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## Appeal Decision

Inquiry opened on 16 February 2016

Site visit made on 24 February 2016

**by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 April 2016**

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**Appeal Ref: APP/C3240/W/15/3025042**

**Land north of Haygate Road, Wellington, Shropshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Gladman Developments Ltd against Telford and Wrekin Council.
  - The application Ref TWC/1203/1003, is dated 19 December 2013.
  - The development proposed is up to 330 dwellings, including associated landscaping, site access and public open space.
  - The inquiry sat for 7 days on 16 to 19 and 24 to 26 February 2016.
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### Decision

1. The appeal is allowed and outline planning permission is granted for up to 330 dwellings, including associated landscaping, site access and public open space on land north of Haygate Road, Wellington, Shropshire, in accordance with the terms of the application, Ref TWC/1203/1003, dated 19 December 2013, subject to the conditions set out in the Schedule at the end of this decision.
2. In granting outline planning permission I have retained the original description of development, but have imposed a condition limiting the development to a maximum of 290 dwellings, for reasons explained later in this decision.

### Preliminary matters

3. The proposal was submitted in outline, with only access to be determined at this stage, but was accompanied by an illustrative Development Framework Plan<sup>1</sup>, which I have had regard to in reaching my decision. The proposal was first **considered by the Council's Planning Committee** in May 2014 when Members resolved to grant planning permission, in line with the Case **Officer's** recommendation, subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990, as amended<sup>2</sup>. This was at a time when the Council considered that it did not have a 5 year supply of deliverable housing land as detailed in the National Planning Policy Framework ("the Framework").
4. The S106 agreement had not been completed by March 2015, when the Council received and published the Telford and Wrekin Objectively Assessed Housing Need Final Report<sup>3</sup> which had been prepared by Peter Brett Associates (PBA). This Report indicated that the Council could, indeed, demonstrate a 5 year supply of

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<sup>1</sup> Core Document 1.6.2 - Drawing No 5644-L-03 Rev I

<sup>2</sup> Statement of Common Ground (SoCG - Document 19), and Committee Minutes at Core Document 6.1

<sup>3</sup> Core Document 19

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deliverable housing land, and in light of these changed circumstances the Council decided to revisit a number of applications for which planning permission had previously been granted subject to the completion of S106 agreements, including the current proposal. This led to the appellant lodging an appeal on the grounds of non-determination in April 2015.

5. The proposed development was subsequently reconsidered by **the Council's Planning Committee** in September 2015, **with an Officer's recommendation that** had the Council still been in a position to determine the application, it should be refused for 2 reasons. These putative reasons for refusal are detailed in the **updated Officer's Report to Committee**<sup>4</sup>.
6. Shortly after lodging its appeal, the appellant submitted a further, similar application for a maximum of 290 dwellings<sup>5</sup>. This second application was **considered by the Council's Planning Committee in December 2015, where it was** refused for broadly similar reasons to the putative reasons for refusal given for the first proposal. The appellant has not appealed this second proposal, but has indicated that it would be prepared to accept a condition restricting development to a maximum of 290 dwellings, if planning permission is to be granted.
7. Less than 2 weeks before I opened this inquiry, a colleague Inspector (Simon Hand) held an inquiry within the same Council area, relating to an outline proposal from the same appellant for 110 dwellings on land off Muxton Lane, Muxton, Telford. Inspector Hand dismissed that appeal, with his decision being issued on 10 March 2016, after I had closed this inquiry<sup>6</sup>. The Council requested that this decision be brought to my attention, and I have had regard to its content and to comments on it from the appellant, along with other documents submitted by the appellant<sup>7</sup> and final comments on all these documents made by the Council<sup>8</sup>. I make appropriate references to this Muxton decision where necessary, and where I have reached a different conclusion to Inspector Hand on the same or similar matters, I have provided reasons.

### **Site description, surrounding area and details of the appeal proposal**

8. The appeal site comprises some 15.2 hectares (ha) of gently undulating agricultural land, principally in arable use, with some scattered, mature trees and native hedgerows within the site. It lies to the north of Haygate Road, outside but adjacent to the western settlement edge of the market town of Wellington. It is bounded by open countryside to the north, the existing built-up area of Wellington to the east and south, and Orleton Hall Park to the west and south-west<sup>9</sup>. The Shropshire Hills Area of Outstanding Natural Beauty (AONB) lies approximately 750m to the south of the site and contains the Wrekin, a prominent local landmark which provides the town with a distinctive backdrop of wooded hills.
9. The Grade II Orleton Hall Park is on the Register of Historic Parks and Gardens, held by Historic England<sup>10</sup> (HE), and comprises the grounds and formal gardens that surround Orleton Hall, a Grade II\* 18th century mansion which is located at the northern part of these grounds. The park itself covers about 25ha and also includes the Wellington Cricket Club ground and clubhouse, at its eastern side.

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<sup>4</sup> Core Document 6a

<sup>5</sup> Revised plans at Core Document 53

<sup>6</sup> Document 38 - App Ref APP/C3240/W/15/3010085

<sup>7</sup> Documents 39-43

<sup>8</sup> Document 44

<sup>9</sup> See Core Document 5.1 and Document 19 for further details of the site

<sup>10</sup> Formerly English Heritage

10. Haygate Road joins the Holyhead Road at a priority junction some 200m to the south-west of the appeal site, close to the Old Orleton Inn (a Grade II Listed Building). The main access to Orleton Hall leads northwards from Holyhead Road, whilst a secondary access to the Hall, in the form of a private driveway shared by visitors to the cricket ground and its associated car park, runs close to the eastern edge of the Park, bordering the appeal site in part.
11. A public right of way (PROW) leads from Powder Lane in the north-east, westwards across the appeal site towards Orleton Hall, where it terminates at the private drive. A further footpath, forming part of the Shropshire Way long distance footpath network, passes along Powder Lane outside the north-eastern edge of the site and continues northwards along Woodlands Avenue.
12. The appeal proposal seeks to provide up to 330 dwellings, with a mix of housing types, of which 25% would be affordable. Vehicular access would be provided by a new priority junction with Haygate Road. The Development Framework Plan indicates that some 4.6 ha would be given over to public open space, play areas, structural landscaping, swales and other green infrastructure<sup>11</sup>. The second proposal for up to 290 dwellings would comprise a broadly similar layout, but with an increased amount of public open space/green infrastructure, achieved by omitting development from the extreme southern part of the appeal site, to the west of the proposed site access road<sup>12</sup>.
13. The Council and the appellant have entered into a Section 106 agreement<sup>13</sup> aimed at securing a number of planning obligations, in the event that planning permission is granted. I deal with this later in this decision.

## **Main issues**

14. The main parties hold differing views regarding relevant development plan policies, the weight to be applied to them, and the subsequent planning balance. This includes significant differences regarding the appropriate level of objectively assessed housing need for the Borough and whether the Council is able to demonstrate a 5-year supply of deliverable housing land. Against this background, and in view of the evidence submitted in writing and presented orally at the inquiry, I consider the main issues can best be expressed as:
  - i. The weight which should be given to relevant policies for the supply of housing, and whether the Council can demonstrate a 5-year supply of deliverable housing land;
  - ii. The effect of the proposed development on the character and appearance of the surrounding area and on the setting of the adjacent Orleton Hall Registered Park and Gardens; and
  - iii. Whether the appeal proposal should be seen as representing sustainable development, in the terms of the Framework.
15. After considering each of the main issues, and any other relevant matters raised, I undertake a planning balance to consider the benefits and disbenefits of the proposed development.

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<sup>11</sup> Development Framework Plan at Core Document 1.6.2

<sup>12</sup> Plans at Core Document 53

<sup>13</sup> Document 30

## **Reasons**

### ***Planning policy context***

16. The Wrekin Local Plan (WLP) was adopted in February 2000 and had an end date of 2006. It has now expired, but some of its policies were saved by direction of the Secretary of State (SoS) in 2007<sup>14</sup>, and are still **operative**. **The Council's putative** reasons for refusal allege conflict with 3 of these saved policies: H9, dealing with the Location of New Housing; OL6, dealing with Open Land; and HE24, dealing with Historic Parks and Gardens. Saved Policy UD6, dealing with Major Transport Corridors and Gateways into Telford, did not feature in either the putative reasons **for refusal or the Council's Statement of Case**, but it was cited in the reasons for refusal for the second application and was discussed at the inquiry. I consider the relevance and weight to be given to these policies later in this decision.
17. The Telford and Wrekin Core Strategy (TWCS) was adopted in December 2007 and covers the period up to 2016. It is therefore still extant and the reasons for refusal maintain that the appeal proposal would be contrary to the following policies: CS1 (Homes); CS3 (Telford); CS7 (Rural Area); CS11 (Open Space); CS12 (Natural Environment); CS13 (Environmental Resources); and CS14 (Cultural, Historic and Built Environment). I discuss these policies under the relevant main issues.
18. The Council is also preparing the Telford and Wrekin Local Plan (TWLP), for the period 2016 to 2031, to replace both the WLP and the TWCS. The SoCG explains that the Council consulted on the Strategy & Options document during the summer of 2013 and a further draft in autumn 2015. As of 1 February 2016 the Council has been seeking comments on the Publication Version. The SoCG also makes it plain that the parties do not agree on the weight which should be accorded to the policies in this emerging plan. However, as the plan has not yet been subject to any examination, I consider that its policies can only carry limited weight in this appeal.
19. At the national level the Framework, published in 2012, supported by the Planning Practice Guidance (PPG) initially published in 2014, is a material consideration in the determination of this appeal.

### ***Main Issue 1 – The weight to be given to relevant policies, Objectively Assessed Need and Housing Land Supply***

#### Policy weight

20. The appellant acknowledges that as the appeal site lies outside but adjacent to the existing urban area of Telford, it is in breach of the settlement boundaries referred to in saved Policy H9 of the WLP and Policy CS7 of the TWCS. However, in light of guidance contained in the Framework the matter clearly does not end there, especially as both the WLP and the TWCS were adopted some years ago. This is of note, as paragraph 12 of the Framework stresses the desirability of local planning authorities having up-to-date development plans in place.
21. Paragraph 14 of the Framework explains that development proposals that accord with the development plan should be approved without delay; and that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. It is therefore necessary to

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<sup>14</sup> Core Document 9

consider how consistent the aforementioned policies are with the Framework, to assess what weight should be attached to them.

22. Dealing first with the WLP, I note that policies such as H1 and H3 made provision for a net additional housing requirement of just 400 dwellings over the plan period, with 160 of these being distributed to Telford. These policies, like the vast majority of the WLP housing policies, have not been saved, but the Council maintains that Policy H9, in its slightly amended, saved form is still operative, relevant and should carry full weight. However, for reasons which follow, I do not agree.
23. I accept that in line with paragraph 211 of the Framework, policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. But **the SoS's Saving Direction made it clear that where policies** were originally adopted some time ago, it is likely that material considerations, such as new national policy, will be afforded considerable weight in decisions. In this regard the Saving Direction draws particular attention to the importance of reflecting **policy in Planning Policy Statement 3 (PPS3) "Housing"**, which was operative at that time. This is relevant here, as PPS3 represented a step-change in housing delivery when compared to the previous national guidance on housing provision<sup>15</sup>, which had been extant at the time the WLP was adopted. This "direction of travel" is carried forwards in the Framework, which requires local planning authorities to boost significantly the supply of housing.
24. Against this backdrop I note that WLP Policy H9 deals specifically with a maximum of 150 dwellings allocated for the Rural Area (namely outside the settlement boundaries of Telford and Newport), as is made clear in unsaved Policy H8, and elaborated upon in saved Policy H10. The relevance claimed by the Council is that Policy H9 prohibits development outside the settlement boundary of Telford, except in the exceptional circumstances detailed in Policies H18<sup>16</sup> and H24<sup>17</sup>. However, whilst it is clear that neither of these exceptions are applicable in this case, more importantly the supporting text to Policy H9 not only makes it plain that the policy is **intended to relate just to specific "suitable" rural settlements, but also to cater for** development only up to 2006.
25. There is no firm evidence before me to indicate that the settlement boundaries applicable in 2006 are still appropriate today and are consistent with the Framework's objective of boosting significantly the supply of housing. Indeed, as **became apparent at the inquiry, the Council's current 5 year housing land supply** contains a number of sites which fall outside existing settlement boundaries<sup>18</sup>. Moreover, the Council has recently granted planning permission for a major, mixed-use development which includes the provision of some 1,100 houses on a site outside the existing boundary of Telford at Priorslee<sup>19</sup>, a matter to which I return shortly. These points indicate to me that the former settlement boundaries cannot be viewed as inviolable and that this policy does not reflect Framework guidance.
26. In light of these points I am not persuaded that WLP Policy H9 should carry any material weight in this appeal. I take support for this view from a recent appeal decision at Ashby-de-la-Zouch<sup>20</sup>, in which the SoS agreed that no weight should be attached to the conflict with an equivalent policy in that case where, as here, the

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<sup>15</sup> Planning Policy Guidance 3 (PPG3) "Housing"

<sup>16</sup> WLP Policy H18 – Conversion of non-residential buildings to residential use in rural areas

<sup>17</sup> WLP Policy H24 – Affordable housing rural exceptions policy

<sup>18</sup> Paragraph 15 to Document 37

<sup>19</sup> Core Document 36

<sup>20</sup> Document 21

Local Plan only made provision to meet the need for new homes up to 2006. Further support for this stance is also given by appeal decisions on land at Mickleton, Gloucestershire<sup>21</sup>, and at Pulley Lane, Droitwich Spa<sup>22</sup>, referred to by the appellant. Moreover, in the Muxton decision, Inspector Hand concluded that Policy H9 is not in conformity with the Framework and should therefore be considered out-of-date. The Council accepted this finding in its further comments dated 4 April 2016 finding<sup>23</sup>.

