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## Appeal Decision

Site visit made on 21 June 2016

by **B Bowker Mplan MRTPI**

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

Decision date: 18 July 2016

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**Appeal Ref: APP/L3245/W/16/3145092**

**Elm Lodge, Fishmore Road, Ludlow, Shropshire SY8 3DP**

- 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 & Mrs S Weaver against the decision of Shropshire Council.
  - The application Ref 5/01027/OU, dated 2 March 2015, was refused by notice dated 26 October 2015.
  - The development proposed is outline application for the redevelopment of existing haulage yard to provide secure over 55's housing.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The proposal is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis.

### Main Issues

3. The main issues are:
  - Whether the proposed development would provide a suitable site for housing, having regard to the proximity of services; and,
  - The effects on the living conditions of future occupants with regard to noise, odours and dust.

### Reasons

#### *Suitable site*

4. The appeal site comprises a gravelled haulage yard located to the immediate east of holiday accommodation and golf course at Elm Lodge. A large agricultural building runs across and close to the northern boundary of the site and forms part of Elm Farm. The site is accessed via a single lane private road which leads to Fishmore Road.
  5. For planning purposes, the site is outside the development boundary of Ludlow as defined by Policy S10 of the Site Allocations and Management of Development Plan (SAMDev). Consequently, the site occupies a countryside location and Core Strategy (CS) Policies CS3, CS5 and SAMDev Policy MD7a apply. These policies seek to strictly control development in the countryside,
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but do include a number of exceptions. However, the proposal would meet none of these exceptions.

6. The proposed housing would be for the over 55s and would likely comprise approximately 20 bungalows. The site's access would be about 100m from the nearest dwelling to the south and the appellant would be willing to provide a direct lit footpath from the site through to Fishmore Road. In addition, daily consumable products such as bread and milk could be purchased by future occupants from the nearby golf shop. However, this alone would not meet all the basic needs for residents.
7. I recognise a new section of lit footpath would be of benefit to new residents however, the initial section of highway closest to the appeal site does not benefit from street lighting. Furthermore when combined with the walking distance, it would mean bus services at Fishmore Road are unlikely to be a realistic alternative to the private car. In addition, the majority of essential services and facilities required by future occupants would be located in Ludlow town centre which is approximately 1.6kms from the site. Given the limitations of travel by public transport and on foot, future occupiers would be likely to primarily rely on the private car to access most essential services and facilities.
8. Furthermore, the haulage use of the site currently generates traffic, which includes the coming and goings of staff vehicles, light commercial vehicles, and HGVs throughout the entire day and week. Also, during my site visit, I observed the effect of a HGV vehicle travelling through the residential area at Fishmore Road which is narrow in parts owing to vehicles parking partly on the street and pavement.
9. However, I understand the appellant already has another yard where the haulage use would be moved to and therefore it would appear these benefits in terms of highway safety and consideration of existing vehicular journeys would not be dependent on the approval of the proposal. Consequently, the weight I afford these benefits is limited.
10. Therefore the development would not provide a suitable site for housing having regard to the proximity of services. It would result in clear harm when considering the social and environmental dimensions of sustainable development. Consequently, the proposal would be contrary to Policies CS3, CS5 and CS6 of the CS, Policy MD7a of the SAMDev and paragraph 7 of the Framework. Insofar as they relate to this matter, combined these policies seek to ensure development is focussed within the development boundaries of market town's such as Ludlow, makes the fullest possible use of public transport and walking to avoid dependency on private car travel.

#### *Living conditions*

11. Despite having no openings directly facing the site and the intervening wooden panel boundary fence, during my visit, I could hear vehicular activity from the agricultural building. I also saw that Elm Farm includes a modern designed farm house close to the agricultural building, is well kept and a number of Llamas were grazing on the adjoining field. Therefore, I accept the current use of Elm Farm and the adjoining agricultural building may well be hobby in intensity. I also understand a large section of the holding has been lost to residential development.

12. However, the farm is some 80 acres in size and the agricultural building is used to house livestock with an outside area used for checking the welfare of animals. Agricultural activity is close to the appeal site, and owing to the size of the farm, has the potential to increase in intensity. Consequently, I have concerns regarding residential use being so close to a large agricultural building. I also note that paragraph 123 of the Framework states that nearby changes in land use should not result in unreasonable noise restrictions for existing business uses.
13. To that end sound insulation measures in excess of Building Regulation requirements and a satisfactory site layout could be achieved later on in the development process. However, irrespective of site layout and sound insulation, dust and smells would still arise from the agricultural building. Furthermore, during the summer months gardens are likely to be in use and windows open, thus further exposing future occupants to noise, dust and smells. These are factors which a site layout and sound insulation could not fully mitigate.
14. Whilst future occupiers may choose to live in a countryside location and so expect noise from farming activities, this does not justify nor remove the subsequent harm to living conditions. I also note that Elm Lodge is near the site and includes residential and tourist accommodation use. However, Elm Lodge is not as close to the agricultural building as the appeal site, so the effect on living conditions is not comparable.
15. Therefore I conclude that the development would be contrary to CS Policy CS5 and paragraph 17 of the Framework. Insofar as they relate to this matter, these policies require development to seek a good standard of amenity and wellbeing for future occupants.

#### *Planning balance*

16. I acknowledge the proposal would re-use a brownfield site, be delivered in a short period of time, create employment and provide independent housing for an ageing population. Indeed, the growth in elderly population is an issue acknowledged in the explanatory text of CS Policy CS3, and the proposal could free up other housing for the wider populace. In addition, no harmful effect has been identified with regards to highway safety, character and appearance and biodiversity.
17. However, the explanatory text of CS Policy CS3 also states that the elderly are more dependent on local services and public transport than the population as a whole. This reinforces my conclusion of harm arising from future occupants having unsuitable access to services. The development would be in an isolated location resulting in the inherently harmful social and environmental aspects I have identified above. This would be contrary to both local and national policy to which I give considerable weight. I have also identified harm to the living conditions of future occupants. Therefore, taking my findings in relation to the first two main issues into consideration, the proposal would fail to achieve the environmental and social dimensions defined and required by the Framework in order to be considered sustainable development.

18. In coming to that view I have considered an appeal decision<sup>1</sup> referred to by the Council which sets out the Council could not demonstrate five years of deliverable supply of housing land. I am informed that the Council have submitted a legal challenge to this appeal decision. Although, at the time of writing, the appeal decision remains extant. Nevertheless no information has been provided by either party with regards to an up-to-date position on housing land supply.
19. In that light, there is no dispute that the development would make a modest contribution to the supply of housing in the locality and there would be a small economic benefit during construction along with the other benefits discussed above. However, even if the Council were unable to demonstrate a five-year supply of deliverable housing sites, the adverse impacts in terms of access to services and the effect on the living conditions of future occupants would significantly and demonstrably outweigh the benefits. Consequently, the proposal would still be unacceptable when assessed against the policies of the Framework as a whole.

*Other matters*

20. The need for development to make an affordable housing contribution is outlined in the Council's Statement of Case. Notwithstanding the requirements of CS Policy CS11, the lack of contribution to affordable housing was not part of the Council's reason for refusal so this has not formed part of my considerations in determining the appeal. However, as I am dismissing the appeal for the reasons given above, I have not pursued this matter further.
21. A development of 94 dwellings within 500m to the south of the site has been referred to. However, I have no details of the development and I am not aware of the considerations relating to it. Moreover, this case has to be determined on its own individual merits.

**Conclusion**

22. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

*B Bowker*

INSPECTOR

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<sup>1</sup> APP/L3245/W/15/3067596, Land at Teal Drive, Ellesmere.