



Appeal Decision

Hearing held on 30 September 2025

Site visit made on 29 September 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/C3240/W/25/3364927

Land adjacent to The Three Fish, Stafford Road, Newport, Telford and Wrekin TF10 9BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Barcroft Estates Limited against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2024/0770.
 - The development proposed is the erection of a 74-bed care home (Use Class C2) together with associated access, parking, plant equipment and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 74-bed care home (Use Class C2) together with associated access, parking, plant equipment and landscaping at Land adjacent to The Three Fish, Stafford Road, Newport, Telford and Wrekin TF10 9BY, in accordance with the terms of the application, Ref TWC/2024/0770, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The application initially described the proposal as a 74-bed residential care home. During the course of the planning application the appellant clarified that the development would comprise nursing care, to include dementia specific care, rather than residential care. It was on this basis that the Council determined the application, and I have therefore made my decision on the same basis.
3. Following refusal of the application the appellant has submitted a set of revised plans, making revisions to the scheme. These are minor in their extent and do not fundamentally alter the development for which permission was sought. The Council have no objection to me determining the appeal on the basis of these revised plans. Having reviewed the details I am satisfied that there would be no prejudice to any party in my considering these revised details.
4. I undertook an unaccompanied pre-hearing site visit to observe the appeal site and the context of the surrounding area. At the hearing I explained this and outlined the areas I had visited. It was agreed, following the discussion on the main issues, that I did not need to re-visit the site.
5. The agreed Statement of Common Ground that was provided before the hearing sets out that internal noise levels can be adequately controlled through appropriate façade design and that external noise levels within the east outdoor space will be

acceptable. I have no reason to find differently and therefore not addressed the matter of noise levels as a main issue when making my decision.

6. The parties agreed that the matter of necessary upgrades to the surrounding roads and footways can be addressed through the imposition of planning conditions should the appeal be allowed. I have therefore not needed to consider this as a main issue in the appeal.
7. Prior to the hearing, an agreed Section 106 planning obligation was submitted which secured contributions toward infrastructure. I have had regard to this and will address the contents below.

Main Issues

8. The main issues are:
 - Whether the location is suitable for the proposed development,
 - The extent of the need arising for the type of development proposed,
 - Whether the proposal would result in adequate living conditions for occupiers, with particular regard to outdoor space provision, and
 - Whether the scheme makes appropriate provision in respect of necessary infrastructure.

Reasons

Suitability of Location

9. The appeal site occupies a position that is outside of the defined built-up area of the settlement of Newport and thus, for the purposes of the policies of the development plan, lies at a rural location. Policy SP 3 of the Telford and Wrekin Local Plan (adopted January 2018) (the Local Plan) states that development will be supported in the rural area where it addresses the needs of rural communities. Development is directed to the reuse of previously developed land and to settlements with good infrastructure.
10. Additionally, policy HO 7 supports the delivery of proposals that fall within Use Class C2, provided that:
 - i) the development is designed to meet the specific needs of residents,
 - ii) the location of the development is in close proximity to community and support facilities, shops and services, and public transport connections, and
 - iii) the development relates well to the local context in design, scale, and form.
11. While I note that the development would be located in close proximity to the settlement of Newport, I am also conscious that it is not inevitable that future residents will be drawn only from built-up areas. The care home is likely to serve a need that is drawn from surrounding areas also, that would include the rural area. In this respect, I consider that it would address a need that would arise from the surrounding rural communities. Therefore, I do not consider that the proposal would conflict with policy SP 3. My view in this respect is reinforced by the reasoned justification to this policy which sets out at 3.2.3.5 that *"The Council will support a limited amount of new housing to meet the needs and aspirations of the rural*

community, including provision for affordable homes and for specialist needs and the elderly.” It is therefore clear that there is an acceptance that housing for specialist needs and the elderly can be permitted in the rural area.

12. The Council has referred to there being no assessment of previously developed sites that could accommodate the development. While policy SP 3 expects development to be directed to such locations, it does not prohibit the use of other sites and thus I do not consider that this weighs against the proposal. Moreover, the development would be located in proximity to a settlement with good infrastructure provision.
13. In terms of policy HO 7, the Council raises some concern in respect of the internal layout of the proposal, in that the accommodation is arranged along corridors rather than in small clusters. The appellant has addressed this matter in submitting a statement from the expected operator of the care home, which outlines that it is expected that the facility would deliver a mix of nursing, dementia and residential care, with the accommodation designed in compliance with the latest Care Quality Commission regulations, sector-specific best practice, and current clinical guidance. As such, notwithstanding the Council’s concerns, I find that the development would be designed to meet the specific needs of residents, having regard to the operational model of the intended operator.
14. The Council contend that the development would be isolated in nature with limited access to local facilities, principally due to the location of the A41 road adjacent to the site and that this acts as a barrier for staff, visitors and residents being able to walk into Newport to access services and facilities. I am conscious of the location of the appeal site adjacent to the A41 road, which appears to be a major route for traffic. However, the appellant has outlined that it is not expected that residents would routinely leave the facility to seek to walk to services, and even if they did so, it would not be on an unaccompanied basis. Moreover, the development would operate a dedicated minibus service, which could be secured through a conditioned travel plan, for resident outings.
15. In the round, I consider that the development would be sufficiently in close proximity to community and support facilities, shops and services, and public transport connections, as required by policy, when considered in the context of the nature and operation of the specific development for which permission is sought.
16. Additionally, it has been put to me that the location would mean that the development would not contribute to balanced communities. However, part of creating a balanced community is providing for the housing needs of all, including specialist needs. I consider that the development would contribute in this respect.
17. There is no dispute that the development relates well to the local context in design, scale, and form in accord with criterion iii of policy HO 7. Accordingly, I find that the development would accord with policies SP 3 and HO 7 of the Local Plan.
18. I have been referred to policy EC 3 which deals with employment development in the rural area and the Council asserts that the development should be assessed against this policy and would be contrary to it. While I note that the proposed scheme would employ around seventy-five persons, I consider it inappropriate to consider the scheme against this policy. It is a housing scheme, within Use Class C2, for which policy HO 7 is the relevant policy. It is against that policy which I have assessed the scheme, as such I do not consider EC 3 to be of relevance.

Extent of Need

19. The Council's position is that there is currently no need for the proposed development. For its assessment of need it relies on a Supplementary Planning Document – Homes for All: Providing accessible, supported and specialist housing in Telford and Wrekin, dated January 2022 (the SPD). This sets out at Table 3, a Summary of the need which for Nursing care is 200 bedspaces by 2025, 300 by 2030, 400 by 2035, and 500 by 2040. As such, there will clearly be an increasing need for nursing care beds in the future. It is also accepted by the Council that the general population, as reflected in Telford is an ageing one.
20. Within the statement of case, the Council highlight that since the publication of its Specialist Housing Strategy in 2020, a number of developments have been granted planning permission and/or are under construction and it is stated that this amounts to approximately 250 nursing/residential bed spaces. It is also highlighted that another 515 extra care/retirement living units are operational or under construction since the assessment of need was undertaken. However, extra care and other accommodation are subject to their own individual assessments of need in the SPD and thus the provision of this other type of accommodation does not to my mind mean that the need in respect of nursing care will be further added to. Thus, while I note that approx. 250 spaces have been or will be provided, this accounts only for the need sometime between 2025 and 2030. Between that time and 2040, a further 250 bedspaces are required. As such, I find that there is, and will be in the future, a need for the development that is proposed and the nature of the accommodation it would provide.

Living conditions

21. The area around the proposed care home would comprise of numerous landscaped spaces, with the principal private outdoor area located behind the care home building, away from the A41 road. There would also be a smaller area on the other side of the building, however this would only serve two bedrooms within the care home. I have not been provided with any standard or guidance in respect of the specific requirements for the provision of outdoor space for such development, and it was agreed at the hearing that it was for me to come to a judgement on the specifics of this proposal in this respect.
22. I am conscious of the Council's position that the outdoor space that would be provided is inadequate, and it pointed towards a figure of 30 square metres (m²) for residential development, however the context of this was not provided and it does not apply to care home development.
23. The assessment undertaken by the appellant indicates that secure accessible amenity space amounts to 799 m², although this includes the private area for two rooms, which equates to 10.8 m² per bedspace. In this respect, of the other schemes included in the assessment the appeal scheme provides the least generous private area. When other areas such as the general landscaping around the building is included, the appeal scheme compares somewhat more favourably.
24. In assessing the suitability of the scheme, I am conscious that it is unlikely that all residents would choose to use the private area of garden at the same time. This is particularly so given the level of internal facilities that would be contained within the care home. As such, in the absence of any adopted standard and considering

the use of the facility in the round, I find that the outdoor space provision would be acceptable and would not result in unacceptable living conditions for occupiers.

25. Accordingly, the development would accord with policy BE 1 of the Local Plan, insofar as it seeks to ensure that development is attractive and convenient with regard to the provision of open spaces.

Infrastructure

26. As mentioned above, prior to the hearing, a signed and completed S106 planning obligation was submitted. This obligation secures:

- £28,773.48 towards improvements to the strategic highway network,
- £5,000 towards the costs of travel plan monitoring,
- £5,000 towards traffic regulation orders,
- £55.288 towards the support of primary care infrastructure impacted as a consequence of the development, and
- 1% of the contributions towards monitoring of the obligation.

27. At the hearing, I asked that the Council submit a detailed justification for the contributions that were being sought and following this a Community Infrastructure Levy (CIL) Compliance Statement has been submitted. This document sets out the background to each of the contributions, together with the detailed rationale for each of them.

23. Having reviewed this information, I am satisfied that the contributions that are secured by the S106 planning obligation in respect of the strategic highway network, traffic plan monitoring and primary care infrastructure, as well as the monitoring of the obligation, accord with the planning obligation tests as laid out in paragraph 58 of the National Planning Policy Framework (the Framework) and Regulation 122 of the CIL Regulations, in that they are necessary to make the development acceptable in planning terms, directly related to the development, as well as fairly and reasonably related in scale and kind to the development. The Council has confirmed that the completion of the planning obligation would result in it no longer pursuing the reason for refusal in respect of these matters, I find no reason to disagree with this stance.

24. However, in respect of the contribution towards traffic regulation orders, this would have been used in respect of a reduction in the speed limit along the A41 in the vicinity of the appeal site. The CIL Compliance Statement submitted by the Council indicates that the Highway Authority did not request this, but it is considered would be a benefit, rather than being necessary. I would agree with this position. In this respect, the contribution would not meet the tests set out in Regulation 122. Pursuant to paragraph 4.2 of the planning obligation, the provision of this contribution shall not therefore be enforceable, and it does not constitute a reason for granting permission.

28. Accordingly, subject to my finding above, the scheme makes adequate provision for necessary infrastructure. Thus, there would be no conflict with policies COM 1 and C 3 of the Local Plan, in respect of securing the necessary contributions towards

infrastructure. There would also be no conflict with the relevant paragraphs of the Framework.

Other Matters

29. The Council has contended that the appellant has failed to demonstrate an integrated design approach to the development in compliance with policy BE 1. It is stated that this is exhibited by the amendment to the scheme post-decision in respect of the location of external space. While this is noted, the statement of common ground sets out that internal noise levels are acceptable, further to appropriate façade design, and that external areas to the rear of the building will achieve appropriate outdoor noise levels. As such, while these matters may have been resolved as a result of an evolving design process, given that the Council accept that the overall design of the scheme is acceptable, I do not consider that because these matters have been resolved as a result of amendments weighs against the scheme.
30. I am aware of the Council's emerging Local Plan position, in that it has been submitted for, but not yet been subject to, examination. However, given that I have found that the proposal accords with the adopted development plan, this is not a matter which I need to address further.
31. I am aware that a previous appeal on the site was dismissed. That related to the development of the appeal site for two drive through units, where it was concluded that the proposal would not have been a sustainable form of development. However, I am particularly conscious that this finding was reached in the context of conflict with policy EC 3 of the Local Plan resulting from the sites location. That is a materially different context from which I have considered this appeal. As such, this previous finding has little bearing on my decision and does not lead me to find differently than I have above.

Conditions

32. In the interests of certainty, I have imposed a condition in respect of the approved plans. To ensure that a satisfactory method of drainage is implemented, a condition in respect of both foul and surface water drainage is necessary, as well as details of exceedance flow routing.
33. To protect matters of biodiversity interest, a condition is required in respect of site clearance and any necessary licence, as well as the inclusion of nesting and roosting boxes and a condition in respect of external lighting. To ensure that the development has a satisfactory appearance, a condition is required requiring details of external materials, as is a condition in respect of hard and soft landscaping, to include management details, a condition requiring the development to accord with the arboricultural assessment and the protection of existing trees and hedges.
34. In order to ensure that future residents experience a satisfactory living environment, I have imposed conditions in respect of noise mitigation measures, and the requirement for an updated noise assessment and mitigation in respect of fixed plant and equipment.
35. To ensure that the development does not have an adverse effect on the operation of the highway network or highway safety, conditions are necessary requiring

details of a staffing model of the facility, details of improvements to the existing access road and footways in the vicinity of the site, as well as a footway to the existing splitter island along the access road. For the same reason, I have included conditions requiring the access arrangements to be implemented, visibility splays provided, preventing gates on the site access, the submission of a Travel Plan, and submission of a Site Environmental Management Plan.

36. The development will be subject to the statutory requirement for Biodiversity Net Gain (BNG), and a condition is automatically imposed in this respect by the relevant legislation. I am conscious that during the hearing there was discussion of an increased BNG over and above the required 10% being delivered, as a benefit of the scheme. However, as I have found that the development accords with the policies of the development plan, it is not appropriate to use a condition to secure any increased delivery, particularly as it would not meet the test of necessity. As such, I have not included a condition in respect of BNG delivery as was suggested by the parties.

Conclusion

37. For the reasons given above, the appeal should be allowed.

Martin Allen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Walton KC	Barrister
Paul Newton	Agent
Tim Britton	Transport Consultant
Nigel Newton-Taylor	Healthcare Consultant
Andrew Barton	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Robin Jones	Principal Planning Officer
Mark Turner	Area Planning Manager
Neil Archer	Senior Highway Development Control Officer

DOCUMENTS SUBMITTED AT HEARING

- List of updated plan references

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the approved plans and drawings as stated below:
 - 5329-LP01-F Site Location Plan
 - 5329-PL01-E Existing Site Plan
 - 5329-PL02-T Proposed Site Plan
 - 5329-PL03-D Proposed Ground Floor Plan
 - 5329-PL04-C Proposed First Floor Plan
 - 5329-PL05-C Proposed Second Floor Plan
 - 5329-PL06-A Proposed Roof Plan
 - 5329-PL07-Proposed Elevations (Sheet 1)
 - 5329-PL08-A Proposed Elevations (Sheet 2)
 - 5329-PL09-J Proposed Boundary Treatment
 - 5329-PL10-A Proposed Cycle Store
 - 5329-PL11-A Proposed Refuse Store
 - 4700-101-I Proposed Landscape Layout
 - HW.150 Rootlok Headwall 150mm Pipe
3. Development shall not take place until a scheme for both foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The details of the proposed surface water drainage scheme will be based on sustainable drainage (SuDS) principles and shall include:
 - a) A detailed drainage design restricting surface water discharge to 5 litres per second per hectare and attenuating all flows up to and including the 1 in 100-year event + 40% for climate change.
 - b) A drainage layout showing the location of any attenuation and flow control features.
 - c) Details of a SuDS treatment and management train identifying the water quality, amenity, and biodiversity benefits of the proposed SuDS system. This should include a suitable planting plan.The approved details shall be implemented in full prior to the first occupation of the development.
4. Development shall not take place until an exceedance flow routing plan in accordance with CIRIA C635 above the design return period of 1:100+40%CC has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of POS. This should include a levels design for the development highway with back edge of kerb details in any low points. The approved details shall be implemented in full prior to the first occupation of the development.
5. Development shall not take place (including demolition or site clearance) until a District Level Licence, for impacts to great crested newts has been obtained

from Natural England and a copy submitted to the Local Planning Authority for the proposed work. Works shall be carried out strictly in accordance with the granted EPS District Level Licence.

6. Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the type and location of the features. The following artificial nesting/roosting boxes shall be provided:
 - a) A total of 2 woodcrete bat boxes or integral roosting features suitable for nursery or summer roosting for small crevice dwelling bat species.
 - b) A total of 2 woodcrete artificial nesting boxes or integral nesting features suitable for bird species such as robin, blackbird, and tit species.
 - c) A total of 2 woodcrete artificial nesting boxes or integral nesting features suitable for bird species such as swallows, house martins, and swifts.The features shall be installed in accordance with the approved details prior to first occupation of the development hereby approved and thereafter maintained for the lifetime of the development.
7. No development above ground shall take place until details of types and colours of all external materials to be used on any building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
8. The development hereby approved shall not be brought into use until a care staffing model for the operation of the facility has been submitted to and approved in writing by the Local Planning Authority. The care staffing model should accord with the details submitted in the Stantec document dated 7 January 2025 and include details of:
 - a) Numbers of staff members working at the facility at one time,
 - b) Staff rotas to be used at the facility, and
 - c) Shift changes over times.The development shall be carried out at all times in accordance with the approved details.
9. Before the proposed development is commenced, details shall be submitted for the approval of the Local Planning Authority indicating a scheme of highway and footway resurfacing for the existing service road to allow the delivery of safe pedestrian routes and crossing points. Those details so approved shall be delivered prior to the development being brought in to use and maintained thereafter.
10. Before the proposed development is commenced, details shall be submitted for the approval of the Local Planning Authority indicating the provision of a 2 metre wide footway across the frontage of the appeal site to the north linking to the existing splitter island within the Mere Park access road, as well as pedestrian crossing points linking to the existing A41 footway, pedestrian crossing points on the access road and a pedestrian route onto the proposed site. Those details so approved shall be delivered prior to the development being brought in to use and maintained thereafter.

11. Before the proposed development is brought in to use, the proposed access, parking, turning, servicing areas, and footways shall be completed in a bound surface material, drained to a suitable outfall, with the parking bays permanently marked out and available for use. Those features so designated shall be retained for the life of the development.
12. Visibility splays of 2.4m x 43m shall be provided to either side of the new vehicular site access, with nothing placed or allowed to remain forward of those splays that exceeds 900mm in height above the adjacent carriageway.
13. The new vehicular access to the site shall remain ungated.
14. Before the proposed development is brought in to use, details of the Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Workplace Travel Co-ordinator. The Travel Plan shall set out proposals, including a timetable, to promote travel by sustainable modes. The Travel Plan shall be implemented in accordance with the timetable set out in that plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to the Local Planning Authority for approval for a period of five years from the first occupation of the development.
15. 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 that are supported by plans as necessary:
 - a) Location of site compound,
 - b) Parking of vehicles of site personnel, operatives, and visitors,
 - c) Loading and unloading of plant and materials,
 - d) Storage of plant and materials in constructing the development,
 - e) Storage of oil, fuel, and chemicals,
 - f) Protection of ecology and archaeology,
 - g) Prevention of mud being deposited on the highway,
 - h) Measures for the control and reduction of noise from construction work,
 - i) Measures for the control and prevention of dust spreading beyond the boundaries of the site from construction works,
 - j) Measures for the control of construction traffic within the site and on the surrounding highway network,
 - k) Dilapidation survey of surrounding highway network, used for site access, to ensure that any damage to the highway during the construction period is identified and rectified,
 - l) Hours of operation of construction works and other works on the site,
 - m) Measures for the monitoring and enforcement of the plans, and
 - n) The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriateThe agreed plan shall be complied with at all times during construction work.
16. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan must show the location of proposed external lighting as well as the

specification and design of the fixtures to be erected. The submitted scheme shall be designed to take into account the advice on lighting set out in Bat Conservation Trust - Guidance Note GN08/23 Bats and Artificial Lighting at Night (Institution of Lighting Professionals, 2023). The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

17. No development above ground shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) Existing and proposed finished levels or contours,
 - b) Means of enclosure,
 - c) Car parking layouts,
 - d) Other vehicle and pedestrian access and circulation areas,
 - e) Minor artefacts and structures (e.g., furniture, play equipment, refuse or other storage units, signs, lighting),
 - f) Proposed and existing functional services above and below ground (e.g., drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.), and
 - g) Retained historic landscape features and proposals for restoration, where relevant.

Soft landscape details shall include:

- a) Planting plans,
- b) Written specifications including cultivation and other operations associated with plant and grass establishment,
- c) Schedules of plants, noting species, planting sizes, and proposed numbers/densities, where appropriate. The planting scheme shall include a mix of native species of local provenance, berry-producing shrubs, and/or nectar-rich flowers, and
- d) Implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed in writing with the Local Planning Authority.

18. Any trees or plants that within a period of 5 years after planting are removed, die or become seriously damaged or defective, shall be replaced with others of a similar species, size, and number by the end of the first available planting season.
19. No development above ground shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in full as approved.
20. The approved development shall not be occupied until noise mitigation measures according to paragraphs 4.5-4.7 of Hepworth Acoustics report reference P23-350-R01v2, dated September 2024 are incorporated in full. Prior

to first occupation of the development, the internal areas shall be tested, in accordance with details that have first been agreed in writing by the Local Planning Authority, and the results submitted to and approved by the Local Planning Authority (with additional mitigation proposed, should standards in BS8233 not be found in bedrooms). The applicable measures should be retained and maintained for the lifetime of the development.

21. Prior to any fixed plant and equipment (including the proposed ASHP) becoming operational, an updated Noise Impact Assessment report, in accordance with BS 4142:2014+A1:2019 shall be submitted to and approved in writing by the Local Planning Authority. Any proposed mitigation measures shall be implemented prior to the plant and equipment becoming operational and shall be retained and maintained for the lifetime of the development.
22. The development shall be carried out in accordance with the Arboricultural Impact Assessment including Tree Constraints Plan, Tree Protection Plan and Arboricultural Impact Plan (August 2024) V1 Prepared by BLADE. Protective fencing as approved shall be erected around the identified Root Protection Areas/Construction Exclusion Zones, and shall be adhered to at all times during construction works.
23. All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site, by the erection of protective fencing in accordance with British Standards 5837: 2012.

(End of Schedule)