



Shropshire Council  
Legal and Democratic Services  
Guildhall,  
Frankwell Quay,  
Shrewsbury  
SY3 8HQ

Date: Monday, 9 February 2026

**Committee: Northern Planning Committee**

**Date: Tuesday, 17 February 2026**

**Time: 2.00 pm**

**Venue: The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ**

You are requested to attend the above meeting. The Agenda is attached. There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda. Whilst we do our best to live stream meetings there may be occasions where there are technical problems. If the livestream is halted for a technical reason, the meeting will be paused briefly to address the issue. If the issue persists and the live stream cannot be resumed, the meeting will continue even if it is no longer being transmitted live and a backup recording will be published after the meeting

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for public speaking at Planning Committees can be found by clicking on this link: <https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard - Service Director – Legal, Governance and Planning

**Members of the Committee**

Julian Dean (Chairman)  
Mark Owen (Vice Chairman)  
Andy Davis  
Rosemary Dartnall  
Greg Ebbs  
Brian Evans  
Adam Fejfer  
Gary Groves  
Ed Potter  
Rosie Radford  
Carl Rowley

**Substitute Members of the Committee**

Caroline Bagnall  
Thomas Clayton  
Jamie Daniels  
Craig Emery  
Rhys Gratton  
Nick Hignett  
Alan Holford  
Brendan Mallon  
Vicky Moore  
Wendy Owen

Your Committee Officer is:

**Emily Marshall** Committee Officer

Tel: 01743 257717

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive apologies for absence.

## 2 Minutes

To confirm the Minutes of the meeting of the North Planning Committee held on 9<sup>th</sup> December 2025, attached, marked 2.

Contact: Emily Marshall on 01743 257717

## 3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00 p.m. on Wednesday, 11<sup>th</sup> February 2026.

## 4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

## 5 Proposed Residential Development Land on the West side of Ellesmere Road, Shrewsbury, Shropshire (22/01432/OUT) (Pages 1 - 36)

Outline application for the residential development of up to 450 dwellings, strategic infrastructure to include: open space, drainage and engineering works with some matters (landscaping, appearance, layout, scale) reserved apart from strategic access.

## 6 Proposed Residential Development Land North Of Olden Lane, Ruyton Xi Towns, Shropshire (24/03767/OUT) (Pages 37 - 58)

Outline application for the erection of 5No. self-build dwellings (to include access and scale)

## 7 Proposed Dwelling East Of The Brewery Longden Coleham Shrewsbury Shropshire (25/03895/FUL) (Pages 59 - 70)

Erection of a detached dwelling and associated landscaping works.

## 8 Footpath Outside 5 Castle Street, Shrewsbury, Shropshire, SY1 2BD (25/03854/ADV and 25/03853/FUL) (Pages 71 - 76)

Installation of BT Street Hub Unit with advertisement panels

## 9 Appeals and Appeal Decisions

## 10 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 17<sup>th</sup> March 2025 in the Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury.

This page is intentionally left blank



## Committee and Date

Northern Planning Committee

17<sup>th</sup> February 2026

## **NORTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 9 December 2025**

**In the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ  
2.00 - 6.03 pm**

**Responsible Officer:** Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

### **Present**

Councillor Julian Dean (Chairman)

Councillors Mark Owen (Vice Chairman), Andy Davis, Rosemary Dartnall, Greg Ebbs, Brian Evans, Adam Fejfer, Gary Groves, Ed Potter, Rosie Radford and Carl Rowley

### **51 Apologies for Absence**

There were no apologies for absence.

### **52 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the North Planning Committee held on 18<sup>th</sup> November 2025 be approved as a correct record and signed by the Chairman.

### **53 Public Question Time**

There were no public questions or petitions received.

### **54 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

### **55 Land West Lyth Hill Road, Bayston Hill, Shrewsbury, Shropshire (24/00765/FUL)**

The Principal Planning Officer introduced the hybrid planning application seeking (a) full planning permission for the creation of 108 dwellings, open space and infrastructure with access from Lyth Hill Road and (b) outline planning permission for up to 4no. serviced self-build plots (Amended description). Members' attention was drawn to the information contained within the Schedule of Additional letters which contained further objections from the local member.

Councillor Robert Ruscoe on behalf of Bayston Hill Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Teri Trickett, as local ward councillor, made a statement and then left the table, taking no part in the debate or vote on this item.

*At this point in the meeting the clerk was made aware that the live stream of the meeting had failed and the Chairman announced that the meeting would be paused while Shropshire Council's ICT services attempted to resume the live stream. After a period of approximately 20 minutes the Chairman informed the committee and the members of the public in attendance that the meeting would be recorded until the live stream recommenced.*

Jen Towers, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate members noted the changes to the proposed scheme, including the reduction in the number of dwellings proposed, however concern remained in relation to the density of the development and insufficient green space. In response to concerns relating to the consultation process, the Principal Planning Officer confirmed that a thorough consultation process had been undertaken, and the parish council had engaged with the applicant. A proposal was put forward to defer the application to allow further negotiations. In response the Planning and Development Services Manager advised the committee that a further deferral ran the risk of the applicant appealing on the grounds of non-determination. Upon being put to the vote this proposal was not carried with the Chairman using their casting vote.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members expressed their support for the proposal and the recommendation in the officer's report was approved, with the Chairman using his casting vote.

**RESOLVED:**

That delegated authority is given to the Planning Services Manager to grant planning permission subject to the completion of a Section 106 agreement and the conditions in Appendix 1 of the 19th August 2025 committee report, and for any minor changes to conditions as required.

**56 Land Adjacent to Cloverfield, Chester Road, Whitchurch, Shropshire, SY13 4QG (25/02878/OUT)**

The Principal Planning Officer introduced the outline application for a proposed residential development (to include access). Members' attention was drawn to the information contained within the Schedule of Additional letters.

Peter Down, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Andy Hall, as local ward councillor, made a statement and then left the table, taking no part in the debate or vote on this item.

Nigel Thorns, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, members unanimously expressed their support for the proposal.

**RESOLVED:**

That outline planning permission be granted, subject to:

- The prior completion of a Section 106 legal agreement to secure affordable housing, biodiversity net gain for a minimum of 30 years, on-site public open space and a Local Equipped Area for Play (LEAP), the financial contribution towards the Whitchurch Local Cycling and Walking Infrastructure Plan (LCWIP) and the long-term management and maintenance of public open space and sustainable drainage systems (SuDS); and
- The recommended planning conditions set out in Appendix 1, with authority for final conditions and minor amendments delegated to the Planning and Development Services Manager.

**57 Proposed Residential Development Land East Of Shrewsbury Road, Hadnall, Shropshire (24/04834/FUL)**

The Principal Planning Officer introduced application for the construction of 44 dwellings, vehicular access via Shrewsbury Road, public open space, landscaping and planting, associated infrastructure and enabling work. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Alison Utting, Clerk on behalf of Hadnall Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Brendan Mallon, as local ward councillor, made a statement and then left the table, taking no part in the debate and did not vote on this item.

Stuart Wells, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to comments made by Alison Utting and questions from members of the committee, the Principal Planning Officer confirmed that he was unaware of the email received and referred to by the Parish Council from Severn Trent Water and

members were advised that comments from Severn Trent Water and the Shropshire Council Drainage Team, were included within the report. Some members felt that the application should be deferred in light of this new information, however the solicitor and planning services manager advised them that Shropshire Council's drainage team considered that the proposals were acceptable and Severn Trent Water had recommended the Grampian condition to ensure satisfactory drainage provision and reminded the committee that there was the risk of the applicant appealing on the grounds of non-determination should the application be deferred. In response to these concerns, The Principal Planning Officer suggested an additional condition to require confirmation from Severn Trent Water that a package of improvement work was feasible prior to 2027.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members expressed their support for the proposals in accordance with the recommendations in the officer's report and an additional condition.

**RESOLVED:**

That planning permission be granted subject to;

- The receipt and agreement of an amended internal road design to adoptable standards and a walking and cycling review, both to the satisfaction of the Highway Authority
- The prior completion of a Section 106 agreement to secure affordable housing, biodiversity net gain, long-term management of drainage infrastructure, and the delivery and management of public open space and play facilities
- The conditions set out in Appendix 1 (with authority delegated to the Planning and Development Services Manager for minor amendments to conditions);
- And Severn Trent Water confirming that it is feasible for the necessary improvements to the public wastewater network to be completed before December 2027.

**58 Electricity Sub-station, Uffington, Shrewsbury, Shropshire (25/00531/FUL)**

The Principal Planning Officer introduced the application for the Installation of a Battery Energy Storage System (BESS) and associated infrastructure. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Rob Story, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Darren Robson, on behalf of Uffington Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Brendan Mallon, as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item.

Nick Williams, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members expressed their support for the proposals.

**RESOLVED:**

That planning permission be **granted** subject to the completion of a Section 106 agreement to secure BNG and to the planning conditions set out in Appendix 2 and as detailed in the Schedule of Additional Representations.

**59 23 Cross Street, Oswestry, Shropshire, SY11 2NF (25/02860/FUL)**

The Area Planning Manager introduced the application for the proposed Conversion of upper floors into 6-Bedroom (6 persons) House in Multiple Occupation (HMO) (Use Class C4). Members' attention was drawn to the information contained within the Schedule of Additional letters which detailed additional public comments.

Roger Blake, the adjacent business owner, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Council's Solicitor read out a statement from Arren Roberts, Clerk to Oswestry Town Council, on behalf of Oswestry Town Council, against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Area Planning Manager outlined each of the reasons for refusal that had been agreed at the previous meeting and advised the committee why each reason would not be defensible if challenged. During the ensuing debate Members concerns relating to over intensification, the impact on the adjoining business and the impact on the conservation area remained of concern.

Having considered the submitted plans and listened to the comments made by all of the speakers and the advice of the Planning Services Manager, whilst the committee still held the concerns regarding over intensification, parking and the impact on the adjoining business, the majority members supported the scheme and agreed there were not sufficient reasons to support a refusal if challenged at an appeal.

**RESOLVED:**

That planning permission be granted subject to the conditions set out in Appendix 1 of the planning officer's report.

**60 Appeals and Appeal Decisions**

**RESOLVED:**

That the appeals and appeal decisions for the northern area be noted.

**61 Date of the Next Meeting**

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday, 20<sup>th</sup> January 2026 in the Council Chamber, The Guildhall, Shrewsbury.

Signed ..... (Chairman)

Date: .....



Committee and date

Northern Planning Committee

17<sup>th</sup> February 2025

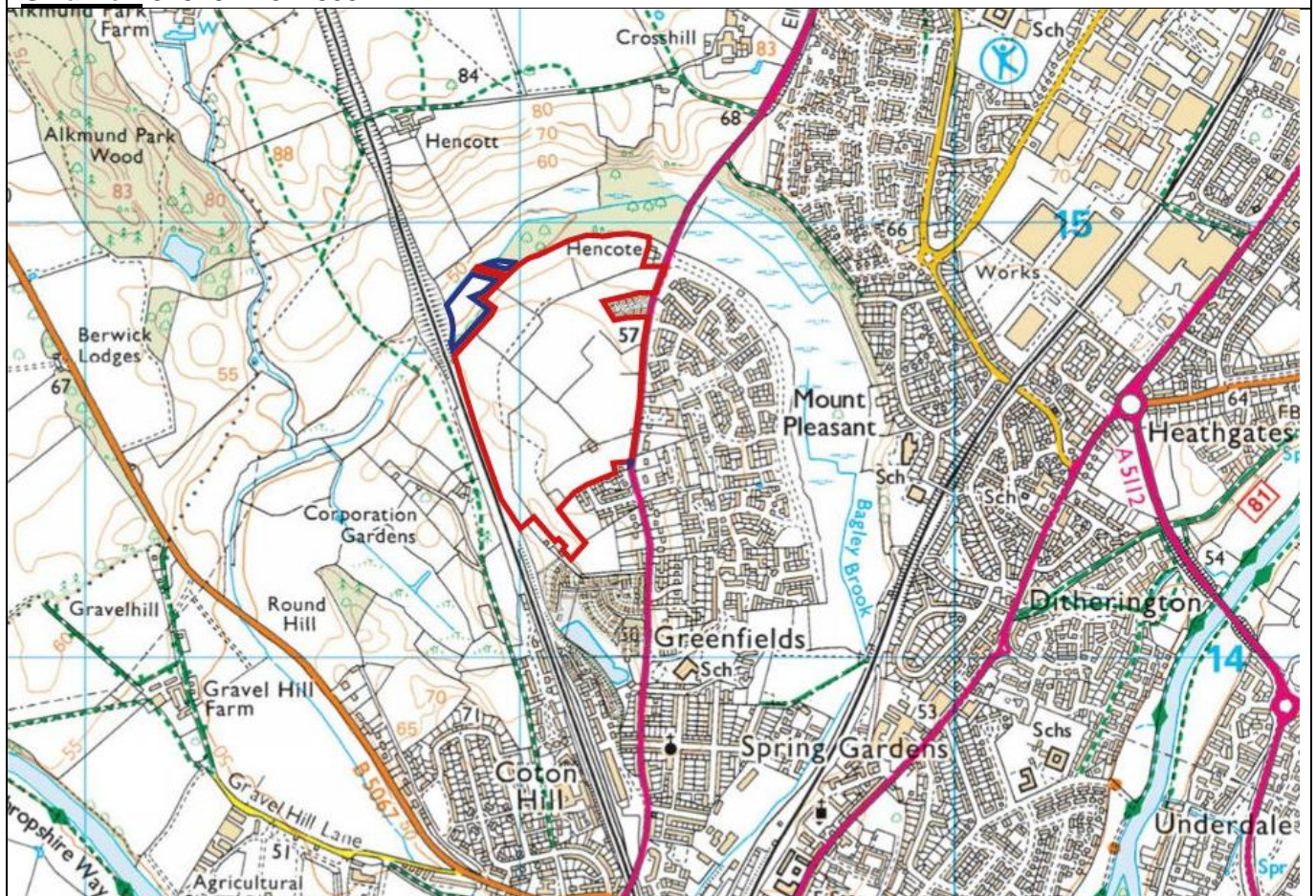
## Development Management Report

Responsible Officer: Tim Collard, Service Director – Legal, Governance and Planning

### Summary of Application

<b><u>Application Number:</u></b> 22/01432/OUT	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Outline application for the residential development of up to 450 dwellings, strategic infrastructure to include: open space, drainage and engineering works with some matters (landscaping, appearance, layout, scale) reserved apart from strategic access.		
<b><u>Site Address:</u></b> Proposed Residential Development Land on the West side of Ellesmere Road, Shrewsbury, Shropshire		
<b><u>Applicant:</u></b> Barwood Development Securities Ltd		
<b><u>Case Officer:</u></b> Ollie Thomas	<b><u>email:</u></b> <a href="mailto:ollie.thomas@shropshire.gov.uk">ollie.thomas@shropshire.gov.uk</a>	

**Grid Ref:** 349164 - 314609



© Crown Copyright. All rights reserved. Shropshire Council AC0000808715/2025. For reference purposes only. No further copies may be made.

**Recommendation: - That delegated authority is given to Officers to grant planning permission subject to the completion of a Section 106 agreement and the conditions in Appendix 1 and for any minor changes to conditions as required.**

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 This application is seeking outline planning permission with access matters only to be considered concurrently (layout, scale, appearance and landscaping reserved for subsequent approval) and is supported by an Illustrative Framework Masterplan ('the Masterplan') to demonstrate how the proposed development could be delivered and responding to the site's constraints, whilst meeting policy requirements. The Masterplan shows the development as providing:

- Up to 450 residential dwellings – ranging from 2-bed to 5-bed;
- 10% affordable housing
- A Local Centre measuring 0.25 hectares
- Vehicle, pedestrian and cycle provisions
- Green infrastructure, including play areas and landscaping.



The Illustrative Masterplan will be delivered across two phases: Phase 1 – 150 dwellings at approx. 35 dwellings per hectare (dph); and, Phase 2 – 300 dwellings at 35dph.

- 1.2 As this application is submitted in Outline with access only, the submitted Design and Access Statement demonstrates that an appropriate and policy-compliant design framework can be achieved at Reserved Matters stage. The Masterplan shows that the development can be sensitively designed within the settlement edge, with a permeable street hierarchy, a legible movement network, and substantial green infrastructure that responds to site constraints including topography, existing vegetation, flood zones and proximity of the Old River Bed.
- 1.3 The application site was identified as a draft allocation (SHR173) in the former Draft

Local Plan, which sought to deliver a comprehensive sustainable residential development for 450 dwellings, with access off Ellesmere Road and subject to an agreed Masterplan that reflects the objectives of the Big Town Plan. The Draft Local Plan has since been withdrawn from Examination and is no longer a material consideration. However, the evidence base underpinning remains a material consideration at a weight to be applied by the decision-maker and relevant to the merits of the application.

- 1.4 The proposed development has been subject to a Screening Opinion (Ref: 21/02537/SCR), whereby it is the opinion of the LPA that having taken into account the scale, nature and location of the development it will not result in likely significant environmental effects and therefore does not need to be dealt with through the Environmental Impact Assessment (EIA) Regulations.
- 1.5 Despite the Screening Opinion being dated the 10<sup>th</sup> June 2021, the LPA maintain the view that the proposed development before Committee has not materially changed in circumstances to that considered under the Screening Request. The result being that the Screening Opinion remains valid.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site extends to approx. 21.5 ha and is currently agricultural land located approx. 2km north of Shrewsbury town centre. The site comprises two predominant fields, separated by hedgerow with trees, whilst trees and hedgerows also form part of the site's boundary. Ellesmere Road lies to the east, with the large residential area of Greenfields directly opposite and further south. With the railway line to the west and the Old River Bed (a Shropshire Wildlife Trust) site to the north.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council have submitted a view contrary to officers based on material planning reasons. The Principal Planning Officer in consultation with the Committee Chair agrees that the Parish Council has raised material matters which cannot be overcome by negotiation or the imposition of planning conditions in relation to the weight to be given to former draft allocations which are appropriate to be discussed by planning committee.

## **4.0 Community Representations**

The below Section provides a summary of representations received during the consultation/publicity period, comments can be viewed in full on the online planning register, using the application reference.

### **4.1 Consultee Comments**

#### **4.1.1 SC Archaeology – No objection subject to conditions**

It is noted that the applicant has already carried out a desk-based assessment, geophysical survey and targeted ~~reading~~ **Page 10**, which identified mainly post-medieval

features of minor significance that require no further work. A small number of features—including a partially surviving enclosure ditch and two undated but potentially Iron Age/Roman tree-throw pits—indicate that the south-eastern part of the site has moderate to high potential for late prehistoric or Roman remains, and therefore further archaeological investigation can be secured appropriately through condition.

