



Appeal Decision

Site visit made on 21 March 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2022

Appeal Ref: APP/C3240/W/21/3275649

The Lion Inn, Waters Upton, TELFORD TF6 6NP

- 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 Raj Patel against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/1101, dated 8 December 2020, was refused by notice dated 15 April 2021.
 - The development proposed is an outline application for the erection of up to two dwellings with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is made in outline form with all matters reserved. The Appellant's Design and Access Statement describes the proposed development as consisting of two two-storey four bedroomed dwellings. The inductive layout plan LWU/PP/03c provides a useful illustration of one way the site might be developed. However, as siting and appearance are reserved matters, I have afforded only limited weight to these details. I shall consider the appeal on those terms.
3. Amended plans were submitted to the Council during the application consideration process. These revised the position of the redlined site plan to connect it to the highway. I shall consider this appeal on the basis of the amended plans which would not cause prejudice to any party by my doing so. Furthermore, an amended block plan (LWU/PP/02D) has been submitted that seeks to reduce the site area and proposes only one dwelling. As this would be for a reduced scheme it would not prejudice any party by my taking it into consideration as part of this appeal. I shall return to this later in my decision.
4. The Council partly refused the development due to an absence of drainage details. It has since stated, that in review of details submitted for an application for an alternative development for the site, it is now satisfied that the proposal could be adequately drained. I see no reason not to accept this conclusion and this matter has therefore been addressed.

Main Issues

5. The main issues are:

- the effect of the proposal on the retained parking and vehicle manoeuvring areas on site and its capacity for this to provide for the proper functioning and viability of the restaurant,
- whether the site is an appropriate location for housing with regard to local and national policies,
- the effect of the proposed development on the character and appearance of the area, with particular regard to the Lion Inn, a building of local interest, and
- the effect of the proposed development on the living conditions of future occupiers, especially with respect to noise and light pollution.

Reasons

Effect on car parking

6. The Lion Inn site consists of a public house, currently operating as a restaurant, two first-floor flats and 'Shanti House' connected to a rear return. 'Shanti House' has dedicated on plot car parking for around four vehicles. During my visit, I observed that the car park had around 33 marked bays and had additional space available within an area that was cordoned off from the parking area by temporary fencing.
7. Although the speed limit of the A442 road through the village is 40 mph, it is a main route through the area. It is also comparatively straight and without streetlights. Accordingly, this road would be unsuitable to accommodate significant levels of parking. I visited the appeal site mid-morning on a weekday. Whilst offering only a snap-shot in time, I observed the lane through the village and its side roads had limited on street parking availability, due to street widths and existing on street parking. I also recognise that on street parking demand, close to the appeal site, would be greater during the evenings and weekends.
8. The Council's parking standards are set out in appendix F of the Telford and Wrekin Local Plan 2011-2031 (LP). The preamble, to appendix F, explains that these standards should be applied flexibly. This aligns with the National Planning Policy Framework (The Framework) which states that when a Council sets parking standards it must take into account the accessibility of the development and the availability of public transport. The village is a small settlement with limited access to public transport. As such, the existing business would be likely to attract customers from a relatively wide catchment area with customers likely to attend by private car. As such, the Council's parking requirements establish a reasonable minimum expectation for parking demand for the business.
9. The Council's parking standards require a minimum of twenty-six spaces. The Council's parking requirements establish a useful starting point. These requirements are based on floor-area and are the same for restaurants and public houses. Although the restaurant currently has around 60 covers, these could increase over time. Also, whether four-seater tables are accommodated

by fewer customers would be an arbitrary method to anticipate total parking demand. In contrast, survey data and comparison to other similar rural establishments would have enabled me to better understand the parking requirements of the existing business.

