



Appeal Decision

Site visit made on 8 October 2020

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/L3245/W/20/3248140

Land to rear of Long Meadow Barn, Long Meadow Drive, Abbey Foregate, Shrewsbury SY2 6NA

- 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 C Goode against the decision of Shropshire Council.
 - The application Ref 19/05448/FUL, dated 12 December 2019, was refused by notice dated 3 February 2020.
 - The development proposed is a dwelling to the rear of Long Meadow Barn.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling on land to the rear of Long Meadow Barn, Long Meadow Drive, Abbey Foregate, Shrewsbury SY2 6NA in accordance with the terms of the application Ref 19/05448/FUL, dated 12 December 2019, and the plans submitted with it subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The appeal site visit was delayed due to travel restrictions imposed in relation to the Covid 19 pandemic.
3. Although the site location is described on the planning application form as set out above, it is clear that the appeal site is to the rear of both Long Meadow Barn and Pear Tree Cottage. I have considered the appeal on this basis.

Main Issues

4. The main issue is the effect of the proposed development on the setting of nearby listed buildings and on the character or appearance of the area.

Reasons

5. I am required to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses, and to preserving or enhancing the character or appearance of a conservation area¹.
6. The appeal site is in the Abbey Foregate Special Character Area (the AFSCA). This is one of the special character areas reflecting different periods of the town centre's development. Together these create the overall historic character and significance of the Shrewsbury Conservation Area (the CA). Abbey

¹ Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990

Foregate has formed the principal approach to the town from the east since the foundation of the Abbey in 1083. As the town grew, development spread out along the main road leading eastwards from the Abbey. Overall the AFSCA contains a variety of land uses with a diverse range of building types and styles developed in an ad hoc way over an extensive period of time.

7. Long Meadow Drive, a narrow private drive serving a small enclave of dwellings, leads off Abbey Foregate. The appeal site is behind the rear gardens of Long Meadow Barn and Pear Tree Cottage, which are Grade II Listed Buildings. Brierly House, Chaddeslode House and Nos 129 and 131 Abbey Foregate are also Grade II Listed Buildings: due to their distance from the appeal site and intervening properties there would be no effect on these or the settings in which they are experienced.
8. Long Meadow Barn and Pear Tree Cottage were formerly a barn with an attached cottage which, together, were listed in 1972 after the barn was converted to a dwelling. The timber framed building probably has late 17th century origins with possibly some timbers from an earlier building on the site. Some of the building's significance derives from its architecture and historic fabric although parts of the building have been renewed at various times. Listed Building Consent and planning permission have recently been given for works including replacement of windows. The appeal proposal would not affect the architectural interest of the historic fabric of the building.
9. The appeal site is within the setting of Long Meadow Barn and Pear Tree Cottage as it adjoins their rear boundaries. An old photograph and the 1840 tithe map show the historic significance as a relatively isolated agricultural building with a rural outlook enclosed, at least some of the time, by open railings/wire fencing. However, this former setting has been eroded by the loss of the open agricultural land, the conversion to residential use with the associated domestic paraphernalia, and the presence of dwellings around it. Moreover, the installation of domestic style windows further erodes any agricultural association arising from the appearance of the building.
10. Long Meadow Barn and Pear Tree Cottage are now experienced as dwellings with enclosed gardens mainly surrounded by houses, including No 129A Abbey Foregate, Mill Race Cottage and other houses on Long Meadow Drive, rather than as an isolated agricultural building. The appeal site is the exception as an open, mainly grassed, area. It was part of a former open field which became part of the garden of Long Meadow Barn, possibly in the later 20th century. The extent to which all, or part, of the appeal site has been associated with Long Meadow Barn and Pear Tree Cottage appears to have fluctuated over time as indicated on OS Maps included in the Heritage Impact Assessment. Nor is the map associated with the List Entry part of the official record of the listed building as the listing pre-dates 4 April 2011. For these reasons I give little weight to the association of the appeal site with Long Meadow Barn and Pear Tree Cottage in terms of how their significance is appreciated.
11. Mature landscaping is a feature of this part of the town, particularly to the rear of the built form. The AFSCA borders on the Rea Brook Valley, a significant green corridor and Local Nature Reserve. The appeal site slopes down to the boundary of a wooded area beyond which is the Rea Brook. These form part of the mature landscaped setting of the town. However, the landscaped setting in the immediate vicinity includes the gardens of houses. In principle a house in a

garden would, therefore, not be out of character and would in this respect, not be dissimilar to the two permitted² but not yet constructed houses referred to as Plots one and two, in the wooded area beyond the appeal site.

12. The appeal site is large enough to contain a dwelling with car-parking spaces and garden all around and would not be significantly smaller or more cramped compared to other properties on Long Meadow Drive. The rear part of the appeal site overlaps to a small extent with the proposed garden at Plot one. In this particular case I consider the position of the shared garden boundary would cause no material harm to openness or the effect on the landscape setting of the settlement.
13. The National Planning Policy Framework (the Framework) and the Historic England "the Setting of Heritage Assets" Good Practice Advice in Planning Note 3, recognise that the surroundings in which a heritage asset exists is not fixed, and may change as the asset and its surroundings evolve. In this case the historic agricultural/rural association has already been lost by cumulative changes that have taken place, whether or not the current fencing is unauthorised. The proposed dwelling would be closer to Long Meadow Barn and Pear Tree Cottage, and higher up the slope, than the dwellings permitted at Plots one and two. However, it would be set into the slope, still at a much lower land level than the listed building, and would have a sedum roof. This means the proposed dwelling would not be obtrusive in relation to the Listed Building.
14. Exercising my planning judgement I conclude the proposal would not be overly cramped. It would have a neutral effect on the significance of Long Meadow Barn and Pear Tree Cottage, other nearby listed buildings, on the character and appearance of the CA, and how these heritage assets are experienced. Nor would it harm the Rea Brook Valley open space due to the distance separating them. The contemporary mono-pitch design would continue the tradition of different styles over time and would be in keeping with the permitted low profile split level dwellings to the rear of the appeal site. Moreover, the associated proposal to replace the concrete post fencing on the eastern site boundary adjacent to Mill Race Cottage would improve the character and appearance of the CA.
15. For the reasons set out above I conclude that the proposed development would be acceptable in terms of the setting of nearby listed buildings and the character or appearance of the area. Accordingly I find no conflict with the legislation, Policies CS6 and CS17 of the Shropshire Core Strategy 2011, Policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev) Plan 2015, the principles of the Framework or the advice of Historic England all of which seek, amongst other things, to ensure high quality design and that, wherever possible, harm or loss of significance to historic assets including their setting is avoided.

Other Matters

16. This appeal site is a different parcel of land to that which was refused planning permission for three dwellings at appeal in 2017³. Accordingly, that appeal decision does not set a precedent for the appeal before me.

²Refs 18/03663/FUL and 19/01060/FUL

³ APP/L3245/W/16/3160708

17. Parking for the proposed dwelling would be served off the existing narrow private drive and the proposal would allow for vehicles to enter and exit the appeal site in a forward gear. Whilst I acknowledge the concerns raised by neighbours about the width of the drive and the lack of passing/turning spaces I note that the Highway Authority raises no objections subject to conditions. I acknowledge the development that has taken place in the area, or is permitted, but I consider the extra traffic generated by one additional dwelling would not create such a hazard as to justify withholding permission.
18. Concern has been expressed that the proposal would set a precedent for development elsewhere. However, each planning application and appeal must be considered on its own merits.

Conditions

19. I have taken into account the Parties' observations on planning conditions and, where necessary, I have amended wording to more closely reflect the tests set out in the Framework and the Planning Practice Guidance.
20. As well as the standard condition specifying the time limits for the commencement of development compliance with the approved plans is necessary to provide certainty. Approval of external facing materials for the building and details of windows, doors and external joinery are necessary in the interests of the appearance of the area. A drainage scheme is necessary in the interests of public health and safety.
21. The implementation of the approved access drive and parking areas before first occupation and the submission and implementation of a Construction Traffic Management Plan before the commencement of development are necessary to minimise conflict with other users of the drive and the highway.
22. Implementation of the recommendations of the Ecological Appraisal by Greenscape Environmental, December 2019, including a final site visit to check the status of known badger setts in the area within four weeks prior to the development commencing and if needed, the provision of an appropriate mitigation strategy, are necessary to minimise the impact on protected species. Details of hard and soft landscape works, boundary treatments, existing and proposed levels across the site, and the implementation of the approved tree protection measures are required before the commencement of development to retain the character and appearance of the area and to maximise biodiversity. To ensure the provision of roosting and nesting opportunities the provision of boxes/nests is required.
23. Although the Framework indicates conditions should not be used to restrict national permitted development rights unless there is clear justification to do so, in this case it is necessary because of the levels across the site and the proximity of the listed building.

Conclusion

24. For the reasons set out above I conclude that the appeal should be allowed.

S Harley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2186-01 Plot 3 Rev A and 2186-21-GA Rev B.
- 3) No development shall take place until full details of existing and proposed levels across the site and the finished levels, above ordnance datum, of the ground floor of the proposed building and the parking area and access drive, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall take place until a Construction Traffic Management Plan for all development traffic has been submitted to, and approved in writing by, the local planning authority. The Statement shall include as a minimum provision for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities.

The approved Plan shall be adhered to throughout the construction period.

- 5) In accordance with the recommendations of the Ecological Appraisal by Greenscape Environmental, December 2019 a qualified and experienced ecologist shall conduct a site visit to check the status of badger setts in the area within the four weeks prior to the development commencing, and the outcome shall be reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then a mitigation strategy that sets out appropriate actions to be taken during the works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation strategy.
- 6) No development shall take place (including no ground works and vegetation clearance) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be planted and to be retained;
- f) Details of proposed boundary treatments and existing to be retained;
- g) Details of the materials for all hard-surfaced areas;
- h) An implementation timetable.

The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the Local Planning Authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

- 7) All site clearance and site development and landscaping shall occur strictly in accordance with of the Ecological Appraisal by Greenscape Environmental, December 2019 or in accordance with any revised ecological report that has been submitted to and approved by the Local Planning Authority.
- 8) All trees which are to be retained in accordance with the approved plan and shall be protected in accordance with the submitted Sylvan Resources Tree Protection Plan and Arboricultural Method Statement), and in accordance with BS 5837: 2012 'Trees in relation to Design, Demolition and Construction - Recommendations for tree protection'.

The protective fence shall be erected prior to commencing any development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and shall not be moved or removed without the prior written consent of the Local Planning Authority.
- 9) No above ground works shall commence until a scheme for surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.
- 10) No above ground works shall commence until details of materials to be used in the construction of the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 11) Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors, windows and external joinery shall be carried out in complete accordance with the approved details.
- 12) The dwelling hereby permitted shall not be occupied until the access drive and vehicle parking area have been fully implemented in accordance with

the approved plans. The access drive and parking area shall be retained for these uses only thereafter.

- 13) Prior to first occupation/use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- a) A minimum of 1 external woodcrete bat box or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - b) A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A class (enlargement, improvement or other alteration of a dwelling house), class B (the enlargement of a dwelling house consisting of an addition or alteration to its roof), class C (other alterations to the roof of a dwelling house) and class E (buildings incidental to the enjoyment of the dwelling house) shall be erected, constructed or carried out without first obtaining planning permission from the Local Planning Authority.

End of Schedule