



## Appeal Decision

Hearing held on 8 January 2015

Site visit made on 7 January 2015

**by R Schofield BA(Hons) MA MRTPI**

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

**Decision date: 19 January 2015**

---

**Appeal Ref: APP/L3245/A/14/2223481**

**Land off Oldbury Road, Bridgnorth, Shropshire WV16 5DY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr D Doley against the decision of Shropshire Council.
  - The application Ref 14/01016/OUT, dated 4 March 2014, was refused by notice dated 22 July 2014.
  - The development proposed is residential development and access (all other matters reserved).
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr D Doley against Shropshire Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The application was made in outline with all matters reserved other than access. I have determined the appeal on this basis.
4. The parties agreed at the Hearings that the Council's emerging Site Allocations and Management of Development Plan (SAMDev) can be afforded limited weight as the Inspector's report has yet to be produced. Based on all that I have read and heard I agree with this. I have, therefore, considered the appeal scheme against the adopted development plan and national policy.

### Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Oldbury Conservation Area and the effect of the proposed development on its setting.

### Reasons

6. Oldbury Conservation Area (the Conservation Area) covers most of the village of Oldbury. Its significance is derived from a dispersed pattern of development, with expansive green spaces within the village, including some very large gardens and fields, which draw the surrounding countryside into its core and establish a clear historic link with it. There is an eclectic mix of dwellings of varying styles and ages, reflective of the village's incremental historic growth. Overall, this results in an informal, loose knit appearance,

which is reinforced by the network of narrow, often unmade, lanes and the predominance of mature trees and hedges, both within gardens and as property boundaries. This gives the Conservation Area a sense of spaciousness and rural isolation, in spite of its proximity to the town of Bridgnorth.

7. The Conservation Area's setting is dominated by open countryside. The appeal site, directly bordering and extending out from Oldbury Road, is an integral part of this setting, visible in views both within and from outside the Conservation Area. There are some glimpsed views of Eversley House and the church, both of which may be considered as high status buildings that one might expect to be reasonably prominent in the wider landscape, and limited sight of dwellings around Manor Farm Lane, in views from the north and west. Beyond these exceptions, however, external views that take in the appeal site are typically characterised by open fields and mature trees, with Bridgnorth in the distance. The Conservation Area derives part of its significance from this setting, which contributes to the rural character of the Conservation Area and is important in supporting its historic separation, both physically and in terms of character, from Bridgnorth.
8. The A458 runs directly to the north of the appeal site. Whether any consideration was given to it during or following the designation of the Conservation Area is moot. The road is well hidden in a deep cutting, behind a mature tree line. As such, although some traffic noise is audible at close quarters, the road is not apparent in views from and around the Conservation Area in the vicinity of the appeal site and has little impact upon it.
9. Development on the appeal site would result in the loss of an extensive section of characteristic boundary treatment, situated within the Conservation Area. This includes a substantial mature hedgerow and several prominent specimen trees, originally planted as part of the formal entrance to Eversley House. This loss, combined with the introduction of the access to a modern estate road, would appear at odds with the prevailing character of the Conservation Area as well as compromising the largely informal approach to the village from Bridgnorth. I am not persuaded that planting behind the access would mitigate this impact to any significant degree.
10. Development on the site, which is on the northern periphery of the village, would also be at odds with the prevailing pattern of development, which, other than a small cluster of houses around Manor Farm Lane and Eversley House, is concentrated to the south of Oldbury Road. It would advance development closer to Bridgnorth, which would compromise Oldbury's sense of separation from the town. It would also extend development into the wider open countryside setting that contributes to the significance of the Conservation Area, diminishing the perception of largely unaltered rural surroundings.
11. Fells Orchard, a late 20<sup>th</sup> century housing development on the opposite side of the road to the appeal site, was drawn to my attention as being at odds with the character and appearance of the Conservation Area. This may be so, but its impact is not so severe as to undermine the integrity of the Conservation Area as a whole, such that it would make development on the appeal site, however designed or laid out, or if restricted by condition to seven dwellings (as suggested by the appellant), acceptable.

12. The lack of a formal Conservation Area Appraisal is unfortunate. However, this situation is not, in my experience, unusual. Irrespective of this, Oldbury Conservation Area is a designated heritage asset and the relevant statutory and policy tests apply.
13. Thus, taking the above matters into consideration I conclude that the appeal proposal would harm the character and appearance of the Oldbury Conservation Area. I also conclude that the scheme would have an adverse impact upon the setting of the Conservation Area, which contributes to its significance. Although any harm would be less than substantial, it would be a noticeable and significant adverse impact, by virtue of the positive contribution that the site, and its boundary treatment with Oldbury Road, makes to the Conservation Area.
14. The appellant has suggested that the scheme would bring benefits, through the provision of additional housing, including affordable housing, as the Council is unable to demonstrate a five-year supply of deliverable housing sites. However, there is clear disagreement between the parties as to whether or not the Council can identify such a supply and I find the evidence presented to me in this regard inconclusive. Nonetheless, even if there is not such a supply, I consider that the contribution that the proposed development would make towards addressing any undersupply of housing would not outweigh the harm that the scheme would cause to the Conservation Area and its setting and, thus, it would not be the sustainable development for which the National Planning Policy Framework (the Framework) indicates that there is a presumption in favour. In reaching this conclusion, I have borne in mind paragraphs 47-49 of the Framework, as well as its guidance, at paragraph 132, that significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting, and, at paragraph 17, that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
15. The appeal proposal would conflict, therefore, with policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. These seek, among other things, to ensure that new development protects, restores, conserves and enhances the diversity, high quality and local character of Shropshire's historic environment.

### **Other Matters**

16. The appellant provided a unilateral undertaking that would secure the provision of affordable housing. However, for the reasons outlined above, this provision would not outweigh my concerns in relation to the appeal scheme and, thus, the obligation has had little bearing upon my decision.

### **Conclusion**

17. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*R Schofield*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Richard Morriss	Richard K Morriss & Associates
Mr David Richards	The Planning Group Limited
Mr Martin Parrish	The Planning Group Limited
Mrs Helen Howie	Berrys

### FOR THE LOCAL PLANNING AUTHORITY:

Cllr Robert Tindall	Shropshire Council
Cllr Andy Boddington	Shropshire Council
Mr Dave Wallace	Shropshire Council
Mr Thomas Cannaby	Shropshire Council
Mr Richard Fortune	Shropshire Council

### INTERESTED PERSONS:

Mr Colin Appleby	Local Resident
Mrs Anne Appleby	Local Resident
Mr Ian Barrie	Local Resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Written Statement by Mr Ian Barrie
2. Planning for a Flourishing Shropshire in the Bridgnorth, Worfield and Alveley and Claverley Local Joint Committee Area - Issues and Options for the Site Allocations and Management of Development DPD