

Planning and Enforcement Appeals

There have been a number of appeals this year, some of which were significant. The attached table lists them. A few appeal decisions are attached in full for Members' information. Hereafter it is the intention to publish appeal decisions for members on a quarterly basis.



Summary of decisions attached:-

TWC/2015/1003 – Land off Kestrel Close, Newport – 170 dwellings.

This appeal was heard by Public Inquiry in November 2016 and the decision published in March 2017, after the Local Plan Examination had been heard. The decision tested the Council's housing numbers. The Inspector accepted the appellant's housing figures indeed the Local Plan Inspector has used them as the basis of his assessment of the emerging Local plans housing policies and increased the numbers accordingly. This appeal, and others heard throughout the year, also brought up the issues of how up-to-date policies were (particularly housing policies CS1, CS7) as the emerging Telford & Wrekin Local Plan advanced through its stages of preparation and what weight should be afforded to them.

Overall the Inspector found there would be severe environmental landscape harm resulting from the proposal and dismissed the appeal.

TWC/2016/0603 Rear 31 Shrewsbury Road, Edgmond – 85 dwellings

This appeal was heard by Informal Hearing. Edgmond is not currently a rural CS7 settlement for new housing, but in the emerging TWLP it is one of the 5 selected settlements. However, the Inspector considered that 85 dwellings was not "limited infill" and the scale of development would harm the character and appearance of the area, extend out into the unbuilt countryside and close the gap between Edgmond and Harper Adams. In addition the loss of rural roadside hedge would further exacerbate the harm to the rural character. The Inspector dismissed the appeal.

TWC/2016/0785 Land adj Shelldar, Back Lane Tibberton – 14 dwellings & TWC/2016/0668 Site of 14 Rookery Road, Madeley – 1 dwelling for 2 flats.

These two appeals were refused by members for highway reasons, despite there being no technical highway objections. Both appeals were dismissed and allowed.

For the Tibberton site, members had no objection in principle to 14 dwellings and there were no issues with the wider highway network. The issue for members lay with the 22m stretch of road from Back Lane into the site and concerns that there was inadequate width for vehicles to pass and affect pedestrian safety. The inspector found that stretch of road was short with clear visibility and that traffic users would be able to see each other and manoeuvre accordingly. As such he found no evidence that traffic volumes would increase to levels to harm safety or impede emergency or refuse vehicles. He also found that there would be no adverse impact on the amenity of existing properties and allowed the appeal. The Inspector has awarded costs against the Council on the highway issue.

For 14 The Rookery, members consider the site was of inadequate size to accommodate the proposal. In addition, and following a site visit, members had

concerns about the use of the access along The Rookery itself (which is not adopted) and that there would be inadequate off-street parking and turning space. The Inspector thought the site had enough space for parking and did not think the proposal would exacerbate on street parking. He also considered the width and design of The Rookery would not cause highway safety issues, nor vehicle movements would impact on wider highway network. The Inspector also concluded there would be no adverse impact on the amenity of neighbouring properties and allowed the appeal.

TWC/2016/1180 Unit 2, Sutton Road Admaston – Change of use of post office to fish and chip shop and erection of flue

Members refused this change of use on a small parade of shops as they considered it would give rise to an unacceptable impact on the amenities of nearby residential properties by virtue of an increased level of activity, noise, nuisance and traffic disturbance. The Inspector found that the 9.30pm closing time was not late and the other units did not have closing time restrictions, and therefore concluded there would not be unacceptable levels of noise or disturbance. He thought the limited number of units in the parade was well served with parking. With the proposed s106 agreement to introduce waiting restrictions and double yellow lines in the immediate vicinity, the Inspector did not consider the use would prejudice highway safety or cause undue inconvenience to local residents. Odours would be dealt with by the flue. With regards the concerns that there is no need for the use, the Inspector notes that it is not the role of the planning system to prevent competition. It would not set a precedent as other proposals are considered on their merits. The Inspector allowed the appeal.