



# Appeal Decision

Site visit made on 10 May 2022

**by Helen Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> June 2022**

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**Appeal Ref: APP/L3245/W/21/3285440**

**Land off Red Barn Lane, Shrewsbury, Shropshire**

- 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 Mrs V Hughes against the decision of Shropshire Council.
  - The application Ref 20/03270/FUL, dated 13 August 2020, was refused by notice dated 18 June 2021.
  - The development proposed is residential development of five detached dwellings and garages, construction of access and associated infrastructure.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Kingsland Special Character Area of the Shrewsbury Conservation Area.

## Reasons

3. The appeal site comprises an agricultural field which slopes downhill towards the Rad Brook. The site is bounded by mature trees and woodland, open agricultural land and the Rad brook, and residential development to the south-east and south-west. Access into the site would be via an existing and currently overgrown lane that leads down to the site from Longden Road.
4. The appeal site is located within the Kingsland Special Character Area of the Shrewsbury Conservation Area (CA). As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. For the purposes of the National Planning Policy Framework (Framework), the CA is a designated heritage asset.
5. The significance of the CA lies, in part, to its tranquil setting in a river valley location, and open areas of green space, mature vegetation and woodland landscape, which accentuates its rural character. The overall verdant character of the area also contributes towards the significance of the CA.
6. The existing dwellings along Longden Road are predominately semi-detached buildings with mature rear gardens, set back from and facing the road. The dwellings vary in their design. Red Barn Lane is located to the west of the site. This is a narrow lane that serves a small number of dwellings of varying scale and design, with their rear gardens bordering the appeal site to its south-west. There is consistency in the existing dwellings, in that they follow established

- building lines and generally have a presence within the street-scene, which creates a strong pattern of development.
7. The appeal site is set back from Longden Road and has a sense of spaciousness, resulting from its openness and its relationship with the undeveloped garden land to the rear of the existing dwellings. This, along with the pleasant rural character of the river valley, contributes positively to the significance of the CA.
  8. The proposal would introduce five large, detached dwellings and associated garages on land beyond the rear building line of the existing residential development. The siting, scale and mass of the proposed dwellings and associated development would be out of keeping with the prevailing pattern of the surrounding development. The proposal would create an incongruous form of residential development adjacent to a well-established rear garden environment and would not respond positively to the overriding spacious character of the area.
  9. Furthermore, the proposal would erode the spacious and verdant nature of the area that the appeal site contributes to. The position of the proposed dwellings behind existing development, means that they would interrupt the established urban grain and reduce the openness of the area by protruding into the green corridor of the river valley. This would result in harm to the significance of the CA.
  10. Although the backland siting of the proposal would, to some extent, limit its wider effect on the character and appearance of the area, it would nevertheless be highly visible from neighbouring gardens and would have a harmful impact on the character and appearance of the CA.
  11. In reaching my decision, I have had regard to the landscape and heritage evidence submitted by the appellant including the Landscape and Visual Appraisal June 2020 revised August 2020; Landscape Mitigation Plan, Built Heritage Statement dated August 2020, and to the Heritage and Landscape Proofs of Evidence attached to the appellant's statement of case. However, notwithstanding this evidence, I have found that harm would result from the proposal for the reasons stated.
  12. I have had regard to the appellant's suggestion of imposing a condition to remove permitted development rights for garden structures, which would restrict such development were planning permission to be granted. However, this would not overcome the harm identified nor address any domestic garden paraphernalia that may be associated with the proposed gardens. Such paraphernalia would further erode the rural character and openness of the area.
  13. Therefore, the proposal would be harmful to the significance of the CA, a designated heritage asset. The harm to the significance of the CA that would result from the proposal would be less than substantial, which I note the appellant accepts. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In accordance with paragraph 202 of the Framework, the harm should be weighed against any public benefits of the proposal.

14. The proposal would likely provide some modest investment into the local economy by the proposal's initial construction and associated infrastructure and ongoing contributions from new residents. It would also make a small windfall contribution to the delivery of housing for the area on a site that is accessible to a range of services, facilities, and sustainable modes of transport. In addition, the proposal would include the provision of public open space creating opportunities for leisure and recreation, and would provide some modest social benefits, such as associated community infrastructure, and vitality of Shrewsbury's services and facilities.
15. The proposal aspires to use long-term sustainability and energy efficiency methods. However, there is nothing persuasive to demonstrate that the integrated electric charging vehicle points, on-site integrated renewable and low carbon energy systems, broadband infrastructure, and the provision of an integrated sustainable drainage scheme, would distinguish the design as being truly outstanding. Any environmental benefits would therefore be modest.
16. I also note the suggested benefits of hedgerows, tree planting and landscaping scheme, biodiversity enhancements, and restoration of the riverbank. However, these are neutral advantages and do not weigh in favour of the proposal.
17. A completed Planning Obligation in the form of a unilateral undertaking has been submitted with the appeal. Within the obligation the owners of the appeal site undertake to pay £127,000 affordable housing contributions to the Council. Though I note the Council's concern regarding land ownership and the ability of the undertaking within the obligation to be delivered, I also note that the undertaking requires payment to be made prior to the commencement of development and as such, appears to have addressed the Council's concerns. I attach moderate weight to the affordable housing contributions.
18. Overall, whilst the proposal would provide some modest economic, social, and environmental benefits associated with the provision of additional dwellings and whilst I attach moderate weight to the affordable housing contributions, any public benefits of the proposal would not be significant enough to outweigh the harm to the designated heritage asset identified.
19. Consequently, the proposal would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of the Act. For the same reasons, it would be contrary to policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011), and policies MD2, MD12 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015). Collectively, these policies seek, amongst other things, to ensure that development conserves and enhances the natural, built and historic environment and local character. In addition, the proposal would fail to comply with the historic environment policies contained within the Framework.

### **Other Matters**

20. Although, due to its position near to residential development, the appeal site may have limited agricultural value, this does not weigh in favour of the proposal.
21. The appellant has made reference to the Council's Strategic Land Availability Assessment and how this document identifies the appeal site as having long-

term potential for residential development. However, there is no evidence before me to indicate that the appeal site is to be released for development through the Council's local plan review. I therefore attribute little weight to this matter.

22. A draft Statement of Common Ground has been submitted by the appellant. However, this has not been signed by the Council. I therefore attribute little weight to it.

**Conclusion**

23. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

*Helen Smith*

INSPECTOR