



Appeal Decision

Site visit made on 16 July 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/L3245/W/24/3340712

Foxgloves, Hopes Lane, Bridgnorth, Shropshire, WV15 5JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Apley Estate against the decision of Shropshire Council.
 - The application Ref is 23/04354/FUL.
 - The development proposed is described as "residential property extension."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on protected species, and on the character and appearance of the host building, a non-designated heritage asset.

Reasons

Protected Species

3. Paragraph 180 of the National Planning Policy Framework (the Framework) refers to amongst other things, protecting and enhancing sites of biodiversity, and minimising impacts on and providing net gains for biodiversity. Paragraph 186 indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, planning permission should be refused.
4. Planning Practice Guidance¹ (PPG) states that an ecological survey will be necessary in advance of the planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.
5. The appeal site comprises a single dwelling of brick and sandstone construction under a tile roof. From the evidence before me and what I saw during my site visit it appears that the building has not been occupied for some time and is now in a dilapidated state.
6. The PPG advises that surveys should be required where roosts are likely. It lists a series of examples when roosts may be located in buildings, which includes, buildings with little or no artificial lighting, uneven roof tiles and has cracks, crevices, and small openings. Given that the appeal property has uneven tiles, openings and cracks, the proposed development could impact on bat roosts. I

¹ Bats: advice for making planning decisions

consider that a bat survey is necessary in order to establish the likely effects of the proposal on bats.

7. Circular 06/2005² states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted. On the basis of the evidence before me, I do not consider that it would be appropriate to condition the undertaking of further survey work. While the appellant argues that the surveys could be conditioned, I am not convinced that there is sufficient detail to fully understand the impact of the development on biodiversity interests.
8. For the reasons outlined above I conclude that it has not been demonstrated that the scheme would avoid or adequately mitigate unacceptable harm to bats, which are a protected species. The scheme would therefore conflict with Policy MD12 of the Shropshire Council Site Allocations and Management Plan (2015) (SAMDev) which seeks, amongst other things, to ensure that development avoids harm to natural assets and their conservation, enhancement, and restoration. The proposal would also conflict with paragraphs 180 and 186 the Framework that seeks to protect and enhance sites of biodiversity value.

Character and Appearance

9. The host dwelling is a traditional two storey dwelling finished in painted white brick under a tile roof. The dwelling appears to have been altered with the addition of small single storey extensions to the side. The site is located away from the highway on an elevated area of land. The site is accessed via a single track, which during my visit was overgrown. Due to its elevated position, the dwelling is visible from the A442, which runs between Bridgnorth and Telford.
10. The Council identifies that the host dwelling is a non-designated heritage asset. Whilst the dwelling has had a small extension and is in a dilapidated state, it nevertheless retains a pleasant, traditional character, wherein lies its significance. Paragraph 209 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale and harm or loss and the significance of the heritage asset.
11. The proposed development would introduce a large single storey extension to the rear and side of the host dwelling. The extension would be of a simple modern design with large, glazed windows and would be finished in timber cladding under a fibreglass roof. The contrasting use of materials would ensure that the proposal would be viewed as an extension and allow the host dwelling's traditional form and character to be easily read. Furthermore, the flat roof, single storey nature of the proposal combined with its location to the side and rear of the dwelling would ensure that the extension appears subservient to the host dwelling.
12. Taking the aforementioned into consideration, the proposal would not be overly dominant or prominent and would not detract from the rural character and appearance of the host dwelling.

² Biodiversity and geological conservation: circular 06/2005

13. Consequently, I find that the proposed development would not harm the character and appearance of the host dwelling, which is a non-designated heritage asset. I find no conflict with Policies CS5, CS6 and CS17 of the Shropshire Council Core Strategy (2011) and Policies MD2 and MD13 of the SAMDev. Together these seek, amongst other things, to ensure developments contributes to and respects locally distinctive or valued character and avoids harm to non-designated heritage assets. I also find no conflict with paragraphs 135 and 209 of the Framework which seek good design sympathetic to local character and development that does not harm non-designated heritage assets.

Conclusion

14. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR