



Appeal Decision

Hearing Held on 2 November 2021

Site Visit made on 3 November 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/C3240/W/21/3273476

Land off New Road, Ironbridge, Telford TF8 7NL

- 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 Mrs G Pettit against the decision of Telford and Wrekin Council.
 - The application Ref: TWC/2016/0555, dated 11 April 2016, was refused by notice dated 22 October 2020.
 - The development proposed is erection of one detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the application and during the course of the appeal, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021, which replaces the 2019 version. The main parties have been given the opportunity to comment on this change and my decision is made in the context of the revised Framework.
3. Prior to the Hearing the Council raised the issue of land stability within the appeal site which was not included as a reason for refusal in the determination of the application. In the interests of fairness, the appellant was given the opportunity to respond to the Council's late evidence. Given the pertinence of the issue to the acceptability of the proposal in principle, the evidence and comments from both parties were accepted and the matter was raised to a main issue. I consider that no parties' interests have been prejudiced by this approach.
4. The name of the appellant is stated in the application form as Mrs G Pettit, but in the appeal form and evidence as Mrs H Pettit. It was confirmed at the Hearing that it is Mrs G Pettit.
5. The site address is stated in the application form as Land off New Road Ironbridge, Telford TF8 7NL and in the Council's decision notice as Land South of Loadcroft, Lincoln Hill, Ironbridge, Telford, Shropshire. As agreed at the Hearing, I have used the address as stated in the application form.
6. Notwithstanding the description of development stated above which is taken from the application form, as agreed at the Hearing, I have determined the appeal on the basis of the description as stated in the Council's decision notice and the appellant's appeal form which is, erection of 1no. detached dwelling accessed off New Road.

7. The 'Matters Not Agreed' in the signed Statement of Common Ground include reference to the relevance of Policy EC12 of the Telford and Wrekin Local Plan 2011-2031, adopted 2018 (the T&W Local Plan). This policy relates to Leisure, Cultural and Tourism Development. As the proposed development is for a single dwelling, this policy is not relevant to the consideration of the appeal and I have not taken it into account. This was confirmed at the Hearing.

Main Issues

8. The main issues are:
- Whether the proposed development would i) preserve the setting of the adjacent listed buildings ii) preserve or enhance the character or appearance of the Severn Gorge Conservation Area and iii) safeguard the Outstanding Universal Value of the Ironbridge Gorge World Heritage Site.
 - The effect of the proposed development on land stability, having regard to the presence of Reynold's Tunnel.

Reasons

9. The appeal site (the site) comprises a roughly triangular parcel of land which forms part of the domestic curtilage to Loadcroft. Sloping very steeply down towards New Road, the site is mainly grassed with some trees and hedges which provide a degree of screening. It is bounded by a stone wall to New Road within which there is an existing gated opening.
10. The site has historically been undeveloped, asserted by the appellant to possibly be a place where waste material from the industrial activities in the surrounding area was deposited. It lies adjacent to a number of Grade II listed buildings and is located within the Severn Gorge Conservation Area (the SGCA) and the Ironbridge Gorge World Heritage Site (the IGWHS). In addition, Reynold's Tunnel, which dates from circa 1880 and included on the Historic Environment Record (HER)¹ traverses underneath the site.
11. The proposed development comprises one detached, two-storey, four-bedroom dwelling. It would be constructed of brick with a rosemary tile roof and have painted timber doors and windows. Access would be gained off New Road via a new opening in the boundary wall. An area of hardstanding would be created just inside the boundary to allow parking and turning for two cars, while steps/ramp between brick walls would allow pedestrian access up to the house.
12. The application which is the subject of the appeal was submitted at the same time as two others for the development of the land associated with Loadcroft. These applications were granted planning permission on 31 October 2019².

First Main Issue: Heritage Assets

Special interest and significance

13. The site occupies a fairly prominent elevated position just off New Road, a short distance from the road's junction with The Wharfage. There are a number of Grade II listed buildings nearby which date from the late 18th century

¹ No. 03732, Shropshire Council Historic Environment Archaeology Service.