27. Turning to the TWCS, there are 3 policies which need to be considered, CS1, CS3 and CS7. Policy CS1 sets out the housing figures for the Borough at the time the TWCS was adopted in 2007, and both main parties agree that it is out-of-date insofar as these figures are concerned, as they date back to Regional Planning Guidance for the West Midlands which has now been revoked. I note that Inspector Hand also concluded that this policy was out-of-date<sup>24</sup>. Policy CS3 simply states that Telford will be the focus for the **Borough's spatial development**, and it is common ground that the appeal site lies outside but adjacent to the Telford settlement boundary. Insofar as Policy CS7 is concerned, Inspector Hand took the view that its aims are on all fours with the Framework, and that it should therefore be considered up-to-date and relevant in Framework terms.
28. However, in coming to this view Inspector Hand does not refer to matters raised by the Inspectors who examined the Core Strategy. I do not know whether, or how, this information was put to Inspector Hand, but insofar as it was presented to me I consider it to be particularly relevant in this case. In summary, I understand that the Council was one of the early local authorities to adopt a Core Strategy and that the reason the plan period extends only to 2016 is due to the examining Inspectors' concerns regarding housing delivery in the Borough. Indeed, the **Introduction to the Inspectors' Report makes reference to flaws in the TWCS which** cast doubt upon its capacity to provide adequately, and with the necessary flexibility, for new housing development<sup>25</sup>.
29. The Report goes on to comment that the reduced timespan of the TWCS would allow an early review to include relevant policy on the basis of the forthcoming Strategic Housing Market Assessment (SHMA), together with the results of monitoring of housing development in the early part of the plan period<sup>26</sup>. The Report also indicates that the housing trajectory is overwhelmingly dominated, post 2016, by **unspecified "future allocations"**, the realism of which are questioned by the Inspectors on a number of grounds<sup>27</sup>; and states that a review should be begun as soon as possible in order to ensure the delivery of housing post 2016<sup>28</sup>.
30. The Foreword to the TWCS states that a Land Allocations Development Plan Document (DPD) would follow over the next 2 to 3 years, but no such document was ever produced. As a result, no site allocations were made to deliver the required housing, despite the fact that the Inspectors made it clear that the Council should move quickly on this matter. Indeed, as the appellant has pointed out, in the absence of any allocations the Council put no plan-led system in place to bring the development needs of the community forward in a timely fashion.

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<sup>21</sup> Reference APP/F1610/A/14/2228762

<sup>22</sup> References APP/H1840/A/13/2199085 & 2199426

<sup>23</sup> Document 44

<sup>24</sup> Paragraph 15 to Document 38

<sup>25</sup> **Paragraph 1.9 in Appendix 10 to Kevin Water's evidence**

<sup>26</sup> Paragraph 3.48 in Appendix 10 to Kevin Water's evidence

<sup>27</sup> **Paragraph 3.14 in Appendix 10 to Kevin Water's evidence**

<sup>28</sup> **Paragraph 5.2 in Appendix 10 to Kevin Water's evidence**

31. The failure to **produce this DPD may well have contributed to the Council's failure to** meet the housing requirement set out in TWCS Policy CS1, for the period 2006/7 to 2010/11. This policy set out a maximum figure of 1,330 dpa for this period, giving a total maximum figure of 6,650 dwellings, whereas net completions during that period amounted to 2,311, representing just about 35% of the maximum figure. I fully accept that the figures set out in Policy CS1 were framed as maxima – a point emphasised by the Council at the inquiry – but there is no indication in the TWCS that these were not seen as realistic figures to aim for. Indeed, the supporting text to this policy notes that recent house building rates had been below Regional Spatial Strategy targets for the Borough (due to a variety of reasons), but that the continued and regular release of housing land to the market would be crucial to meeting the local requirement for new homes. Clearly, in light of the actual delivery over the 2006 to 2011 period, detailed above, this did not happen.
32. It is against this backdrop that I have to consider whether TWCS Policies CS1, CS3 and CS7 can be considered up-to-date and, if not, what weight should reasonably be given to them. I agree with the main parties that Policy CS1 is out of date as it refers to housing figures which were based on now-revoked Regional Guidance. The relevance of Policies CS3 and CS7 to the current proposal is that they seek to restrict development to existing urban areas, in particular Telford. Policy CS7 deals explicitly with the rural area, stating that development within that area will be focussed on the same 3 settlements which feature in saved WLP Policy H9, but goes on to say that outside these settlements development will be limited and, within the open countryside, will be strictly controlled.
33. However, this latter point, in itself, demonstrates that this policy is not up-to-date and in conformity with the more recent planning policy context established by the Framework, where there is no blanket protection of the open countryside and where there is a requirement to boost significantly the supply of housing. I consider it also of relevance that although the appeal site does lie outside the current settlement boundary, there was general agreement between the parties that, if allowed, the proposed development would function as an urban extension to Telford, and would not be considered as a rural settlement. Moreover, there was also general agreement that the appeal site lies in a relatively sustainable location, a point made in the original Officer's Report to Committee.
34. The Council clearly recognises that development will have to take place outside existing settlement boundaries, as referred to in paragraph 25 above and as evidenced by its recent grant of planning permission at Priorslee, also referred to above. The Priorslee site lies outside the existing boundary of Telford and this indicates to me that Policy CS3 cannot be considered up-to-date. It is also the case that the Priorslee proposal is in conflict with TWCS Policy CS7, but whilst I understand that this area is being promoted as a Sustainable Urban Extension in the emerging TWLP, I have already noted that only limited weight can be given to this emerging plan at this stage. It appears that the sustainable nature of the development at Priorslee and its good connectivity to the major services at Telford weighed in its favour in that case, and overcame any conflict with Policy CS7. It seems to me that similar circumstances exist in the case of the appeal proposal.
35. In view of all the above points, and notwithstanding the fact that the TWCS remains part of the statutory Development Plan, I have to conclude that Policies CS1, CS3 and CS7 are out-of-date, and should not be given full weight in this appeal, when assessed alongside the guidance in paragraph 215 of the Framework. Insofar as this conclusion differs to that reached by Inspector Hand, I have set out my reasons,

above. Overall, these matters lead me to conclude that the appeal proposal should be assessed using the approach set out in the second bullet point of the decision-taking section of paragraph 14 of the Framework, regardless of whether the Council is able to demonstrate a 5 year supply of deliverable housing land.

36. That said, because of the time spent at the inquiry discussing objectively assessed need and housing supply it is appropriate to review **the parties'** respective positions on these topics, although I consider that a Section 78 appeal such as this is not the correct forum to make a detailed assessment of these competing and highly technical pieces of work. That is more the function of the forthcoming examination into the emerging TWLP, where such matters can be fully debated and investigated by all relevant parties. This view is supported by other colleague Inspectors who have recently determined appeals within the Borough (including Inspector Hand<sup>29</sup>).

#### Objectively Assessed Need (OAN)

37. In October 2014 the Council commissioned PBA to provide an OAN for both housing and economic land uses, to inform the preparation of the emerging TWLP. PBA used the methodological approach set out in the PPG<sup>30</sup>, taking as the starting point the most recent household projections published by the Department for Communities and Local Government<sup>31</sup> (DCLG), which indicate 461 dwellings per annum<sup>32</sup> (dpa) for Telford and Wrekin. However, PBA concluded that the official 2012 SNPP were too low and therefore modelled an alternative scenario which shows slightly higher population growth. This population was then translated into numbers of households by applying the household reference rates<sup>33</sup> set out in the DCLG 2012 SNHP. Together with a small adjustment for vacant dwellings and second homes, this produced an assessed housing need over the TWLP period of 497 dpa.
38. PBA then considered whether this figure needed to be adjusted to take account of other factors, such as market signals or to support the expected job growth in the area, but concluded that no further adjustments were necessary. Accordingly, 497 dpa is the OAN figure for the Borough for the period 2011 to 2031, recommended to the Council in **PBA's** Final Report, which was published in March 2015<sup>34</sup>. It is on the basis of this OAN figure that the Council now considers it is able to demonstrate a 5 year supply of deliverable housing land. However, the fact remains that this OAN has not yet been subject to any significant public scrutiny or examination by all parties who may have a legitimate interest in this topic.
39. I acknowledge that the Inspector who determined another recent appeal within the Borough at Tibberton<sup>35</sup> regarded this OAN as a material consideration of significant weight, but from my reading of his decision there was no credible or persuasive contrary evidence before him to lead him to a different view. Indeed, he made it clear that he reached his decision on the evidence before him in that case. However, a different situation exists in the current case, as the appellant has submitted an alternative OAN calculation<sup>36</sup>, prepared by Barton Willmore (BW). This also follows the methodology set out in the PPG but makes a number of different

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<sup>29</sup> Core Document 29 and Documents 38 and 43

<sup>30</sup> PPG Reference ID: 2a-14 to 2a-020

<sup>31</sup> The 2012-based Sub National Household Projections (SNHP), produced by applying projected household representative rates to the 2012 Sub National Population Projections (SNPP) from the Office for National Statistics (ONS)

<sup>32</sup> **Note that the appellant's OAN, produced by Barton Willmore, takes this starting point as 460 dpa**

<sup>33</sup> also referred to as household formation rates or headship rates

<sup>34</sup> Core Document 20

<sup>35</sup> Core Document 29

<sup>36</sup> **Set out in Appendix JD1 to James Donagh's evidence**



assumptions to PBA and produces a significantly higher OAN figure of 961 dpa, which it maintains is a more robust assessment of housing need.

40. In brief, BW argues that in addition to upward adjustments to reflect local migration trends over the 2003-2013 period, further adjustments should be made to address what it sees as clear local evidence of suppression in household formation in the 2012-based series, especially in the 25-34 and 35-44 age groups. It maintains that on this basis alone, 648 dpa would be needed to support demographic-led need. In addition, rather than relying on an employment forecast from a single company<sup>37</sup>, as PBA has done, BW has considered employment forecasts from 3 companies<sup>38</sup> and has taken an average (690 jobs per annum) of these forecasts. BW considers that after making plausible assumptions about economic activity and unemployment rate changes, there is a need for 961 dpa to support this annual growth of 690 jobs.
41. In terms of market signals, BW maintains that affordability has worsened locally over recent years, although Telford and Wrekin is still more affordable than the regional and national average. Similarly, although overcrowding and the number of concealed households have worsened in Telford and Wrekin, the situation is less severe than the national average. In view of these points BW recommends no further uplift to the figure of 961 dpa to address market signals.
42. The Council has made a number of criticisms of the BW OAN figure, particularly concerning the approach to changes in headship rates and job growth forecasts. On the first of these points, it referred to recent academic articles<sup>39</sup> and argued that these suggest that headship rates will continue to fall and will not return to the 2008 rates, contrary to the approach adopted by the appellant. However, it is clear that low household formation rates can and do have harmful social impacts, such as the creation of concealed households. Because of this I am not persuaded that the correct response is simply to reflect these projected rates in the OAN, as appears to be suggested by the Council, rather than seeking to address and improve this situation as the appellant advocates, **especially in view of the Framework's** requirement that local planning authorities boost significantly the supply of housing.
43. **The Council's** second criticism, that **BW's approach** regarding job forecasts contains logical inconsistencies<sup>40</sup>, does not seem to be supported by submitted emails from both Oxford Economics and Cambridge Econometrics, which make it quite clear that their employment projections are not constrained by population projections<sup>41</sup>.
44. In turn, the appellant has levelled a number of criticisms at the PBA OAN, not least the fact that the Council is content to support it at this appeal, whilst currently promoting a much higher figure of 778 dpa through the emerging TWLP. In this regard I note that the OAN figure is also significantly lower than the 1,000 dpa figure consulted on by the Council as recently as May 2014<sup>42</sup>; the 1,074 dwellings which were completed in 2014/15<sup>43</sup>; and also significantly lower than the 1,088 dpa which the Council claims are deliverable over the next 5 years<sup>44</sup>. That said, there is no firm evidence before me to suggest that an OAN cannot be realistic simply because it is lower than previous targets or recent completion rates, a point made by Inspector Hand and with which I concur.

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<sup>37</sup> Experian Economics

<sup>38</sup> Experian Economics, Oxford Economics and Cambridge Econometrics

<sup>39</sup> Core Documents 30 and 31

<sup>40</sup> Paragraphs 30 and 31 of Document 36

<sup>41</sup> **Appendix 4 to Appendix JD1 to James Donagh's evidence**

<sup>42</sup> Core Document 25 - Proposed Housing and Employment Sites Document

<sup>43</sup> Table 1 of Core Document 23

<sup>44</sup> Table 3 of Core Document 23

45. To address these points the Council comments that its proposed housing requirement is not solely based on the overall housing need, but maintains that it will also allow for additional development of an appropriate scale, nature and location which will support delivery of the overall plan vision and growth strategy, including supporting the delivery of affordable housing<sup>45</sup>. However, the fact that there is a very large difference between what has been assessed as the housing need and the proposed requirement figure **lends weight to the appellant's view** that the Council must be anticipating high levels of in-migration to take up the net surplus in housing or, alternatively, that the PBA OAN might simply be too low.
46. **I note that in the Muxton appeal Inspector Hand considered that the appellant's** criticisms were not sufficiently well-founded to suggest that the PBA OAN is unreliable, although clearly I am not aware of the extent to which that evidence was presented, discussed and tested at the Muxton inquiry. What I can say, however, is that on the basis of the information put to me on OAN matters, I can see no obvious flaws in the arguments, assumptions and calculations put forward by the appellant.
47. Having regard to all the points detailed above I find it very difficult to reach a firm conclusion as to the robustness and reliability of the competing OANs, but in this case I do not consider it necessary for me to have to reach any such conclusion. I take this view because, as already noted, the fact that policies referred to in the **Council's putative reasons** for refusal are out of date means that this proposal falls to be determined against the second bullet point of the decision-taking section of Framework paragraph 14, regardless of whether or not a 5 year housing land supply can be demonstrated. In these circumstances I consider it appropriate to assess the differing results which flow from both of the OAN figures.
- 5 Year Housing Requirement
48. **On the basis of the Council's OAN there would be a housing requirement of 2,485 dwellings, with 4,805 dwellings needed if the appellant's OAN was to be adopted**<sup>46</sup>. It is then necessary to consider whether any shortfall in provision (which the parties agree should only relate to the period 2011-2015) should be taken into account. The **Council's position is** that there has been no shortfall over this period when delivery is compared to its 497 dpa OAN figure. However, with the higher BW OAN of 961 dpa, there is a cumulative shortfall of some 601 dwellings since 2011. **On the appellant's figures this would lead to** an overall 5 year requirement figure of 5406 dwellings.
49. It is next necessary to consider whether a 5% or 20% buffer should be added to these figures, to accord with Framework guidance. The **Council's position at the** inquiry was that when considered against the OAN figure of 497, for the post 2011 period, it does not have a record of persistent under-delivery of housing, such that only a 5% buffer should be applied. However, only looking at a 4 year period does not, in my opinion, accord with advice in PPG paragraph 3-035, which states that the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle. In the light of this advice I favour the **appellant's approach, which considers the Council's housing delivery since 2006** and argues that a 20% buffer is more appropriate.

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<sup>45</sup> Paragraph 5.4 of Core Document 11

<sup>46</sup> Document 33

50. On this matter I note that Inspector Hand reported that from 2005/6 the Council has had 6 years of missed targets followed by 4 years during which its targets were comfortably exceeded, and that on this basis he concluded that there has been no persistent under-delivery. Similar information was put before me, but just covering a 9 year period from 2006/7<sup>47</sup>. I accept that this evidence shows 5 years of shortfall followed by 4 years of exceeded targets, but the actual numbers involved are significantly different, with a large, total shortfall over the period 2006-2011 of 4,339 dwellings, and a lesser excess over the 2011-2015 period of 1,255 dwellings.
51. The Council maintains that as the former housing provision figures of 1,330 dpa for 2007-2011 and 700 dpa for 2011-2021 contained in the Regional Strategy (RS) for the West Midlands<sup>48</sup>, were only ever meant to be maximum requirements, the provision of a lesser figure than these maxima cannot be considered to represent under-delivery. However, despite its adherence to this stance at the inquiry, the submitted evidence indicates that the Council had been quite content to acknowledge a persistent under-delivery against the RS<sup>49</sup> figures as recently as 2013. At that time its 5 year Housing Land Statement acknowledged that a 20% buffer was appropriate<sup>50</sup>, having regard to its housing delivery performance against what it was happy to refer to as a target, arising from the RS figures.
52. In light of these points I do not consider it unreasonable to apply a 20% buffer to the 5 year housing figure. **With the Council's figures this would** give an overall requirement of 2,982 (an annual requirement of 596 dwellings), whilst with the **appellant's figures this would rise to** 6,487 dwellings, equivalent to 1,297 dpa. However, if I am wrong in my assessment of the appropriate buffer, then with a 5% buffer the total 5 year requirement with the Council's figures would be 2,609 dwellings (521 dpa) or 5,676 dwellings **with the appellant's figures** (1,135 dpa).
- Housing Land Supply
53. The Council's starting point, as set out in its Housing Land Supply Statement<sup>51</sup> was to consider those sites with an extant planning permission at April 2015, and then to review them to exclude those where there was uncertainty regarding housing deliverability within 5 years. After the addition of an allowance for future windfall sites, this exercise produced a figure of 5,439 dwellings which the Council maintains is a robust figure for its current 5 year supply of deliverable housing land.
54. However, the appellant points out that as at April 2015 planning permission had not been granted in relation to 2 of these sites, estimated to deliver some 266 dwellings<sup>52</sup>, and further notes that each of these proposals were subject to outstanding objections, such that no grant of planning permission could be assumed at that time. The appellant also questions whether several other sites can truly be considered deliverable, having undertaken a comprehensive telephone survey of the relevant proposals<sup>53</sup>. As a result the appellant argues that a more reliable figure for the 5 year supply of housing land would be 5,016 dwellings.
55. On the strength of the information before me it is difficult to come to any definitive view on these competing figures, and there is no clear basis for me to favour one

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<sup>47</sup> See Table 1 in Thomas Jeremiah's evidence and Table 1 in Core Document 23

<sup>48</sup> Document 29

<sup>49</sup> Table 1 in Document 29

<sup>50</sup> Page 2 of Core Document 21

<sup>51</sup> Core Documents 23 and 47

<sup>52</sup> The resolution to grant planning permission at Audley Avenue, Newport (215 dwellings) and Station Road, Newport (51 dwellings) were not made until June 2015 – see Document 32

<sup>53</sup> See Documents 32 and 37

side or the other on its views of deliverability. However, insofar as any timeframe for the assessment is concerned, I have been mindful of the fact that the Framework refers to the need for Councils to identify and update a 5 year supply of deliverable housing sites on an annual basis (my emphasis), with the PPG endorsing this point. Indeed the PPG indicates that such assessments should normally not need to be updated for a full 12 months unless significant new evidence comes to light<sup>54</sup>.

56. In these circumstances I see no good reason to include in the supply figure those additional sites which have received planning permission after April 2015. To do so would not represent a reliable update of the supply position unless other relevant matters, including completions over the same post-April period, are also taken into account. I therefore consider it reasonable to **discount the Council's figure by the** aforementioned 266 dwellings, leaving a 5 year supply figure of 5,173 dwellings.
57. On the basis of the annual housing requirement figures detailed in paragraph 52, the 5 year supply of 5,173 dwellings would amount to either a 9.9 year supply (with 5% buffer) or 8.7 years supply (with **20% buffer**) **on the Council's figures, but just a 4.6 year or 4.0 year supply respectively on the appellant's figures.** This significant range of results demonstrates that the extent of the available housing supply is critically dependent on the value chosen for the OAN. I note that Inspector Hand was satisfied that the Council does have a 5 year supply of housing land, but I have difficulty in reaching the same conclusion as I have already indicated that I do not feel able to come to a firm view as to which OAN is the most robust and reliable. Indeed, in light of the above points there seems to me to be at least a possibility that the Council is not able to demonstrate a deliverable 5 year supply of housing land, in accordance with the requirements of the Framework.

#### Summary

58. Although an informative exercise, my findings on the issue of housing land supply does not affect the conclusion I had already reached under this first main issue, that existing policies for the supply of housing should not be considered up to date and consistent with the Framework. Accordingly, this proposal should be assessed in accordance with the approach set out in the second bullet point of paragraph 14 of the Framework, applicable to decision-taking. Amongst other matters Paragraph 14 explains that a presumption in favour of sustainable development lies at the heart of the Framework and I explore the question of whether or not the appeal proposal can be considered to be sustainable development under the third main issue. However, it is first necessary to assess the likely impact of the proposed development on its surroundings, and it is to that matter which I now turn.

#### ***Main Issue 2 – The effect on the character and appearance of the surrounding area and on the setting of the adjacent Orleton Hall Registered Park and Gardens***

59. **Both of the Council's putative reasons for refusal touch on matters to be considered** under this second main issue. The first alleges that the proposed development would represent unacceptable encroachment into the open countryside which is of local importance at a key approach into Wellington and would result in the loss of an extensive area of high quality agricultural land; the second alleges that the proposal would adversely affect the setting of the adjacent listed Park at Orleton Hall. For both refusal reasons the Council contends that there would be an adverse effect on

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<sup>54</sup> See PPG paragraph ID 3-033-20150327

the character and appearance of the area and conflict with WLP Policies OL6 and HE24, and TWCS Policies CS11 and CS12.

60. In contrast, the appellant argues that the proposal would result in a distinctive and high quality development which could be successfully accommodated within the local landscape without any unacceptable landscape or visual effects upon the wider landscape character area. It points out that housing would be set within a robust green infrastructure, with key landscape features such as existing trees and hedgerows being retained as an integral part of the scheme, wherever possible, thereby helping to integrate development within the landscape.
61. In considering these conflicting views I have had regard to the Landscape and Visual Impact Appraisal<sup>55</sup> (LVIA) submitted by the appellant in support of the proposal, along with evidence from the respective Landscape and Heritage witnesses and my own observations made at accompanied and unaccompanied site visits. The LVIA uses a methodology recognised and promoted by the Landscape Institute and the Institute of Environmental Management and Assessment<sup>56</sup>. In contrast, neither the Council nor the HFG has undertaken any formal, methodical landscape or visual assessment of the proposed development, but have instead relied on purely subjective assessments of likely impact.
62. I deal first with what I refer to as general landscape matters, before turning to consider heritage issues.

General landscape matters

63. The appeal proposal would clearly result in a significant change to the nature of the appeal site, from agricultural fields on the edge of Wellington to an extension of the built-up area. However, viewed in the context of out of date housing policies and **the Government's requirement that local planning authorities** should boost significantly the supply of housing, it does not automatically follow that such a change would be unacceptably harmful.
64. The LVIA confirms that the appeal site is not covered by any local or national environmental designations, although it notes that the Shropshire Hills AONB lies about 750m to the south of the site, and that Orleton Hall and Park lie to the west. As a result, the site does not benefit from any specific protection arising from national or local landscape designation, and acceptability of development upon it needs to be assessed in the context of the relevant saved WLP policies and TWCS policies, together with other material considerations, including the Framework.
65. Saved WLP Policy OL6, dealing with Open Land, is cited in both putative reasons for refusal, although I note that it did not **feature at all in the original Officer's Report to Committee of May 2014**. This policy seeks to protect from development **"locally important incidental open land within or adjacent to built-up areas"** where that land contributes to the character and amenity of the area, has value as a recreational space or importance as a natural habitat. The Council contends that this policy applies in the current case, and would be breached by the appeal proposal.
66. However, whilst there is no specific definition of **"locally important incidental open land"** **within the policy or its supporting text**, I find it very difficult to accept that the original purpose of this policy was to provide protection for large areas of agricultural land in the countryside, such as the appeal site. If that had been the

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<sup>55</sup> Core Document 1.7

<sup>56</sup> through its 2013 publication **"Guidelines for Landscape and Visual Impact Assessment, Third Edition"** (GLVIA3)

case, there would clearly have been no need for WLP Policy OL7, which dealt specifically with Development in the Open Countryside and which, amongst other matters, stated that the Council will protect the open countryside from any development that is likely to have an adverse effect on its character or quality.

67. **This was clearly a policy “of its time”, when relevant national advice in PPG7<sup>57</sup> was that the countryside should be protected for its own sake, as is made clear in the policy’s supporting text. The policy context has, however, changed significantly.** The successor national guidance to PPG7 - PPS7<sup>58</sup> - which was operative at the time the WLP reached its end date, no longer sought to protect the countryside for its own sake, and this is presumably why Policy OL7 was not saved. Similarly, the Framework does not seek to protect countryside for its own sake but rather explains that the planning system, as one of its core principles, is now required to recognise the intrinsic character and beauty of the countryside as part of its pursuit of sustainable development.
68. **I share the appellant’s view that it is unreasonable and unacceptable to seek to reintroduce a blanket protection of open countryside through use of Policy OL6, as appears to be the Council’s intention here. With these points in mind, I am not persuaded that WLP Policy OL6 is applicable or relevant in this case.** In these circumstances there can be no breach of this policy by the appeal proposal. Albeit for a different site, I note that Inspector Hand reached a similar conclusion in the Muxton appeal.
69. The Council also claims that the proposed development would be in conflict with TWCS Policy CS11 by failing to protect a valuable and functional area of open space. This policy seeks to protect and enhance areas of both formal and informal open space, and explains that development on open space will only be permitted if it can be demonstrated that there will be significant community and environmental benefits delivered by the proposal; and if the land does not contribute to the open space standards set to meet the requirements of the local population.
70. There is no clear and unambiguous guidance to **what the policy means by “open space”.** However, I share the appellant’s view that as the **policy’s supporting text distinguishes between “open spaces” and “countryside”, it has to call into question** whether the policy is meant to apply to open countryside areas, despite the supporting text also stating that the policy applies to all open space in the Borough. Of course, if the policy was intended to apply to the countryside, it would raise an issue of consistency with the Framework because, as already noted, there is no blanket requirement in the Framework for the countryside to be protected. I note that in the Muxton appeal, Inspector Hand took the view that this policy was not aimed at agricultural land outside settlements.
71. At present, access to the appeal site is limited to the existing PROW, with no public access at all to the western fields. Insofar as this policy is relevant to the appeal **proposal, I share the appellant’s view that as the proposed development would open up a substantial portion of the site to public access, by creating new footpaths, green infrastructure and recreation areas, it would accord with the policy’s aims of providing significant community and environmental benefits.** Far from compromising the objectives of CS11 I consider that the appeal proposal accords with them, and would deliver net recreational and biodiversity gains.

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<sup>57</sup> Planning Policy Guidance 7: Countryside

<sup>58</sup> Planning Policy Statement 7: Sustainable Development in Rural Areas

72. I consider that similar points about consistency with the Framework apply in the case of TWCS Policy CS12, which states that the natural environment will be protected and enhanced. Whilst clearly an understandable and laudable aim, stated in this bold way the policy is not in conformity with the Framework, which does not provide a blanket protection for the natural environment, as is made clear in its Section 11. As a result the weight which can be attributed to this policy has to be commensurately reduced. In any case, although the Policy defines specific categories of natural environment which will be protected, the appeal site does not fall into any of these categories.
73. Moreover, whilst the policy also refers to biodiversity, it is no part of either the **Council's or HFG's case** that the proposal would cause harm to ecology or biodiversity. Indeed, the May 2014 Committee Report indicated that the Planning Ecologist was content that the proposed development could be sufficiently mitigated through conditions, and that in terms of ecology and biodiversity the development would therefore be in accordance with local and national planning policies. This position did not change in the September 2015 Committee Report, even though the proposal was recommended for refusal at that time.
74. A further policy relied on by both the Council and HFG, even though it did not feature in the putative reasons for refusal, is WLP Policy UD6. However, this saved policy does not, as is claimed by HFG, protect gateway sites from development where they make a significant contribution to the character and appearance of a settlement. Rather, it makes it clear that development proposals on or adjacent to the main transport corridors and gateways through and into Telford will need to be of a high visual quality. That said, the appeal site does not sit within one of the gateway areas shown on the plan which accompanies this policy, nor does it lie on one of the designated corridors.
75. Furthermore, I am not **persuaded by the Council's arguments that** as the appeal site forms part of the landscape setting and composition when viewed from the junction between Haygate Road and Holyhead Road (which is a designated "corridor"), it should be assessed under Policy UD6. To my mind this represents an incorrect and unreasonable interpretation of this policy. In any case, it is very **difficult to give any credence to the Council's arguments in this regard, when its** stance is contrasted with the way it recently interpreted this policy when granting planning permission for an Extra Care facility containing 63 self-contained apartments, and 77 dwellings, on a site at Holyhead Road<sup>59</sup>.
76. That site lies just a few hundred metres to the south-west of the appeal site, directly opposite the Registered Park, and adjacent to one of the designated corridors covered by Policy UD6, but the Council raised no issues regarding the impact on landscape. Instead, it simply assessed the design quality of the proposed development. I consider that had this policy been relevant to the appeal proposal, this is how it should have been applied. In summary, I do not consider that Policy UD6 is applicable in this case, and in this regard I note that no conflict with this policy was alleged in the original Officer's Report of May 2014.
77. Turning to the Framework, the Council maintains that the appeal site constitutes a valued landscape as referred to in Framework paragraph 109. In coming to this view it draws on 2 Landscape Sensitivity and Capacity Studies (LSCS) undertaken by independent consultants in 2009 and 2014, which were undertaken to assist the Council in finding sites for housing.

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<sup>59</sup> Appendix KW12 to Kevin Waters' evidence

78. These studies assessed 2 parcels of land which comprise most, but not all of the appeal site. Both studies considered these parcels to have High/Medium landscape sensitivity, with the 2009 study concluding that both sites have a low capacity for housing. In this 2009 study the western parcel is stated as not being appropriate for housing development because of its relationship to the historic parkland to the west and to the wider farmed landscape to the north, and because it contains several mature or veteran trees which cannot easily be accommodated within housing development layouts. The site is also noted as acting as a buffer between the parkland and the settlement of Wellington.
79. For the eastern parcel the 2009 study again states that it has no capacity for housing as it acts as part of a green buffer between Wellington and the Listed Orleton Hall and its formal parkland. It further comments that if developed, the apparent gap between the settlement and parkland would be narrowed, which would be undesirable. Similar comments regarding the site's value as a green buffer are made in the 2014 study, although in contrast to the 2009 study this later study makes no direct reference to the site not being appropriate for housing, or having no capacity for housing.
80. At the inquiry the Council argued that the findings of these LSCS weigh heavily against the appeal proposal<sup>60</sup>, but this does not reflect the tone or content of the internal consultation comments made by the same Council Landscape Officer in 2014. These comments make it clear that the function and purpose of the 2009 LSCS was just to highlight issues, not to determine what response should be made to those issues. Indeed, the May 2014 **Officer's Report to Committee** stated that the 2009 Study was a broad-brush landscape capacity study which could never be treated as a determining factor in Development Management without very detailed further landscape assessment, which the appellant had now undertaken.
81. In 2014, on the basis of the evidence before them at that time, Council Officers concluded that the impacts of development from a landscape perspective would be no greater than minor-moderate, and would not be sufficient to refuse planning permission on these grounds alone. It is difficult to see what has changed in the intervening time period, in terms of the proposed development itself or its assessed impacts, to cause the Council to now take a completely different view.
82. It is clear from the representations made at application and appeal stages, and in evidence to the inquiry from HFG and local Councillors, that local people do value this area of currently open land. However, as appears to be supported in the recent Stroud judgement<sup>61</sup>, in the absence of any formal landscape designations or other protection, a site needs to have some **"demonstrable physical attribute rather than just popularity"** for it to be considered as valued under Framework paragraph 109. On the basis of the evidence before me, **including the appellant's** landscape assessments using the factors set out in Box 5.1 of GLVIA3, I do not consider that the appeal site contains any such qualities and because of this I do not regard it as a valued landscape, deserving of protection under paragraph 109.
83. The Council also maintains that the proposal should not be supported as it would involve the loss of best and most versatile (BMV) agricultural land, in Grades 1 and 2, and would therefore be at odds with Framework paragraphs 17, 109 and 112, TWCS Policies CS12 and CS13, and WLP Policy UD2. Insofar as this latter

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<sup>60</sup> Paragraphs 1 and 7 of Document 3, and paragraph 54 of Document 36

<sup>61</sup> Stroud District Council v Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin) Case No CO/4082/2014



policy is concerned, I note that it does not feature in either of the putative reasons for refusal, nor was conflict alleged with it in either of the Committee Reports. As it deals explicitly with Design Criteria, I am not persuaded that it is relevant to the consideration of this proposal in terms of any impact on agricultural land.

84. Policy CS13 is a general policy which states that the environmental resources of the Borough will be used with prudence, within environmental limits. It does not deal directly with BMV agricultural land, but the Council argues that as the appeal proposal would result in the loss of a significant amount of such land, it would be inconsistent with this development plan policy.
85. Paragraph 112 of the Framework makes it clear that local planning authorities should take into account the economic and other benefits of BMV agricultural land, and that where significant development of agricultural land is demonstrated to be necessary, they should seek to use areas of poorer quality land in preference to that of a higher quality. But as the appellant points out, there is no internal balancing exercise required by paragraph 112, nor is there any suggestion that planning permission should be refused if BMV land is to be lost. Rather, the loss of agricultural land is just one of the matters which has to be taken into the overall planning balance when a proposal for development is being considered.
86. That is how the Council approached this matter when it recently granted planning permission for the aforementioned major development at Priorslee, involving the loss of over 60 ha of agricultural land, some 24.5 ha of which is classed as high quality BMV agricultural land. Presumably the Council also adopted this approach insofar as TWCS Policy CS13 is concerned, as the loss of BMV agricultural land did not prevent the grant of planning permission. I have regard to this matter in undertaking the planning balance, later in this decision, but in view of the points **detailed above I do not share the Council's view that loss of BMV land is a matter** covered by footnote 9 to Framework paragraph 14.
87. Through the LVIA the appellant has assessed the likely impact of the proposed development from 15 viewpoints, and by means of landscape and visual effects tables. The Council did not provide its own, detailed evidence on these matters, but its landscape witness did submit a number of further photographic viewpoints. I visited most of the viewpoint locations as part of my accompanied site visit, and visited 3 of the more distant viewpoints on roads to the west and north-west on an unaccompanied basis. From these latter viewpoints I found that the appeal site is not visible to any meaningful extent, and I consider that the proposed development would therefore have no material impact on views from these more distant locations.
88. Moreover, although the appeal site can be seen from the elevated location at Ercall Lane, at the edge of the AONB, it seems to me that if viewed from this location the proposed development would blend into the existing form of the built-up area and would not be unduly noticeable or prominent. Although I did not visit the Wrekin, I see no reason why a similar impression of the proposed development would not be formed from that location. As a result I am not persuaded that the proposal would result in any materially adverse visual impact from these more distant viewpoints.
89. With regard to the impacts from viewpoints within or close to the site, the **appellant's Visual Effects Table makes it plain that any visual change would be experienced by a range of different types of "receptor"**. These include vehicular and pedestrian users of Haygate Road and Holyhead Road; occupiers of houses along Haygate Road and to the east of the site; and pedestrian users of the PROW crossing the site.

90. The extent of likely visual effects of the proposed development has been set out in **both the LVIA and the appellant's landscape evidence to the inquiry**. I have examined the conclusions of this assessment, and have made my own assessments on site, with the assistance of the photo-viewpoints and photo-montages, alongside the illustrative material contained in the Design and Access Statement and the Development Framework Plan. I find nothing to cause me to disagree with the **appellant's assessment that the site occupies a visually contained position with its** visual envelope very constrained in all directions by a combination of existing surrounding residential development and mature woodland and trees.
91. It seems to me that the overall number of receptors with views towards the proposed development is low, with the most notable visual effects arising for the small number of private dwellings fronting onto the site on Haygate Road, and users of the PROW that crosses the site. I note that the Council maintains that this footpath is well used, but this is not borne out by the 2009 and 2014 LSCS referred to earlier. No **firm evidence was submitted to support the Council's contention in** this regard, and I saw little evidence to suggest extensive use at my site visit. I do not find this particularly surprising as the PROW is, effectively, a dead-end as it simply leads, at its western end, to the private driveway to Orleton Hall.
92. Having regard to the proposed planting scheme, the overall visual effects arising from the proposed development would be limited and localised and would not be significant. **I have noted the Council's comment that an attractive feature of the site** is its mature trees, and that even if these are saved, the views of them will change for the worse, from trees in a countryside setting to trees in a housing estate. The Council considers that this would be a real loss and real harm, but whilst the setting of the trees would clearly be significantly changed, I see no good reason why they could not be successfully incorporated into the proposed development, considering the large amount of open space and green infrastructure which is proposed.
93. Insofar as the alternative scheme for up to 290 dwellings is concerned, this would reduce any visual impacts still further, by removing development from the southernmost part of the site, adjacent to Haygate Road, and allowing for additional planting to further screen development and filter views into the site.
94. In view of all the above points I conclude that the proposed development would not have an unacceptable impact on the character and appearance of the surrounding area, and would therefore not be at odds with the relevant development plan policies to which I have already referred.

#### Heritage issues

95. The duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This Section is clearly engaged insofar as Orleton Hall is concerned, but there is general agreement that the appeal proposal would not give rise to any material impact on either this listed building or its setting, which is predominantly limited to the immediate setting provided by encircling tree belts. I share this view, and consider it borne out by the fact that **the Council's putative** reasons for refusal only allege harm to the setting of the historic Park itself.
96. As a Registered Park and Garden Orleton Hall Park does not benefit from any statutory protection, but as a designated heritage asset it does fall to be considered under Section 12 of the Framework. This indicates, amongst other

things, that local planning authorities should recognise that heritage assets are an irreplaceable resource and should conserve them in a manner appropriate to their significance. The Framework defines **"significance" as the value of a heritage asset to this and future generations because of its heritage interest.** It explains that this interest may be archaeological, architectural, artistic or historic, and that significance derives not only from **a heritage asset's physical presence, but also** from its setting.

