



Appeal Decision

Site visit made on 15 December 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2021

Appeal Ref: APP/C3240/W/20/3256526

Wild Moor Barn, Preston Upon The Weald Moors, Telford, TF6 6DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Caroline Higgs against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0523, dated 26 May 2020, was refused by notice dated 20 July 2020.
 - The application sought planning permission for use of part of the ground floor and part of first floor at eastern end of the building as self-contained residential annexe without complying with a condition attached to planning permission Ref W2006/0487, dated 16 June 2006.
 - The condition in dispute is No 2 which states that:
(2) *The Annexe hereby permitted shall only be used as an integral part and incidental to the enjoyment of the existing dwelling and shall not at any time be occupied as separate residential accommodation.*
 - The reason given for the condition is:
(2) *To ensure proper control of the development and to avoid any future undesirable fragmentation of the site that would be contrary to policy H11 in the Wrekin Local Plan.*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council originally refused planning permission on 4 grounds. The third reason for refusal stated that the proposal would result in significant detrimental impacts to the host dwelling through loss of privacy. However, the Council has since confirmed that it no longer wishes to defend this reason for refusal. I see no reason to take a different view, and I have therefore not considered this matter in any further detail.

Background and Main Issues

3. The disputed condition restricts the use of the annexe so that it is incidental to the enjoyment of the existing dwelling at Wild Moor Barn. The appellant wishes to remove this condition so that the annexe can be occupied as a separate dwelling.

4. In that context, the main issues are:
- (a) Whether the site is in a suitable location for a new dwelling having regard to the locational requirements of local planning policy; and
 - (b) Whether the proposal would be served by appropriate parking arrangements.

Reasons

Suitable location

5. Policy HO 10 of the Telford and Wrekin Local Plan (2018) states that most new housing in the rural area shall be directed to sites with unimplemented planning permission. This policy also supports infill housing and residential conversions in Edgmond, High Ercall, Lilleshall, Tibberton and Waters Upton. However, it seeks to strictly control new housing development elsewhere in the rural area unless certain criteria are met. The appeal proposal would not meet any of these criteria and would therefore be contrary to this policy. In this regard, the proposal would not meet the definition of affordable housing set out in Annex 2 of the National Planning Policy Framework.
6. It is asserted that Preston Upon The Weald Moors is a relatively accessible location, being only a short drive from Telford Town Centre and the M54 motorway. However, from the information before me it is not clear what services or facilities are located within the village itself. Moreover, Local Plan Policy HO 10 has only recently been adopted and was presumably supported by an assessment of the accessibility of settlements within the rural area.
7. My attention has been drawn to a recent appeal decision¹ that related to a similar proposal in the nearby settlement of Kynnersley. That Inspector dismissed the appeal due to the site location being in conflict with Local Plan Policy HO 10. Given the clear similarities with the current appeal proposal, I attach significant weight to that Inspector's findings.
8. I appreciate that the appellant has no need for the annexe anymore. However, planning permission runs with the land rather than with the applicant or appellant. Accordingly, if the appeal were to be allowed the resultant dwelling would be a permanent separate unit of accommodation in an area which has been deemed, via the local plan process, to lack the appropriate physical or social infrastructure to support it.
9. For the above reasons, I conclude that the appeal site is not in a suitable location for a new dwelling having regard to the locational requirements of local planning policy. It is contrary to Policy HO 10 of the Telford and Wrekin Local Plan (2018) in this regard.

Parking arrangements

10. The proposal would be served by a single dedicated parking space alongside the existing garage. This would be sufficient to serve the proposed dwelling, which would be relatively small in size. The space would be accessed via an area that is currently used as a parking/turning area for the host property. However, a shared manoeuvring space is not uncommon, and I consider that an acceptable marked layout of this area could be secured by condition. In this

¹ APP/C3240/W/18/3206254

regard, Wild Moor Barn is well served by off-road parking and has space to comfortably accommodate 3 vehicles without obstructing access to the proposed parking space.

11. For the above reasons, I conclude that the proposal would be served by appropriate parking arrangements. It would therefore accord with Policies C 3 and C 5 of the Telford and Wrekin Local Plan (2018). These policies seek to ensure, amongst other things, that new development includes parking spaces that are fit for their intended usage.

Conclusion

12. As set out above, I conclude that the appeal site is not in a suitable location for new housing having regard to local policy for this area. Whilst the proposal would provide a new dwelling served by appropriate parking facilities, and would generate some economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR