



Appeal Decisions

Site visit made on 14 November 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2024

Appeal A Ref: APP/C3240/C/22/3309789

Appeal B Ref: APP/C3240/C/22/3309790

Land at The Farmhouse at Coalport, Sutton Bank, Coalport, Telford TF11 9NJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
 - The appeals are made by Mr Neville Cousins (3309789) and Mrs Paula Cousins (3309790) against an enforcement notice issued by Telford and Wrekin Council.
 - The notice was issued on 28 September 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of outbuildings (marked in the approximate locations B1 and B2 on the attached plan).
 - The requirements of the notice are to:
 1. Remove from the land permanently, the outbuildings marked B1 and B2 on the red line plan
 2. Remove from the land all the materials arising from the works to comply with requirement 1 of this notice
 - The period for compliance with the requirements is six months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (c), (d), (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act. Appeal B proceeds on grounds (c), (d) and (g) only.
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Decision

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the Act for the development already carried out, namely the erection of outbuildings (marked in the approximate locations B1 and B2 on the attached plan to the notice) at land at The Farmhouse at Coalport, Sutton Bank, Coalport, Telford TF11 9NJ as shown on the plan attached to the notice.

Preliminary Matter

2. The appeal site is one of five single residential dwellings within a wider residential farm development which includes the properties of Montdore, Yorkdale, Sonnet and Mapletime. Enforcement notices alleging various breaches of planning control have been issued on each of these residential sites, and separate individual appeals have been made against each one of these notices. Each appeal is subject to a separate decision and are determined on their own merits.

Appeals on ground (c)

3. An appeal on this ground is a claim that the matters alleged in the notice, if they occurred, do not constitute a breach of planning control. The burden of

proof falls on the appellant and the relevant test of the evidence is on the balance of probabilities.

4. These grounds of appeals are made only in respect of the outbuilding identified as B2 in the notice. The appellant contends that the outbuilding B2 falls under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Paragraph E.1(c) of the GPDO states that development is not permitted by Class E if any part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
5. The *Permitted development rights for householders Technical Guidance September 2019* defines "principal elevation" by stating that in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.
6. The appellants consider the south elevation of the property to be the principal elevation because, as existed on 1 July 1948, the front door to the property was in the south elevation which had a footpath leading to an access onto the highway. The highway is located to the east of the property. There is no compelling evidence before me which establishes that the front door to the property was in the south elevation, as the property existed on 1 July 1948.
7. Whilst I note that the highway is to the east of the property, the primary access to the property is from the access road to the west. The access to the west is the only vehicular access to the appeal site and there is a footpath from the garage and driveway area which leads directly to the west elevation of the property. There is a footpath from the south elevation leading to a pedestrian access onto the highway in the south east corner. There are no footpaths on the highway and given the vegetation around this pedestrian access, it does not appear to be heavily used.
8. The west elevation contains the main architectural features with a large sloping roof, two larger lower ground windows, dormer style first floor windows and a door. There is a door in the south elevation however, this elevation along with the north elevation are gable elevations given the design of the main roof slope. The east elevation, whilst facing the highway, is constrained by higher land levels and has a mixture of different roof design possibly due to this elevation being extended.
9. Due to the west elevation having the main architectural features along with the property fronting the access to the west which primarily serves the house, it is considered in this instance that the principal elevation of the appeal property is the west elevation. On this basis, outbuilding B2 is situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
10. Outbuilding B2 does not meet the criteria described in paragraph E.1(c) of the GPDO and is not permitted development. Since it does not benefit from any other planning permission it thereby constitutes a breach of planning control, Therefore, the appeals on ground (c) fail.

Appeals on ground (d)

11. In order for the appeals on ground (d) to succeed it has to be shown that at the time the notice was issued it was too late for enforcement action to be taken. The burden of proof is on the appellants and the relevant test is the 'balance of probability'. If the local planning authority has no evidence itself to contradict or otherwise make the appellant's version of events less than probable, an appeal on ground (d) can succeed, provided that the appellant's evidence alone is sufficiently precise and unambiguous.
12. Section 171B(1) of the Act states that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
13. These grounds of appeals are made only in respect of the outbuilding identified as B2 in the notice. The appellants argue that outbuilding B2 has been fully completed for in excess of four years. The appellants have provided plans¹ relating to a withdrawn application ref: TWC/2018/0748 at the appeal site. These plans identify a timber shed located in the area where outbuilding B2 is located on the site. These plans also identify a number of other structures, such as a static caravan, a metal shed and another timber shed that have been removed from the site. These plans are block plans and only provide the footprint of a building and its location. Dimensions of the height, the style of the building including roof structure, door and window positions are not provided with the submitted plans. Little information is given with regards to materials. These submitted plans are annotated stating timber shed, whereas outbuilding B2 is constructed of timber, glazed windows and a metallic roof. These plans do not provide sufficient clarity that the timber shed identified is the same structure as outbuilding B2.
14. A Google Earth image dated 29 June 2018 has been provided which shows a building located in a similar position to that of outbuilding B2. The image shows a building which has a brown roof whereas outbuilding B2 has a metallic roof which is a grey colour. The image is insufficiently clear to demonstrate that the building in 2018 is outbuilding B2.
15. Accordingly, having regard to all of the evidence before me, I find as a matter of fact and degree and on the balance of probability, that outbuilding B2 has not been located at the site for a period of four years before the notice was served. Therefore, the appeals on ground (d) fail.

Appeal on ground (a)

16. The ground of appeal is that planning permission should be granted for the outbuildings.

Main issue

17. The main issue is whether the development preserves or enhances the character or appearance of the Severn Gorge Conservation Area and the Outstanding Universal Value of the Ironbridge Gorge World Heritage Site.

¹ Appendix 14 of appellants statement of case

Reasons

18. The appeal site is located within the Severn Gorge Conservation Area (SGCA) and the Ironbridge Gorge World Heritage Site (IGWHS). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 205 of the National Planning Policy Framework 2023 (the Framework) states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
19. The SGCA is made up of several character areas with the appeal site sitting within the character area of Coalport. Coalport is dominated by the former ceramics factory and associated industrial buildings, with isolated farmsteads contributing to the character of the SGCA. The appeal site is part of a larger farmstead complex, with the buildings now residential accommodation, the main structures retain the traditional design, styles and materials of the original farmstead form. The significance of the SGCA, particularly in the location of the appeal site, is the historic interest of the rural built form within the setting of the wider industrial character of the area. The UNESCO description of the Outstanding Universal Value of the IGWHS refers to 'the traditional landscape and forests of the Severn Gorge' and the farmstead that the appeal site forms part of contributes positively to the traditional landscape of rural fields interspersed with agricultural built development.
20. The outbuildings B1 and B2 are domestic in nature given their relationship with the residential Farmhouse. However, the design of the buildings are agricultural in style with timber walls and metal roofs that are not untypical materials of agricultural buildings. The buildings are visible within the immediate locality, nevertheless, even if the timber fence immediately to the north was to be removed, given the scale and design of the buildings, they sit sensitively within the group of buildings that form the overall farmstead and are not overly prominent structures that detract from the appearance of the surrounding area.
21. It is not unusual for farmsteads to have associated buildings that form part of a farm complex. The outbuildings are sympathetic in design, subservient in scale to the main buildings and have appropriate materials. The outbuildings are positioned forward of the farmhouse however, given the built form of the farmstead, the location of the outbuildings do not appear visually cluttered. Whilst historically there has been open land between the main farmhouse and the other historic farm buildings, the outbuildings are seen and are read as part of the overall farmstead, located sensitively such that they do not appear as incongruous encroachments into the surrounding landscape.
22. The outbuildings have a sensitive relationship with the farmhouse and farmstead as a whole. The historic importance of the farmstead is not undermined by the outbuildings and the relationship with the SGCA and IGWHS is not compromised.
23. In conclusion, the outbuildings preserve the character and appearance of the SGCA and IGWHS. They are in accordance with the Framework and Policies BE1, BE3 and BE5 of the Telford & Wrekin Local Plan which states that development should respect and respond positively to its context and enhance the quality of the local built and natural environment, protect and enhance the

Outstanding Universal Value of the Ironbridge Gorge World Heritage Site, and preserve or enhance the character or appearance of conservation areas.

24. My attention has been brought to planning applications ref: TWC/2021/0533 and 0534, as well as the pre-existence of buildings located in close proximity to the position of the outbuildings. These matters do not alter my findings above.

Conclusion on ground (a)

25. The outbuildings do not conflict with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweighs this finding.
26. For the reasons given above, I conclude that the appeal should succeed on ground (a). I shall grant planning permission for the outbuildings as described in the notice.
27. In these circumstances there is no need to consider ground (g) of the appeals.

Chris Baxter

INSPECTOR