



Appeal Decision

Site Visit made on 23 April 2025

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/L3245/W/24/3349296

Land to the North of Seifton House, Seifton, Ludlow SY8 2DH

- 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 Mr R Burgoyne against the decision of Shropshire Council.
 - The application Ref is 23/04139/FUL.
 - The development proposed is erection of 1 no. detached dwelling and detached single garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on:
 - The significance of designated and non designated heritage assets and
 - The character and appearance of the area.

Reasons

Heritage Assets

Designated heritage asset

3. To the south of the appeal site is the Grade II listed Seifton House, dating from the mid 18th century. Its significance derives from its architectural and historical value with its expansive enclosed grounds forming its immediate setting which contributes to the significance of this designated heritage asset. The listed building is discreetly located with its entrance some distance from that of the appeal site. It has little street presence, on account of its position set back from the road with mature landscaping on the roadside boundary as recognised within the appellant's Heritage Impact Assessment and Additional Heritage Assessment.
4. The upper parts of the listed building can however be appreciated from the B4365 road above the tall boundary wall which forms the northern boundary to Seifton House, in close proximity to the access to the appeal site. The open, undeveloped appeal site and the open land closer to the road allow the listed building and parts of its imposing boundary wall to be experienced from Laundry Cottages also.
5. The National Planning Policy Framework (Framework) sets out in the glossary that the setting of a heritage asset is 'the surroundings in which a heritage asset is experienced..... Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance

or may be neutral'. The appeal site and land adjoining it closer to the road make a positive contribution to the significance of the heritage asset and in my judgement they form part of the listed building's wider setting, contrary to the appellant's view.

6. The location of the new dwelling, whilst set away from the boundary wall would result in a reduction of openness to the north of the listed building. From the main road, the proposal would have a negligible effect upon how Seifton House is experienced, other than in close proximity to the access to the appeal site from where the new dwelling would be viewed as a modern addition close to the listed building. Its location upon the site would have a negligible effect on how the tall wall is experienced from the road because of the presence of mature trees upon the appeal site and the location of the dwelling relative to it. From No 7 Laundry Cottages and the garden to No 6, the new house would erode some views of the boundary wall and how Seifton House is experienced. Although these views are not public views it is established that the contribution of setting to significance is not dependent on public rights or ability to access it.
7. Given the above, I find that the proposal would not preserve the setting of the listed building Seifton House contrary to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (1990 Act). Although the effect on how the designated heritage asset is experienced would be localised and limited, harm to its significance would be caused. In terms of Framework paragraph 215, less than substantial harm to the significance of this designated heritage asset would occur, but nevertheless this is of considerable importance and weight. The Framework requires that this harm should be weighed against the public benefits of the proposal. This is considered later in my decision.

Non designated heritage assets

8. Laundry Cottages have been identified as non designated heritage assets. They comprise a terrace of residential dwellings, of modest design, other than the dwellings fronting the highway which are of a greater scale, with tiled roofs and rendered finish. Nos 8 and 8A are prominent in the street scene, sited close to the main road, however Nos 7 and 6 are located to the rear of these dwellings and are discretely located with limited street presence.
9. The Framework advises 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 of any harm or loss and the significance of the heritage asset.
10. The appeal site is within the setting of these non-designated heritage assets contributing to their open southern aspect. The development of a dwelling and garage on the site would erode this openness, but being set back from the road, it would not result in a change to how the properties fronting the road are experienced. Moreover, the new dwelling would be unlikely to affect how Nos 6 or 7 would be experienced.
11. Thus, whilst the proposal would alter the setting of these heritage assets, given the separation distance that would remain between the proposal and Laundry Cottages and that a residential use of the site would be compatible in this location, it would have a neutral effect on their significance.

12. Given the above, I conclude that the proposal would protect the historic environment in so far as non designated heritage assets are concerned in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) and Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policies MD2 and MD13 which collectively require development to protect, conserve and enhance the historic context and character of heritage assets, their significance and setting.

Character and Appearance

13. The appeal site is located within a rural area on the western side of the B4365. It comprises an area of grassland set back from the road between Laundry Cottages and the tall boundary wall of Seifton House. There are some mature trees on the site located close to Seifton House's boundary wall and landscaping separating the site from the garden area beyond, which adjoins the highway.
14. Along this part of the main road is a small cluster of dwellings, of differing designs and scale, with some frontage development and dwellings set back from the road, including Laundry Cottages. Around the built form are open agricultural fields, but other than private gardens there is little open space between the buildings within the vicinity of the appeal site. Seifton House is set back from the road, enclosed by mature landscaping and the aforementioned wall along its northern boundary. On the opposite side of the road to the appeal site are open agricultural fields, beyond which, to the north, are a number of commercial buildings.
15. Whilst the appeal site is a pleasing open area with mature trees, its street presence is very limited on account of its position relative to the road, landscaping along its eastern boundary and its relationship to Nos 8 and 8A Laundry Cottages and Seifton House's boundary wall. Other than the mature landscaping on the site, which would be retained as part of the proposal, I find that the site has little amenity value in this rural context.
16. The design of the dwelling would be traditional and modest with garden areas to the front rear and side, which is characteristic of the area. The separation distance between Laundry Cottages and the appeal site would be less than that associated with the dwelling to the north of them, but in my judgement would be sufficient to ensure that the proposal would not be cramped, contrived or incongruous in this context.
17. Given the above I conclude that the proposal would respect the character and appearance of this rural area in accordance with CS Policies CS6 and CS17 which collectively require development to make effective use of land and which, amongst other matters, protects, restores and enhances the natural and built environment and SAMDev Policy MD2 which requires development to contribute to and respect locally distinctive or valued character and existing amenity value.

Heritage and Planning Balance

18. The proposal would make a contribution to the supply of housing within Shropshire in a sustainable location. It would be of a size suitable to accommodate a family. The intended future occupiers would undoubtedly contribute to social activities within the area. Whilst the contribution one dwelling would make to the supply of new homes would be modest, it would make an important contribution to the Government's objective of significantly boosting the supply of homes. The

construction of the dwelling would have economic benefits in terms of job creation, along with the benefits and expenditure associated with the occupation of it. The appellant considers that each of these matters carry moderate weight. I concur. I note the suggestion that the new dwelling would have energy saving measures including solar panels and a ground source heat pump. Such measures would support the Government's aims of achieving net zero by 2050. I also attach moderate weight to this benefit.

19. The provision of off street parking is a likely requirement for development proposals such as this, as is that the materials used in the build are locally distinctive and that the site is suitably landscaped. These matters are neutral in my consideration of this case. I note the suggestion that the proposal would reduce overlooking between Laundry Cottages and Seifton House but given the separation distance involved I am not persuaded that this results in harm to the respective properties' occupiers. Accordingly this matter does not carry weight in favour of the proposal.
20. Although I have found that the proposal would respect the character and appearance of the area and would not be harmful to the significance of non designated heritage assets, I have found that harm would be caused to the significance of the designated heritage asset Seifton House. Whilst the harm that would result would be at the lower end of the spectrum of less than substantial harm, in my judgement the cumulative public benefits noted above would not be sufficient to outweigh the identified harm to the listed building. Accordingly, I am not persuaded that there is a clear and convincing justification for the harm that would be caused to the significance of the designated heritage asset.
21. Given the above, the proposal would not preserve the setting of the listed building Seifton House, in conflict with the 1990 Act. Harm to the designated heritage asset's significance through development in its setting would result, in conflict with the conservation and enhancement of the historic environment objectives of the Framework, the historic environment objectives of Policies CS6 and CS17 of the CS, the protection of heritage assets objectives of SAMDev Policy MD13 and the protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting objectives of Policy MD2 of the SAMDev.
22. In the overall planning balance, the benefits of the proposal are not sufficient to outweigh the harm I have identified and the conflict with the development plan as a whole.

Conclusion

23. For the above reasons the proposal conflicts with the development plan taken as a whole. With no other material considerations outweighing this conflict, including the Framework, the appeal is dismissed.

RC Kirby

INSPECTOR