



Appeal Decision

Hearing held on 22 February 2023

Site visit made on 21 and 22 February 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2023

Appeal Ref: APP/C3240/W/22/3311051

Land off Shrewsbury Road, Edgmond, Telford, Shropshire TF10 8HT

- 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 Montague Land Partners against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2021/0599, dated 21 May 2021, was refused by notice dated 25 May 2022.
 - The development proposed is erection of 7no. dwellings and associated garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description in the banner heading from the Appeal Form, which better reflects the scheme determined by the Council. The site address is taken from the description of development on the Application Form, as this also more accurately describes the site's location.
3. During the Hearing, it became clear that it would not be possible to conclude proceedings by 5pm, and the venue was to close. The Council subsequently arranged for its offices in Wellington to be made available for the remainder of the event. All the Interested Parties still in attendance and whom intended to take part in the event were invited to travel to the alternate venue and the Hearing reconvened when all parties were in attendance.
4. At the Hearing an interested party provided a hard copy of the Edgmond Neighbourhood Plan Landscape Character Assessment¹ (LCA), with passages highlighted for my attention in relation to the Edgmond Conservation Area Appraisal² (CAA) and guidance pertaining to the morphology of development and importance of Green Infrastructure. Together with representations that were due to be made by two interested parties during the event, I invited the main parties to comment on the relevance of these documents to the appeal and I have taken into account any responses received in my decision.
5. At the Hearing, the appellants provided amended drawings for the layout of the site (PL005 Revision T) and Plans and Elevations for House Type C (PL115 Revision G and PL120 Revision G), in order to correct the labelling of house types and the size and location of a garage. With cognisance of the Wheatcroft

¹ Version 3, dated July 2017.

² March 2007.

principles³, I am satisfied that interested parties have not been prejudiced by my acceptance of the plans, as they do not change the nature of the proposed development before me. My findings therefore relate to these drawings.

Main Issues

6. The main issues are:

- whether the proposal would preserve the setting of the Grade II listed building, known as 'Egremont House', the setting of the Edgmond Primitive Methodist Church, a non-designated heritage asset, the extent to which it would preserve or enhance the character or appearance of the Edgmond Conservation Area and whether the proposal is consistent with policies relating to housing in rural areas; and
- the effect of the proposed development on the continued use of the multi-use games area adjacent to the site;

Reasons

Special Interest, Setting, Significance, and Site and Surroundings

7. The appeal concerns a roughly L-shaped area of land west of Shrewsbury Road. It is made up from three separate parcels of land. The southern boundary is presently open, as it projects part-way into two fields, but the other boundaries are generally enclosed by planting. Aside from its access, the site is within the northwest corner of the Edgmond Conservation Area (CA) and immediately alongside the Grade II listed building known as Egremont House. To the east is the Edgmond Primitive Methodist Church, a Non-Designated Heritage Asset. The access is taken from an existing cul-de-sac off Shrewsbury Road serving several houses and there are recreational facilities immediately north, including a Multi-Use Games Area (MUGA). A public right of way (PROW) runs along part of the north and western boundaries of the site from those facilities to Stackyard Lane.

Egremont House

8. Egremont House is a dwelling of three storeys, that likely originates from the early-19th Century. Its front façade is three bays wide with a symmetrical arrangement of sash windows in a diminishing scale set under segmental brick arched openings at ground and first floor, around a central panelled door with rectangular fanlight above and an ornate openwork cast-iron porch. Windows at second floor are tucked under the eaves.
9. The house is a striking red brick building with a plain-tiled roof. Its principal range features chimney stacks at either end, the north is jettied and the south has an external stack to the ground. It has been extended at the rear, with its roof slope continuing downward to the first-floor windows. The evidence of large, infilled openings at ground and first floor and flight shelves with openings above, suggest this part of the house was used in some agricultural capacity.
10. Due to the different bricks and bond used, as well as the order of windows, it appears the later rear range, perpendicular to the house, was constructed in at least two phases. This has two tall chimneys to its ridge, nearly up to the height of those on the main range, which incorporate more elaborate detailing.

³ Bernard Wheatcroft Ltd v SSE.

Together with brickwork and timber detailing, this extent of architectural elaboration highlights the significance of the garden south of the house and views beyond its Ha-ha to adjoining agricultural land.

11. The most westerly end of the projection is referred to in the Heritage Impact Assessment produced for works to the property. It appears it was an earlier outbuilding that was altered, possibly at a similar time to the house being built, to include a second storey. It incorporates a slightly shorter chimney to its gable. The gap between the earlier outbuilding and the house was also subsequently infilled, including with a north-facing conservatory.
12. Despite the rear of the building having been altered considerably to a simpler appearance than the front façade, these extensions remain important to the special interest of the building, as they are illustrative of its evolution through the 19th and 20th Centuries to meet the changing needs of its occupants. Accordingly, in so far as it relates to the appeal before me, the special interest of Egremont House lies in its architectural and historic interest, as a modest but prominent and noteworthy example of an early-19th Century house, particularly through its decorative brickwork and timber and metal detailing.
13. There is a difference of opinion as to whether Egremont House has been occupied as a farmhouse in connection with other farm buildings and land surrounding it, including the building immediately northeast of it, which is now an outbuilding to a dwelling constructed alongside it. However, in the context of the appeal before me, I do not find this to be determinative, as there is an important physical relationship between the house and the land surrounding it, which makes a significant contribution to the rural setting of the building.
14. The historic mapping of the village illustrates that Egremont House was originally set within fields in a more isolated position, which would have increased its importance in the rural landscape. The intervening land between it and Shrewsbury Road has since been largely infilled with housing, including those from which access would be formed for the proposal. These are simple in appearance, do not resemble farm buildings they replaced or the vernacular of local buildings, including the listed building. Other development, to the south, including the school, is now also much closer.
15. Mature planting at field enclosures ensures there are limited clear views of the more distant open countryside beyond the village, but open and undeveloped agricultural land around Egremont House, to its south, west and east, toward High Street, has remained largely unaltered. This maintains a rural setting and backdrop to the house that is still apparent from High Street and the PROW west. As the house was historically set away from the main core of the village, its surroundings in that landscape are important to its special interest.
16. Although the setting north has been adversely affected by modern developments and the curtilage of Egremont House has a closer historical association with it, the remaining land surrounding it is well-preserved and provides a rural context which forms an integral part of the historic setting of this listed building, which contributes to its understanding and special interest. This includes land to the west of the house, as there is important outlook from the garden of the property over this land, including from its gardens. Similarly, on the site visit, I observed views from the rear first floor and side windows of Egremont House over this land and toward the existing houses northwards.

Edgmond Conservation Area

17. The CA is concentrated on the historic core of the village, principally around High Street and the streets leading from it, but also the farmyard south of the village and undeveloped land to its east and west, including that adjacent to Edgmond Hall. To the north of Stackyard Lane and west of High Street, the school and Egremont House, together with land between them, are also incorporated. A further area of open land is also included in the CA to the south of Stackyard Lane, at its junction with Pipers Lane.
18. Buildings in the streets between High Street and Pipers Lane are generally set close to the carriageway edge and consist of two storey houses, some with rooms in their attic spaces. Connors Lane, to the west, is similar in form but dead ended with a PROW leading into the countryside.
19. Aside from Egremont House, there are also numerous other notable listed buildings in the CA, including the Grade I listed Church of St Peter and Grade II* listed Provost's House. Both are set back from Pipers Lane and High Street.
20. As outlined above, Egremont House is visible across the open fields surrounding it. While the open land surrounding Egremont House and views across it are not identified in the Edgmond Conservation Area Draft Management Plan⁴ (CAMP) they are, nevertheless, important to the significance of the CA. The same views experienced from Egremont House toward the surrounding countryside are more expansive from High Street and the listed building and its verdant surroundings are a key component of those views. Similarly, there are views into the CA, toward Egremont House and the land beyond it, from the PROW to the west.
21. The significance of the CA is principally derived from the contribution made by the development within it, including the relationship of buildings to the streets, but also the open and undeveloped fields and other parcels of land in prominent locations either side of High Street. The latter remain very distinct from built forms and bleed into the village, so are important to the historic positioning of Edgmond within its rural context, as highlighted in the LCA, which references the CAA. Together, these features make a significant contribution to the character and appearance of the CA, and its understanding and significance.
22. In so far as is relevant to the appeal, the existing open and undeveloped qualities of the fields within the appeal site, surrounding Egremont House, share characteristics with other similar areas within the CA, so make a considerably positive contribution to its character and appearance and significance. Furthermore, as Egremont House is a prominent listed building, it also makes a notable contribution to the CA.

Edgmond Primitive Methodist Church

23. The Edgmond Primitive Methodist Church is dated 1860 and has been included on the Council's Register of Buildings of Local Interest since the 1980s, which was reviewed in July 2021. It is for this reason it constitutes a Non-Designated Heritage Asset.

⁴ August 2009.

24. It is a gable-ended red brick single-storey building arranged perpendicular to Shrewsbury Road, behind a low wall and wrought iron railings. The wall extends along its western boundary to enclose the burial yard at its rear. Its front façade is embellished with numerous details, principally in contrasting yellow brick dressing of the parapet to its gable, projecting brick pilasters either side of the gable, and its round arched windows and doors. There are also brick dental details to the eaves and further pilasters to each side, which mark the change to a wider spanned part of the building, with lower eaves, at the rear.
25. As far as it is relevant to the appeal before me, the significance of the building is to be found in its architectural and historic interest as a good example of a well-preserved mid-19th Century Primitive Methodist Church. In particular, detailing found in its contrasting and projecting brickwork, most notably to its front façade and parts of its flank elevations closer to Shrewsbury Road, are all decorative features that underscore the importance of the building to non-conformist worship in the locality at the time it was built and contribute positively to its appearance.
26. The building also draws significance from its setting. It is slightly elevated above Shrewsbury Road and prominent in its immediate surroundings, including from the grounds of the Village Hall opposite. The chapel closed in 2016 and has permission⁵ to be converted to residential use, as part of a proposal to replace the Sunday school building with a dwelling. While the building would only be altered through the insertion of two rooflights and the burial yard would be retained separate of the scheme, the presence of a dwelling of substantially greater proportions than the existing Sunday School building immediately west would undoubtedly alter its setting and enclose it to a greater extent. The roof of the building is visible over planting between the burial yard and the playing field to the northwest. There is also similar planting between the site and burial yard, which forms part of the verdant backdrop of the building. This contributes to its understanding and, thereby, significance as a Church that is shown on historic mapping to have been originally situated in a more rural context beyond the village.
27. I am mindful that the site is not necessarily apparent from within the context of the public views of the building and the burial yard extends a reasonable distance behind the building. Nevertheless, planting is ephemeral and subject to seasonal change and the open and undeveloped characteristics of the site survive as the remaining indicators of the former isolated countryside location of the building, which the main parties agree to be commonplace with buildings of this nature. It therefore makes an important contribution to its setting.
28. I do not find it to be determinative that the building was not included in the CA, as the majority of development to the west of Shrewsbury Road is of modern origin. This also does not diminish its status as a NHDA.

Effect of the Proposed Development on Heritage Assets

29. At the Hearing, the appellants outlined the building in Plot 1 was designed to be reminiscent of a cart shed or granary, Plots 2 and 3 were designed as an informal coach house and barn grouping, and Plot 4 reflects a farmhouse aesthetic. Furthermore, the varied form is to represent an evolving agricultural

⁵ Planning Reference: TWC/2020/0814.

historical context set around a courtyard with elements of architecture based on local farm buildings, primarily through the palette of materials.

30. The proposed building within Plot 1 features infilled panels to its ground floor, dealt with in several ways, and a dormer to the front roof slope included as a historic reference to a hayloft, but its rear projection would also feature dormer windows. I appreciate that there are several buildings within the CA with such windows straddling their eaves, but these are clearly domestic buildings. Meanwhile, the building proposed for Plots 2 and 3 would be long and linear in form, with a projecting gable to the front, west end, incorporating a single carriageway opening. However, the regularity of door and window openings means it would share more characteristics with a terrace of dwellings than an informal coach house and barn grouping. Therefore, the design rhetoric of these buildings is somewhat confused and meanders between different forms.
31. The farmhouse aesthetic proposed for Plot 4 is consistent with the form and appearance of early-19th Century homes in the village. It would therefore be of a pleasant architectural composition, but of a larger scale that would be likely to compete with Egremont House, particularly in the context of a farmyard setting ancillary to it.
32. The single-storey homes proposed in Plots 5, 6 and 7 would be of a simple design and modest scale, with a limited amount of hard surfacing to their foreground area. However, there are very few instances of identical homes in groupings within the CA. The repetition of these built forms and their formal alignment in a row would therefore not be akin to the predominant informal grain of development within the CA.
33. While the buildings would be in a linear alignment, with the 'farmhouse' projecting forward, the inclusion of garages between and the hard frontage means they would appear as a regularly spaced grouping of homes, rather than echoing the linear form of small historic farmsteads.
34. Even if I were to accept that the scale, materials palette, and architectural features of the proposed buildings would share some similarities with other homes in the village, the layout is a far removed from being sympathetic to its context. The extensive area of hardstanding in addition to the road serving the scheme and the regular spacing of buildings would be inconsistent with the informal nature and relationship of built forms with historic routes in the CA and share more similarities with modern housing beyond the CA.
35. There is mature tree planting within the garden of Egremont House which is likely, to a certain extent, to filter views from High Street toward the part of the site behind the listed building. However, given the scale of the proposed buildings, they would probably still be visible past the house and, in any event, the houses close to Egremont House would be prominent in views from the property and its curtilage. Despite the inclusion of single-storey homes in the northwest corner of the site, they would also be prominent through the trees and hedgerows along the boundary with the playing fields and PROW.
36. Planting is subject to seasonal changes, so the development would be likely to be more apparent when planting is not in leaf during autumn and winter, and there are also some gaps and thinner areas of planting. Existing screening of the site would therefore be unlikely to mitigate against the presence of the proposal. Furthermore, additional planting within the site, including to the open

southern boundary, would be unlikely to have matured enough in its initial years of development to achieve the intended screening effect required to soften the visual effect of the physical presence of the proposal in its sensitive location, especially the upper storeys and roofscape of the houses. It would also take a significant amount of time for it to reflect the existing verdant character of planting in the vicinity of the site.

37. The area of green space that would be maintained between the internal road and the boundary of Egremont House would provide some separation from new built forms behind the listed building, but this would be inconsequential. It is the presence of the proposed development that would be harmful in eroding a key part of the undeveloped rural setting of the listed building. Similarly, despite the distance between the building in Plot 1, it would still be likely to be perceptible over existing landscaping in situ behind the Methodist Church.
38. Unlike listed buildings, the significance of a conservation area is more widely experienced and, under such circumstances, proposals must be judged according to their effect on a conservation area as a whole. They must therefore have a moderate degree of prominence. For the reasons outlined above, this would be the case for the proposal, and it would be harmful to its character and appearance, which would neither be preserved nor enhanced.
39. The proposed development would intrude significantly into and permanently erode an area of open and undeveloped agricultural land that contributes to the rural setting of the listed building and NDHA and the character and appearance of the CA, and thereby the understanding of their special interest and significance.
40. I note that there are dwellings situated within the CA that are closer to other listed buildings than the proposal, but these are generally situated within the historic core of the village where development is more densely arranged than within the northern part of the CA. There are also dense configurations of dwellings outside of the CA. However, it is the context of the CA around Egremont House that is relevant to the appeal, I have therefore not concerned myself with these other relationships.
41. The proposed dwellings may be further from the listed building than those built in the 1990s to its north, but these are situated on the site of former agricultural buildings, as evidenced in some of the images provided by interested parties. The evidence before me does not demonstrate that the same would apply to the appeal scheme. Similarly, while the new houses to the southwest of the village, off High Street, have significantly altered the street scene in this part of the CA, unlike the appeal scheme, they do not appear to be seen within the context of the nearby listed building, Provosts House.

Rural Housing

42. Policy SP3 of the Telford & Wrekin Local Plan 2011-2031 (LP) supports development in the rural area where it addresses the needs of rural communities and is directed to previously developed land and settlements with good infrastructure. The policy caters for the delivery of approximately 1000 net new homes in the rural area up to 2031. LP Policy HO10 expands upon this and relates to residential development in the rural area and states that this will mostly be on sites with planning permission. However, it also supports a limited amount of infill housing in settlements such as Edgmond, where it

demonstrates it will help to meet the rural housing requirement. The Edmond Parish Neighbourhood Plan 2017-2031⁶ (NP) adds to this with Policy RES1 which states proposals for new housing will be supported on suitable infill sites where they contribute positively to local character and distinctiveness.

43. The LP and NP do not define what this would constitute, but I find no reason to disagree with the definition adopted by the main parties from the Planning Portal glossary, that it would amount to 'the development of a relatively small gap between existing buildings'.
44. The appeal is not formed of two different sites and is described holistically on the Application Form as one scheme. The appeal site should therefore be taken as a whole, and not separated into parcels as advocated by the appellants. This is neither the intent nor purpose of LP Policy HO10. The proposal could be described as limited, given its scale, but it would not amount to infill development. Moreover, unlike the development allowed on appeal in the borough⁷, when considered as a whole, the proposal would not be wholly enclosed by development on at least two sides and would extend a considerable distance, past built development, into the countryside.
45. Even if I were to separate the site into two parcels to consider the merits of a detached exception site for affordable housing and a market scheme, by virtue of my findings above, it would still fail to accord with the design aims of LP Policy HO11. Furthermore, for the same reasons, the latter would also offend the design aims of NP Policy RES1. It is therefore not determinative whether the proposal would be able to demonstrate some market housing would be needed to help facilitate the affordable homes being bought forward, as supported by the Framework, due to the same harms resulting from a combined scheme.

Public Benefits

46. The statutory duties in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight, as are the aims of paragraphs 197, 199 and 200 of the Framework.
47. The proposal would be harmful to the setting of the Grade II listed building and the character and appearance of the CA, which would have a harmful effect on their special interest and significance as designated heritage assets. In my view this would equate to less than substantial harm. I find this to be a higher order of harm, as the development would be directly alongside the listed building and occupy a considerable area within the CA. In such circumstances, paragraph 202 of the Framework identifies this harm should be weighed against the public benefits of proposals.

Heritage Benefit

48. The proposal would enable the land behind Egremont House to be accessible to members of the public, thereby increasing visibility of the building's context, but it would do so by fundamentally harming the historic setting of the building. Hence, I afford this heritage benefit limited weight.

⁶ January 2018.

⁷ Appeal Reference: APP/C3240/W/22/3294244.

Section 106 Legal Agreement

49. At the Hearing, the main parties agreed that there was no policy requirement for the affordable homes to be provided based on the combined floorspace of the development (LP Policy HO5), including for First Homes. The supporting text to Policy HO5 outlines that, based on evidence contained in the *Strategic Housing Market Assessment* (SHMA) for Telford & Wrekin (2016), there is a substantial level of affordable housing need in the borough. This need continues to be demonstrated in subsequent revisions, but evidence before me indicates that the Council could be falling short in delivering affordable housing, including in the rural area.
50. Through the S106 Legal Agreement, the proposal would deliver three properties that would help the Council to meet its housing requirement in the borough and there is support for the proposal from a Registered Provider for the three proposed 2-bedroom bungalows. Nevertheless, in the absence of an up-to-date demonstration of local need for the village, I cannot be certain of the local need for the Parish, including whether there would be justification for the houses in the context of the tenure-blind requirements of LP Policy HO6. For these reasons, including the scale of the proposal, I am only able to afford the three affordable homes moderate weight as a social benefit of the proposal.
51. The S106 would include provisions for financial contributions toward the cost of improvement of existing play and recreation facilities and sports provision, each separately totalling £4550. As these obligations can only mitigate against the proposal, I afford them limited weight as benefits associated with it.
52. I am satisfied that the provisions outlined in the S106, including those in the previous sub-section, are supported by LP Policies. They also meet all the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and Framework paragraph 57. The obligations are directly related to the development because they would provide investment in infrastructure impacted by additional development. The contributions are also reasonable in scale and kind, as they are informed by evidence regarding what would be required to provide additional capacity to serve the proposal.

Other Benefits

53. The occupants of the proposed properties would also be likely to contribute to supporting these or other services and facilities, which would constitute benefits in social and economic terms. There would also be shorter-term economic benefits through the construction phase. Given the magnitude of the proposal, these benefits would only be afforded moderate weight.
54. The Council has identified it can demonstrate in excess of five-years supply of deliverable housing land within the borough, but this does not represent a ceiling on the delivery of housing, and I am mindful of the Government's objective, outlined in the Framework, to significantly boost the supply of homes. The appeal scheme would amount to a small scheme that could be built-out relatively quickly and would add to the supply and mix of housing in the borough, including through provision of access for persons with disabilities. Nevertheless, the scale of the development would be modest, so these social benefits would be of limited weight.

55. The provision of broadband infrastructure offering fibre to premises technology for each property could benefit occupants socially and economically, but would only be afforded limited weight in the context of the scale of the proposal.
56. I am mindful that biodiversity net gain is not yet a mandatory requirement of development, but the Framework is supportive of measurable attempts to secure such benefits. The appellants' Ecological Appraisal outlines that the biodiversity value of the site will be enhanced post-construction through, amongst other things, additional native species planting and bat and bird boxes. It should therefore be possible to achieve reasonable gains through the proposal but, in the absence of a worked-up scheme of planting to be secured by condition, I can only afford this environmental benefit limited weight.
57. The proposed houses would be situated close to the services and facilities in Edmond, including the Primary School, Village Hall, public houses, shop, and recreational area adjacent. The appeal site also falls within Grade 3 of the Agricultural Land Classification outlined in the NP so constitutes Best and Most Versatile Agricultural Land (BMVAL). However, the loss of BMVAL would not be significant in the context of Footnote 53 of the Framework. I have also not been referred to any conflict with LP Policy SP3 in respect of this matter or other environmental impacts. Consequently, I ascribe negligible additional benefit in respect of these matters, as I consider them to be absences of harm.
58. Similarly, at the Hearing, the appellants confirmed provision of Electric Vehicle Recharging facilities would go beyond the policy requirement but meet Building Regulations, so it would be an environmental benefit of negligible weight.
59. Taking the above together, while collectively there would be moderate public benefits associated with the proposal, the harm that would be caused by allowing development, to the setting of the Grade II listed building and the character and appearance of the CA, would be of greater significance. Moreover, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm I have identified.

Conclusions on the First Main Issue

60. In light of the above, I conclude that the proposed development would have a considerably harmful effect and thereby fail to preserve the setting of the Grade II listed building and the Non-Designated Heritage Asset, it would also cause considerable harm to the character and appearance of the CA, and the proposal would not be consistent with policies relating to housing in rural areas. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 197, 199 and 203 of the Framework and conflicts with the design, heritage and rural housing aims of LP Policies BE4, BE5, BE6, HO10 and HO11; and NP Policies RES1 and RES4.

Effect on Multi Use Games Area

61. I outlined above that the site is adjacent to a MUGA and open space. I have been referred to the Guidance for Outdoor Sport and Play⁸, which the Council confirmed was utilised in considering the siting of this MUGA and others in the borough, as well as applications for development adjacent to such

⁸ Fields In Trust, November 2020.

- infrastructure. This recommends a buffer zone for a MUGA should be a minimum of thirty metres from the boundary of any nearby properties.
62. The proposed dwellings would be just under thirty metres from the MUGA and twelve or thirteen metres from the site boundary. This would be closer than the distance referred to in the guidance, but I appreciate that residents will have different tolerances to noise, and it is not uncommon for housing to be close to recreational uses.
63. Despite the absence of a noise assessment, I consider there is sufficient compelling evidence before me to demonstrate that the MUGA is actively used by the local community and likely to regularly generate noise that would be perceptible within the site throughout the year, including into the evening at lighter times of the year.
64. The boundaries to the site are marked by tree and hedgerow planting, which varies in density and is possible to see through gaps in various places. I note a tree would be removed and additional planting could be added in its place, but there is no substantive evidence before me to suggest planting would be particularly effective in mitigating against noise disturbance from the MUGA.
65. Having regard to the distance separating the proposed dwellings and their gardens from the MUGA, in the absence of other mitigation noise disturbance from the MUGA would be likely to cause unacceptable harm to the living conditions of future occupiers of the proposed dwellings. I appreciate that the precise nature of mitigation methods for noise attenuation of the dwellings and boundary treatment can be dealt with by planning conditions and, at the Hearing, the appellants suggested this could include mechanical ventilation. However, a precautionary approach is reasonable and appropriate, as living conditions are at issue. Moreover, it would not be an unreasonable expectation for residential occupiers to be able to enjoy the rear gardens of the proposed dwellings or open their windows, particularly in the summer, without being harmed by noise emanating from the MUGA.
66. While each case should be considered on its own merits, having regard to its specific context, a similar set of circumstances presented itself in the borough, at Shawbirch. Moreover, housing was constructed within sixteen metres of a MUGA and play area, but the latter was subsequently removed following complaints of noise and disturbance from new residents. At the Hearing, the Council confirmed there no play facilities now available for that community.
67. Shawbirch is undoubtedly more urban in character than Edgmond, but residents of each location would expect to be able to enjoy their properties and gardens without being disturbed to an unacceptable extent. The concerns of the Council and other interested parties are, therefore, not just generalised fears, but realistic and specific concerns. Moreover, allowing this appeal would make it more difficult to resist removal of the MUGA on similar grounds, were comparable issues to present themselves. Consequently, the loss of the MUGA could have a similar effect on the community of Edgmond, as residents would not be served by another facility in such close proximity.
68. For the above reasons, I conclude that the proposed development would be likely to result in the continued use of the MUGA adjacent to the site being affected. Hence, the proposal would conflict with the aims regarding living conditions and the effect on existing surrounding uses, as expressed in LP

Policies BE1 and NE3, and Framework paragraph 182 in respect of the implications of new development on existing community facilities.

Other Matters

69. The appellant submitted the proposal following pre-application advice, albeit for a scheme of twelve dwellings⁹. The Framework stresses the benefits of early engagement and of good quality pre-application discussion. Whilst I am mindful that this is not binding, in any event, I have considered the individual merits of the proposal afresh and any positive feedback given in respect of any matters, notably whether the site would constitute an appropriate infill site, would not warrant allowing this appeal.

Planning Balance

70. The development plan for the area includes the LP and NP. While these both predate the current Framework, it is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to their policies according to their consistency with the Framework.
71. In the first main issue I referred to the provisions of the Framework in respect of some market housing being delivered alongside affordable housing, where it helps to facilitate it. LP Policy HO6 does not include such provisions, but the policy is only relevant to securing affordable housing not the principle of such development. That is dealt with by the other housing policies of the development plan, namely LP Policies HO10 and HO11 and NP Policy RES1, which I find to be consistent with the overall aims of the Framework regarding the location of new homes.
72. Despite the absence of a balancing exercise in relation to heritage harms in LP Policies BE4, BE5 and BE6 and NP Policy RES4, these policies are generally consistent with the heritage aims of the Framework. Policies BE1 and NE3 of the LP are also generally consistent with the Framework in terms of its aim to achieve well-designed places and to protect against harm to neighbouring uses.
73. I therefore afford considerable weight to the conflict of the proposal with these policies.
74. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets.
75. Subject to planning conditions there would not appear to be conflict with the development plan regarding trees within or adjoining the site, indoor space for the proposed dwellings, outdoor space that would be provided for gardens and vehicles to park and manoeuvre, access and egress from the site on to Shrewsbury Road, and flood risk and drainage. These matters would therefore neither weigh in favour nor against the appeal scheme.
76. In terms of harm, the proposed development would not comply with development plan policy in respect of its failure to preserve the settings of the Grade II listed building and Non-Designated Heritage Asset and preserve or enhance the character or appearance of the CA. It would also not be consistent

⁹ Planning Reference: PE/2020/0239.

with policies relating to housing in rural areas and would be likely to result in the continued use of the multi-use games area adjacent to the site being affected.

77. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of great weight against the grant of planning permission that outweigh the stated benefits.

Conclusion

78. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Hardeep Atwal	Appellants
Ian Kilby	Berrys Planning Consultants
Alex Bruce	Berrys Planning Consultants
Julian Hill	Zebra Architects
Richard Morriss	Heritage Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Robin Jones	Principal Planning Officer
Penny McKnight	Built Heritage Specialist
Hannah Post	Principal Planning Policy Officer
Mark Turner	Planner

OTHER INTERESTED PARTIES:

Councillor Stephen Burrell	Councillor for Edgmond Ward
Councillor Allan Wilson	Chair of Edgmond Parish Council
Ed Pugh	Owner of Egremont House

DOCUMENTS SUBMITTED AT THE HEARING:

- Copy of the Edgmond Neighbourhood Plan Landscape Character Assessment.
- Preapplication response from the Council to a proposal for 12 dwellings within the site (Planning Reference: PE/2020/0239) (received electronically following the event).
- Amended Plans (received electronically following the event).

DOCUMENTS RECEIVED FOLLOWING THE CLOSE OF THE HEARING:

- Statements from Councillors Stephen Burrell and Allan Wilson which were to be read out at the Hearing.
- Completed and Engrossed Section 106 Legal Agreement.
- Revised Set of Planning Conditions.