



Appeal Decision

Site visit made on 24 May 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 6 July 2023

Appeal Ref: APP/C3240/W/22/3305669

6 Tiddiecross Lane, Charlton TF6 5EU

- 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 Mark Jones against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2022/0267, dated 10 January 2022, was refused by notice dated 24 May 2022.
 - The development proposed is demolition of existing structures and redevelopment of the site to introduce 3 high quality dwellings in a traditional style with associated amenity and parking. Existing access to be retained and all existing trees and vegetation to remain where possible. Additional planting to be introduced to replace any vegetation lost within limits.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline planning permission, with all matters reserved. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.

Main Issue

3. The main issue of the appeal is whether the appeal site is an appropriate location for development with respect to the development plan and accessibility of services.

Reasons

4. It is acknowledged by both the Council and the appellant that the appeal site is in a rural area, for the purposes of the development plan. Policy HO10 of the Telford and Wrekin Local Plan 2011-2031 (LP), January 2018, concerns residential development in the rural area. LP Policy HO10 identifies that the Council will direct most of new rural housing to sites with unimplemented planning permission and that it would support a limited amount of infill housing in identified settlements. The appeal site does not benefit from an unimplemented planning permission and is not within one of the identified settlements where infill housing would be supported.
5. Further to this, LP Policy HO10 explains that elsewhere in the rural area, residential developments will be strictly controlled and only supported where they meet one of the four identified exceptions. The proposed development

would not meet any of the identified exceptions. For these reasons, I consider that the proposal would be contrary to LP Policy HO10.

6. LP Policy HO11 supports the development of small scale affordable housing schemes, including affordable self-build and custom build housing. The proposal is not for affordable housing and therefore the policy does not weigh in favour or against the proposed development.
7. LP Policy SP3 supports development in rural areas where it addresses the needs of the rural communities, including the delivery of approximately 1,000 net new homes in the rural area up to 2031. LP Policy SP3 seeks to direct development toward previously developed land and to settlements. Nevertheless, whilst the proposed development would be located on previously developed land it would be located within Charlton which accommodates very limited infrastructure. The proposed development would therefore be contrary to LP Policy SP3.
8. Paragraph 5.3.11 of the LP identifies that a more restrictive approach is appropriate in the rural area given the limited amounts of physical and social infrastructure. The appellant contends that the Policy HO10 is overly restrictive, only allowing infill development in five settlements; nevertheless, there are other exceptions where housing in rural areas would be acceptable and there is no substantive evidence before me to suggest there is an unmet need for housing in the local area.
9. The proposed development would lead to an intensification of use of the appeal site through the provision of two additional dwellings. The appeal site is not isolated but is located within Charlton, which is a settlement with very limited services and facilities. The nearest settlements which accommodate day-to-day services, such as supermarkets, doctors, schools, are a significant distance from the site along narrow, winding roads with no street lighting or footpaths.
10. The distance to services and facilities and the nature of the surrounding roads, would mean future residents are unlikely to walk or cycle to access them. I have not been provided with any evidence on the provision of public transport, and whilst I observed a bus shelter close to the appeal site, it was not clear whether any bus services ran from it. Without further evidence, I cannot conclude that the public transport provision would be sufficient to support future occupiers' needs. For these reasons, the proposed development would lead to future occupiers being heavily reliant on private motor vehicles.
11. Full weight must be given to the settlement boundaries, as I have not been provided with any evidence to suggest the Council has disregarded them elsewhere, or that the existing development strategy is failing to deliver sufficient housing. This approach is consistent with the approach considered acceptable within *Wokingham Borough Council v Secretary of State for Housing Communities and Local Government and Taylor Wimpey UK Limited*¹.
12. Planning permission, refs. TWC/2011/0183, TWC/2013/0867 and TWC/2014/0989, for similar developments in Charlton have all been put before me. However, these cases were all determined prior to the adoption of the LP. As such, they were determined against a different development plan which was more supportive of infill development. Also, some of the cases were determined

¹ *Wokingham Borough Council v Secretary of State for Housing Communities and Local Government and Taylor Wimpey UK Limited* [2019] EWHC 3158 (Admin)

when the Council could not demonstrate five years' worth of deliverable housing land. Therefore, in some circumstances the provisions set out within Paragraph 11d of the National Planning Policy Framework (the Framework) would have applied.

13. As the development plan has been updated and the policies which are most important for determining the application are not considered out of date, the proposed development is materially different to the previously consented schemes. My approach is therefore consistent with the case law² identified by the appellant.
14. The appeal site is not an appropriate location for development with respect to the development plan and accessibility of services. The proposed development is contrary to LP policies SP3, HO10 and HO11 for the reasons given above.

Other Matters

15. The appeal site being located outside of an area of outstanding natural beauty and conservation area, not accommodating a heritage asset or a particular biodiversity or geodiversity interest, or in proximity to one, nor being subject to an agricultural tenancy or occupancy are all neutral factors. Likewise, the lack of harm that would be caused by the proposed development to the rural character is also a neutral factor.
16. I acknowledge that the proposed development includes the construction of three homes, one to support an elderly relative and two for their children to support them and remain within the village. I have not received any evidence on the extent of the support that the elderly relative would require and why subsequently relatives would need to live on site with them; or, why alternatives such as living nearby would not be appropriate. However, I acknowledge that the amount of housing within Charlton is limited. A proposed mechanism which would secure the use of two of the houses, ancillary to the main house has not been put before me. The proposal is therefore for three houses with unfettered residential use; albeit I understand they are intended to be use by family members.
17. The proposed development would provide social benefits through boosting housing supply in a small village and providing accommodation for family members to live on site and support an elderly relative.
18. Whilst the following benefits have not been quantified, the proposed development could also provide environmental benefits through the construction of three energy efficient homes, improving biodiversity on site and making an effective use of the land.
19. The appellant has also highlighted Green Belt policy within the Framework. However, these policies do not weigh in favour or against the proposed development, as the site is not within the Green Belt.

Conclusion

20. The harm caused by the proposed development would be associated with the increased reliance on the use of private motor vehicles and undermining the

² North Wiltshire District Council v Secretary of State for the Environment and Clover [1992] E.G. 65 (C.S.); [1992] N.P.C. 57; Times, April 21, 1992 and Baroness Cumberlege of Newick and Patrick Cumberlege v Secretary of State for Communities and Local Government and DLA Delivery Limited [2017] EWHC 2057 (Admin)

plan led system. As such it would be contrary to paragraphs 15 and 104 of the Framework.

21. In this case the proposed development aims to provide accommodation for two siblings to support an elderly relative. I sympathise with these circumstances; however, I have not been provided with substantive evidence that the appeal scheme is the only feasible option to achieve the appellant's aims. Therefore, while I acknowledge the benefits the houses would bring, these attract moderate weight.
22. I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010, but the harm caused by the proposed development outweighs its benefits, in terms of eliminating discrimination against people with protected characteristics, advancing equality of opportunity for those people and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.
23. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. For these reasons, the proposed development is also contrary to the presumption in favour of sustainable development set out in LP Policy SP4.
24. Therefore, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR