
Appeal Decision

Site visit made on 17 August 2021

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 September 2021

Appeal Ref: APP/C3240/W/21/3272620

Land adjacent Raven Cottage, Isombridge Lane, Longdon On Tern, Telford TF6 6LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Duce against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/1031, dated 3 November 2020, was refused by notice dated 29 January 2021.
 - The development proposed is the erection of 1 No, dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form describes the address of the appeal site as 'Land opposite Wildoaks', the appellant's property. The Council changed this to 'Land adjacent Raven Cottage', which better reflects the location. I have used this address in the banner heading above.

Main Issues

3. The main issues raised in this case are:
 - whether the site forms an appropriate location for residential development having regard to local and national planning policy, and
 - the effect of the proposal on flood risk.

Reasons

Appropriate location

4. The appeal site is located to the south east of Isombridge Lane in the village of Longdon On Tern. It forms a grassed field which slopes down to the River Tern. It is located at the end of a ribbon development comprising a mix of two storey dwellings and bungalows.
5. The village has no defined settlement boundary. An assessment of whether a site lies within the settlement or not is a matter of judgment, based on its character and context. The appeal site is grassed with a small area growing fruit and vegetables. It lies opposite and adjacent to open fields. Whilst the site has the appearance of a garden, it is not attached or part of the curtilage of a

residential dwelling. Given the above, the site would in my view have a greater affiliation with the countryside than the built-up area of the village.

6. Policy HO10 of the Telford and Wrekin Local Plan concerns residential development in the rural area. It supports a limited amount of infill development in certain named villages. Longdon On Tern is not one of those named. The policy goes on to state that outside named settlements, residential development will be strictly controlled, and new housing is required to meet a number of exceptions. These include making the optimal use of a heritage asset, meeting the essential needs of a rural worker, representing exceptional quality or innovative design or being consistent with Policy HO11, which permits affordable rural exceptions. In this case, there are no heritage assets involved, the property is not for a rural worker and it is not of exceptional or innovative design.
7. Turning to Policy HO11, it supports small scale affordable housing including affordable self-build or custom build housing as an exception to normal rural housing policy. Support for custom or self-build housing is subject to a number of criteria including the demonstration of a local connection. The appellant outlines that he has lived in the area for over 39 years as has his extended family. The appellant previously worked in agricultural related employment. Whilst the appellant may have a local connection, a need for affordable housing has not been demonstrated. On this basis I cannot conclude that the appeal scheme would comply with Policy HO10 or Policy HO11.
8. The appellant submits that Policy HO10 is not 'out of date' but is not 'up to date' with the National Planning Policy Framework (the Framework). It is argued that the more recent understanding of rural sustainability is reflected in subsequent revisions. The appellant refers to paragraph 79 of the 2021 Framework which states that where there is a group of smaller settlements, development in one village may support services in a village nearby.
9. The principle outlined in the above paragraph, was first stated in paragraph 55 of the 2012 Framework and has continued into the later versions of the document. In the 2019 Framework, rural housing policy and rural sustainability were clarified in respect to isolated dwellings in the countryside. Minor wording changes responded to various legal cases including Braintree DC v SSCLG & ors [2018] EWCA Civ 610 (Appellants' Appendix H). These were carried forward into the 2021 Framework.
10. The Local Plan was adopted in 2018 after being found sound by the Examining Inspector and consistent with the 2012 Framework. Taking account of the minor changes to the Framework since the local plan adoption, there is nothing before me to indicate that Policy HO10 is not 'up to date' in terms of national policy as implied by the appellant.
11. In any event, the test for decision taking, as set out in Paragraph 11 (d) of the Framework, is whether policies which are most important for determining the application are 'out of date'. All parties agree that this is not the case and therefore Policy HO10 should not attract reduced weight in the planning balance.
12. The Council advises in their Officers Report that Longdon on Tern is located approximately 4 miles from Wellington and 7.5 miles from Telford Town Centre. It is a small settlement with no shops, schools, health facility or

notable employment opportunities. The evidence before me does not identify Longdon on Tern as being within a group of smaller settlements where development in one village could support services in another. It would appear to me that residents in the village would tend to go to Wellington to shop given the distance to travel. I cannot conclude therefore, that the scheme would enhance or maintain the vitality of the rural community, in line with paragraph 79 of the Framework.

13. I have been made aware that there has been a previously approved scheme for a dwelling on the site, however this expired in 2017. The Council advises that this permission was given at a time when a five-year supply of housing land could not be demonstrated. However, the situation has now changed, with the Council being able to provide a 6.4 year supply. The relevant housing policies of the Local Plan, Policies HO10 and HO11, which form the most important policies for determining the application are therefore not out of date in terms of paragraph 11 of the Framework.
14. I note the appellant's intention to occupy the three-bed bungalow, 'downsizing' to a smaller more manageable property. This would release a large dwelling on to the market and possibly provide for a local family. This would form a modest benefit but would not outweigh the conflict I have found with Policies HO10 and HO11 of the Local Plan.
15. Accordingly, given the above, I find that the appeal proposal would not form an appropriate location for residential development having regard to local and national planning policy for housing development in the rural area. The proposal would fail to constitute sustainable development in the terms of the Framework.

Flood Risk

16. Parts of the site are located within Flood Zones 2 and 3 and therefore at risk of flooding. A Flood Risk Assessment was prepared and submitted to support the appeal scheme, meeting the requirements of the Framework and Policy ER12 of the Local Plan. Whilst the submitted document demonstrates that the proposed dwelling would be constructed on part of the site outside Flood Zones 2 and 3, there is lack of detail in terms of the proposed drainage scheme. The submitted plans indicate the use of a soakaway or surface water drainage. However, it is not clear whether this extends into the flood zone, which would not be a suitable discharge point.
17. I am advised by the appellant that the site forms the last raised and protected section of land before the start of the lower flood plain for the River Tern. I acknowledge that the hydrological circumstances may not have changed since the approval of the previous scheme on the site in 2014. Whilst flooding and drainage matters were not raised as an issue at that time, a new Local Plan has been adopted. This provides a new policy position with Policy ER12 setting out different requirements to be met. Furthermore, the Framework has been revised. This has raised the profile of flooding, seeking to ensure that developments are not at risk of flooding and will not lead to flooding elsewhere.
18. Accordingly, based on the evidence before me, I cannot be satisfied that the appeal proposal would be acceptable in this regard. The development would therefore fail to comply with Policy ER12 of the Telford and Wrekin Local Plan which seeks to provide effective on-site management of surface water.

Conclusion

19. I have found that the appeal site would not form an appropriate location for residential development having regard to national and local planning policies and that it has not been shown that the proposal would reduce flood risk. The development would therefore fail to comply with the development plan. There are no other material considerations in this case which would outweigh this conflict.
20. For the reasons given above, and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR