



Appeal Decisions

Site visit made on 2 February 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal A Ref: APP/C3240/W/21/3277945

Standford Villa, Sambrook, Newport, Shropshire TF10 8AX

- 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 Terry Blamire (Leggo Ltd) against Telford & Wrekin Council.
 - The application Ref TWC/2020/0935, dated 13 October 2020 was refused by notice dated 15 January 2021.
 - The development proposed is the change of use from vacant care home to a residential family home.
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Appeal B Ref: APP/C3240/W/21/3278841

Standford Lodge, Sambrook, Newport, Shropshire TF10 8AX

- 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 Terry Blamire against the decision of Telford & Wrekin Council.
 - The application Ref TWC/2020/0936, dated 22 October 2020, was refused by notice dated 15 January 2021.
 - The development proposed is the change of use from existing "staff accommodation to the closed care home" to residential starter home.
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for the change of use from vacant care home to a residential family home at Standford Villa, Sambrook, Newport, Shropshire TF10 8AX in accordance with the terms of the application, Ref TWC/2020/0935, dated 13 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:1250), Site Plan (Scale 1:500) and Existing Floor Plans.
 - 2) The development hereby permitted shall not be first occupied until details of parking and turning have been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented before the development hereby permitted is brought into first use and shall be retained thereafter.

Appeal B

2. The appeal is allowed and planning permission is granted for the change of use from existing "staff accommodation to the closed care home" to residential starter home at Standford Lodge, Newport, TF10 8AX in accordance with the

terms of the application, Ref TWC/2020/0936, dated 22 October 2020, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1: 2500), Site Plan (Scale 1:500, Drawing No: 2115/1) and Existing Floor Plans.
- 2) The development hereby permitted shall not be first occupied until details of parking, turning and any access arrangements (including gates where relevant) have been submitted to and approved in writing by the local planning authority. The agreed details shall be implemented before the development hereby permitted is brought into first use and shall be retained thereafter.

Preliminary Matters

3. I have taken the address of each of the appeal sites from the respective decision notices as the application forms only contain partial addresses. In relation to Appeal B, the application form references 'Orchard Villa', but given both the decision notice on that appeal and the Appeal Form reference 'Stanford Lodge', I have utilised this name. In addition, some works have been carried out but the development in the case of each scheme has yet to be completed. I have considered the appeals accordingly.

Main Issues

4. The main issues in regard to both appeals are:
 - whether the sites would be a suitable location for residential development having regard to local and national planning policy, and
 - the effect of the proposed development on highway safety.

Reasons

Suitable Location

5. Policy HO 10 of the Telford & Wrekin Local Plan (Local Plan) concerns residential development in the rural area. It supports a limited amount of infill development in certain named villages. The appeal sites are not situated in any named settlement. 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 being consistent with Policy HO 11 which permits affordable rural exceptions, making the optimal use of a heritage asset, representing exceptional quality or innovative design or meeting the essential need for a rural worker dwelling.
6. In the case of these appeals, the property is not for an affordable rural housing scheme, a rural workers dwelling, and nor has it been put to me that the developments represent exceptional or innovative design. The appellant has however stated that Stanford Villa, in Appeal A, is a heritage asset. Whilst I could see Stanford Villa had imposing double fronted bays, it is not a listed building, within a conservation area and nor have I been provided with any information on whether it is a building of local interest as required to meet criteria ii. of Local Plan Policy HO 10.

7. The appellant has stated that the wording of Local Plan Policy HO 10 makes reference to *'Planning policies and decisions should avoid the development of isolated homes in the countryside unless:- the development would re-use redundant or disused buildings and enhance its immediate setting'*. This does not form part of the policy wording on the copy of the Local Plan Policy HO 10 provided to me. Reference has however also been made to the National Planning Policy Framework (Framework) which states, at paragraph 80, that planning decisions should avoid isolated homes in the countryside unless one or more defined circumstances apply. This includes development that would re-use redundant or disused buildings where they enhance the immediate setting. The appellant does not consider the appeal buildings to be isolated as they are a number of other residential properties, a care home and residential caravans in the immediate area.
8. The Council has stated that locally, the reuse of such buildings is not considered to be an appropriate means of creating new homes in rural areas. Reference has been made to other Local Plan policies, which state development will be supported where it meets the need of rural communities and where it is considered to be sustainable. Whilst the Local Plan forms part of the development plan which applications should be assessed against, the Framework is a material consideration, including its less restrictive approach to development in the countryside. The Council has not identified why the conversion of such existing buildings would give rise to harm and I do not see how the conversion of a building previously used as a care home (one type of residential use) to a single dwelling (another less intensive residential use) would give rise to any harm. I appreciate the subsequent approval by the Council¹ only granted permission for Stanford Villa and not Stanford Lodge as a dwelling. However, the lack of identifiable harm would also hold for the conversion of the staff accommodation building into a separate dwelling. The Council has referenced what they consider to be a similar scheme that was dismissed at appeal², but from the information provided, it appears that this referenced development related to an annex to an existing residential dwelling and not a care home as is the case with Appeal B.
9. Even if I was to come to the conclusion that the appeal sites are isolated, from the evidence before me, the buildings subject to each appeal were redundant as a care home building or a building ancillary to it and given the previous condition of the sites, the appeal schemes would enhance their setting. They would therefore comply with the exception set out in the Framework at paragraph 80 c) and given that the Hamlet of Sambrook is a short distance away, the additional dwellings would help maintain the vitality of rural communities (paragraph 79 of the Framework).
10. As such, whilst recognising that Local Plan Policy HO 11 seeks to strictly control residential development in the rural area, and that the proposed developments would not meet any of the exceptions in this policy, as they involve the conversion of existing buildings, they would be compliant with paragraph 80 of the Framework. On this basis and given their former (albeit different) residential use, I consider that the proposed dwellings would be in a suitable location for residential development having regard to national planning policy for housing development in the rural area.

¹ LPA Reference: TWC/2021/0083

² LPA Reference: TWC/2017/0923

Highway Safety

11. The Council has raised concerns relating to the loss of car parking for the care home on the adjacent site that would arise from these appeals which seek to create separate dwellings. Reference has been made to a subsequent application¹ which the Council state has resolved this concern but consider the second refusal reason on each of the appeals to be relevant as the parking arrangements have not been implemented.
12. I have not been made aware of the details of the 2008 and 2011 permissions including the condition on each that required the care home not to be separated from Stanford Villa, the property subject of Appeal A. Whether the adjacent care home has the necessary consents to operate is not a matter for me in the consideration of these appeals. The approved details on the subsequent application show alternative access and parking is available for the care home independent of the sites on either Appeals A and B. As such, as parking can be provided elsewhere, and there is sufficient parking proposed for the dwellings in each appeal, I do not consider there would be significant impacts arising.
13. Some concern has been raised on the use of a historic access off the A41 Chester Road in Appeal A. From the information before me, this is an existing access despite it not having been used for a long period of time. Its use to serve the proposed dwelling at Stanford Villa would, to my mind, be less intensive than the use of this building as a care home. The concerns relating to the gates on Appeal B could be overcome by a planning condition as noted by the Council.
14. I therefore conclude that the proposed developments would not have an adverse impact on highway safety. As such, there would be no conflict with Local Plan Policies C 3, C 5 or SP 4, which seek, amongst other matters, development to demonstrate that parking has been designed as integral to the proposal. It would also not conflict with the Framework, which only seeks at paragraph 111, to prevent development on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on road safety would be severe. Local Plan Policy HO 7 has also been referenced, but this relates to proposals for specialist housing needs which is not relevant to these appeal schemes.

Other Matters

15. The Council has stated that Stanford Villa was historically a dwelling and that the policy context has changed significantly since it was a dwelling. I can confirm that I have dealt with the appeals on their own merits, having regard to the current policy context.

Conditions

16. I have considered the conditions suggested by the Council on each of the appeals, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of the suggested conditions as appropriate.
17. As the developments have commenced, and there are no external changes, a commencement condition nor materials conditions are necessary on either appeal. It is necessary though to have plans conditions to confirm the relevant

terms of the permissions and conditions relating to parking and turning to ensure satisfactory provision is made and retained in this regard. On Appeal B, this condition also includes reference to access arrangements, including any gates, where relevant, to ensure the parking arrangements are not unduly impeded.

Conclusion

18. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeals are allowed, subject to the conditions set out.

F Rafiq

INSPECTOR