

Appeal Decision

Site visit made on 27 June 2016

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 July 2016

Appeal Ref: APP/L3245/W/16/3147470

Land at Burway Lane, Ludlow, SY8 1DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P J Paddock against the decision of Shropshire Council.
 - The application Ref 14/04215/OUT, dated 15 September 2014, was refused by notice dated 2 October 2015.
 - The development proposed is the erection of 5 detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Shropshire Council Site Allocations and Management of Development (SAMDev) Plan was adopted on 17 December 2015, after the Council made its decision on the application which forms the basis of this appeal. Policies in the SAMDev were referred to in the Council's reason for refusal. Consequently all parties have had the opportunity to comment on these in relation to their cases.
3. The application was submitted in outline with all matters reserved. However, works to the access, including the widening of part of Burway Lane and the formation of a turning head, have been included with the application. The Council considered the application as being in outline with approval sought for access also. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether the site is a suitable location for housing, having regard to local and national planning policy, and;
 - The effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is an open parcel of land, used for agricultural purposes, at the end of a ribbon of development on the south side of Burway Lane. This is a narrow single track lane which provides access to the residential properties
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along it, and a cricket club. It is proposed to erect five detached dwellings here to form a continuation of the existing ribbon of development.

6. Policy SC4 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (CS) seeks to 'rebalance' rural communities, making them more sustainable by allowing development, such as housing, in identified Community Hubs and Community Clusters. The Ludlow Area is a Community Hub as per Policy MD1 of the SAMDev and Policy S10 sets out the Ludlow Town Development Strategy. The appeal site, however, falls outside of the Ludlow Area Community Hub in an area of countryside where, as per Policy CS5 of the CS, new development will be strictly controlled. New housing is only to be permitted in certain circumstances, none of which apply to the proposal before me.
7. Policy MD1 of the SAMDev sets out that sufficient land will be made available during the plan period to enable the delivery of housing planned in the Core Strategy under Policy CS1. Upon adoption of the SAMDev the Council have a 5 year supply of housing which includes a 20% buffer to meet previous undersupply. I note the appellant's concerns regarding the delivery of housing in the area. However, I have no substantive evidence before me to conclude that these targets cannot be met.
8. The appellant points out that Policy MD3 of the SAMDev allows for flexibility and sets out in its supporting text the importance of windfall development in the countryside on greenfield sites, where this is sustainable. The appellant makes the case that the whilst the proposed development is on a greenfield site in the countryside it is in close proximity to Ludlow and as such should be considered a sustainable location for development.
9. Ludlow is within walking distance. Upon reaching the main road there are cycle, pedestrian and bus routes into the town and the train station. However, Burway Lane itself is narrow, and the road uneven, and there is no provision of pavements and relatively little street lighting. The conditions of Burway Lane and the distance to the main road (some 515m) are such that future occupants of the development would be unlikely to rely on walking as a regular mode of transport, particularly persons with young children in pushchairs or those who use mobility scooters, or have difficulty walking.
10. Policy C6 of the CS, amongst other things, requires development to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised, and the need for car based travel can be reduced. This policy accords with the National Planning Policy Framework (the Framework) which similarly seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The continuation of development along Burway Lane, given the existing conditions, away from the main road and town centre, is not a sustainable form of development as it would require increased reliance on private transport.
11. Whilst the development would form a continuation of an existing ribbon of development it would, nevertheless, represent an encroachment of the built form into what is an attractive and open rural landscape which provides the wider setting of Ludlow. Burway House, a rural farmhouse located to the north-west of the site, by its nature, is visually and physically detached from the settlement of Ludlow by the buffer of landscape between, which in part, is

formed by the appeal site. The existence of Burway House does not in itself justify allowing the creep of development into the countryside.

12. Although views of the site are largely restricted to Burway Lane, this is a well-used Public Bridleway which forms part of the Shropshire Way and affords its users views over the countryside surrounding Ludlow and of Ludlow Castle, which can be clearly seen from the appeal site. Any development across the site would, without question, impede these views, even if restricted to five dwellings, and with the introduction of a 'mirador' to allow views through the site. The proposal would therefore cause harm to the character and appearance of the surrounding area and as such would conflict with Policies CS5 and CS17 of the CS and MD2 and S10 of the SAMDev. These Policies, amongst other things, seek to protect and enhance Shropshire's natural, built and historic environment. Similarly the Framework seeks to conserve the natural environment and heritage assets. I note the appellant's suggestion of a landscaping condition, but I am not persuaded that this would satisfactorily mitigate the harm that I have found.

Other Matters

13. Although not a reason for refusal and no objection was raised by highway officers I note third party concerns raised in respect of access and highway safety. As set out above, the proposal includes improvements to Burway Lane which would include a public turning space. This would be a benefit reducing reversing movements down the lane. A contribution towards the proposed works is to be provided by way of a Unilateral Undertaking, but there is nothing before me to that effect. However, as I am dismissing on other grounds, it is not necessary for me to pursue this matter further.
14. There is discussion regarding the development making a contribution towards affordable housing. However, following the Court of Appeal's judgment of 11 May 2016, in respect of the Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441, the policies in the Written Ministerial Statement as to the specific circumstances where contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and self-build development, must once again be treated as a material consideration. In light of this the Council are no longer automatically requiring an affordable housing contribution for the scale of development before me.
15. I note that the appeal site was considered for inclusion in the SAMDev and is again under consideration in the current Strategic Housing Land Availability Assessment (SHLAA). According to the appellant, the site assessment for the SHLAA identifies it as being of Low Landscape Value and as scoring positively in respect of proximity to bus stops. This assessment is not before me. In any event, it is only a technical study. As such this matter can only be afforded limited weight.
16. The appellant has provided a number of appeal decisions. I have not been supplied with full details therefore I am unable to make any meaningful comparisons. However, I note that all pre-date the adoption of the SAMDev, with the exception of the site at Cross Houses, Shrewsbury, but this is a materially different development; the site having been formerly used as an overspill car park and caravan site. Similarly, I have limited details with

respect to the reasons or circumstances behind the planning permission for a single dwelling just to the east of the site, but I do note that this was for a materially smaller development than that which is before me. In any event, I have determined this appeal on its own planning merits.

Conclusion

17. The appeal site's location outside of the Ludlow Area Community Hub conflicts with the Council's development plan and its approach to housing delivery. In addition to this, the proposal would result in an unsustainable form of development which would require reliance on private transport, and would also cause harm to the character and appearance of the surrounding area. I have had regard to all matters raised, including the need to significantly boost the supply of housing as set out in the Framework, as well as the fact that the proposal aims to deliver single self-build plots that would be able to be taken up for development at an early stage, and the inclusion of sustainable design elements such as solar energy. These matters do not, however, outweigh the harm I have found. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR