



Appeal Decision

Site visit made on 3 March 2015

by **Mike Robins MSc BSc(Hons) MRTPI**

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

Decision date: 9 March 2015

Appeal Ref: APP/L3245/A/14/2229344

Spring Cottage, Steventon Road, Ludlow, Shropshire SY8 4BN

- 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 Mr and Mrs Charles Olink against the decision of Shropshire Council.
 - The application Ref 14/01075/FUL, dated 10 March 2014, was refused by notice dated 17 November 2014.
 - The development proposed is to reposition access from the road.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposal would preserve or enhance the character or appearance of the Ludlow (Steventon) Conservation Area (the CA).

Reasons

3. This appeal relates to a proposal to create a new access from Steventon Road, a minor road south of Ludlow. The proposed access lies within the CA and the road here is lined to the west by an impressive double row of lime trees, which, beyond Meadow House, are matched by mature oaks along the eastern side. This creates a highly distinctive avenue, which, with open pastures and some understorey planting, establishes an attractive, semi-rural character, albeit there is a train line a short distance to the east.
4. A previous planning application led to permission for a new dwelling in an area to the south of Spring Cottage and the west of Manor Cottage, which had a proposed access off the lane running west from Steventon Road. This lane provides access to Manor Cottage, as well as some farm buildings and other properties. Although the site of the permitted entrance would appear to be lower than the site for the proposed dwelling, nonetheless this entrance had been proposed following Council concerns about access directly off the road. There is an alternative access via a field entrance a short distance along Steventon Road, which opens into a paddock with further access through another field gate to the site for permitted dwelling.
5. The appellant states that an anomaly in the Land Registry Plan and relevant deeds affects the permitted access, while use of the field gate, although possible, would effectively isolate a section of the pasture. Thus, the new entrance is proposed. This application was supported by a tree report, which suggested that the overall amenity of the trees would not be lost as a result of the proposal.

6. The lime trees would appear to have been pollarded with a number displaying boles and multi-stemmed trunks. The relatively dense planting has led to some restrictions to growth and a few of the trees display defects, nonetheless, overall I consider this to be an impressive grouping, which gains significance from its contribution to the avenue and provides an important element of the character and appearance of the CA. I note that the CA Statement specifically identifies the contribution the avenues make to the 'rich natural setting of the area'.
7. There are two existing entrances through the tree belt near to the site, the field gate and an entrance to Spring Cottage, which the appellant suggests show that a new entrance could be satisfactorily assimilated. I noted that the canopy had overgrown these openings somewhat, and that the hedgerow limits oblique views as one passes along the road. While it is likely to be only fully appreciated in winter, there is a thinning of the canopy at the entrances, although I accept that in full leaf this would be less noticeable.
8. The proposal before me seeks to close off the existing field entrance and provide an alternative slightly to the south. Three trees are identified to be lost directly, although it is proposed that a single tree is planted when closing the field entrance, as well as three additional lime trees to be planted along the new driveway behind the proposed access.
9. The proposal would result in there being only two trees remaining at the start of the row. While over time the canopy would grow over the gap, and, if particular care is taken, it may be possible to ensure that the new entrance preparation and surfacing may not materially effect trees T2 and T6, there would still be a significant short-term impact on the row of trees here. In terms of the existing entrance, I have some doubts over whether a replacement tree would establish successfully, and, in any case, the benefits of this would not be realised for a significant period.
10. Consequently, I consider that there would be material harm in the short to medium term to the tree belt, which collectively forms an important element of the character and appearance of the CA. Mitigation measures would assist only in the longer term, and doubts remain over the likely effect on the trees immediately adjacent to the proposed access and on the success of any replanting within the tree belt. The proposed compensatory planting of three trees along the drive would be of some general benefit, but would not address the harm to the collective value. I consider that the proposed new access would fail to preserve the character or appearance of the CA.
11. The proposal would therefore conflict with the Shropshire Local Development Framework Core Strategy, wherein Policies CS6 and CS17 seek to protect the quality and local character of the natural, built and historic environment. The National Planning Policy Framework sets out aims to protect and enhance valued landscapes and introduces in paragraph 134, a balanced approach where harm to heritage assets, which includes CAs, is less than substantial. While I accept that the harm here may not be substantial, nonetheless, on the evidence before me there does not appear to be a strong and overriding case to justify the short to medium term harm.
12. Furthermore, there is an overarching statutory duty on decision makers set out in Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, that, in the case of CAs, special attention is to be paid to the desirability of preserving or enhancing the character or appearance of that area.

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Mike Robins

INSPECTOR