



Appeal Decision

Site visit made on 23 February 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2021

Appeal Ref: APP/C3240/W/20/3260824

Land adjacent to Lower Farm, Longford Road, Newport, TF10 8LP

- 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 Plant against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0543, dated 6 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is residential development of 2no. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of 2no. dwellings at land adjacent to Lower Farm, Longford Road, Newport, TF10 8LP in accordance with the terms of the application, Ref TWC/2020/0543, dated 6 June 2020, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout of the development were submitted with the application, and I have had regard to these in determining this appeal.

Main Issues

3. The main issues are:
 - (a) Whether the site is in a suitable location for new housing having regard to the locational requirements of development plan policy; and
 - (b) Whether the development would provide appropriate living conditions for future occupiers with regard to overshadowing and outlook.

Reasons

Suitable location for housing

4. The appeal site consists of a grassed area and personal allotment that is located on the edge of the town of Newport. It is outside of the designated 'built up area' and is therefore within the 'rural area' for planning purposes.
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.

6. Whilst the site is outside of the designated built up area, it is set within a continuous row of properties along this side of Longford Road. Moreover, it is largely surrounded by existing built development, with properties on either side, and a large agricultural building positioned immediately to the rear. It also faces onto a park that is within the built up area of Newport, and a residential garden. It is therefore highly contained by existing buildings and land within the settlement boundary and has little visual connection to the open countryside. In this regard, the development would represent limited infilling that would have no effect on the rural character of the area. It would also be in an accessible location within walking distance of services, facilities, and public transport connections in Newport town centre.
7. Notwithstanding this, it is agreed that the location of the appeal site is contrary to the locational requirements of the development plan, including Policy HO 10 of the Telford and Wrekin Local Plan (2018). I return to this matter in my Overall Balance and Conclusion, below.

Living conditions – future occupiers

8. A large agricultural building is positioned along the northern edge of the site that protrudes significantly above the boundary fence. This would be a dominant feature at the rear of the proposed garden areas. However, the illustrative layout shows that generous gardens of around 20 metres in length could be provided. This would adequately mitigate any overbearing impact in my view. Moreover, any shadow cast by the agricultural building would be to the north, away from the appeal site.
9. For the above reasons, I conclude that the development would provide appropriate living conditions for future occupiers with regard to overshadowing and outlook. It would therefore accord with policies SP 4 and BE 1 of the Telford and Wrekin Local Plan (2018). These policies seek to ensure, amongst other things, that new development is well designed and has no significant adverse impact on nearby properties. It would also be consistent with the National Planning Policy Framework, which requires development to achieve a high standard of amenity for existing and future users.

Other Matters

10. My attention has been drawn to a recent dismissed appeal decision¹ that also related to a housing development on the edge of Newport. However, that appeal was dismissed on a number of grounds, including harm to the setting of the Newport Conservation Area and nearby listed buildings, and unacceptable effects in relation to drainage, flood risk, and biodiversity interests. It is also unclear whether that site was contained by existing built development to the same extent as is the case here. Accordingly, this appeal decision is dissimilar from the current proposal in a number of respects, and I have therefore come to my own view on this case.

¹ APP/C3240/W/20/3252247

11. It is common ground that the Council is able to demonstrate a 5 year supply of deliverable housing sites.
12. No policies from the made Newport Neighbourhood Plan are cited in the Council's Decision Notice. Moreover, whilst Policy H1 is permissive of housing development within Newport, it does not seek to restrict new housing development elsewhere.

Conditions

13. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard outline conditions, I have imposed a condition specifying details to be provided at reserved matters stage, which is necessary to ensure a satisfactory development. However, this condition does not need to refer to drainage, which is subject to a separate condition, or disabled access, which is covered in the Building Regulations.
14. I have also imposed conditions relating to tree protection measures and foul and surface water drainage. These conditions are necessary in order to protect the ash tree in the western corner of the site during the construction process, and to ensure that the site is adequately drained. Another condition relating to the proposed access point and visibility splays is necessary in the interests of highway safety. Further conditions requiring the submission and approval of a lighting plan, and details of bat and bird boxes, are necessary to avoid disturbance to bats and to secure ecological enhancements to the site.
15. The Council also suggested a condition requiring the submission and approval of details of the proposed parking and turning areas. However, this relates to layout, which is a reserved matter that is not for consideration at this stage.

Overall Balance and Conclusion

16. As set out above, the development would be contrary to Policy HO 10 of the Telford and Wrekin Local Plan (2018), which seeks to restrict new development in the rural area unless one of a limited number of exceptions are met.
17. Set against this, the development would represent limited infilling in an otherwise built up frontage, in an accessible location, that would not harm the rural character of the area. It would also provide 2 new dwellings and would generate some economic benefits through the creation of employment and the purchasing of materials and furnishings.
18. Overall, there is conflict with the locational requirements of the development plan, but no other significant harm would arise. Moreover, a number of benefits would be delivered. In my view, the conflict with the development plan would therefore be outweighed by other material considerations in this case.
19. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 4) The reserved matters shall include details of the means of enclosure of the site, the proposed site levels, and finished floor levels.
- 5) Other than demolition, no development shall take place until a scheme of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the development.
- 6) The ash tree positioned towards the western corner of the site shall be protected by strong fencing, the location and type to be previously approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
- 7) The access point and visibility splay illustrated on drawing Ref 19-158b shall be provided prior to the first occupation of the development and shall thereafter be kept free of any obstacles or obstructions.
- 8) Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved lighting plan and shall thereafter be retained as such. The submitted lighting plan shall be designed taking into account advice set out in the Bat Conservation Trust Interim Guidance: Recommendations to help minimise the impact artificial lighting.
- 9) Prior to the first occupation of the development, details of the type and location of 2 bird nesting boxes and a bat nesting box to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.