² Application Refs: TWC/2016/0553 Demolition of Loadcroft and its replacement with a single dwelling; and TWC/2016/0554 Construction of a single dwelling.

through to the late 19th century. These are No 1 New Road, No 17 The Wharfage, No 18 The Wharfage, the Warehouse immediately to the North West of No 18 and the Former Talbot Inn and adjoining warehouse. The parties disagree as to which of these buildings the site lies within and thus would be affected by the proposed development.

14. I acknowledge that the Severn River, The Wharfage and New Road are the main surroundings in which these listed buildings are experienced. These principal features, routes and spaces have physical, visual, historical and functional associations with the buildings, providing an immediate setting which contributes to their significance.
15. Nevertheless, the adjacent steeply sloping side of the Gorge, combining historic buildings interspersed with areas of green space, provides a backdrop within which to experience the adjacent listed buildings. Whilst this wider setting may have no functional association with the listed buildings, as an adjacent part of the remains of the traditional landscape within which they sit and a historically undeveloped space, it still possesses some physical, visual and historic association with them. It allows an appreciation of the building's relationships with each other, with the Gorge and with the area's industrial past, which positively contributes to their significance.
16. Having regard to the above, I am of the opinion that the appeal site forms part of the wider setting of No 1 New Road, No 17 The Wharfage, No 18 The Wharfage, and the Warehouse immediately to the North West of No 18. The special interest and significance of these buildings are largely derived from their historical illustrative value, but also in part from their aesthetic value, evidential value and communal value. They also stem from their value as a group.
17. The site is also located within the SGCA and the IGWHS. The special interest and significance of the SGCA mainly stems from the preservation of the area's historic layout, including buildings, routes and spaces, combined with the rich variety of significant architecture which is intimately linked with its industrial past, which are all enhanced by the dramatic topography and landscape of the Gorge.
18. This part of the SGCA is characterised by narrow, enclosed, vehicular and pedestrian routes; traditionally constructed historic buildings, many of which are built on plinths that hug the routes along the steep slopes of the Gorge; and areas of soft landscaping and mature woodland which provide visual and spatial relief to the locale, enabling the routes and buildings to be experienced and appreciated. Together, these elements directly inform the area's prevailing character and appearance and combine to create a distinct sense of place.
19. The IGWHS is internationally recognised to be of Outstanding Universal Value (OUV) and a designated heritage asset of the highest significance³. The IGWHS Management Plan, 2017 (the WHSMP) advises that the OUV of the IGWHS largely derives from the area's pivotal and unique role in the evolution of the Industrial Revolution in the 18th century, the effects of which spread world-wide leading to some of the most far-reaching changes in human history. The surviving structures, buildings and landscape within the Gorge are legacies of its rich history and provide a powerful insight into the origins of the Industrial

³ Paragraph 189 of the Framework.

revolution and a fascinating summary of the development of an industrial region in modern times.

20. I note the appellant's comments that the site, of itself, has no special interest and has not been recognised in either the Severn Gorge Conservation Area Management Plan, 2016 (the CAMP), the WHSMP, or as part of the designated Green Network⁴. Nonetheless, taking all of the above into account and notwithstanding its slightly overgrown appearance, the undeveloped and verdant nature of the appeal site with its strong boundary enclosure to New Road, allows the significance of the identified adjacent listed buildings to be appreciated. It also contributes in a positive way to both the character and appearance of the SGCA and the OUV of the IGWHS and thereby to their significance as designated heritage assets.

Effects of the proposal on the designated heritage assets

21. Paragraph 199 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
22. The dwelling's position within the plot, set a considerable distance back from the highway, would be out of keeping with the prevailing pattern of historic development within the area where buildings are mostly set immediately bordering or only moderately away from the adjacent highway. Although the proposed house, including the incorporation of a plinth, would sympathetically echo the form, design and materials of traditional double-fronted houses within the area, this would not be sufficient to overcome the fundamental objection to its location.
23. The proposal's discordance within the street scene would be compounded by the proposed large area of hardstanding to allow carparking and turning and the long stretch of enclosed steps/ramp. These features of the scale proposed are not commonly found within domestic curtilages in the area, the latter more traditionally used to connect public routes within the Gorge.
24. The introduction of these heavily engineered elements into the historically vacant space of the site would also notably and detrimentally erode its pleasing soft landscaped character and appearance.
25. In addition, the loss of a sizeable section of the stone boundary wall to allow access from New Road would adversely weaken the strong sense of enclosure experienced when travelling along New Road, thus undermining a characteristic which is integral to many routes through the Gorge. This would not be offset by the blocking up of the existing opening.
26. I am aware of the constraints of the site along with the conflicting requirements of the various statutory undertakers and Council departments. However, in attempting to address all of the site's limitations and concerns raised, the resultant proposed development would appear contrived and overly intrusive within the site and the area, with an uncomfortable disconnect between the house and the hardstanding. As such, it would not respect and respond positively to its highly sensitive context.

⁴ Policy NE6 of the T&W Local Plan.

27. All of these harmful effects would be readily apparent when viewing the site from public routes within the Gorge, principally New Road and The Wharfage, but also from Severn Terrace and in distant views from Bower Yard and the path above it. These would not be adequately mitigated by the existing trees and hedging within the site or the limited additional landscaping proposed and would be particularly conspicuous in the autumn and winter months when leaf cover would be reduced.
28. Taken as a whole, the proposed development would negatively alter the site's relationship with the adjacent listed buildings and harm the significance which the assets derive from their wider setting. It would also detrimentally harm identified characteristics of the SGCA which positively contribute to its special interest as a whole. It follows that this incremental change, whilst localised and limited in its extent, would also adversely affect the integrity of the IGWHS and thus its OUV.
29. Although some of the listed buildings may be argued to be visually separated from the appeal site, the absence of a strong visual connection is not a determinative factor, as it is the erosion of the green space and physical presence of the proposal as a whole that would detract from the wider setting of the listed buildings as a group and the contribution it makes to their significance.
30. In coming to my decision I am mindful that conservation is an active process of managing change to heritage assets in ways that sustain, reveal or reinforce their heritage interests. I recognise that the character of the Gorge has changed and evolved over time and note the commitment in the CAMP and WHSMP to strengthen the area as a living and working community. However, in all of the respects outlined above, the proposal would materially weaken the identified heritage values of the designated heritage assets in question and would not conserve them in a manner appropriate to their significance.
31. Drawing all of the above together, I find that the proposal would fail to preserve the setting of the adjacent listed buildings; would not preserve or enhance the character and appearance of the SGCA and would not safeguard the OUV of the IGWHS. As a result, the proposal would harm the significance of these designated heritage assets which is not clearly and convincingly justified.

Public benefits, heritage balance and conclusion on the First Main Issue

32. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the localised nature of the proposed development, I find the harm to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use.
33. The proposal would contribute one additional family dwelling to the local housing supply. Economic and social benefits would flow from its construction and occupation, as well as from future occupiers supporting local services and facilities. This would support and strengthen the area as a vibrant living and working community, as advocated by the CAMP and WHSMP. In addition, some very localised environmental benefits would result from supplemental tree and shrub planting and the installation of bat and bird boxes.

34. Whilst the identified public benefits are reduced by the single unit of development proposed and the moderate size of the plot, nevertheless, they are in line with the objectives within the Framework⁵ and carry moderate weight in favour of the appeal.
35. The appellant also highlights that the proposed development could 'very possibly ensure the future of Reynolds Tunnel.' However, whilst it is suggested that the condition of Reynold's Tunnel would be subject to an ongoing monitoring regime, any findings would not be required to be submitted to the Council and at the Hearing the appellant was unwilling to accept a condition that would necessitate this. Therefore, any potential benefits in this respect could not be secured and it carries minimal weight in favour of the appeal.
36. In addition, the appellant declares that the proposed development would enhance the area, giving the land some purpose in line with its optimum viable use and ensure its continued maintenance. Nevertheless, the maintenance and enhancement of the land could be achieved without the proposed development. In addition, the Planning Practice Guidance is clear in stating that 'securing the optimum viable use of an area-based asset as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets.'⁶ In any event, in my judgement, the proposed development would cause greater harm to the designated heritage assets than the alternative of the land not being developed and remaining as untended domestic curtilage to Loadcroft. As such, I ascribe little weight to this stated benefit in the balance.
37. Overall, the moderate weight that I ascribe to the identified public benefits is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. As such, the proposed development would fail to satisfy the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). It would also not comply with the provisions within the Framework which seek to conserve and enhance the historic environment.
38. In addition, it would conflict with Policies BE3, BE4 and BE5 of the T&W Local Plan, insofar as they seek to protect and enhance the Outstanding Universal Value of the Ironbridge Gorge World Heritage Site; preserve the setting of listed buildings; and preserve or enhance the character or appearance of conservation areas.
39. Whilst the Council has not referred to it in its reason for refusal, given the above, I conclude that the proposal would also conflict with Policy BE1 of the T&W Local Plan in so far as it requires development to respect and respond positively to its context; and preserve and reinforce historic street patterns, layouts, traditional frontages and boundary treatments.

Second Main Issue: Land Stability

40. The site is located within Stability Zone 4 where ground movement imposes significant constraints on any proposed development. In addition, traversing under the site is Reynold's Tunnel which, depending on its location, may have implications for the construction of a dwelling and associated works.

⁵ Paragraph 8 of the Framework.

⁶ Paragraph 016 Reference ID: 18a-016-20190723 of the Planning Practice Guidance.

41. Reynold's Tunnel dates from circa 1800 and was built for the purpose of transporting limestone from Lincoln Hill Limestone Mines to the wharves downstream on the River Severn. Although the structure is included on the HER, it is not included on the Council's list of buildings of local interest. The parties disagree on whether Reynold's Tunnel is a non-designated heritage asset. Nevertheless, given its age and association with the industrial heritage of the area, it is reasonable to conclude it is of some heritage interest.
42. The ground investigation report carried out by Ground Investigation Specialists Limited (GIS) in 2014⁷ confirmed that Reynold's Tunnel is a brick-lined, egg-shaped structure measuring approximately 2.1m high by 1.5m across, the crown of which is believed to be buried below about 2-3m of cover. The report stated that over the majority of its circa 70m length within the confines of the site, Reynold's Tunnel was open apart from two areas where localised collapse had occurred, neither of which was recent.
43. I have had regard to the findings of the GIS report and note the conviction of the appellant in asserting that the correct location of Reynold's Tunnel is to the north of, and a sufficient distance away from, the proposed dwelling to not give rise to any issues of ground movement within the site, even if Reynold's Tunnel were to collapse.
44. Nevertheless, the evidence presented by the Council, illustrating three different possible routes for Reynold's Tunnel that run very close to or underneath the position of the proposed dwelling⁸, raises significant doubts regarding its exact path. I am also mindful of the presence of what is shown as 'colluvium' within the site, which the Council states is a material that is more susceptible to landslides.
45. Given the conflicting information before me, none of which conclusively confirms the route of Reynold's Tunnel within the site, I cannot be certain that Reynold's Tunnel would not compromise the stability of the proposed development or vice versa. Mindful of the potentially very significant adverse consequences of allowing the proposed development before this issue has been fully investigated and resolved, I have no option but to take a precautionary approach.
46. In these circumstances, I am unable to conclude that the effects of the proposed development would not result in land stability issues within the site, having regard to the presence of Reynold's Tunnel. The proposed development would therefore conflict with Policies BE1 and BE9 and have the potential to conflict with Policy BE3 of the T&W Local Plan. Amongst other things these require development proposals to demonstrate that sufficient investigation has been undertaken to ascertain the type and extent of any land instability issues; to demonstrate that its structural integrity will not be compromised by slope instability and that it would not exacerbate any instability; and to not adversely affect existing topographical character and landscape quality, including the stability of the slopes. It would also conflict with the provisions within the Framework relating to ground conditions, including land stability.

⁷ Ground Investigation Specialists Limited, Stability of Existing Slope to the East of Loadcroft, Lincoln Hill, Ironbridge, Shropshire. Report No 1031, dated October 2014.

⁸ Historic Environment Record Alignment; Report for adjacent site - Severn Lodge Alignment; and Council's Surveyed Alignment.

47. Even if I were to accept the location of Reynold's Tunnel being as submitted by the appellant and that the effects of the proposed development would not result in land stability issues within the site, given my conclusion on the first main issue, this matter is not determinative.

Other Matters

48. That the Council granted planning permission for two dwellings further up the slope, which the appellant contends would be more prominent, does not set a precedent for the acceptance of the proposal before me. I have considered the appeal scheme on its own merits and found that it would cause harm as outlined above.
49. Within the submitted evidence and orally at the Hearing, the appellant has drawn my attention to sites within the Gorge which are asserted to have greater effects on designated heritage assets than the appeal proposal. However, I have not been provided with the details of the developments and/or works or the particular circumstances which led to them being accepted. As such, I am unable to draw any meaningful comparisons with the proposal before me and they carry little weight in favour of the appeal.
50. I note the appellant's comments regarding the protracted negotiations with the Council in relation to the development of the appeal site; the numerous amendments to the proposal to address the concerns raised during the determination of the application; and the belated submission of evidence regarding land stability during the appeal. However, of themselves, these matters are not for me to consider in the context of an appeal under section 78 of the Town and Country Planning Act 1990.

Planning Balance and Conclusion

51. The proposed development would not preserve the setting of the adjacent listed buildings; nor would it preserve or enhance the character or appearance of the SGCA; and nor would it safeguard the OUV of the IGWHS. Moreover, there is insufficient evidence before me which adequately demonstrates that the effects of the proposed development would not result in land stability issues within the site, having regard to the presence of Reynold's Tunnel.
52. Consequently, it would conflict with Policies BE1, BE3, BE4, BE5 and BE9 of the T&W Local Plan. It would also fail to meet the requirements of the Act. Additionally, it would not comply with the provisions within the Framework regarding the conservation and enhancement of the historic environment; and ground conditions, including land stability.
53. Conversely, as outlined above, the proposal would contribute one additional dwelling to the housing supply within the local area and generate associated economic, social and environmental benefits, in line with the Framework and the commitment within the WHSMP and CAMP to strengthen the Gorge as a living and working community.
54. Overall, I afford considerable importance and weight to the harm I have identified and the conflict with the development plan when taken as a whole. Whilst I afford moderate weight to the benefits which would accrue from the proposed development, material considerations do not indicate that the decision should be taken other than in accordance with the development plan.

55. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs G Pettit	Appellant
Mr H Pettit	Appellant's Husband
Mr C Roberts	Kembertons
Ms C Pino (Hearing only)	Arrol Architects

FOR THE LOCAL PLANNING AUTHORITY:

Ms K Denmark (Hearing only)	Principal Planning Officer
Ms P McKnight (Hearing only)	Senior Built Heritage Specialist
Mr A Gittins (site visit only)	Principal Planning Officer

ADDITIONAL DOCUMENTS SUBMITTED

APPELLANT:

1. Appellant's Response to Council's emails regarding Reynold's Tunnel including plan RT2 (received 22, 28 and 29 October 2021).

COUNCIL:

1. Council's emails regarding Reynold's Tunnel including plan RT1 (received 18 and 21 October 2021).
2. Additional information relating to the Council's suggested routes of Reynold's Tunnel (hard copies received 2 November 2021, electronic copies received 3 November 2021).
3. Telford and Wrekin Local Plan 2011-2031 Map showing Green Network (received 3 November 2021).
4. Listed Building Description for Former Talbot Inn and adjoining warehouse.