



# Appeal Decision

Site visit made on 26 July 2022

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> August 2022**

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**Appeal Ref: APP/L3245/W/22/3296574**

**Land off Innage Lane, Bridgnorth, Shropshire, WV16 4HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Churchill Retirement Living Ltd against the decision of Shropshire Council.
  - The application Ref 21/05845/FUL, dated 22 December 2021, was refused by notice dated 4 February 2022.
  - The development proposed is the erection of 4 x 2 bed age restricted cottages (60 years of age and/or partner over 55 years of age) with 6 parking spaces and associated landscaping.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Shropshire Council against Churchill Retirement Living Ltd. This application is the subject of a separate decision.

## Preliminary Matters

3. As part of the permission granted for the retirement complex, the appeal site was approved for use as a large, shared garden for future occupiers. The approved plans show it laid out with pathways, planting, and a semi-circular amenity area. At the time of my visit the appeal site was not yet developed as approved.

## Main Issues

4. The main issues are the effect of the proposal on (i) the living conditions of the neighbouring occupiers at the existing retirement accommodation, and (ii) the character and appearance of the surrounding area.

## Reasons

5. The appeal site is predominantly set behind Mortimer Lodge, a retirement apartment complex. The site shares the driveway access with Mortimer Lodge to gain access off Innage Lane. At the time of my visit, it appeared that Mortimer Lodge itself had been completed, with some residents having moved in. However, as noted above, the area of the appeal site to the rear of the complex was clearly still unfinished and contained builder's rubble.

### *Living Conditions*

6. The proposal would include the erection of a terrace of four dwellings, along with the provision of six parking spaces and an extension to the existing access drive. These would be sited to the rear of the complex on the piece of land that had been set aside to provide amenity space for the occupiers of the retirement apartments. As a result of this development, the outside amenity space associated with the apartment complex would be significantly reduced, being limited to the band of green space that surrounds the building.
7. I am mindful that the occupiers associated with the retirement complex and proposed dwellings will be older and are consequently likely to have reduced mobility. Nevertheless, whilst some may be happier staying inside, or closer to the complex, I do not find that this would necessarily be true for all occupiers. Therefore, whilst future occupiers may not be as active as children or young adults, and so would not need outside space to play or undertake vigorous exercise, I find that their typical daily needs would still include space outside to walk, sit and socialise.
8. In considering the space that existing and future occupiers may require, I am mindful of Policy MD2(5) of the Shropshire Council Sites Allocations and Management of Development Plan (the SAMD, December 2015). Although this policy sets out an open space recommendation of 30m<sup>2</sup>, this requirement is flexible, requiring that developers consider providing this space, I therefore find it consistent with the National Planning Policy Framework (the Framework).
9. The retained amenity space would primarily be provided by the area within the crook of apartment complex, a green space with a small area of patio. Whilst of some size, I find that it is not of such a scale that it would be sufficient to meet the needs of the occupiers associated with the existing 50 apartments. Moreover, given its close proximity to the existing car park and drive, the outlook and background noise would be harmed by the hardstanding and associated vehicles. This area would therefore not provide a high-quality environment.
10. Furthermore, whilst the proposed dwellings would be provided with their own private amenity spaces, which would be sufficient to meet their respective needs, they would also be permitted to use the complex's shared outdoor amenity space, further increasing the potential demand on this area.
11. Alongside the formal outside amenity space, there is also a band of green space which separates the complex from the site boundaries. However, this is generally narrow and set aside for planting. Moreover, it is set close to the windows serving ground floor apartments, including bedroom, and living room windows. Cumulatively, I find that these matters would make this band of land an unappealing space for occupiers to sit out and socialise. I therefore find that it would not be sufficient to mitigate the loss of the large dedicated recreational area covered by the appeal site.
12. Although the approved outside amenity space associated with the complex may exceed the typical needs of future occupiers, this does not justify the extent to which it would be reduced by the proposal before me. Therefore, whilst the proposal would provide a suitable level of external amenity space for future occupiers within the proposed dwellings, the occupiers of the apartments would not be afforded the same.

13. In light of the above, the proposal would result in the unacceptable reduction of communal outside amenity space provision for the occupiers of the retirement complex, to the detriment of their living conditions. The proposal would therefore conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS, March 2011) and Policy MD2 of the SAMD which collectively, and amongst other matters, require that proposals provide useable and well connected outdoor space that contributes towards wellbeing and is adaptable to life-style needs. The proposal would also conflict with Sections 8, 11 and 12 of the Framework, including Paragraphs 92, 119, 120, 124, 126, 130 and 134, these set out the social and wellbeing benefits of outside space and seek for proposals to make effective use of land that ensures healthy living conditions and a high standard of amenity for existing and future users.
14. In reaching the decision above I have also been mindful of the guidance set out within the Planning Practice Guidance on Housing for Older and Disabled People.
15. Whilst the appellant has made reference to Policy DP15 of the emerging local plan, I understand that the plan is early in the process of examination and therefore I give it very limited weight. Nevertheless, whilst the policy allows a greater level of flexibility over open space provision, it still requires the open space to meet the needs of residents. As outlined above, this has not been demonstrated here.

#### *Character and Appearance*

16. I note the Council's concerns regarding the scale of the hardstanding associated with the driveway and parking areas serving the proposed dwellings. Whilst they would collectively take up a sizeable area, the driveway and parking areas would be surrounded by soft landscaping, including formal planting areas, verges, and hedging. I find that these would soften and somewhat screen the hardstanding's appearance. I also find that the proposed parking would be commensurate with the proposed dwellings and as such would appear akin to a typical residential street in this sense.
17. A suitably worded condition could be used to ensure that the proposed landscaping was provided and retained in the event that the appeal was allowed.
18. Therefore, I find that the proposal would not harm the character and appearance of the surrounding area by way of its hardstanding and parking. It would therefore comply with ACS Policy CS6 and SAMD Policy MD2 in so far as their requirements for proposals to be of a high-quality that conserves the built environment by taking account of the local context and character. It would also comply with the appearance aims of the Framework, in particular Paragraphs 126 and 130.

#### **Other Matters**

19. The appellant submits that it would not make commercial sense to harm the amenity space provision of the apartment complex. I also note their reference to an appeal decision<sup>1</sup> where the Inspector gave weight to the developer's experience in providing retirement accommodation. Whilst it may not be in the

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<sup>1</sup> APP/g2625/a/03/1118836

appellant's interests to harm the provision of amenity space, and although they may have experience in providing such development, this does not preclude me from finding harm.

20. The appellant has made reference to a number of paragraphs set out within the Framework, including Paragraphs 7, 8, 11, 12, 60, 61 122 and 125. Although these have not been directly referred to within the issues set out above, I have been mindful of them and they have contributed towards my assessment, including the planning balance set out below.

### **Planning Balance and Conclusion**

21. The Government's objective is to significantly boost the supply of housing and the proposal would provide four new dwellings in a location with adequate access to services. They would also contribute towards an identified need for sheltered accommodation and would likely reduce pressures on health and social care services. The proposal would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits from future occupiers. Given the small scale of the proposal, these matters would collectively attract moderate weight.
22. Conversely, the proposal would result in harm to the living conditions of the retirement complex, in conflict with the development plan taken as a whole. This matter attracts significant weight and outweighs the benefits associated with the proposed development.
23. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR