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## Appeal Decision

Site visit made on 14 May 2018

**by Susan Ashworth BA (Hons) BPL MRTPI**

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

**Decision date: 6<sup>th</sup> June 2018**

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**Appeal Ref: APP/L3245/W/17/3191976**

**Land adjoining Castle Grange, Linney, Ludlow, Shropshire SY8 1EE**

- 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 McCartneys against the decision of Shropshire Council.
  - The application Ref 14/04328/FUL, dated 24 September 2014, was refused by notice dated 27 June 2017.
  - The development proposed is erection of 2 no. detached dwellings.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issue in this case is whether the site represents a suitable location for housing having regard to local and national policies, with particular regard to the effect of the development on the character and appearance of the area and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Ludlow Conservation Area.

### Reasons

*Whether the site represents a suitable location for housing*

3. The development plan for the area includes the Site Allocations and Management of Development (SAMDev) Plan 2015 and the Shropshire Local Development Framework Adopted Core Strategy 2011 (the Core Strategy).
4. Policy CS1 of the Core Strategy sets out the Council's strategic approach to new development which is expanded on in Policy MD1 of the SAMDev. Policy CS3 provides for housing and employment development within the development boundaries of market towns, such as Ludlow, which respects the distinctive character of each town and in the case of Ludlow, its historic character. Policy S10 sets a guideline of 875 homes to be provided in the town within the plan period 2006-2026, mostly on allocated sites but also on windfall and infill sites within the town development boundary.
5. Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev sets out that new market housing will be strictly controlled outside market towns and only permitted in specified circumstances, including where the development meets evidenced local housing needs and other relevant policy requirements. Policy MD3 sets out that where a settlement housing guideline is unlikely to be met,

additional sites outside settlement boundaries may be acceptable having regard to criteria set out in MD3 (2) and to other relevant local plan policies.

6. These policies are consistent with the core planning principles set out in the National Planning Policy Framework (the Framework) which, amongst other things, require that planning should take account of the different roles and character of different areas, contribute to conserving and enhancing the natural environment and reducing pollution, conserve heritage assets and actively manage patterns of growth.
7. The proposal seeks permission for two open-market dwellings on part of a larger parcel of agricultural land, located adjacent to a sharp bend in the Linney, a narrow road on the western fringe of Ludlow. The site lies outside the development boundary for Ludlow as set out in the SAMDev and is within the Ludlow Conservation Area.
8. Although the site adjoins the residential property Castle Grange, it is largely open and free from development and visually forms a continuous part of the wider countryside beyond it. The large area of open space on the opposite side of the Linney adds to the area's rural character. There is a residential caravan on a spur off the Linney beyond the site, largely hidden from view, but the Council advises that it is temporary. Accordingly the site appears as part of the countryside and is distinct from the more built-up urban area to the south-east. The development would result in an urban encroachment into the space to the detriment of the area's rural character and appearance. Moreover, as the site lies outside the development boundary the proposal would conflict with the strategic aims of Policies CS5 and MD7a.
9. The Council advises that it can currently demonstrate a five-year housing land supply in accordance with the requirements of the Framework and I have no evidence to the contrary. As set out in the policies outlined above, additional sites outside settlement boundaries are only required if the housing guideline is unlikely to be met or if there are other over-riding material considerations. The appellant's view is that the housing guideline for Ludlow set out in Policy S10 is unlikely to be met because of the limited opportunity for windfall development within the settlement boundary. Nevertheless the Council sets out that a significant number of the required dwellings have already been completed and that planning permission has been granted for a further 640 dwellings.
10. I have been referred to two appeal decisions relating to proposals for housing development outside the settlement boundaries<sup>1</sup> which were allowed despite being contrary to Policy S10. These were proposals for large scale housing schemes which would deliver 215 and 137 dwellings respectively with a significant proportion of affordable homes. Neither of those sites were located in a conservation area. In contrast, the proposal before me is for two dwellings and is not therefore comparable in terms of the benefits it would deliver and is within a conservation area, the impact on which I will discuss below. Consequently those cases are not directly comparable to the current appeal in terms of the balance of considerations. Moreover, the Inspector in the second appeal was very clear that the development plans reliance on windfall sites for new housing was not unreasonable and I am unconvinced that the granting of planning permission in those cases indicates that the housing guideline is unachievable.

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<sup>1</sup> Appeal Refs: APP/L3245/W/15/3001117 and APP/L3245/W/15/3137161

11. My attention has been drawn to documentation relating to the Local Plan Review which includes a review of housing land. However, this review is at an early stage and the document is yet to be examined. Accordingly it can therefore carry only limited weight and does not outweigh the current adopted policies.
12. On the basis of the evidence before me therefore, I am unconvinced that the requirements of Policy S10 would not be achieved during the plan period. Even if that were the case, Policy MD3 requires in effect that development on sites outside the settlement boundary should comply with other relevant local plan policies and this is a matter to which I now turn.

### *Conservation Area*

13. The Ludlow Conservation Area includes a significant amount of open countryside to the west of the settlement, including the appeal site. That open space is an important part of the character and appearance of the conservation area, significant in terms of the historic relationship of the castle and town to the land which surrounds it, and as a setting to, and affording views of the castle and town centre which are located in an elevated position.
14. The proposed development has been carefully sited towards the northern boundary of the site and the houses positioned end-on to the road to maintain an open vista through to open countryside when travelling west along the Linney. Nevertheless, the entrance to the site and its domestic nature would be apparent and I am unconvinced a condition to restrict domestic paraphernalia or cars from the south side of the property would be reasonable, even taking into account the revised position of the car parking space. Accordingly there would be some harm to this important visual link. The development would also be clearly apparent in the Linney from the south. Furthermore, the proposal, which has been designed as a house with attached converted barn to give the appearance of a single homestead, would introduce a development of significant scale and massing into the space, as such eroding the contribution the space itself makes to the character and appearance of the conservation area and its significance as a heritage asset.
15. I acknowledge the conclusions of the appellant's Landscape and Visual Impact Assessment that the proposal would not cause any significant interruption of views of the castle, nor views from the town centre towards the countryside. Nevertheless there would be some loss of view from within the conservation area to the countryside beyond, which currently makes a positive contribution to the heritage asset's significance. Whilst additional landscaping is proposed to screen the development I am unconvinced it would sufficiently mitigate against the detrimental impacts of the scheme.
16. Consequently the proposal would not preserve or enhance the character or appearance of the conservation area, contrary to policies CS6 and CS17 of the Core Strategy and Policies MD2, MD13 and S10 of the SAMDev which seek to ensure that development, amongst other things, protects, conserves and enhances the historic context, character and significance of heritage assets.
17. In terms of the approach set out in paragraph 134 of the Framework, the harm caused by the proposal to the significance of the heritage asset would be less than substantial. In that case, the harm needs to be balanced against the public benefits of the proposal.

18. The public benefits of the proposal in this case lie in the provision of two additional units of residential accommodation in an accessible location within walking distance of the shops and services of Ludlow. In addition there would be some economic and social benefit attached to the development. Nevertheless, these benefits would be limited. On the opposite side of the balance paragraph 132 of the Framework requires that great weight should be given to the heritage asset's conservation. Consequently the benefits of the scheme do not outweigh the harm the proposal would cause to the character and appearance of the conservation area.

### **Other Matter**

19. I note that the appellant has prepared an alternative scheme for consideration by the Council. Such a scheme does not form part of this appeal and has no bearing on my decision. Moreover, I can only determine the scheme before me and cannot comment on the merits of an alternative scheme.

### **Conclusion**

20. For these reasons, whilst I acknowledge the limited public benefits of the proposal, these benefits are not sufficient to outweigh the policy requirements set out above, nor the harm to the character and appearance of the area and the conservation area that I have identified. Therefore, taking into account all other matters raised, the appeal is dismissed.

*S Ashworth*

INSPECTOR