10. Although the appellant has provided ariel photographs showing that the car park is underused, this evidence covers a wide period of time, and it is not stated the time of day that these were taken. In contrast, interested parties have illustrated that the car park is often occupied to capacity. Therefore, based on the evidence submitted, it seems likely that on-site car parking demand is often high and results in on-street overspill parking.
11. The proposed development, whether for one or two dwellings, would exclude a sizeable parcel of land to the rear of the site from the current car park and substantially reduce its capacity. Consequently, this would result in substantial overspill parking on local roads and risk disruption to road users within the highway. Furthermore, the amended block plan, submitted in support of this appeal for one dwelling, does not show how the restaurant car parking provision would be reconfigured to meet the demands of the business. Moreover, without survey or assessment of local on-street parking, the proposal fails to illustrate the minimum parking provision required to prevent overspill parking. It has not therefore been shown, in evidence, that either site area would retain adequate parking to meet the requirements of the existing use.
12. Concerning the effect of the proposal on the viability of the business, policies WUA1 of the NP and COM 1 of the LP seek the retention of local services. Although, the proposal would be likely to result in overspill parking, this would be unlikely to create such inconvenience to deter patrons from attending the restaurant in substantial numbers. Moreover, the Council has not provided compelling evidence to demonstrate that the business would be affected by this impact. As such, I am unconvinced that the viability of the restaurant would be materially affected by the proposal. Accordingly, the policies referenced here would weigh neither for nor against the proposed development.
13. Turning space for larger vehicles on site would be reduced by the reconfigured car park layout. However, based on the space retained outside of marked bays, the revised car parking layout would still enable light goods vehicles to turn on site and exit in a forward gear. Therefore, I am satisfied that sufficient space would be retained to prevent delivery vehicles from reversing onto the A442.
14. As a result, taking the above points together, the proposal would compromise the operation of the restaurant's car park at busy periods. The anticipated overspill parking on local roads cannot be readily accommodated without detriment to highway safety. As such the proposal would not function well and would result in conflict with policies C3 and C5 of the LP. These policies seek, inter alia, for development to assess the cumulative impact of new development to demonstrate it is suitably robust and for the quantity of parking to reflect the character and context of a development.

Suitability of the site for housing

15. The LP establishes the Council's approach to the distribution of housing across the district. Policy HO 10 relates to residential development in rural areas. This states that a limited amount of infill housing will be supported in specified

villages including Waters Upton. Furthermore, policy WUH1 of the Waters Upton Neighbourhood Plan (NP) supports infill development that would not cause visual intrusion into the open countryside.

16. The Local Plan and the Framework do not define infill development. However, the planning portal indicates that infill development is “the development of a relatively small gap between existing buildings”. Accordingly, the question of whether a development would be considered as an infill site is a matter of planning judgement. I recognise that the Council finds the site to be a back-land in character, however this would not preclude it from consideration as an infill development.
17. The appeal site is comparatively deep and extends to the rear boundary of Upton Stones and Twin Oaks. The site would be beyond the Lion Inn and Shanti House. Whilst the site is adjacent to an outbuilding within Twin Oaks, it is enclosed by built form on both sides and front. The development of the site would partially extend the crescent of housing along Upton Stones in a largely complementary manner. Consequently, given the proximity and arrangement of existing built form, the proposal would infill a small gap between existing buildings. As such, the site would satisfy my understanding of, and fulfil the definition of, an infill plot.
18. Accordingly, the proposal would comply with policies HO 10 of the LP and WUH1 of the NP, for the reasons outlined above. Policy HO 11 relates to the Council’s policy on affordable and self-build housing sites in rural locations as exceptions to its strategic housing policy. The proposal would not meet the requirements of this policy. In any event, the policy is not directly relevant to the scheme as it would comply with policy HO 10 and therefore this policy weighs neither for nor against the proposed development.

Character and appearance

19. Waters Upton consists of a linear development along a country lane that connects to the A442. The settlement pattern is relatively close knit. This offers infrequent gaps between buildings that provide only limited views of the countryside beyond. The appeal site is to the rear of a restaurant and consists of a hard surfaced area partially used as car parking for the business. The rear boundary consists of a low hedge, revealing views of the countryside beyond. The site is visible through the access driveway of the restaurant, Upton Stones and neighbour’s rear gardens. The appeal site affords some, albeit limited, views of the countryside beyond creating a modest visual connection. As a consequence, the site makes a positive contribution to the open character of the countryside beyond the settlement limits.
20. Due to the outline nature of the scheme, details of the proposed dwellings are not known. Nevertheless, development of the plot would result in the character of the site being altered with built form displaying development where there is currently a clear absence. The proposed dwellings would obstruct some views through the site of the countryside beyond. However, the site whilst back-land in character, is hardsurfaced and functionally connected to the restaurant and its environs. As a consequence, the site is materially different to the open character of the countryside beyond.
21. The Lion Inn is identified by the Council as a Non Designated Heritage Asset (NDHA) and as a building of local interest. Paragraph 203 of the National

Planning Policy Framework (The Framework) states that in weighing applications that affect a NDHA a balanced judgement is required, having regard to the scale of harm or loss and the significance of the heritage asset. The Lion Inn originates from the mid C19. It is a two-storey structure with white painted brick, tiled roof and sash windows with glazing bars and therefore includes some architectural interest. As a consequence, the building makes a positive contribution to the streetscene. The significance of the NDHA appears to derive from its age, traditional design and historic importance to the village as a meeting place.

22. The Council acknowledge that the building has lost the majority of its original associated outbuildings. It has also been subject to modern development that dominates the rear of the building and the space it is set within. A gap exists between the Lion Inn and Twin Oaks that provides a view from the street to the countryside beyond. However, this view is constrained. This view alone does not ascribe the building with an open rural setting or establish an important view to its side. Accordingly, the proximity and arrangement of surrounding buildings results in a sense of enclosure that compromises the former rural setting of the building. In taking a balanced judgement, the proposed development would have no discernible effect on the setting of the NDHA or its significance.
23. Accordingly, the proposal would accord with policy BE6 of the LP for development to not have a detrimental impact on the setting of a building of local interest.

Living conditions – future occupiers

24. I am cognisant that occupiers of the proposed dwellings would need to pass through the public house car park to access their home. The frontage of the proposed dwellings would overlook the car park and be subject to the noise of attending patrons. As a consequence, the noise caused within the car park could be disturbing to future occupiers at anti-social times of the evening. However, the car park is already adjacent to several existing dwellings, setting aside 'Shanti House', which is subject to an occupancy restriction to a manager of the Lion Inn. The rear elevation of 'Twin Oaks' and dwellings within Upton Stones overlook the site. Although these are set slightly away from the car park, they provide a residential context on the perimeter of the site.
25. As a consequence, noise levels of patrons would be likely to be modest being within this residential setting. The Council has also not indicated that the business is currently causing a nuisance to adjacent residential occupiers. As such, under the agent of change principal, the operation of the car park would be unlikely to have a significant adverse effect on occupiers of the proposed dwellings.
26. Cars of patrons, manoeuvring within the car park could cause light pollution during the evenings. However, a front boundary enclosure and intervening landscaping would mitigate the effect of such disturbance. A condition to secure such a requirement could have been imposed if I had been minded to allow the appeal.
27. Consequently, taking the above points together, the proposal would create acceptable living conditions for future occupiers. Accordingly, the proposal

would comply with paragraph 130 of the Framework for development to create a high standard of amenity for future users.

Other Matters

28. The Framework seeks to significantly boost the supply of housing. The proposed development would create employment for local builders and make a small contribution to the local economy, both during and post construction. The appellant also indicates that the proposal would be built using sustainable techniques. However, these merits would be of limited weight in favour of the proposal.
29. Furthermore, the appellant also advises that the proposal is required to support the viability of the existing business. However, insufficient evidence has been provided to substantiate the assertion that the business requires additional funding to survive. In any event, no legal mechanism has been submitted to ensure that any profit derived from the development would be invested in the business.

Conclusion

30. The proposal would harm highway safety and prevent the combined existing and proposed use from functioning well. The proposal would therefore conflict with the development plan when taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR