

TWC/2016/0521
Land adjacent 3 Charlton, Telford, Shropshire
Erection of 1no. detached bungalow

APPLICANT
Alan Webb

RECEIVED
15/06/2016

PARISH
Wrockwardine

WARD
Wrockwardine

OFFICER Kirsty Johnson

CLLR JACQUELINE SEYMOUR HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY MEMBERS OF THE PLANNING COMMITTEE
OBJECTIONS RECEIVED: No

1. PROPOSAL

- 1.1 The application seeks full planning consent for the erection 1no. dwelling to provide a two bedroom bungalow adjacent to no. 3 Charlton.
- 1.2 The application follows an approval for a bungalow in the grounds of no. 3 but closer to the existing dwelling (TWC/2014/0989). Since the approval of this application the applicant has been in contact with the Council to change the location of the dwelling due to the close proximity to a septic tank in its current position. Hence, this full planning application has been submitted to seek consent for a new dwelling in a new location further east of 3 Charlton and further east of the previous application to also allow the applicant to retain larger garden amenity associated with the existing dwelling.

2. SITE AND SURROUNDINGS

- 2.1 The site is located in the settlement of Charlton, located approximately 3 miles west of Wellington. Charlton is a small, elongated settlement with a small number of residential properties located either side of a lane running through the centre of the settlement. Two farms are located at the western edge of the settlement and agricultural fields surround the settlement, giving it a rural character and countryside setting.
- 2.2 The application site is accessed off a road through Charlton that leads from Bluebell Lane to Wrockwardine. Along this road is a mix of properties of detached and semi-detached properties as well as bungalows.
- 2.3 The application site is currently the side garden to 3 Charlton; the site has an existing access to the site with a large detached garage and an additional outbuilding. The boundary treatments consist of hedgerows and picket fencing. The majority of boundary treatments in Charlton are hedgerows and picket fencing.
- 2.4 To the west of the site are two pairs of semi-detached properties that are built brick with cladding on the front elevations. Further west is a detached bungalow with a tiled pitched roof with a chimney projecting from the ridgeline.
- 2.5 To the east of the site is additional land that appears to serve as additional garden space to the surrounding properties with some domestic structures. To the rear of the site is open countryside with a view to the Wrekin in the distance. The fields to the rear are enclosed with mature hedgerows.

- 2.6 Opposite to the application site is a two storey property of red brick construction. Two applications have been submitted and refused for a new dwelling adjacent no. 4 Charlton (TWC/2016/0453 & TWC/2015/0256).

3. SUMMARISED CONSULTATION RESPONSES

- 3.1 Cllr Jacqueline Seymour: Support – the proposed recommendation for refusal is unjust and could have been dealt with as an amendment
- 3.2 Wrockwardine Parish council: No comment
- 3.3 Drainage: Support Subject to conditions – there are no public sewers located in the vicinity therefore an alternative means of surface water would need to be provided.
- 3.4 Highways: Support subject to conditions: Appropriate visibility splay of 2.4m by 43m is provided; turning and parking details is providing, driveway to be bound for first 5m.
- 3.5 Shropshire Fire Authority: Comment - Recommend standard informative
- 3.6 Ecology: Support subject to conditions and informatives for erection of artificial nesting/roosting boxes, lighting plan.
- 3.7 Shropshire Council: No comment
- 3.8 Historic England: Comment - it is not necessary to be consulted on this application
- 3.9 West Mercia Police: Comment – there are opportunities to design out crime.

4. RELEVANT HISTORY

- 4.1 TWC/2014/0989 - Erection of a detached bungalow - 3 Charlton, Wrockwardine, Telford, Shropshire, TF6 5EU, Decision: Full Granted, Decision Date: 11/03/2015
- 4.2 TWC/2015/0129 – Erection of dwelling and creation of new access – Land opposite The Cherry Trees, Charlton, Telford, Shropshire, Full Refused: 10/04/2015, Appeal Dismissed:07/01/2016
- 4.3 TWC/2015/0256 – Erection of 1no. detached dwelling with associated access and landscaping - Site of Greenfields, 4 Charlton, Telford, Shropshire, Full Refused: 20/05/2015
- 4.4 TWC/2016/0453 - Erection of 1no. detached dwelling with associated access and landscaping - Site of Greenfields, 4 Charlton, Telford, Shropshire, Full Refused: 29/06/2016

5. RELEVANT POLICIES

- 5.1 National planning policy framework (NPPF)
- 5.2 Core Strategy:
CS1 Homes
CS7 Rural Area
CS9 Accessibility and Social Inclusion
CS15 Urban Design
- 5.3 Wrekin Local Plan:

H9 Location of Housing
UD2 Design Criteria

- 5.4 Telford & Wrekin Local Plan (Submission Version) - A material consideration is the emerging Telford & Wrekin Local Plan, which has been submitted for examination. It is not the development plan for the purposes of determining planning applications, but under paragraph 216 of the NPPF weight can be given to policies in emerging plans according to their stage of preparation, extent of unresolved objections and degree of consistency with the NPPF, unless other material considerations indicate otherwise. The emerging T&WLP is based on recent evidence. Therefore the Council considers its policies to be sound and should be given some weight.

SP3 Rural Area
HO10 Residential Development in the Rural Area
BE1 Design Criteria

6. PLANNING CONSIDERATIONS

- 6.1 Having regard to national and local planning policies, the main issues in this application are:-
- the principle of the development,
 - impact on the character and appearance of the area and surrounding open countryside,
 - impact on amenity,
 - does the proposal represent sustainable development,
 - highway safety, drainage and ecological implications

The principle of the development

- 6.2 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the Telford and Wrekin Core Strategy together with saved policies contained within the Wrekin Local Plan. At a national level, the National Planning Policy Framework (NPPF) is a material consideration that also needs to be given weight.
- 6.3 Paragraph 12 of the National Planning Policy Framework (NPPF) states that development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development and at Paragraph 14, the NPPF explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless :
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - specific policies in the NPPF indicate that development should be restricted.
- 6.4 With regards to housing development, Paragraph 49 of the NPPF is relevant and states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. It advises that relevant policies

for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 6.5 The Council can demonstrate, based on an OAN, that it has more than a five year housing land supply (in fact 10.9 years). Therefore paragraph 49 of the NPPF is not engaged on housing supply grounds and development plan policies must be applied. The emerging T&WLP has reached an advanced state of preparation based on recent evidence and therefore the Council considers its policies to be sound and should be given some weight.
- 6.6 Saved Policy CS1 of the Core Strategy is a strategic housing policy which identifies those new homes should meet local need to create sustainable communities. Whilst the figures are somewhat out of date, having been based on a revoked Regional Spatial Strategy, its spatial dimensions are relevant.
- 6.7 Saved Core Strategy Policy CS7 provides detail regarding the location the new development in order to meet the needs of the rural area. Policy CS7 states that development will be focussed on the settlements of High Ercall, Tibberton and Waters Upton. The appeal site lies outside these settlement areas and therefore conflicts with Policy CS7.
- 6.8 Policy H9 of the Local Plan lists a larger number of settlements (13) than the more recent and strategic Core Strategy Policy CS7 where new residential development is to be focussed on the three settlements of Tibberton, High Ercall and Waters Upton. In the countryside development is to be restricted and elsewhere strictly controlled. Policy H9 is less strategic and more subservient to Policy CS7 and is not relied upon, but neither policy identifies Charlton as a suitable settlement; consequently the settlement carries the same designation as countryside in policy terms. In the recent appeal decision in January 2016 for land opposite The Cherry Trees and adjacent to the application site (under TWC/2015/0129 App ref: APP/C3240/W/15/3065782) the Inspector commented that:
“Charlton is not identified as a sustainable location for housing development by either Policy H9 of the Wrekin Local Plan 2007 (Local Plan) or Policy CS7 of the Telford and Wrekin Council Core Strategy Development Plan Document 2007 (CS)”.
- 6.9 The applicant has not provided any exceptional circumstances or significant material considerations to warrant a departure from policy CS7, such as i.e. workers dwellings, conversion schemes or affordable housing.

The impact on the character and appearance of the area and surrounding open countryside

- 6.10 The proposed siting of the dwelling is considered to be detached from the settlement being 25 metres from the nearest property No. 3 Charlton. For the appeal on land opposite The Cherry Trees (and adjacent to this application site) the Inspector observed that No.3 *“currently forms the end of the ribbon development on this side of the lane”*. (Paragraph 6 Appeal Decision). The significant distance separation from No. 3 Charlton has diminished the relationship between the proposed new plot and the existing built development and as a result *‘would introduce a substantial built form dominating the open views that currently exist when travelling along this part of the lane and would erode the open and rural qualities of this part of the landscape*

with a swathe of open countryside surrounding the site' – Paragraph 8 Appeal decision.

- 6.11 The siting of the dwelling in this location would also allow for further infill opportunities between the proposed new dwelling and No. 3 Charlton and would perpetuate ribbon development along the lane in a settlement not deemed suitable for new housing.
- 6.12 The proposed design of the dwelling is considered appropriate as a modest single storey dwelling. However the proposed size of the plot is not considered to be appropriate when compared to the scale of the proposed dwelling and the local character, providing little functional private garden space associated with the dwelling. This space is likely to be further reduced with the requirement to provide a turning circle and appropriate parking within the site boundary.

Impact on amenity

- 6.13 The erection of a dwelling in this location will not cause any issues of overlooking or loss of light or overlooking to any neighbouring properties. Although there are two windows in the side elevation fronting 3 Charlton one window is a bathroom window while the other is a small bedroom window.
- 6.14 Although the development will not impact on adjacent occupants, the amenity of future occupants of this dwelling will be impacted upon, with no rear garden amenity with the dwelling tight to its rear boundary.

Does the proposal represent sustainable development

- 6.15 A core planning principle of the NPPF is to focus development in locations which are sustainable. In order to achieve sustainable development in rural areas. Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities; recognising that development in one village may support service in another nearby. In addition, paragraphs 20 and 37 indicate that new residential development is more likely to be sustainable in location where there would be alternative modes of transport to schools, services and facilities.
- 6.16 Charlton has no facilities or services that would support a dwelling in this area with only a small amount of residential properties and two farms located on the outer edges. This has been confirmed by a recent appeal decision opposite The Chery Trees in Charlton in which the Inspector commented that *"There are few facilities in the area, save for a post box and a bus stop. These are both located approximately a quarter of a mile away from the appeal proposal and to access them would require walking or cycling along a narrow lane which has little provision for pavements or street lighting. It is therefore reasonable to conclude that the occupiers of the development would be reliant on the use of motor vehicles to access the most basic facilities and services such as shops, schools, and employment, the nearest of which are located nearly 3 miles away in Admanston. I do not therefore consider the appeal proposal to be sustainably located and it would fail to meet the National Planning Policy Framework's (the Framework) aim to promote sustainable patterns of development and give people a real choice about how they travel."* She then went on to conclude that was 'not a suitable site for housing having regard to the principles of sustainable development' (paragraph 4 appeal decision). Officers would contend that there are no material changes in circumstances from this appeal decision, which is a material consideration, to warrant taking a different view 8 months later.

- 6.17 Furthermore, officers have considered the three roles of sustainable development; economic, social and environmental and are in agreement with the conclusion of the inspector for The Chery Trees that *'the adverse environmental impacts of the proposal would significantly and demonstrably outweigh the limited benefits that would flow from the provision of one new dwelling, when assessed against the Framework taken as a whole.'* (Paragraph 12).

Highway safety, drainage and ecological implications.

- 6.18 There are no objections from highways, ecology or drainage although further information would be required to ensure the site could be appropriately drained, sufficient parking and turning provided and provision of bat and bird boxes.

Other Matters

- 6.19 Planning permission has already been granted to the applicant for a dwelling in close proximity to the application site (TWC/2014/0989). Whilst this remains an extant planning permission, there are further material considerations that apply to the consideration of this new application and site. The Council can now demonstrate that it has more than a five years housing land supply; there are different site characteristics; two recent refusals have been issued opposite the application site for a single dwelling at No. 4 Charlton - TWC/2016/0453 & TWC/2015/0256, and a recent Appeal for land adjacent to the site has been dismissed (for land opposite The Cherry Trees).
- 6.20 Planning permission TWC/2014/0989 was granted at No.3 based on different policy considerations, with the LPA failing to demonstrate that they had a 5 years' housing land supply at the time of determination. In light of this, the Council only granted consent for two years to assist in the delivery of development within the borough. The applicant has decided to not progress with this consent which expires in less than 7months (11/03/2017) due to ground constraints with the location of a septic tank and the applicants desire to retain more garden space for no. 3.
- 6.21 There are several differences between the sites. The red line boundary of the application has changed significantly since the previous application TWC/2014/0989 and is now a separate plot, although still within the applicant's ownership. As a result this application cannot be treated as an amendment to the previously approved scheme. In addition, the proposed residential amenity to the dwelling has been significantly reduced and the siting of the dwelling has become detached from the village of Charlton.
- 6.22 An appeal for a dwelling at The Cherry Trees APP/C3240/W/15/3065782 (TWC/2015/0129) was dismissed adjoining the site boundary due to its unsustainable location and the impact the development would have on the landscape. The appeal Inspector makes particular reference to the decision for a dwelling at 3 Charlton and states the following: *"In the case of a dwelling approved in the garden of no. 3 Charlton, I noted on my site visit that this land is much better related to existing built development on the lane and also lies within the curtilage of no.3. In any event, the Council's decision to allow a development in this location does not outweigh the harm I have found in the unsustainable location... and significant harm it would cause to the character and appearance of the area."* (Paragraph 10 of appeal).
- 6.23 In addition to this recent appeal decision, the Council have refused two applications for the erection of a dwelling between no. 4 & no. 6 TWC/2015/0256 & TWC/2015/0453. The reasons for refusal were based on the unsustainable location being situated outside of a suitable settlement, impact on the highway and insufficient information as the

applicant had not provided ecology surveys. It is considered that the recent appeal decision adjoining the site boundary and recent refusals at land opposite (adjacent 4 Charlton) are more material considerations, being up to date decisions, than the previous decision made by for No. Charlton in March 2015.

7.0 CONCLUSIONS

- 7.1 Although consent has been previously granted for a dwelling in the grounds of No. 3 Charlton, officers consider there are significant differences to the new scheme as well as policy considerations. Furthermore the recent appeal decision adjoining the application site opposite The Cherry Trees further emphasises the unsuitability of the site for housing. The application site is considered to be unsuitable and contrary to planning policy. The site is not sustainably located and Charlton has no facilities and is not a settlement identified to receive new housing - this view is endorsed by a recent appeal decision adjacent to the site(opposite The Cherry Trees).
- 7.2 The application site is considered to cause detrimental impact to the character of area - the development would interfere with the current landscape setting by introducing a built structure within an open and soft landscape. It is considered the site does not respect or relate to the adjacent uses and the introduction of a dwelling in this location would cause significant impact to the landscape setting and character. It is considered that a dwelling in this location would cause harm to the open countryside and therefore, the application is considered to be inconsistent with the NPPF.

8.0 RECOMMENDATION

- 8.1 Based on the above conclusions the recommendation of the Local Planning Authority is to REFUSE FULL PLANNING PERMISSION for the following reasons:-

Reasons for refusal

1. The Local Planning Authority considers the proposed residential development represents an unsustainable form of development within the open countryside, whereby development in the rural area is focused on the identified settlements of High Ercall, Waters Upton and Tibberton, limited within the rural area and strictly controlled within the open countryside. The proposed development within Charlton would not maintain or enhance the vitality of the settlement nor would it represent an exceptional circumstance. The proposed site is not considered to be a sustainable location for residential development, given the lack of access to services, facilities and employment, the lack of public transport provisions and the distances to those settlements where the nearest service and employments are available. The proposal would therefore involve a heavy reliance on journeys by private motor car, contributing to noise, emissions and congestion within the locality and any benefits in terms of housing provision would therefore be outweighed by the harm as identified above. Accordingly the proposal fails to address the three tests of sustainable development as set out in national policy and would therefore be contrary to the National Planning Policy Framework, Wrekin Local Plan policies UD2, Core Strategy policies CS1, CS7 and CS9 and HO10 of the Telford & Wrekin Local Plan (Publication Version) 2016
2. The Local Planning Authority considers the development would introduce a substantial built form, which due to the restricted plot depth would be sited adjacent to the highway forward of the existing building line. The development would dominate the open views that currently exist and erode the open and rural qualities of this part of the landscape, and would perpetuate ribbon development along the lane. The development would therefore have a significant and harmful effect on the character and appearance of the area. Accordingly the application is in conflict with Saved

policy UD2 of the Wrekin Local Plan, CS15 of the Core Strategy and BE1 of the Telford & Wrekin Local Plan (Publication Version) 2016 which aim for development to respect the character and appearance of an area.