



Appeal Decision

Site visit made on 4 March 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 May 2025

Appeal Ref: APP/C3240/W/24/3350998

115 Forton Road, Newport, Shropshire TF10 8BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mitchell Glassey against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2024/0446.
 - The development proposed is the erection of 1no. self-build dwelling with associated access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1no. self-build dwelling with associated access at 115 Forton Road, Newport TF10 8BU in accordance with the terms of the application, Ref TWC/2024/0446, subject to the standard Biodiversity Gain Plan (BGP) condition set out under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (TCPA 1990), and the conditions in the attached schedule.

Preliminary Matters

2. The Council has amended the description of development from that seen on the application form. The revised wording has subsequently been used by the appellant. I have adopted the revised description of the development from the decision notice and appeal form in the banner heading above, in the interests of clarity.
3. The revised National Planning Policy Framework (the Framework) was published in February 2025. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal.

Main Issue

4. The main issue is whether the location of the proposed development would be appropriate.

Reasons

Locational Policy

5. The Telford and Wrekin Local Plan 2011-2031 (TWLP) establishes the Council's approach to the distribution of housing across the borough and seeks to focus housing within its key settlement of Telford through a sustainable urban extension. Newport is identified as the second key settlement, where the delivery of approximately 1,330 new homes up to 2031 would be supported. The Plan defines

the 'rural area' as the area which lies outside the built-up areas of Telford and Newport.

6. Policy SP4 identifies that development that is considered sustainable will be supported.
7. The policy objectives identify that, as sufficient housing land is available, the requirement for further housing within Newport and outside of identified settlements is for local housing needs only, with appropriate occupancy controls. The site is outside, and on the edge of, the identified settlement boundary for Newport. As such, the Council's countryside policies SP3, HO10 and HO11 of the TWLP are relevant.
8. Policy SP3 with respect to the rural area, supports development where it would address the needs of rural communities. Development is directed to previously developed land and settlements with good infrastructure.
9. Development outside of the urban area is also addressed in Housing Policy HO10 of the TWLP. This identifies that housing development outside of identified settlement boundaries is favoured towards limited infill development in five named rural settlements consisting of Lilleshall, Waters Upton, High Ercall, Edgmond and Tibberton. Outside of these named settlements, development would only be supported if it meets one of four criteria: that it is to be consistent with the exceptions set out in Policy HO11 (affordable rural exceptions), would result in the optimal use of a heritage asset, represents exceptional quality of innovative design or, it would meet the essential need for rural worker dwellings.
10. Policy HO11 identifies that affordable self-build dwellings will be supported where a local connection has been demonstrated and a legal agreement is provided to ensure that the dwelling remains for local people in perpetuity, that the applicants occupy the dwelling once complete, and that the development is completed within a 2-year period. The appeal site is outside of the five named rural settlements where infill development would be supported. As such, the proposed development is required to comply with Policy HO11.
11. The development proposed is intended for occupation by the appellant as a self-build dwelling. However, no legal mechanism to secure the dwelling as self-build has been provided. As the self-build element of the proposal cannot be secured by any planning permission, this provision has limited weight. Furthermore, no evidence is before me that identifies that the proposal is for an identified local housing need or meets the other requirements of Policy HO11 outlined above.
12. Accordingly, the location of the proposed development would conflict with TWLP Policies SP3, SP4, HO10 and HO11, whose objectives have been outlined above.

Other Considerations

13. As set out above, the development would be contrary to TWLP Policies SP3, SP4, HO10 and HO11, which seek to restrict new development in the rural area unless one of a limited number of exceptions are met. However, aside from conflict with these policies, the Council has failed to clearly explain or identify how or why such conflict would result in harm.
14. The location of the appeal site is closely related to Newport. It would be in an accessible location within walking distance of services, facilities, and public

transport connections in Newport town centre, around 1.2km from the site. It is located on a well-lit carriageway with footways with significant housing development located opposite it. Future occupants would be able to reach services and facilities on foot and by public transport, providing them with transport choice rather than reliance on a private car, and supporting the town's functions. As such, the site is functionally and visually linked to Newport and would not lead to an isolated home in the countryside. In these regards, the development would be sustainably located.

15. The proposal has not raised matters of dispute with respect to design, layout and scale, highway matters and the effect on neighbouring occupiers living conditions. As such, no harm would arise from the proposed development in relation to these matters.
16. In environmental terms, no harm has been established and an increase in biodiversity can be achieved.
17. The Framework furthermore seeks to significantly boost the supply of housing. Though the proposal is for one dwelling, this would be valuable in boosting the local housing stock. It would also provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy. The delivery of housing and the benefits of the proposal with respect to the overarching social, economic, and environmental dimensions of the Framework, weigh in favour of the proposal.
18. Overall, there is conflict with the locational requirements of the development plan. However, my findings above indicate that the development would be sustainably located and that several benefits would be delivered. In the absence of any identified harm, these considerations indicate that despite conflict with the development plan, my decision should be made other than in accordance with it. I therefore conclude that the location of the proposed development would be appropriate.

Other Matters

19. The application was submitted after the statutory requirement for a 10% biodiversity net gain (BNG) for minor developments was imposed. The appellant has declared that the development proposed is exempt from its BNG requirements by delivering a self-build dwelling. A BNG matrix has been submitted within the evidence. This concludes that the proposal would achieve a 68.62% gain for hedgerow units but result in a 66.78% loss for habitat area units.
20. As the self-build element of the appeal proposal would not be secured through a legal mechanism, the BGP condition set out in Part 2 of Schedule 7A of the TCPA 1990 (inserted by the Environment Act 2021) applies to this appeal. The parties were provided with the opportunity to comment on whether the appeal proposal can provide the mandatory 10% BNG on site.
21. The appellant considers that the mandatory 10% BNG cannot be delivered wholly on site but can be demonstrated by way of delivering on and off-site, through the purchase of the relevant number of habitat units from a habitat bank. The Appellant would need to discharge the BGP condition, through which off-site delivery would be evidenced and secured at that point in time. The Council has established that to meet the statutory 10%, an additional 0.58 habitat area units would need to be

provided but this is unlikely to be achievable wholly on site. However, the final landscaping design, along with any off-site units, could be set out in the BGP and a habitat management and monitoring plan.

22. The Planning Policy Guidance is clear that planning permission cannot be withheld on the grounds that the biodiversity gain objective may not be met¹. Based on the evidence before me, I am satisfied that the development could achieve the required 10% BNG and that the BGP condition, required by paragraph 13 of Schedule 7A of the TCPA 1990, is capable of being successfully discharged through a combination of on-site and off-site units.

Conditions

23. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other aspects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of clarity and enforceability.
24. To ensure certainty and clarity, I have imposed the standard conditions relating to the commencement of development [1] and approved plans [2]. I have also imposed conditions relating to foul and surface water drainage [3] and materials [5]. These conditions are necessary to ensure that the site is adequately drained and that the materials used are appropriate for the site and surrounding area. Conditions relating to the proposed access point visibility splays [12] and car parking [9] are necessary in the interests of highway safety. A condition requiring details of solar panels and the ground source heat pump [7] are also necessary to ensure that the benefits to the scheme are achieved in line with the climate change objectives of the Framework.
25. Ecology conditions requiring the submission and approval of a lighting plan [8] details of bat and bird boxes [10] and replacement landscaping [11], are necessary to avoid disturbance to bats and to secure ecological enhancements to the site. To ensure that the development is undertaken in accordance with the recommendations of the ecological appraisal, a condition is also considered necessary [4]. Further to the BNG requirements, a condition requiring the submission of a habitat management and monitoring plan and subsequent monitoring report [6] is necessary to ensure that the development delivers the BNG on site in accordance with the standard BGP condition set out under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

Conclusion

26. For the reasons given above, the appeal should be allowed and planning permission approved subject to compliance with the attached conditions.

P Brennan

INSPECTOR

¹ Paragraph: 019 Reference ID: 74-019-20240214

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers:
 - Proposals Plans: 1254 02A.
 - Landscape and Biodiversity Proposals Plan: 318/LAND/L/100 Rev P01.1.
 - Planting and Seeding Plan: 318/LAND/P/200 Rev P01.1.
 - Boundary and Surfacing Plan: 318/LAND/B/300 Rev P01.1.
 - Planting Schedule, Specification, and Implementation Plan: 318/LAND/S/400 Rev P01.1.
- 3) Development shall not take place until a scheme for both foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The details of the proposed surface water drainage scheme will be based on sustainable drainage (SuDS) principles and shall include:

(If soakaway drainage is proposed):

 - (a) The results of soakaway tests carried out three times in accordance with BRE Digest 365.
 - (b) Soakaway calculations, based on the worst-case result from the on-site tests and based on the worst-case result from the on-site tests and designed for a 1:100+40%CC rainfall event.
 - (c) A detailed drainage design including a plan showing the location of any soakaway. Soakaways should be located no less than 5m from any building or boundary.
 - d) Incorporate urban creep allowance as set out in Table 14 in TWC Local Flood Risk Management Strategy

(If drainage to a watercourse, sewer or other waterbody is proposed):

 - (a) A detailed drainage design restricting surface water discharge to 5 litres per second per hectare and attenuating all flows up to and including the 1 in 100-year event + 40% for climate change.
 - (b) A drainage layout showing the location of any attenuation and flow control features. Any attenuation or flow control features serving more than one dwelling should be located in an area of shared space or POS.
 - (c) Details of a SuDS treatment and management train identifying the water quality, amenity, and biodiversity benefits of the proposed SuDS system. This should include a suitable planting plan.
 - d) Incorporate urban creep allowance as set out in Table 14 in TWC Local Flood Risk Management Strategy.

The approved details shall be implemented in full prior to the first occupation of the development.

- 4) The development hereby permitted shall be carried out in accordance with the Preliminary Ecological Appraisal dated 26th January 2024 and Ecological Enhancement Plan dated 4th June 2024 both by United Environmental Services Ltd. Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified, and experienced ecologist.
- 5) The development hereby permitted shall not commence above ground level until details/samples of the materials to be used in the construction of the external surfaces of the dwelling and accompanying hard landscaping hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.
- 6) The development hereby permitted shall not commence above ground level until a Habitat Management and Monitoring Plan (HMMP) prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:
 - a) The roles and responsibilities of the people or organisation(s) delivering the HMMP.
 - b) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
 - c) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of the development.
 - d) The monitoring methodology and frequency in respect of the created or enhanced habitat.
 - e) A timetable for implementation of the HMMP.

The HMMP shall be implemented in accordance with the approved timetable, and this shall be evidenced within a completion report submitted to and approved in writing by the Local Planning Authority. The created and/or enhanced habitat shall thereafter be managed, maintained, and monitored in accordance with the approved management measures and monitoring methodology.
- 7) Prior to their installation, details of the ground source heat pump and solar panels to be provided as part of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The ground source heat pump and solar panels shall then be installed in accordance with the approved details and thereafter retained.
- 8) Prior to the installation of any external lighting on the site a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be designed in accordance with the advice on lighting set out in the Bat Conservation Trust Interim Guidance: Recommendations to help minimise the impact of artificial lighting. The development shall be carried out in accordance with the approved scheme which shall thereafter be retained for the lifetime of the development.

- 9) The dwelling hereby permitted shall not be occupied until the parking spaces shown on the approved plans have been provided and made available for parking of motor vehicles. The parking spaces shall thereafter be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors.
- 10) Prior to the first occupation of the dwelling hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the features shall be submitted to and approved in writing with the Local Planning Authority. The following artificial nesting/roosting boxes, as a minimum, shall be provided:
 - a) One woodcrete bat box or integral roosting feature suitable for nursery or summer roosting for small crevice dwelling bat species.
 - b) Two woodcrete artificial nesting boxes or integral nesting features suitable for bird species such as robin, blackbird, and tit species.
 - c) One woodcrete artificial nesting box or integral nesting feature suitable for house sparrow.
- 11) The soft landscape works hereby permitted shall be carried out in accordance with the approved plans prior to the first occupation of the development hereby permitted. Any trees or plants that within a period of 5 years after planting, are removed, die, or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of a similar species, size and number by the end of the first available planting season.
- 12) The 2.4m by 43m visibility splays from the centre point of the junction of the access road with the public highway shall be provided and these splays shall thereafter be kept free of any obstacles or obstructions and shall be retained as such thereafter.