97. All parties agree that there would be no direct impact upon the Registered Park, such that it is only the effect of the proposed development upon its setting that is to be considered. The setting of a heritage asset is defined in the Framework as ***"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"***.
98. With these points in mind the Council maintains that the appellant has not carried **out an assessment that fully explores the wider character of the park's setting.** This is why the Council alleges that the proposal would be in conflict with WLP Policy HE24, which seeks to ensure that historic parks and gardens are protected and enhanced by, amongst other matters, refusing development which would impair the longer views of the sites and their wider landscape setting. The Council argues that the setting of the Park includes the wider farmland outside its formal boundary, extending to Haygate Road from where long views can be obtained across the appeal site towards the Park.
99. It considers that the surrounding landscape represents several layers of a rural estate, from the central Hall complex, its associated formal garden and Park, and the associated estate farmland within which the appeal site lies. The Council further maintains that there is a sequential relationship between these elements which is not simply about visual connectivity, but also about historical relationships. It considers that this landscape is important in telling the story of a rural estate, and that the proposed development would erode part of its character and would be harmful to the setting of the Park.
100. However, despite the Council's **claims**, it is not possible to determine the original design intention for the Park as no contemporaneous information relating to its laying-out was put before the inquiry. The historic maps submitted as part of the archaeological assessment appear to indicate that the appeal site has been in various forms of agricultural use since the formation of the Park in the late 18<sup>th</sup> or early 19<sup>th</sup> century, but there is nothing to suggest any direct connection or relationship between this agricultural land and the Park.
101. Nor is there any firm evidence to show that the appeal site was ever intended to provide some form of buffer between the Park and the settlement of Wellington. In any case, time has clearly moved on, and the edge of the built-up area of Wellington can clearly be seen in views across the appeal site from Haygate Road, and from the PROW across the site. This existing development therefore also forms a part of the setting of the Registered Park.
102. The Hall does not appear to have been orientated to obtain views over the appeal site. Indeed, views from the Hall and its immediate setting are severely restricted to the east and south-east by the dense tree belts which exist along part of the **Park's eastern boundary.** **As I saw at my site visit these existing tree belts** are being substantially added to by a thick belt of new tree planting to fill in an

existing gap in tree cover on this boundary. At the very least this appears to suggest that current owners of the Hall do not regard any visual linkages between the Park and appeal site to be of particular importance.

103. Evidence before the inquiry shows that the Park has been significantly reduced in size over the years, particularly with the loss of extensive areas of land to the south and south-west in the early 1880s. But there is nothing to indicate that it was laid out to enjoy views of the Wrekin, as suggested by the appellant, although this cannot be ruled out as it is clear that such views can be obtained from the Park to the south of the Hall, and from along the main driveway.
104. It is the case, however, that the nature of the Park has changed with the introduction of the cricket ground into its south-eastern part in the 1940s. As the appellant has said, this has introduced human activity into this part of the Park and has given it a greater association with the nearby settlement of Wellington. **It is in this context that the appeal proposal's impact needs to be assessed. Whilst the nature of the Park's setting would change, with built form being brought** closer than is currently the case, this new development would be predominantly adjacent to that part of the Park where human activity is already at its greatest, namely alongside the cricket ground with its associated pavilion and car park.
105. Although the Council has been **critical of the appellant's approach**, it has not undertaken any methodological assessment of the likely impact upon the setting of the Registered Park to gauge the effect on the significance of this asset, but has simply provided a subjective assessment, supported by little testable evidence. In contrast, **the appellant's heritage witness has** used the 4 categories listed in Annex 2 of the Framework<sup>62</sup>, and has also had regard to earlier English Heritage guidance<sup>63</sup>, as well as the HE advice document **"The Setting of Heritage Assets"** which was published in March 2015 as Good Practice Advice in Planning Note 3<sup>64</sup>.
106. The appellant's **evidence** makes it clear that the general concept of both "wider" and "immediate" settings have been considered for the purposes of analysis, which has taken the form of the HE 5-step approach for assessing the implications of development proposals, detailed in the Good Practice Advice referred to above. This has led the appellant to conclude that there would be less than substantial harm to the setting and heritage significance of the Registered Park, using the terminology given in Framework paragraph 134.
107. In assessing the impact of the proposal I have been mindful of the comments of HE, who visited the site in the company of both Council Officers and representatives of the appellant. Following this visit HE took the view that although the proposed development would cause some harm to the setting of the Park, this could be totally mitigated by a substantial planting belt on the **development's north-western boundary**<sup>65</sup>. In addition, the Shropshire Parks and Garden Trust supports and endorses the view of HE<sup>66</sup>.
108. **The Council's Heritage witness disagrees with HE's assessment in this regard**, although she did express the view at the inquiry that the second application scheme for up to 290 dwellings would go some way towards addressing her

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<sup>62</sup> archaeological, architectural, artistic and historic

<sup>63</sup> **English Heritage: "Conservation Principles Policy and Guidance (for the Sustainable Management of the Historic Environment)" April 2008**

<sup>64</sup> Core Document 51

<sup>65</sup> Core Documents 3.17 and 3.22

<sup>66</sup> Core Document 3.23

concerns, and appeared to indicate that she would find development on the appeal site acceptable if it was moved even further to the east/north-east. As the proposed development would reduce the extent of open land to the east of the **Registered Park I do not share HE's view that the impact could be totally mitigated** by substantial planting, although I do consider that such planting could reduce any impact significantly.

109. Like the Council, I consider it important to retain some open views of the Park from Haygate Road, to preserve an element of this part of its setting. Because of **this I consider that development almost up to the appeal site's western boundary**, as proposed through the scheme for up to 330 dwellings, would not be appropriate, even with screen planting on the lower part of the western boundary as proposed and as apparently endorsed by HE. Whilst sharing the view of both the appellant and the Council that the impact of the proposed development on the setting of the Park should be seen as less than substantial, I place the harm from the 330 dwelling scheme towards the top end of this **"less than substantial" range**.
110. However, I consider that if no development was to take place in this southernmost part of the site, as would be the case with the proposal for up to 290 dwellings, then this would appreciably reduce the potential impact upon the setting of the Park by retaining sufficient open views of its eastern aspect. In these circumstances I consider that the impact would be lessened dramatically and would lie towards the bottom end of the **"less than substantial" range**.
111. Although the **Council's Heritage witness** maintained that the appellant had submitted insufficient evidence for her to be able to properly assess the likely impact of the proposed development, I find this assertion difficult to accept. The Council has had ample opportunity to seek additional information if it considered this to be necessary, including as part of the second application. Moreover, the level of supporting information submitted by the appellant, which I note was generally praised as being extensive in nature and of high quality<sup>67</sup>, did not prevent HE from coming to a firm view on this proposal.
112. To conclude on this matter, with the provision of an appropriate physical buffer along the western side of the appeal site, supplemented by new planting and screening, I am satisfied that the impact on the setting of the Park should be seen as less than substantial. For the up to 330 dwelling scheme I place the impact towards the top end of this range, whereas I place it towards the bottom of this range for the scheme for a maximum of 290 dwellings.
113. As already noted, WLP Policy HE24 seeks to protect and enhance historic parks and gardens and their settings, and similar aims are found in TWCS Policy CS14. However, this wording does not fully accord with guidance in the Framework, as neither of these policies allows for harm to be balanced against public benefits, as is the case with paragraph 134 of the Framework. The weight that can therefore be given to these policies has to be reduced somewhat. The recent case of *Forest of Dean District Council v Secretary of State for Communities & Local Government & Gladman Developments Ltd*<sup>68</sup> confirms that paragraph 134 of the Framework is a restrictive policy for the purpose of footnote 9 to paragraph 14. This means that I am required to weigh the harm to the significance of the Registered Park against the public benefits of the proposed development, in accordance with paragraph 134, an exercise which I undertake later in this decision.

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<sup>67</sup> Core Document 1.19

<sup>68</sup> Document 40

**Main Issue 3 – Whether the appeal proposal would be sustainable development in the terms of the Framework**

114. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to sustainable development - economic, social and environmental – and that these give rise to the need for the planning system to perform a number of mutually dependent roles. I explore how the appeal proposal would perform against each of these roles in the following paragraphs.

The economic role

115. The Council has not seriously disputed **the appellant's claim that** a number of economic benefits would flow from this development, if permitted. As set out in the Socio-Economic Impact Assessment<sup>69</sup> submitted with the application, these would include a construction spend of about £37.1 million, supporting some 150 full-time equivalent construction jobs over a 4 year build period, together with a significant additional amount of direct gross added value.
116. In addition, the up to 330 dwelling scheme would accommodate around 870 residents, with a large number likely to be of working age and around 460 likely to be in employment. The scheme would therefore directly contribute to the availability of local labour, and residents of the new development would generate annual household expenditure of some £3.2 million, which would help to sustain the vitality of existing shops, services and businesses within Wellington and across the wider Borough. Furthermore, the Council would receive an estimated New Homes Bonus of about £3.0 million, plus additional Council Tax receipts each year.
117. Moreover, the proposed development would contribute to boosting housing supply, including providing much needed affordable housing, at a level which the appellant maintains would be well in excess of what has typically been achieved in Telford. This represents a significant benefit of the proposal, and having regard to a recent SoS appeal decision at Hook Norton in Oxfordshire<sup>70</sup> I agree that this weighs heavily in favour of the appeal proposal.
118. I accept the appellant's comment that the new market and affordable homes would function as part of the urban area of Telford and would therefore support the delivery of the overall objectives of the emerging TWLP and help to fulfil part of the **Borough's vision, of ensuring "the provision of sufficient homes of the right type and quality in the right places to meet a growing and ageing population"**<sup>71</sup>.
119. The matters detailed above would amount to real, tangible benefits to the local and Borough-wide economy and I consider that they should carry significant weight in **the proposal's favour**. I have noted the criticism made by both the Council and HFG, that these benefits would not be unique to this development but would flow from any new housing development within the Borough, and to some extent this is clearly correct. But this does not detract from the fact that the appeal proposal would give rise to these real economic benefits, and for this reason I consider that it should be regarded as satisfying the economic role of sustainable development. I reach the same conclusion for the proposal for up to 290 dwellings, whilst noting that there would be some reduction in the overall level of economic benefits.

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<sup>69</sup> Core Document 1.5

<sup>70</sup> Reference APP/C3105/A/14/2226552 - Land at Sibford Road, Hook Norton, Banbury, Oxfordshire, Decided 7 December 2015, referred to in paragraph 14.6.15 of Kevin Waters' evidence

<sup>71</sup> Paragraph 2.42 of Core Document 11

### The social role

120. A key argument put forward by the appellant is that the development would result in much needed market and affordable housing, with up to 83 affordable units being provided **with the appellant's preferred scheme for up to 330 dwellings, and** about 73 dwellings with the proposal for a maximum of 290 dwellings. I have already concluded, above, that the provision of much needed affordable housing should be seen as a significant benefit of the scheme.
121. **At the start of the inquiry the Council's most up to date SHMA was the February 2014 version** to be found at Core Document 19. This estimated that for the 2011-2016 period some 1,608 affordable homes would be required each year, amounting to a total of 8,040 affordable homes over that period. However, during the course of the inquiry the Council published an updated version of its SHMA, which revises this residual affordable housing requirement downwards to 665 dpa. Whilst this is much reduced from the earlier figure, it still represents a significant requirement, well in excess of the amount of affordable housing which would be delivered on the basis of the PBA OAN figure of 497 dpa, or on the 778 dpa figure currently being pursued through the emerging TWLP. In these circumstances I do not consider that the latest SHMA does anything to materially lessen the weight which should be given to the provision of affordable housing through either the 330 maximum dwelling appeal scheme or the alternative proposal for up to 290 dwellings.
122. The appellant points out that the development would provide new publicly accessible amenity green space and green infrastructure on a site which currently has no general public access (beyond the route of the PROW), resulting in a benefit in terms of the recreational value of the site. It also argues that the proposal would introduce new residents to the local area, thereby helping to maintain a mixed and balanced community that would help sustain the vitality of life in Wellington. It further comments that new houses, especially affordable units, would provide opportunities for first time buyers to access the housing market locally.
123. **I share the appellant's views on these points, and also accept that the appeal site is** located in an accessible and sustainable location, close to key services and facilities, and with sustainable transport choices that would provide access to higher order **services. I see no reason to doubt the appellant's assertion that new residents** would be able to enjoy a wide range of services and facilities, ensuring a good standard of health, social and cultural wellbeing.
124. I acknowledge that these social benefits would not be unique to this proposal, as similar benefits would be likely to flow from any new housing development within the Borough. Nevertheless, as with my earlier conclusion on the economic benefits, these social benefits do represent real, tangible benefits of the proposed development, and in these circumstances my assessment is that the appeal proposal would satisfy the social role of sustainable development.

### The environmental role

125. Paragraph 7 of the Framework indicates that as part of the environmental role of sustainable development, the planning system needs to contribute to protecting and enhancing the natural, built and historic environment. Sections 11 and 12 of the Framework provide more information on these matters, and I have considered them in detail under the second main issue. The first point to make is that insofar as the natural environment is concerned, I have concluded that the appeal

proposal would not have an unacceptable impact on the character and appearance of the surrounding area.

126. However, the issue is more complicated regarding impact on the built and historic environment, because even though I consider that both the proposal for up to 330 dwellings and that for up to 290 dwellings would result in less than substantial harm to the Registered Orleton Hall Park, I have concluded that the actual extent of harm would be noticeably different for each case. And before I can reach a conclusion as to whether either or both of these proposals would satisfy the environmental role of sustainable development, I need to consider whether this harm is outweighed by the public benefits of the proposal, in each of these cases.
127. I therefore have to defer my conclusions on this environmental aspect of sustainable development to the planning balance section of this decision. First, however, I need to consider the other matters raised by the HFG and other interested persons.

### **Other matters**

128. I have had regard to the significant number of written representations submitted in opposition to the appeal proposal, including letters from the local Member of Parliament, Mark Pritchard, covering a wide range of topics. Many of these raise objections in principle to the proposed development and have already been addressed under the main issues in this decision. Others have raised matters such as ecology, urban design, noise and air quality, use of brownfield sites, land contamination, and likely impacts upon living conditions of nearby residents.
129. However, these matters and others have been carefully considered by the Council, but have not been included in its putative reasons for refusal, as it has been satisfied that they could be addressed by conditions, or at any future reserved matters stage, or simply could not be justified in this case. On the basis of the evidence before me I share that view, and have not given these matters weight in reaching my decision. Some matters were, however, raised directly at the inquiry by the HFG or others, and I therefore deal with them in the following paragraphs.
130. Objections covering a variety of highway and transport-related issues were raised, with a particular concern from the HFG being that the traffic signals and other improvements proposed for the Haygate Road/Holyhead Road junction would change its character and bring a highly urban element to the area. However, none of the objections raised have been supported by firm, factual evidence, and having examined the submitted drawings I do not consider that the junction improvements proposed would have an unacceptable visual impact on the area.
131. I note that a comprehensive Transport Assessment was submitted with the application and understand that on this basis, and subject to a variety of works to which the appellant would make appropriate financial contributions, the local Highway Authority is satisfied that no unacceptable traffic problems would arise. I have also noted that a SoCG dealing with various highways and transportation matters has been completed between the Council and the appellant, and that the appellant would promote sustainable transport measures to new residential occupiers, by means of a Travel Plan for the site. Having regard to these points, I am not persuaded that there are any highways or transport matters which would weigh unacceptably against the proposed development.
132. The HFG also maintained that the topography of the site has not been taken into account along the site boundary with Woodlands Avenue, and that development of



this field could lead to increased flooding elsewhere. However, the appellant has confirmed that the flood modelling has been based on a topographical survey, as shown on the strategy drawing at Appendix D of Core Document 1.17. Moreover, **the Council's Drainage Officer has considered** the proposal and has raised no objections, subject to the imposition of a number of conditions covering such matters as sustainable drainage systems. In view of these points I am satisfied that there are no drainage-related matters which would weigh unacceptably against the proposed development.

133. Objections were also raised, including by the Chair of Governors of the Short Wood Primary School, on the grounds that the appeal proposal would lead to a **detrimental impact on children's education as a result of** overcrowding, temporary accommodation and cross-year classes. It was claimed that the proposed development would distort the capacity of primary school provision by building homes in an area not planned for by the Council, and that this would negate any education planning provision by the Education Authority.
134. I understand and appreciate these concerns, but it is clear from the evidence before me that the Education Authority has been consulted on the proposals and has raised no objections, subject to agreed financial contributions being made. The submitted Section 106 Agreement indicates that the appellant would make contributions towards both primary and secondary education facilities, to an agreed formula which depends on the number of dwellings built, if planning permission is granted. In these circumstances I am not persuaded that there are any reasons on education grounds to oppose the proposed development.
135. Concern has also been raised regarding the proximity of proposed housing and play areas to the cricket ground, and the potential dangers to future residents of the development from flying cricket balls, as well as the consequential problems which complaints from residents could have on the functioning of the cricket club. However, the submitted evidence indicates that the appellant has fully investigated this matter, and I see no good reason why the suggested and agreed condition could not satisfactorily address these concerns.
136. Finally, I have had regard to the Section 106 Agreement which deals with such matters as on-site affordable housing; education contributions; junction improvements; traffic calming measures; bus infrastructure improvements; travel plan monitoring; outdoor play provision and PROW improvements. I have considered the submitted Statement of Compliance with the Community Infrastructure Levy Regulations<sup>72</sup>, and am satisfied that the contributions accord with Regulations 122 and 123. Accordingly I am satisfied that this Agreement adequately addresses the various concerns raised regarding impact of the proposed development on local infrastructure.

### **Planning balance and overall conclusions**

137. In accordance with guidance contained in the Framework, there are 2 separate balancing exercises which need to be undertaken in this case, both of which have to take account of benefits which would arise from the appeal proposal. The first is the balance relating **to paragraph 134 of the Framework, which requires any "less than substantial" harm to the significance of a designated asset to be weighed against the public benefits of the proposal.**

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<sup>72</sup> Document 23

138. I undertake this balance in the context of the guidance in paragraph 132 of the Framework, which makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight **should be given to the asset's** conservation. I have already concluded, in paragraph 112 above, that the harm to the significance of the Registered Orleton Hall Park would be **at the upper end of the "less than substantial" range** for the appeal scheme of up to 330 dwellings, but towards the bottom of this range for the scheme for up to 290 dwellings.
139. To be set against this harm, there would be substantial public benefits arising from the construction of up to 330 (or up to 290) new homes, of which up to 83 (73 in the smaller scheme) would be affordable dwellings, to which I attach significant weight. There would also be significant economic and social benefits as detailed in paragraphs 115 to 124. In addition, by opening up a substantial portion of the site to public access, and by creating new footpaths, public open space, green infrastructure and recreation areas, as well as a new footpath link to the north-east, the proposal would provide community and environmental benefits, as well as net recreational and biodiversity gains. These would be primarily (but not exclusively) for residents of the new houses. Overall I give modest weight to these benefits.
140. Finally, some transport and highway improvements would be undertaken if the proposed development was to proceed. Whilst these measures are all agreed to be necessary to make the proposed development acceptable in planning terms, they would also offer some benefits to the existing population of this part of Wellington. As such **they carry modest weight in the proposal's favour.**
141. Weighing these benefits against the harm to the designated heritage asset is, in my assessment, a fine balance, with clear and distinct differences between the 2 proposals. Although I am satisfied that the harm to the setting of the Park should be classed as less than substantial in the case of both the 330 dwelling and the 290 dwelling schemes, I consider it very important to retain some open views of the Park from Haygate Road to retain the significance of this aspect of its setting, and this increases the weight I feel I need to ascribe to the harm in the case of the 330 dwelling scheme. Because of this I am drawn to conclude that the harm to the significance of the Park would be outweighed by the public benefits in the case of the 290 dwelling scheme, but not in the case of the scheme for a maximum of 330 dwellings. **In other words the proposal passes the "paragraph 134" test in the up to 290 dwelling scheme, but not in the up to 330 dwelling scheme.**
142. Referring back to paragraphs 126 and 127 of this decision, I therefore conclude that the scheme for up to 330 dwellings would not satisfy the environmental role of sustainable development, whereas the scheme for up to 290 dwellings would. Accordingly, I further conclude that the proposed development can be considered as representing sustainable development, but only if the maximum number of dwellings is restricted to 290, and the development proceeds in general accordance with Development Framework Plan reference 5644-L-03-Rev N.
143. I now turn to the second balancing exercise which needs to be undertaken. In view of my earlier conclusions that development plan policies referred to in the putative reasons for refusal are out-of-date and should carry less than full weight because of inconsistencies with Framework policies, this is the weighted balance set out in the second bullet point of the decision-taking section of Framework paragraph 14. This indicates, under its first limb, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework taken as a whole. The second limb of this bullet point relates to the situation where specific policies in the Framework indicate development should be restricted, such as where designated heritage assets are concerned, and I have already addressed this matter, above.

144. From the conclusions I have already reached on the main issues I consider that the proposed development would result in some adverse impacts, but that these would be limited. My reasoning is set out fully in the appropriate paragraphs, above, but in summary there would firstly be a loss of just over 15 ha of BMV agricultural land. But as much of the agricultural land surrounding Telford is of BMV status, and as it is clear that this has not prevented the Council from recently granting planning permission for a scheme at Priorslee which will result in a much greater loss of BMV land than here, I can only give this impact a modest amount of weight.
145. Insofar as impact on the Registered Park is concerned, by not seeking to provide development on the southernmost part of the site, adjacent to Haygate Road, the scheme for a maximum of 290 dwellings would only result in a low level of “less than substantial” harm to weigh against the proposal.
146. There are no other matters which weigh against this development, which could not satisfactorily be addressed by conditions, or at reserved matters stage.
147. Turning then to the benefits of this proposal, I have already detailed, above, that there would be substantial benefits arising from the provision of up to 290 new dwellings, including up to 73 new affordable homes. I give significant weight to this provision of both market and affordable housing. I also accord significant weight to the economic and social benefits which the scheme would give rise to, and which have already been detailed, above. In addition, I have concluded that modest weight should be given to the gains arising from increased public access to the appeal site, and to the highway improvements which would arise from the proposal.

#### Overall conclusion

148. I am required to determine this proposal in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. I have identified some conflict with development plan policies under both the first and second main issues, but have concluded that these policies are out-of-date and should carry less than full weight because of inconsistencies with policies in the Framework. Because of this, and having regard to my findings on all 3 main issues, my overall conclusion is that the adverse impacts of the proposal would not significantly and demonstrably outweigh the substantial benefits which would arise from this development.
149. I therefore conclude that this proposal should be allowed, on the basis of the Development Framework Plan submitted for the scheme for up to 290 dwellings, and subject to the imposition of a number of conditions, as discussed at the inquiry and set out in the attached Schedule. In some instances I have considered it more appropriate to impose the versions of conditions suggested by the Council, whereas in other cases I have favoured the wording put forward by the appellant.

#### Conditions

150. Conditions 1, 2 and 3 are standard conditions for outline planning permissions, whilst Condition 4 is imposed for the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details. Conditions 5 and 6 are imposed for precision and to specify the extent of the

permission. Condition 7 is imposed to ensure the satisfactory and orderly completion of the development and associated play areas and public open space.

151. The appellant questioned the need for Condition 8 but I **share the Council's view** that as the Design and Access Statement is not binding on future developers, it is necessary for a Masterplan to be submitted at an early stage to supplement the Development Framework Plan, to ensure that there is an acceptable Framework for the overall development of the site and to ensure that the site is developed in a way that reflects and integrates the development into its surroundings.
152. Conditions 9 and 10 are imposed to ensure satisfactory drainage of the site and to avoid flooding, whilst Condition 11 is imposed in the interests of highway safety and to avoid inconvenience to other road users. Condition 12 is needed to promote sustainable modes of travel and Condition 13 will ensure the provision of adequate emergency vehicle access. Condition 14 is needed to secure the provision of new play facilities on the site, in accordance with current standards, whilst Condition 15 will ensure that due regard is paid to the continuing enhancement and maintenance of landscape features of communal public significance.
153. Condition 16 is imposed to ensure that acceptable noise levels within the dwellings and the gardens of the dwellings nearest to Haygate Road are not exceeded, whilst Condition 17 is intended to prevent trees or hedgerows on the site from being damaged during building works. Condition 18 is imposed so as to prevent congestion on the surrounding roads, and to protect the amenities of nearby residential areas, whilst Condition 19 is intended to improve and enhance public access in the interests of amenity. Condition 20 will ensure that the existing field access is not used by traffic, in the interests of highway safety, and will ensure that the closure treatment is sensitive to its location, in the interests of visual amenity.
154. Condition 21 is imposed to ensure the provision of roosting/nesting opportunities for wildlife, in accordance with section 11 of the Framework, whilst Condition 22 is necessary to minimise disturbance to bats. Conditions 23 and 24 are imposed to ensure the protection of amphibians and badgers respectively. I have noted the **appellant's concerns regarding the necessity of imposing** these latter 2 conditions, as both amphibians and badgers are protected by other legislation. However, I **have also taken on board the Council's comments that it is ultimately responsible** for discharging its biodiversity obligations, and in these circumstances I consider that the imposition of these conditions is justified. Finally, Condition 25 is imposed to protect features of recognised nature conservation importance.
155. I have not imposed the suggested condition requiring no dwelling within 30 metres of or directly overlooking the proposed play areas to be occupied until the play areas and their associated equipment have been fully installed and available for use, as I consider that these matters could be adequately addressed through the requirement for a phasing plan to be submitted under condition 7.
156. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion that this appeal should be allowed.

*David Wildsmith*

INSPECTOR

### **Schedule of Conditions (25 in total)**

- 1) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this outline permission.
- 3) Approval of the details of appearance, layout, scale and landscaping of the site (hereinafter called **'the reserved matters'**) **shall be obtained from the** local planning authority before any development is begun.
- 4) Notwithstanding the details set out in the description of development, the development hereby approved shall comprise up to a maximum of 290 units.
- 5) The development shall be carried out in accordance with the deposited plans and drawings as stated below:
  - i) Plan Number: 2013-038-100-001-C, Received: 10/08/2015
  - ii) Plan Number: 1357/17 - Rev A, Received: 01/05/2015
- 6) Reserved matters details required for approval in respect of Condition 3 shall be in general accordance with the Development Framework Plan ref: 5644-L-03 - Rev N.
- 7) No development shall take place until a phasing plan showing the phased progression of the development (including the timing of the provision of all of the public open space and associated play areas) has been submitted to and agreed in writing by the local planning authority. The development shall be implemented in accordance with the agreed phasing plan.
- 8) Alongside the submission of the first reserved matters details required for approval in respect of Condition 3, a Masterplan (in plan, written and graphic form) shall have been submitted to the local planning authority identifying and setting out the overarching design principles for the development. Following the agreement to this by the local planning authority in writing, the subsequent layout and appearance details to be submitted for any subsequent phases of the development in respect of Condition 3 shall be in accordance with the principles approved in the Masterplan.
- 9) Development shall not take place until a scheme for surface water drainage up to the proposed point of discharge to the Beanhill Brook has been submitted to and approved in writing by the local planning authority. The proposed scheme shall restrict surface water runoff to 76 litres per second and any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. An additional modelling allowance set to address future urban creep shall be applied in accordance with the following table:

Residential Development Density Dwellings per Hectare	Additional allowance required as a percentage of the development site impermeable area
25 or less	10
More than 25 and less than 30	8
More than 30 and less than 35	6
More than 35 and less than 45	4
Over 45	2
Flats & apartments	0

- 10) No development shall take place until a scheme of onsite foul drainage up to the proposed point of discharge has been submitted to, and approved in writing by the local planning authority. The element of the approved scheme required to drain each dwelling shall be completed before the occupation of each dwelling.
- 11) No development shall take place until details of design and construction of all roads, footways, accesses, parking, street lighting and associated highway drainage have been submitted to and approved in writing by the local planning authority together with a programme for their implementation. The access off Haygate Road will take the form a connector road before forming a fully closed loop arrangement. The initial connector road shall be in general accordance with those details submitted on plan ref. 1357/17 Rev A and meet the following design criteria:
- i) 7.3m carriageway with 2m footways either side and a double yellow line waiting restriction;
  - ii) Its length will be no longer than 100m but not less than 40m from its junction with Haygate Road;
  - iii) 10m junction radii with Haygate Road;
  - iv) Have no direct frontage access to property;
  - v) 2.4m x 43m visibility splays with Haygate Road.

The agreed details shall be implemented in accordance with the agreed programme of works.

- 12) Notwithstanding the submitted details, before any buildings are occupied details of a Travel Plan for this development, in general accordance with the Travel Plan Reference 1357/3/B dated December 2013 shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall set out the proposals, including a timetable, to promote travel by sustainable modes which are acceptable to the local planning authority. The Travel Plan proposals shall be implemented in accordance with the timetable set out in the plan unless otherwise agreed in writing by the local planning authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to the local planning authority for approval for a period of 5 years from when 50% of the dwellings are occupied on the site.
- 13) An emergency vehicular access shall be provided off West Road. Full details of this emergency access shall be submitted to and approved by the local planning authority prior to the commencement of development and the emergency

access shall be in place in accordance with a timetable that has been approved in writing by the local planning authority.

- 14) Development shall not take place on the site until a scheme which sets out proposals for the provision of the Ball Court, Locally Equipped Area of Play and the Neighbourhood Equipped Area of Play in the area of the site indicated on the agreed Development Framework Plan has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following matters:
- i) Programme for the implementation of the facilities;
  - ii) Detailed specification of the equipment to be provided;
  - iii) Finished levels and contours;
  - iv) Means of enclosure including fencing sufficient to protect the areas from cricket balls;
  - v) Vehicle and pedestrian access and circulation;
  - vi) Hard surfacing;
  - vii) Landscaped areas.

The approved scheme shall be implemented in full in accordance with the agreed programme for implementation.

- 15) Development shall not take place until a landscape management plan, including management responsibilities, maintenance schedules for all areas of landscaped open space, play and recreational areas (other than privately owned domestic gardens) has been submitted to and approved in writing by the local planning authority. The approved landscape management plan shall be implemented in full in accordance with the agreed terms and conditions.
- 16) Development shall not take place until a scheme for the protection of the occupants of the proposed dwellings from noise from Haygate Road has been submitted to, and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first occupation of those dwellings affected and shall thereafter be retained.
- 17) Ground clearance, demolition or construction work shall not take place until details of protective fencing around retained trees and hedgerows identified in the approved details in accordance with BS: 5837 (2012), including an implementation timetable, have been submitted to and approved in writing by the local planning authority. There shall be no raising of ground levels within the root protection zones of the retained trees and hedgerows. The development shall be carried out in accordance with the approved details. The protective fencing shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising or lowering of ground levels, or burning of any materials shall be allowed within the protected areas.
- 18) Development shall not take place until a Site Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan should comply with the Considerate Constructors Scheme and include the following details:
- i) Location of site compound and details of lighting including security lighting;
  - ii) Parking of vehicles of site personnel, operatives and visitors;
  - iii) Loading and unloading of plant and materials;
  - iv) Storage of plant and materials in constructing the development;
  - v) Storage of oil, fuel and chemicals;

- vi) Protection of ecology and archaeology;
- vii) Prevention of mud being deposited on highway including the provision of wheel wash facilities and mechanical devices as necessary;
- viii) Measures for the control and reduction of noise and dust from construction works;
- ix) Measures for control of construction traffic within the site and on the surrounding highway network;
- x) Hours of operation of construction works, deliveries and other works on the site;
- xi) Measures for the monitoring and enforcement of the plans;
- xii) The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate.

The agreed plan shall be complied with at all times during construction work.

- 19) Development shall not take place until a scheme has been submitted to and approved in writing by the local planning authority for the enhancement to the surfacing of the existing public right of way (PROW) across the site together with provision of new PROW through the open space areas. The new rights of way shall include a route up to the north-east boundary of the site with the O D Murphy Recreation Ground. The improvements shall be implemented in accordance with the phasing scheme submitted for Condition 7.
- 20) The existing agricultural field access leading from the site onto the minor lane called Haygate Road opposite Greenacres (for the avoidance of doubt, the lane leading north-westwards from Haygate Road itself) shall be permanently stopped up prior to commencement of development in accordance with details that have been first submitted to and approved in writing by the local planning authority. Such details to include landscaping provision; all planting in connection with this landscaping shall take place within the first planting season following such stopping-up and any tree or shrub that dies or is diseased within 5 years of planting shall be replaced by trees and plants of the same species during the next planting season.
- 21) Alongside the submission of the first reserved matters details required for approval in respect of Condition 3, details of a scheme for the installation of artificial nesting and roosting boxes to be erected on the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall include details of the type, location, phasing and the timing of the installation of the boxes and the scheme shall then be undertaken in accordance with the agreed details.

The following artificial nesting/roosting boxes shall be provided:

- i) A total of 30 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species (15 should be tree mounted boxes and 15 should be integral bat boxes);
  - ii) A total of 10 woodcrete artificial nesting boxes suitable for bird species such as robin, blackbird and tit species;
  - iii) A total of 5 woodcrete artificial nesting boxes suitable for house sparrow.
- 22) Prior to the commencement of any phase of development, a scheme for the erection of any external lighting on the site for that phase shall be submitted to and approved in writing by the local planning authority. The development shall



be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK* (or equivalent guidance).

- 23) Prior to the commencement of development on the site a method statement to protect widespread amphibians shall be provided to and agreed in writing by the local planning authority. The Method Statement shall include details including but not limited to; a toolbox talk to contractors (including identifying widespread amphibians), methods of site clearance, timing restrictions, storage of materials, closing open trenches at night (or suitably covering), capping open pipework at night, inspection of any open features at the start of each working day, sensitive works requiring ecological supervision and what to do if an amphibian is discovered on the site. The development shall be carried out in accordance with the approved details.
- 24) Within the 3 months prior to the commencement of development on the site a pre-commencement badger survey shall be undertaken by an experienced ecologist and the outcome reported in writing to the local planning authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall set out appropriate actions to be taken during the works which may include; precautionary methods of working, timing restrictions, restrictions of activities around any identified setts and the requirement, or otherwise, for Badger Disturbance Licences from Natural England should the closure, disturbance or destruction of setts be necessary. The development shall be carried out in accordance with these recommendations.
- 25) Alongside the submission of the first reserved matters details required for approval in respect of Condition 3, a habitat management plan shall be submitted to and approved by the local planning authority. The plan shall include:
  - i) Description and evaluation of the features to be managed;
  - ii) Ecological trends and constraints on site that may influence management;
  - iii) Aims and objectives of management;
  - iv) Appropriate management options for achieving aims and objectives;
  - v) Prescriptions for management actions;
  - vi) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - vii) Personnel responsible for implementation of the plan;
  - viii) Monitoring and remedial/contingencies measures triggered by monitoring;
  - ix) Approximate costs associated with the detailed management;
  - x) Proposed mechanisms for management (private management company, retention by the developer or passing, with a commuted sum and legal agreement, to the local planning authority);
  - xi) Timescale for implementation.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

## **APPEARANCES**

### **FOR THE COUNCIL:**

Timothy Jones of Counsel

instructed by Jonathan Eatough, Assistant Director, Law Democracy & People Services, Telford & Wrekin Council (TWC)

**He called**

Darren Oakley

Planning Officer, TWC

BA(Hons) MA

Cristina Howick

Partner, Peter Brett Associates LLP

MA(Oxon) MSc

Michael Vout

Landscape Officer, TWC

BA MA MRTPI DipLA

Stella Jamieson

Conservation Officer, TWC

BA MA

Vincent Maher

Planning Officer, TWC

MA(Cantab) MCD MSc

MBA MRTPI

### **FOR THE APPELLANT:**

Jonathan Easton of Counsel

instructed by Gladman Developments Ltd

**He called**

Thomas Jeremiah

Planning Associate, Hourigan Connolly

BPlan(Hons) MRTPI

James Donagh

Director, Barton Willmore

BA(Hons) MCD MIED

David Beardmore

Principal, Beardmore Urban

MSc MA DipLD (Dist) Dip

LArch (Dist) Dip UD Bldg

Cons FRTPI CMLI IHBC

Keith Nye

Director, FPCR

BA(Hons) MArch

Kevin Waters

Planning & Development Manager, Gladman Developments Ltd

MSc BSc (Hons) MRICS

MRTPI

### **FOR THE HAYGATE FIELDS GROUP (HFG) (RULE 6(6) PARTY):**

Nina Pindham of Counsel

instructed by John Pattinson, HFG

**She called:**

John Pattinson

Honorary Planning Advisor, Haygate Fields Group

MA(Cantab) MA(Sheff)

MRTPI MRICS

### **INTERESTED PERSONS OPPOSING THE PROPOSAL:**

Reg Snell

Chair of Governors, Short Wood Primary School

Jacqui Seymour

Councillor, Wrockwardine Ward, TWC

John Alvey

Councillor, Haygate Ward, and Deputy Chair, Planning Committee, Wellington Town Council

## CORE DOCUMENTS

### No Document

#### **Submitted Planning Application Documents**

- 1.1 Application Covering Letter, Application Form and Certificates
- 1.2 Location Plan (including Application Red Line) - Drawing No. 2013-038-100-001 Rev B
- 1.3 Planning Statement and draft S106 Agreement
- 1.4 Affordable Housing Statement
- 1.5 Socio-Economic Impact Assessment
- 1.6.1 Design & Access Statement
- 1.6.2 Development Framework Plan Drawing No. 5644-L-03 Rev I
- 1.7 Landscape and Visual Impact Assessment
- 1.8 Ecology Appraisal
- 1.9 Arboricultural Assessment
- 1.10 Proposed Site Access Plan Drawing No. 1357/17 Rev A
- 1.11 Transport Assessment
- 1.12 Travel Plan
- 1.13 Air Quality Assessment
- 1.14 Noise Screening Report
- 1.15.1 Archaeological Desk Based Assessment Report
- 1.15.2 Geophysical Survey Report
- 1.15.3 Heritage Statement
- 1.16 Phase 1 Site Investigation Report
- 1.17 Flood Risk Assessment
- 1.18 Utilities and Infrastructure Report
- 1.19 Statement of Community Involvement

#### **Additional and amended documents submitted after validation**

- 2.1 The email, dated 06/01/14, to TWC with the Breeding Bird Survey Report, December 2013
- 2.2 The email to TWC Case Officer, dated 07/01/14, with a revised Landscape and Visual Impact Appraisal November 2013
- 2.3 The email to TWC Case Officer, dated 08/01/14, with Correspondence between Highways and GDL Highways Consultant plus attachments
- 2.4 The email to TWC Case Officer, dated 14/03/14, With a revised policy section for the LVIA
- 2.5 The email to TWC Case Officer, dated 10/04/14, with the Water Vole Survey Report letter dated 09/04/14
- 2.6 The email to TWC Case Officer, dated 28/04/14, with advice regarding the need for boundary netting due to the location of the existing cricket pitch
- 2.7 The email to TWC Case Officer, dated 07/05/14, with the Addendum to the Design and Access statement, dated May 2014

#### **Statutory Consultee responses received following validation**

- 3.1 Education Contribution calculation sheet
- 3.2 National Grid Response, dated 07/01/14
- 3.3 Sustainability Officer's Response, dated 20/12/13
- 3.4 Wellington Town Council Response, dated 20/01/13
- 3.5 Shropshire Fire Service Response, dated 21/01/14
- 3.6 Parks and Open Spaces Officer's Response, dated 24/01/14
- 3.7 T&W Local Access Forum Response, dated 26/01/14
- 3.8 National Grid Response, dated 22/01/14

- 3.9 Tree Officer's Arboricultural Response
- 3.10 West Mercia Constabulary Response, dated 30/01/14
- 3.11 Ecology Officer's Response, dated 30/01/14
- 3.12 Highway Agency Holding Objection, dated 3/02/14
- 3.13 Wrockwardine Parish Council Response, dated 04/02/14
- 3.14 TWC Drainage Officer's Response, dated 04/02/14
- 3.15 Councillor Miles Hoskens' Response, dated 5/02/14
- 3.16 Highways Officer email response, dated 13/12/13
- 3.17 English Heritage Officer email response, dated 03/12/13
- 3.18 The Shropshire Wildlife Trust Response
- 3.19 Wellington Cricket Club's Response, dated February 2014
- 3.20 Haygate View Residents' Group Response, 16/02/14
- 3.21 Highways Agency lifting their Holding Objection, dated 26/02/14
- 3.22 English Heritage Officer Response, dated 27/02/13
- 3.23 Shropshire Parks and Garden Trust Response
- 3.24 Highway Officer's Response
- 3.25 Contaminated Land Officer's Response, dated 21/03/14
- 3.26 TWC Landscape Officer's Response
- 3.27 Ecology Officer to Water Vole Survey, dated 10/04/14
- 3.28 Severn Trent Response
- 3.29 Environmental & Planning Policy Team Response, dated 2/05/14
- 3.30 Mark Pritchard MP Response, dated 13/05/14

**Relevant Correspondence with TWC and their Consultees, since Application Validation**

- 4.1 Correspondence between AHA and Highways Engineer regarding Access, dated 17/01/14
- 4.2 Correspondence between AHA and Highways Engineer regarding Access and affected junctions, dated 20/01/14
- 4.3 Correspondence with the TWC Case Officer regarding 3rd Party Ecology Response, dated 27/01/14
- 4.4 Correspondence with the TWC Case Officer regarding the Highway Authority Holding Objection, dated 03/02/14
- 4.5 Correspondence with the TWC Case Officer regarding site Abnormal Costs, dated 05/02/14
- 4.6 Email from TWC Case Officer with the Screening Opinion, dated 26/02/14
- 4.7 Email to the TWC Case Officer with copies of the notes from the S106 meeting, dated 04/03/14
- 4.8 Correspondence with the TWC Case Officer regarding the 2009 Landscape Sensitivity Study, dated 18/03/15
- 4.9 Email to the TWC Case Officer with an Extension of Time, dated 20/03/14
- 4.10 Correspondence with the TWC Case Officer re costs of proposed pumping station, 28/03/14
- 4.11 Email from the Ecology Officer confirming proposed condition are not necessary, dated 10/04/14
- 4.12 Email to the TWC Case Officer with an Extension of Time, dated 01/05/14
- 4.13 Email to the TWC Case Officer confirming no outstanding information prior to the meeting of the Planning Committee, dated 09/05/14
- 4.14 Email to the TWC Case Officer with an Extension of Time, dated 08/09/14
- 4.15 Email confirming agreement of content of S106 documents prior to engrossments, dated 10/12/14
- 4.16 Email to the TWC Case Officer with an Extension of Time, dated 10/12/14

- 4.17 Correspondence between parties agreeing that proposed conditions are agreed, dated 15/12/14
- 4.18 Email to the TWC Case Officer with an Extension of Time, dated 08/01/15
- 4.19 Email from the TWC Case Officer identifying legal issue with S106, dated 16/01/15
- 4.20 Email to the TWC Case Officer with an Extension of Time, dated 02/03/15
- 4.21 Email containing Case Officer's Letter, informing us that the application was to go back to Committee, dated 31/03/15

### **Planning Officer's Report**

- 5.1 **Officer's Initial Report**
- 5.2 **Officer's Report Update**

### **Planning Committee Meeting Minutes**

- 6 Minutes of a meeting of the Planning Committee held on Wednesday 21 May 2014 at 6.00pm in the Haybridge Refectory, Telford Collage of Arts & Technology, Haybridge Road, Wellington, Telford

### **Additional Core Documents**

- 6a Reconsidered Officer's Report following **Council's** announcement regarding the 5 year Housing Supply
- 7 Wrekin Local Plan 2000 (Extracts)
- 8 Wrekin Local Plan 2000 – Proposals Map (Extract)
- 9 Wrekin Local Plan 2000 – Saving Direction 7 September 2007
- 10 Telford and Wrekin Core Strategy (2007) (Extracts)
- 11 Draft Telford & Wrekin Local Plan Consultation (August 2015) (Extracts)
- 12 Draft Telford & Wrekin Local Plan Consultation Map
- 13 Telford & Wrekin Green infrastructure evidence and analysis document
- 14 Telford & Wrekin Council Landscape Sensitivity and Capacity Study (2009)
- 15 Telford & Wrekin Council Landscape Sensitivity Study (2014)
- 16 Strategic Landscape Study (2015)
- 17 Annual Monitoring Report (2015)
- 18 Strategy & Options document (Summer 2013) (extracts)
- 19 Telford and Wrekin SHMA, Housing Vision (February 2014)
- 20 Telford & Wrekin Objectively Assessed Housing Need Final Report
- 21 Telford & Wrekin Five Year Housing Land Supply Statement (2013)
- 22 Telford & Wrekin Five Year Housing Land Supply Statement (2015)
- 23 Telford & Wrekin Five Year Housing Land Supply Statement (October 2015)
- 24 Technical Paper – Housing Growth (July 2015)
- 25 Proposed Housing and Employment Sites Document (May 2014) (extracts)
- 26a Agricultural Land Classification (extract from <http://magic.defra.gov.uk>)
- 27a National Landscape Character 61
- 28 Shropshire Council Landscape Typology (2006)
- 29 Appeal decision: APP/C3240/W/15/3003907 - Tibberton (LPA reference TWC/2014/0236)
- 30 **L Simpson "Whither household projections?" in Town and Country Planning**, December 2014, Vol 83,
- 31 **N McDonald and C Whitehead, "New estimates of housing requirements in England, 2012 to 2037"**
- 32 **Inspector's Report to Stroud DC, November 2015**
- 33 **Inspector's Report to Charnwood BC, September 2015**
- 34 **Inspector's Report to Horsham DC, October 2015**
- 35 Note on main outcomes of Stage 1 hearings, Canterbury District Local Plan, August 2015

- 36 Committee Report - Land between, Castle Farm Way and A5, Priorslee, Telford - TWC/2014/0980
- 37 Not Used
- 38 Not Used
- 39 Not Used
- 40 Not Used
- 41 City and District Council of St Albans v R (on the application of) Hunston Properties Limited and Secretary of State for Communities & Local Government and anr [2013] EWCA Civ 1610
- 42 Solihull Metropolitan Borough Council v Gallagher Estates Limited [2014] EWCA Civ 1610
- 43 Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426)
- 44 Land off Tanton Road, Stokesley (APP/G2713/A/14/2223624)
- 45 TWC Cabinet - Local Plan Update Report (12 December 2013)
- 46 WainHomes v Secretary of State for Communities & Local Government [2013] EWHC 597 (Admin)
- 47 **Telford and Wrekin's** Housing Land Supply Statement update (November 2015)
- 48 PPG 2a - Housing and economic development needs assessments
- 49 PPG 3 - Housing and economic land availability assessment
- 50 Coalville Appeal Decision (APP/G2435/W/15/3005052)
- 51 Historic Environment Good Practice Advice in Planning Note 3
- 52 Planning Practice Guidance: Conserving and Enhancing the Historic Environment (March 2014)
- 53 Revised Plan from second go application (TWC/2015/0364)
- 54 Relevant Correspondence from second go application (TWC/2015/0364)
- 55 Officer's Report from 2nd go application (TWC/2015/0364)
- 56 Decision Letter for 2nd go application (TWC/2015/0364)
- 57 TWC Gateways and Corridors Plan
- 58 Appeal Decision - Longden Road, Shrewsbury, Shropshire. Appeal Ref: APP/L3245/W/15/3011886, 19 January 2016
- 59 Appeal Decision - Land east of 5 Meeson Heath, TF6 6PF. Appeal Ref: APP/C3240/W/15/3003950, 28 May 2015
- 60 Appeal Decision - The Cherry Trees, Charlton Junction to Wrockwardine, Charlton, Telford TF6 5EU, Appeal Ref: APP/C3240/W/15/3065782, 7 January 2016
- 61 Landscape Institute - Photography and photomontage in landscape and visual impact assessment - Advise Note 01/11
- 62 Guidelines for Landscape and Visual Impact Assessment, 3rd Edition – Para 2.3
- 62a Guidelines for Landscape and Visual Impact Assessment, 3rd Edition – Para 2.23
- 63 PPG - Natural Environment – Landscape section

## DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

Document	1	Letter of notification of the inquiry, and list of persons notified
Document	2	Opening submissions on behalf of the appellant
Document	3	Opening submissions on behalf of the Council
Document	4	Opening submissions on behalf of the HFG
Document	5	Inspector's pre-inquiry note, relating to an inquiry opened on 26 January 2016 (Ref APP/C3240/W/15/3010085) concerning a site at Muxton Lane, Telford, submitted by the appellant
Document	6	Closing submissions on behalf of Telford and Wrekin Council, relating to the above-mentioned Muxton Lane appeal, submitted by the appellant
Document	7	Closing submissions on behalf of the appellant, relating to the above-mentioned Muxton Lane appeal, together with annexed <b>note on OAN and Housing Supply</b> ", submitted by the appellant
Document	8	<b>Note entitled "Appellant and Council Comments of Disputed Sites"</b> relating to the above-mentioned Muxton Lane appeal, submitted by the appellant
Document	9	Round Table Discussion Agenda relating to Housing Land Supply issues, for the above-mentioned Muxton Lane appeal, submitted by the appellant
Document	10	<b>Note on previous Inspectors' findings, by Cristina Howick</b> on behalf of the Council, submitted by the Council
Document	11	Interim Findings on Swale Local Plan – Part 2: Headline Interim Findings on Housing Supply, submitted by the Council
Document	12	Pre-application emails
Document	13	Appeal Decision APP/J3720/A/14/2219604 relating to land at Napton Road, Stockton, submitted by the Council
Document	14	Appeal Decision APP/T3725/A/14/2222868 relating to land at Radford Semele, Warwickshire, submitted by the Council
Document	15	Court of Appeal Judgment, East Northamptonshire District Council and others v Secretary of State for Communities and Local Government and another [2014] EWCA Civ 137
Document	16	Speaking notes of Reg Snell
Document	17	<b>Amended version of Appendix B to Cristina Howick's evidence</b> , submitted by the Council
Document	18	Planning Advisory Service Technical Advice Note on Objectively Assessed Need and Housing Targets – Second Edition, July 2015, submitted by the appellant
Document	19	Signed and dated Statement of Common Ground between the Council and the appellant
Document	20	Telford and Wrekin Strategic Housing Market Assessment (SHMA), Final Report February 2016, submitted by the Council
Document	21	Secretary of State decision, APP/G2435/A/14/2228806, relating to land at Wood Street, Ashby-de-la-Zouch, submitted by the appellant
Document	22	Speaking Notes of James Donagh on Objectively Assessed Housing Need, submitted by the appellant
Document	23	Community Infrastructure Levy (CIL) Compliance Statement
Document	24	Statement of Councillor Jacqui Seymour
Document	25	Statement of Councillor John Alvey
Document	26	Corrected version of Core Document 14 (initially submitted version related to the above-mentioned Muxton Lane appeal)

Document	27	Corrected version of Core Document 15 (initially submitted version related to the above-mentioned Muxton Lane appeal)
Document	28	High Court Judgment – Stroud District Council v Secretary of State for Communities and Gladman Developments Limited [2015] EWHC 488 (Admin) Case No CO/4082/2014
Document	29	Extracts from Regional Planning Guidance for the West Midlands (RPG11) June 2004
Document	30	Certified copy of the signed and completed Agreement under Section 106 of the Town and Country Planning Act 1990, as amended
Document	31	Final draft list of conditions
Document	32	<b>Note summarising the main parties' positions following the Round Table Discussion on Housing Land Supply issues, together with a list of contested sites</b>
Document	33	<b>Note giving the parties' positions regarding 5 Year Housing Land Supply – Revision to include James Dinah's OAN and the appellant's revised supply (after concessions)</b>
Document	34	<b>Dictionary definitions of "incidental", "maximum" and "shortfall", submitted by the Council</b>
Document	35	Closing submissions on behalf of the HFG
Document	36	Closing submissions on behalf of the Council
Document	37	Closing submissions on behalf of the appellant, together with annexed note on OAN and Housing Supply

**DOCUMENTS AND PLANS SUBMITTED AFTER THE INQUIRY AND ACCEPTED BECAUSE OF THE EXCEPTIONAL CIRCUMSTANCES (see paragraph 7 of this decision)**

Document	38	Appeal Decision APP/C3240/W/15/3010085 by Inspector Simon Hand, dated 10 March 2016, submitted by the Council
Document	39	Letter from the Appellant to the Planning Inspectorate, dated 17 March 2016, commenting on Appeal Decision APP/C3240/W/15/3010085
Document	40	Forest of Dean District Council v Secretary of State for Communities & Local Government & Gladman Developments Ltd [2016] EWHC 421 (Admin) (4 March 2016)
Document	41	Forest of Dean District Council v Secretary of State for Communities & Local Government & Gladman Developments Ltd [2016] EWHC 421 (Admin) (4 March 2016) - Written submissions on behalf of the Secretary of State for Communities and Local Government
Document	42	R (on the application of Watermead Parish Council) v Aylesbury Vale District Council (2016)
Document	43	Appeal Decision APP/C3240/W/15/3138598 by Inspector Elaine Benson, dated 8 March 2016, submitted by the appellant
Document	44	Final comments on Documents 39-43 submitted by the Council