allowing access to the market town of Wellington and the village of High Ecrall; Waters Upton is around 1.5 away and has a post office, church, pub and butchers and there is a primary school in Crudington further to the south; Shawbury is some 2.5 miles away with a higher range of services. I have not been given the precise location of bus stops or the frequency of local bus times.
7. Nevertheless, whilst I do not discount there being some scope to access public transport to reach services further afield, occupants of the development would find it undesirable to walk or cycle along unlit rural lanes to nearby bus stops or to nearby villages where there is no pavement, especially in winter months. Middle Lane itself is an unlit narrow road with no footway and leads onto the A442 which is also unlit. All these factors would make walking and options to use public transport less feasible to occupants of the dwelling. I am also conscious that the Council's development plan specifically highlights bus services and the capacity of local schools as being limited in the rural area as constraints to new development.
8. The provision of a dwelling on the site would therefore encourage the use of a car in order to reach day to day services such as schools, health provision, higher education and employment opportunities. Thus, the location of the development away from ready access to village centres, services and employment would mean that it would not fulfil the social and environmental aims of achieving sustainable development and is therefore harmful.
9. The appellant contends that the appeal site is not 'isolated' within the open countryside owing to there being existing dwellings close to the site and the Braintree ruling associated to such argument. But, even if I were to agree with the appellant on this matter, it would not overcome the harm resulting from the lack of access to day to day services.
10. I appreciate that the proposal could facilitate construction work which would be a benefit. Nonetheless, the benefit would be commensurate to one dwelling and it does not outweigh the harm I have identified. The appellant comments on the scope to construct an energy efficient or low carbon home but there are no specific details before me.
11. I note there are historic planning approvals¹ in the vicinity which are referenced to have been permitted by the Council because of specific circumstances including exceptional design and connection to family members. However, I do not have the full details to those cases. Moreover, other appeal decisions referred to² involve a range of case specific weighted matters concerning other

¹ LPA ref. TWC/2015/0405 & TWC/2016/0761

² APP/D3505/W/18/3214377 & APP/N1730/W/18/3198552

locations and are not directly comparable to the appeal location and subsequent harm I have found based on the evidence before me. I have judged the appeal scheme on its own merits in any event.

12. Accordingly, I find that occupants of the development would be too remote from day to day access to local services and employment opportunities other than by through use of the private motor car. The development would not comply with Policy HO10 or HO11 which strictly control development in rural areas outside of identified settlements as well as the aims of the Framework which seeks to avoid the creation of isolated homes.

Highway safety

13. At my site visit I could see that there is an existing access serving the field in a similar position to the proposed access shown on the appeal drawings and the road alignment, which is straight, could allow sufficient access visibility in both directions to serve a new dwelling. I accept that visibility provision may potentially involve removing or cutting back boundary trees or other plantings, but the Council have not objected to the prospect of that occurring. There would also be ample space within the confines of the site to allow vehicle parking and turning. Furthermore, the Council's delegated report highlights that the Highways Officer has no objections subject to planning conditions.
14. Subject to planning conditions relating to visibility provision the proposal would not harm highway safety. Therefore, the proposal would be in step with Policy C3 of Local Plan which requires development to be mitigate against impacts to the local highway network.

Conclusion

15. Whilst I have not found there would be harm to highway safety, I conclude that occupiers of the development would have insufficient accessibility to local services and employment opportunities. It would conflict with HO10 or HO11 of the Council's Local Plan and the overarching social and environmental objectives of the Framework needed to achieve sustainable development. For the reasons given above I dismiss the appeal.

M Shrigley

INSPECTOR