
Appeal Decision

Site visit made on 23 April 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/L3245/W/24/3358130

Lane End, 38 Longden Road, Shrewsbury, Shropshire SY3 7HE

- 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 Mr Glyn Jones (Berrys) against the decision of Shropshire Council.
 - The application Ref is 24/03153/FUL.
 - The development is a proposed two storey dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A copy of the Examining Inspectors letter dated 17 February 2025 in relation to the examination of the draft Shropshire Local Plan 2016-2038 has been supplied by the appellant. The letter states that the modifications required to make the draft Plan sound are significant and a recommendation is made that the Plan be withdrawn. Whilst I am unaware of whether the formal withdrawal of the plan has taken place at the time of writing, the Council's submissions do not rely on any policies of this draft Plan and no such policies are before me. I have therefore based my decision on the current adopted Development Plan.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given an opportunity to comment on the effect of these changes. This decision is based on the current Framework and has taken account of any representations made on this.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Kingsland Special Character Area of the Shrewsbury Conservation Area.

Reasons

5. The appeal site is an irregular shaped parcel of land to the rear of properties on Longden Road. The wider land of which the appeal site is part is bound by mature trees and woodland and the topography of the land slopes downhill towards the Rad Brook. Other parcels of grassland and trees are located in close proximity to the site and these, together with the appeal site, lie within the Rad Brook Valley.
6. The appeal site is located within the Shrewsbury Conservation Area (SCA). As such, I have had regard to the statutory duty to pay special attention to the desirability of

preserving or enhancing its character or appearance¹. I note that there is no formal appraisal of the SCA, and that it covers a large area. Based on the information before me, the significance of the SCA, insofar as is relevant to this appeal, is considered to derive in part, by its tranquil setting with open areas of green space and varying degrees of mature woodland landscape, which accentuates its verdant rural character. The site is located within the Kingsland Special Character Area (KSCA) of the SCA where the Rad Brook Valley, and parcels of open land within it, form an important open and green corridor that extends into Shrewsbury, making a significant contribution to the setting of the town.

7. Whilst public views of these open spaces vary, they nevertheless form a distinct corridor that follows the route of the Rad Brook and are largely devoid of built development. Notwithstanding the public visibility of all individual land parcels within this corridor, these open spaces collectively have a high aesthetic and spatial quality and contribute positively to the character and appearance of the town. The appeal site is one of these open parcels of land and is well-contained by existing mature woodland. However, it nevertheless has a sense of openness resulting from its undeveloped nature and separation from the properties on Longden Road. This, combined with the attractive verdant character of the valley, contributes positively to the significance of the SCA.
8. The appeal site is sited to the rear and some distance from the properties fronting Longden Road, which are a mix of modest detached and semi-detached dwellings that are set on a generally consistent build line and have long rear gardens. There are examples of development that extend towards the Rad Brook, such as properties on Vane Road and Red Barn Lane. However, the corridor nonetheless has a strong open and verdant character.
9. The appeal scheme proposes a substantial two-storey detached dwelling and a subterranean garage. The dwelling would be excavated into the ground so that it would sit lower than the ridge height of no 38a Longden Road to the east and, through a combination of existing and proposed landscaping, would be largely screened from the public realm. However, the design of the dwelling would directly contrast with the scale and form of properties in the immediate vicinity which are more modest in size and massing. The dwelling would be a large, two-storey detached home with a wide frontage and massing, which would contrast with the more modest dwellings on Longden Road.
10. The proposal would also be largely separated from the dwellings fronting Longden Road and would extend development into the Rad Brook Valley. This would erode the verdant and spacious character of the area that the appeal site contributes to and reduce the openness of the area by protruding into the green corridor. Whilst there might be examples of larger scale properties on the northern side of the valley, these are read in a different context to the appeal site, and this, along with the fact that a similar dwelling design may have been advanced on other sites in the wider area does not alter my findings.
11. The evidence suggests that despite the screening afforded by vegetation, there is the potential for filtered views of the dwelling to be achieved from the first floor of properties on Vane Road in addition to views from no's 38a and 40 Longden Road. Whilst it may well be the case that the proposed dwelling would only be glimpsed from these

¹ In accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

properties and that these views would reduce over time with additional landscaping, which the appellant suggests could be secured by condition, they would nonetheless still be of a development that is inconsistent with the overall pattern and form of development in the area, resulting in a form of development which would appear as an unacceptable visual and spatial intrusion into the valley. The development would therefore result in harm to the character and appearance of the area and the SCA, which would harm its significance.

12. No boundary treatments are proposed to delineate the proposed dwelling. Nonetheless, in order to define the curtilage and prevent any domestic encroachment into the wider site it would be necessary to ensure the proposed garden is suitably enclosed. Furthermore, the suggested permitted development rights restriction for garden structures within the garden area would not address any domestic garden paraphernalia that would fall outside of the control of the planning system. The potential for such enclosures and domestic paraphernalia would further erode the rural character and openness of the area.
13. The Shropshire Green Infrastructure Strategy (July 2020) identifies the opportunity for the enhanced management of water corridors, such as the Rad Brook valley. The appellant suggests that this development would enable them to continue to manage the extent of land within the wider river valley that is in their ownership by giving them an on-site presence. They suggest that this could be secured by condition and would provide a benefit to the character and appearance of the SCA. It is also suggested that without such management, trees could suffer from disease such as Ash Dieback, reducing the verdant character of the area. However, it has not been evidenced that these maintenance responsibilities are dependent on the outcome of this appeal, nor that a condition requiring the enhancement or management of the wider land in the valley within the appellant's ownership would be capable of addressing the harm that I have identified.
14. The appellant also suggests that the positioning of the dwelling has been designed to prevent any further development on the wider parcel of land. However, I have assessed the appeal on its own merits and even if this were to be the case, it does not weigh in favour of the scheme. The application form also refers to the demolition of 38a as part of the proposal, however, this is not included within the proposed plans and therefore has not factored into my determination of the appeal.
15. My attention has been drawn to several examples of developments in the vicinity of the appeal site to support their case and I have had regard to these decisions. Two of the cases referenced² relate to dwellings approved outside of the green corridor on sites located in a different residential context, the case at the Former Builders Yard off Red Barn Lane³ was on brownfield land enclosed by existing residential development and in the case at Land off Red Barn Lane⁴ the dwelling was concluded to be a natural infill site, rounding off a small cluster of dwellings. These cases are not directly comparable to the appeal scheme and do not provide a justification for the proposal, which in any case must be considered on its individual merits.
16. Appeal decisions have also been provided for the adjacent sites to the south⁵ and west⁶ of the appeal site. Whilst I note that the quantum and scale of development is different in

² LPA Ref. 23/03766/FUL and LPA Ref. 24/02436/FUL

³ LPA Ref. 24/01340/FUL

⁴ APP/L3245/W/15/3069989, LPA Ref. 14/01484/FUL

⁵ APP/L3245/A/14/2228392, LPA Ref. 14/00267/FUL

⁶ APP/L3245/W/21/3285440, LPA Ref. 20/03270/FUL

the appeal scheme than these two cases, the contribution that the green corridor of the Rad Brook Valley makes to the overall character of the area is acknowledged by both Inspectors and supports my findings in relation to its contribution to the significance of the SCA. I have not been supplied with the details of the case referred to as application 23/01561/FUL, however, the appellant advises that this development was similarly refused due to the effects on the conservation area and landscape impacts.

17. For the above reasons, I find that the proposal would fail to preserve the significance of the Shrewsbury Conservation Area. The harm resulting from the development would be localised, and less than substantial in this instance, but nevertheless of considerable importance and weight. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal.
18. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The proposal would provide a low energy self-build dwelling on a small windfall site at low risk of flooding with good access to services and facilities, and thus would contribute to the Government's objective to significantly boost the supply of homes. However, even taking account of the current housing land supply position, the benefits of housing delivery, to which I attach significant weight, are tempered by the fact that the provision of one unit would only make a small difference to housing supply.
19. There would also be some economic benefits during the construction phase as well as any potential Council tax that future occupiers might pay. The appellant suggests the dwelling would be constructed to the highest design quality, however there is little in the evidence to suggest the development's design would be particularly outstanding. Additional landscaping would also provide biodiversity enhancements. However, there is limited evidence before me to enable me to quantify the extent of this benefit.
20. Taken together the public benefits accruing from the proposal are limited. In the absence of any defined substantiated public benefit, I therefore conclude that, on balance, the development would fail to preserve the character or appearance of the SCA, resulting in harm to its significance.
21. In light of the 5-year housing land supply position, paragraph 11(d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework lists designated heritage assets (which includes conservation areas) as one such asset of importance and thus, in light of the harm I have identified to the significance of the SCA which would not be outweighed by public benefits, the proposal does not benefit from the presumption in favour of sustainable development in this instance.
22. The development would therefore fail to satisfy the requirements of the Act, paragraph 210 of the Framework and conflict with the aims of policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) and policies MD2, MD12 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These policies collectively seek, amongst other things, to ensure that development conserves and enhances the natural, built and historic environment and local character.

Other Matters

23. Whilst noting the appellant's frustration over the Council's handling of the application and the pre-application advice received, I have considered the appeal proposal on its own merits.
24. The Council raised no objections in relation to trees, highway safety, biodiversity and I see no reason to take a different view. I have been presented with no compelling evidence that the proposal would result in harm to the living conditions of the occupiers of nearby dwellings and future occupiers would be provided with adequate living conditions. Nonetheless, compliance with the relevant development plan policies on these matters would be required in any case. Therefore, these matters weigh neutrally rather than in favour of the proposal. I also appreciate that the proposal has some local support, however, a lack of objection does not equate with a lack of harm.

Conclusion

25. For the reasons given above, the proposal conflicts with the development plan when read as a whole and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

H Whitfield

INSPECTOR