

Objection to development on land off Burway Lane

14/04215/OUT; 16/02425/REF; APP/L3245/W/16/3147470.

From Andy Boddington, Shropshire Councillor for Ludlow North.

I strongly object to this proposal.

Highways

The primary objection to this development on highways grounds is that access to the properties will be along a narrow bridleway. The highways authority has not been approached to upgrade the bridleway to a carriageway. The bridleway is also too narrow to take the traffic associated with five homes.

Shropshire Council highways team states in [its representation](#): “The carriageway width along Burway Lane is restricted in width and provides little opportunity for vehicles to pass or any scope for any improvements within the existing highway boundary.” This is correct but I do not support the recommendation of the highways team that “the number of dwellings is reduced to reduce the impact of the proposed development on the surrounding network.”

Reducing the number of dwellings will not resolve the issue with the road and bridleway are too narrow to accommodate turning of vehicles making deliveries, or for that matter emergency vehicles. There is a strong level of objection from neighbours, who understand the difficulties of access to this site.

A secondary highways objection is that the housing will increase traffic pressure at the junction of Burway Lane and Bromfield Road.

On 19 May 2015, after the highways team submitted its comment on the planning application, Shropshire Council’s South Planning Committee approved a petrol station and store opposite the junction ([14/00563/FUL](#)). This will substantially increase the traffic at the junction.

It is unwise to increase traffic at this junction, even by a small amount, until we understand the impact of the petrol station and store on an already awkward junction.

Rights of Way

This site is inaccessible other than along a bridleway that carries no vehicle rights. Even if access along this bridleway could be secured, the track is too narrow to accommodate vehicles alongside horses and pedestrians. Damage to access along the right of way conflicts with **CS Objective 12**: “Improve the quantity, quality and accessibility of... rights of way...” [The comments](#) by Shropshire Council’s Rights of Way team make clear the legal difficulties with access over a bridleway, but they are wrong that this is currently the route of the Shropshire Way. The Shropshire Way was rerouted some years ago but Ordnance Survey maps have yet to be changed.

This is a popular walking route to and from Bromfield and its food centre, and I regularly meet local and tourist walkers on this bridleway.

Tourism

CS16 commits Shropshire Council promoting tourism through: “Promoting and preserving the distinctive historic, heritage brand and values of Shrewsbury, the Market Towns and rural areas.” This development will damage a unique and stunning view of Ludlow Castle, St Laurence’s church and the historic town. It is one of three viewpoints that make walkers stop in admiration on first encounter with Ludlow (the others being: the approach to the castle along the current route of the Shropshire Way from Priors Halton to Ludlow; and the view from the Whitcliffe).

Heritage (1)

SAMDev S10/6 states: “All development should have regard to the setting of the historic core of the town recognising the importance of Ludlow Castle as an historic asset of national and international significance.” This development does not have regard to the setting of the historic core of Ludlow.

English Heritage has decided not to comment – it is not supporting or objecting to the development. Its lack of comment cannot be taken into account.

Heritage (2)

NPPF132 & Listed Buildings Act. NPPF132 says: “The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.” The harm caused by this development to the setting of the Grade I listed assets of Ludlow Castle and St Laurence’s Church is less than substantial. Referring to the desirability of preserving the setting of the setting of a historic monument under [Section 66\(1\)](#) of the Listed Buildings Act, the [Barnwell Manor appeal court decision](#) said:

“It does not follow that if the harm to such heritage assets is found to be less than substantial, the balancing exercise [in planning decisions] should ignore the overarching statutory duty imposed by section 66(1)... Parliament’s intention in enacting section 66(1) was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.”

Although there is already development along Burway Lane, this specific site blocks a significant view of the heritage assets of Ludlow. It is difficult for an observer to understand the historical geography of Ludlow without viewing it from one or more of the three viewpoints referred to under CS6 above. Removing this viewpoint will erode the setting and understanding of the unique heritage assets of Ludlow. The development will create a sense of urbanisation that is not in keeping with Grade I historic assets that were intended to dominate the surrounding countryside and emphasise the military and political might of the castle and the religious significance of the church. Section 72(1) applies a similar consideration to conservation areas. This site is adjacent to the Ludlow Conservation Area and provides exceptional views of the conservation area. The impact of this development on

the unique Grade I and other heritage assets of Ludlow, and to the conservation area, weigh against approving this scheme given that they must have “considerable importance and weight.”

NPPF 14 & 134. The high court recently clarified how the NPPF should be interpreted with regard to paragraph 134, which deals with less than substantial harm to heritage assets, and paragraph 14, which sets out of the presumption in favour of sustainable development ([2016] EWHC 421 (Admin)). Mr Justice Coulson ruled that paragraph 134 does not refer to the presumption in favour of development and so the presumption does not apply. He held that paragraph 134 is a policy restricting development under paragraph 14’s second exception. Following this reasoning, should the appellant succeed in the argument that Shropshire Council does not have a five-year land supply and the presumption in favour of sustainable development applies, it is still necessary to give harm to heritage assets considerable importance and weight.

Natural, built and historic environment

CS6 commits Shropshire Council to:

“Ensuring that all development... protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.”

This development does not enhance, restore or conserve, but detracts from the natural, built and historic environment.

CS17 reiterates this policy.

Affordable housing

The site will provide one affordable house under **CS1**. It is not clear to me whether this will remain affordable after the WMS on affordable housing on small sites was reinstated by the appeal court ([2016] EWCA Civ 441). In any event, the provision of one affordable home is not sufficient to justify a housing development at this difficult location.

Countryside

SAMDev was adopted in December 2015. This defines a development boundary for Ludlow. This site lies outside the development boundary and is in open countryside. Policy **CS5** restricts housing development in the countryside to that essential for local need and the rural economy. The appellant has not demonstrated local or economic need for the housing.

National Planning Policy Framework

NPPF14 says that development should be plan-led. As noted above, SAMDev was adopted in December 2015 and this site lies outside the defined development boundary.

NPPF47. Shropshire Council is clear that it has a five year land supply. The presumption in favour of sustainable development does not apply to this development because the council’s housing policies are up to date.

NPPF7 says that there are three dimensions to sustainable development: economic, social and environmental. These are not met by this development:

Economic sustainability. This site will make only a transitory economic contribution during the construction phase. This must be balanced against the limited, but permanent and cumulative, impact on tourism that will be made by this insensitive development, which will block views of the castle.

Social sustainability. The site will provide one affordable dwelling, no more than the current planning permission in principle for this site. There are no other social benefits.

Environmental sustainability. The NPPF states that development should contribute to protecting and enhancing our natural, built and historic environment. This site damages the historic setting of Ludlow.

The site is therefore not sustainable under NPPF7.

Conclusion

This scheme should be rejected as the adverse impacts listed above significantly and demonstrably outweigh the benefits of supplying four market homes.