#### **4.1.2 SC Conservation – No objections**

There are no designated or non-designated built heritage assets located within the site boundaries. The site comprises a neutral element within the setting of the Grade I listed Shrewsbury Castle and non-designated Hencote Farm and Cross Hill Farm. The proposed development would result in a visual change within their settings; however this would be seen within the context of existing development and would not cause harm to the significance of any heritage assets.

#### **4.1.3 SC Trees – No objection subject to conditions**

#### **4.1.4 SC Regulatory Services – No objection subject to conditions**

#### **4.1.5 SC Drainage (SuDS) – No objection subject to conditions**

#### **4.1.6 SC Highways – No objection subject to conditions and financial contribution**

In relation to the assessment undertaken the applicants transport consultant has submitted a number supporting documents that included an initial Transport Assessment March 2022 and Travel Plan March 2022. The original Transport Assessment submitted sort to demonstrate that Phase 1 of the development (150 dwellings) could come forward prior to delivery of the North West Relief Road. (NWRR) without having a significant impact on the transport network, in terms of highway capacity and safety. Shropshire Council as Local Highway Authority following further information submitted subsequently confirmed that we agreed with this assumption that 150 dwellings could be accommodated prior to the construction of the proposed North West Relief Road.

The application under consideration sought approval for 450 dwellings and local centre on this basis Shropshire Council as Local Highway Authority could not support the application as a fully assessment of the likely impact had not been considered. At the time of submission, it was subsequently agreed with the applicants consultant that an assessment of the full build out of the development (450 dwellings) would be carried out when the updated Shrewsbury Traffic Model (SATURN) was available, to understand the cumulative impact of the development with the North West Relief Road (NWRR) in place. Due to uncertainty in relation to the NWRR, it was agreed that a hybrid assessment of highway impact would be undertaken using outputs from the Shrewsbury Traffic Model for a range of future year scenarios that sought to demonstrate that the 450 dwelling could be constructed and occupied prior to the opening of the NWRR. The results of this assessment are outlined within Technical Note reference 05707-T-002, dated October 2025. Following further clarification Shropshire Council as Local Highway Authority are satisfied that the development of 450 dwellings can be approved prior

to the construction and opening of the NWRR without having a significant impact on the transport network.

**4.1.7 SC Affordable Housing – No objections subject to legal agreement**

**4.1.8 SC Rights of Way – No comments to make.**

**4.1.9 SC Ecology – No objection subject to conditions**

Submitted BNG information demonstrates that both Phases 1 and 2 can independently deliver at least a 10% net gain for biodiversity.

The proposals include a continuous green infrastructure corridor along the northern, western, and southwestern boundaries, providing buffers to the adjacent Local Wildlife Site and enhancing habitat connectivity:

- Corridor widths: western 20m minimum; northern 30m+ (up to 100m+).
- Approx. 6.1ha of diverse planting, including habitats of principal importance (native hedgerows, lowland mixed deciduous woodland, neutral grassland).
- Additional features: new ponds, enhancement of existing traditional orchard.
- Benefits for priority species (bats, birds, invertebrates) and great crested newt movement.
- Public access will be provided, delivering multifunctional benefits in line with CS17 and NPPF para 174.

Loss of poor semi-improved grassland within development parcels is considered low ecological impact and will be mitigated through landscaping and net gain measures.

Updated Badger survey (June 2022) and mitigation strategy submitted. Assessment and proposed measures are considered robust and acceptable for outline stage.

Indicative Masterplan and supporting information demonstrate policy compliance with CS17 and emerging DP12. No objection subject to conditions and informative.

**4.1.10 SC Learning & Skills – Financial contribution towards education provision.**

**4.1.11 SC Waste Management – No objections**

It is recommended that the developer look at the guidance that Waste Management have produced on the Council's website, which give examples best practice for designing new homes.

**4.1.12 SC Landscape (provided by ESP Ltd) – No objections**

The assessment of landscape and visual effects has been carried out in a clear, robust and evidence based approach in accordance with GLVIA3 and is considered reliable to be used to make a sound planning judgment. No recommendations made.

**4.1.13 Integrated Care Board – Financial contribution towards healthcare/medical**

**provision**

It is inevitable that a development of this size, which would deliver in the region of an additional 1,080 patients, would have a knock-on affect on local healthcare provisions.

**4.1.14 Sport England (non-statutory) – Financial contribution towards playing pitches****4.1.15 Environment Agency – No objections subject to conditions**

Finished floor levels will be raised to a minimum of 150mm above surrounding ground levels.

The reserved matters application will need to provide greater detail around the siting of any features, and their specifics, within Flood Zone 2 and 3. Any feature situated close to Flood Zone 2 and 3 should ensure it does not have a detrimental impact on existing floodplain capacity or flow routes.

Consideration should also be given to the effectiveness of certain surface water attenuation features if located within Flood Zone 2 or 3.

**4.1.16 West Mercia Constabulary – No objections**

There are opportunities to design out crime, reduce the fear of crime and to promote community safety. Should this application be approved, the applicant should consider the advice in any detailed design.

**4.1.17 Network Rail – No objections**

No objection in principle, but due to the proposal being next to Network Rail land and infrastructure, and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway a series of asset protection comments are made, to which it is strongly recommended the applicant to action should permission be granted.

**4.1.18 Active Travel England – Deferral, not currently in a position to support the application.**

Active Travel England (ATE) has provided a detailed response highlighting that key active travel principles must be secured at the outline stage to ensure the development delivers a sustainable, well-connected neighbourhood. ATE identifies shortcomings in the Transport Assessment and Travel Plan, noting that trip generation should cover all modes across the full day, that reliance on 2011 Census data is inadequate, and that more ambitious and mode-specific targets for walking, wheeling and cycling are required. ATE also expects a clearer evidence base for active-mode trip distribution and assignment to inform necessary external network improvements.

ATE recommends further off-site infrastructure upgrades, including continuous footways on both sides of Ellesmere Road, improved cycling provision, upgrades to routes towards Shrewsbury Station and employment areas, and enhancements to bus infrastructure supported by financial contributions. Internally, ATE expects layouts to align with LTN 1/20, avoiding cul-de-sacs, providing segregated cycle routes and ensuring safe, continuous priority crossings at junctions. It also highlights the need for high-quality on-site facilities such as accessible cycle storage, inclusive footway design, and appropriate lighting and wayfinding to support active travel.

ATE concludes by requesting further dialogue and revisions before it can support the scheme, offering to assist with detailed design discussions and future wording for conditions or obligations required to secure compliance with national active travel guidance.

#### **4.1.19 Severn Trent Water – No objection subject to condition**

Severn Trent has concerns regarding the impact of additional flow that this proposed development will generate; however no investment is currently planned and consequently cannot object to approval being granted.

Under current legislation, a developer has the right to connect to the public foul network to drain foul water, and to do so at the nearest of most convenient point on the existing network. In addition to this, Severn Trent has a statutory duty to provide any network reinforcement that may be required to accommodate the flow generated by such a new development.

#### **4.1.20 Wales and West Utilities – No comments**

W&W have no apparatus in the enquiry area.

### **4.2 Public Comments**

#### **4.2.1 Shrewsbury Town Council – Object**

The Town Council strongly object to this application on the following grounds:

- The proposed development will lead to increased traffic on the already congested Ellesmere Road. It is proposed that at least 150 homes would be built before the North West Relief Road may be built. This would lead to at least 3% increase in traffic.
- There is insufficient local infrastructure in place to accommodate the number of houses proposed. There are not enough schools, doctors and local transport to deal with this increase.
- The travel plan provided with the application is insufficient and there is no mention of the provision of additional public transport to support the development.

- There is no mention of the consideration of carbon neutrality in the development despite the commitments made in the Local Plan. In addition, there is no mention of the use of permeable surfaces in the development.
- The access roads proposed raise a huge safety concern.
- The boundary of the site is very close to the Old River Bed and particular concerns were raised about the potential damage to a site of significant scientific interest and local wildlife.
- Only about 10% of the development will provide affordable homes. This was thought to be greatly insufficient given the needs in the local area.

#### 4.2.2 **Alexander Phillips - Shrewsbury Town Councillor – Object**

The Town Councillor objects on grounds that the Transport Assessment does not provide adequate analysis of the development's highway impacts, especially given known capacity issues on Ellesmere Road. They highlight earlier policy commitments that development on this site would only proceed following delivery of the NWRR. They raise concern regarding school and public transport capacity, as well as ecological impact upon the Old River Bed SSSI. The Councillor also notes concerns regarding the adequacy of consultation, although this is not a material planning consideration.

A total of 116 representations have been received from members of the public or neighbours, of which 114 were objecting and 2 were in support of the proposals.

#### 4.2.3 The following is a summary of objections received and where cited material planning considerations:

- **Highway safety, traffic capacity and sustainable transport:**
  - o Significant increase to traffic volumes on Ellesmere Road, Coton Hill and Chester Street, of which are already congested during peak times.
  - o The development would introduce an additional 600-900 additional cars, worsening queues, idling, air pollution and delays.
  - o Create unsafe access arrangements, particularly the secondary access near a bend with poor visibility and narrow footways.
  - o Exacerbate dangers for children walking to Greenfields Primary School, with no existing pedestrian crossing and substandard pavements.
  - o Providing insufficient opportunity for walking and cycling, owing to narrow/absent footways and lack of continuous safe cycle routes.
  - o Depend on a weak bus service, with limited frequency, no evening/Sunday operation and stops positioned further than desirable.
  - o The development would be unsustainable without the North West Relief Road, which is currently uncertain or will be ineffective in mitigating traffic.

- **Education, health and community Infrastructure**
  - Primary schools (especially Greenfields) are already full or oversubscribed.
  - Secondary school capacity in Shrewsbury is reported to be at breaking point, with families unable to secure places.
  - GP surgeries and dentists are oversubscribed, with long waits for appointments.
  - Additional population (estimated 1,000–1,800 people) would place unacceptable pressure on already stretched health, education and community services.
  - The development does not appear to include sufficient onsite provision for essential services, and a Local Centre is not considered adequate mitigation.
- **Loss of greenfield land, landscape impact and visual amenity**
  - The permanent loss of open countryside, which forms part of a valued green wedge between Shrewsbury and surrounding settlements.
  - Negative impact on views from public vantage points and local residences, including changes to the semi-rural character of the area.
  - The importance of the fields for public recreation, wellbeing and mental health, especially post-pandemic.
  - The cumulative effect of recent nearby developments, arguing that continued encroachment would erode Shrewsbury's landscape identity.
- **Ecology, biodiversity and the Old River Bed SSSI**
  - The development's proximity (100–500m) to the Old River Bed SSSI, with fears that drainage changes, lighting, or disturbance could harm designated features.
  - Presence of protected species, including bats, great crested newts, birds of prey and amphibians.
  - The site's role as part of an important wildlife corridor linking the SSSI to wider countryside.
  - Loss of hedgerows, mature trees and grassland that contribute to biodiversity, carbon storage and habitat connectivity.
  - Concerns that mitigation proposed is inadequate or unproven, and that ecological harm would be irreversible.
- **Climate change, sustainable development and carbon impact**
  - The proposal conflicts with the Council's Climate Emergency declaration, relying heavily on car-based transport.
  - Construction and land disturbance would result in carbon emissions, loss of carbon-rich soils and mature vegetation.
  - Homes are not proposed to be zero-carbon or built to high environmental performance standards.
  - Development of greenfield land is seen as contrary to national and local environmental objectives.
- **Flood risk, drainage and water infrastructure**

- Concern that the fields hold significant surface water, acting as an informal attenuation area.
- Fears that development would increase runoff and downstream flooding, including on Ellesmere Road.
- Doubts about Severn Trent Water's network capacity, with sewer overflows already reported.
- Assertions that drainage systems may be unable to protect the SSSI from polluted runoff.
- **Residential amenity**
  - Potential overlooking and loss of privacy for properties adjacent to the site (especially Winney Hill View and Juniper Road).
  - Long-term visual impact on existing dwellings.
  - Noise, dust and construction disturbance during a multi-year build programme.
- **Planning policy and local plan examination**
  - The draft allocation (SHR173) was historically tied to the NWRR being completed, and development beforehand is inappropriate.
  - The NWRR is uncertain, under-funded, or may not reduce existing congestion.
  - The proposal is premature, and the impact of the NWRR on traffic flows should be understood before permitting any major development.

4.2.4 The representations made in support can be summarised as follows:

- **Housing need and supply**
  - There is a strong need for new housing in this part of Shrewsbury, particularly to provide opportunities for first-time buyers and growing families.
  - The north side of Shrewsbury has seen very limited recent housing development, and this proposal would help meet local demand.
  - Delivering up to 450 homes would make a meaningful contribution to the town's housing supply at a time when further delivery is required.
- **Site location and efficient use of land**
  - The land is currently unused agricultural land with no active purpose, and bringing it forward for housing is, in the view of supporters, a more efficient land use.
  - The proposal would make a logical extension of the existing urban area.
- **Potential to improve transport conditions**
  - Existing problems on Ellesmere Road are predominantly due to historic lack of investment by the Council, not the development itself.
  - Development of this scale could help support or justify improved transport infrastructure, such as crossings and highway works, which may otherwise not come forward.

- **A phased approach**

- Delivering Phase 1 only (150 homes) ahead of any wider growth could be a reasonable compromise, allowing the Council to monitor effects on the network and services.
- A phased delivery may reduce short-term impacts while still contributing to housing needs.

4.2.5 Other non-statutory groups and bodies have provided comments to the application and summarised below, including:

4.2.6 **Sustainable Transport Shropshire – Object**

Sustainable Transport Shropshire raises an objection on grounds that the development is fundamentally car-dependent, with Ellesmere Road described as unsafe and hostile for walking and cycling due to narrow pavements, high vehicle speeds and lack of continuous cycle provision. They argue that the Transport Assessment overstates bus service frequency and misrepresents accessibility to public transport. They note existing bus services are infrequent, with no evening or Sunday operation, undermining sustainable transport aims. They consider the proposal premature, pending the NWRR, the Local Cycling and Walking Infrastructure Plan, and the next Local Transport Plan.

4.2.7 **Shropshire Playing Fields Association – Object**

The Association notes that Greenfields has a significant shortfall in accessible open space for sport, recreation and play, and states the application has not been supported by an open space needs assessment as required for major developments. They consider that the development will increase demand for sports facilities and recommend additional on-site provision, including approximately 2 hectares of open space, together with financial contributions for new or improved playing pitch provision. They state that a single play area is inadequate for the scale of the development.

4.2.8 **Shrewsbury Friends of the Earth – Object**

Friends of the Earth strongly object to the proposal, citing the loss of a strategic green wedge that contributes to Shrewsbury's character, landscape and biodiversity. They argue that traffic impacts would be unacceptable, noting existing air quality concerns at Coton Hill and the railway station. They contend that bus and cycle provision is insufficient to achieve sustainable travel modes, resulting in increased emissions. They also raise concern over ecological impacts on the Old River Bed SSSI and argue that the development conflicts with the Council's Climate Emergency declaration. They consider the application premature pending resolution of NWRR uncertainties.

4.2.9 **Shrewsbury Civic Society – Express concern**

The Civic Society expresses concern that the development would add significant additional traffic to a route already congested for much of the day, and questions

whether the NWRR would meaningfully reduce vehicle movements on Ellesmere Road. They also raise concerns about the ecological sensitivity of the surrounding area, particularly given reliance on long-term habitat management, which they note is often ineffective in practice. The Society questions whether the proposed SuDS strategy can reliably protect the Old River Bed LWS/SSSI and emphasises the importance of the green wedge identified in the Big Town Plan.

## **5.0 THE MAIN ISSUES**

- 5.1 The main issues are whether the development, located outside of the Shrewsbury development boundary, would represent an appropriate location for housing in the context of the Council's housing land supply position. The issues also concern the effect of the proposal on the character and appearance of the area, the highway network and nearby environmental constraints and designations.

## **6.0 OFFICER APPRAISAL**

### **6.1 Adopted Development Plan**

- 6.1.1 The application site lies outside the defined development boundary for Shrewsbury and is not allocated for development within the SAMDev Plan. It therefore constitutes a countryside location for the purposes of the Development Plan. Policies CS5 and MD7a set out strict controls over new open-market housing in the countryside, limiting it only to specific exceptions such as essential rural workers dwellings, conversions, affordable exception housing or development that maintains and enhances countryside vitality. The proposed development does not fall within any of the policy exception and is therefore in conflict with adopted local policy.
- 6.1.2 Policy CS1 identifies Shrewsbury as the primary focus for growth, but it also makes clear that growth should be delivered through the plan-led system, including allocated sites and within identified development boundaries. As set out in Policy CS4, development that conflicts with CS5 should not be permitted, with the supporting text confirming that windfall development adjoining a settlement is unacceptable unless a specific policy exception applies. The application therefore also conflicts with CS4, the strategic settlement policies and with MD1, which seeks to deliver development in accordance with the distribution set out in the SAMDev Plan.
- 6.1.3 The site was previously identified as an emerging allocation (SHR137) within the now-withdrawn Draft Local Plan. However, with the withdrawal of that Plan from examination, the emerging policies and allocations carry no weight in the determination of planning application. The evidence base that supported the draft allocation holds limited weight as a material consideration.
- 6.1.4 In summary, the proposal constitutes an open-market residential development on unallocated land beyond the Shrewsbury development boundary. It conflicts with the most relevant policies and is therefore contrary to the Development Plan.

6.1.5 However, as the Council is unable to demonstrate a five-year supply of deliverable housing land, paragraph 11(d) of the NPPF requires decision-makers to apply the presumption in favour of sustainable development, unless policies in the NPPF that protect areas of particular importance provide a clear reason for refusal. In such circumstances, the conflict with the adopted Development Plan must be considered in the overall planning balance and the weight given to that conflict relevant to the extent of housing land supply shortfall.

#### 6.1.6 **Draft Local Plan**

6.1.7 As mentioned, the application site formed a draft allocation, within the now-withdrawn Draft Local Plan. Nonetheless, the applicant has demonstrated how the proposals accord with the allocation-specific requirements, including:

- The provision of suitable site access arrangements, with two vehicular junctions of Ellesmere Road, and improved and enhanced pedestrian provisions along Ellesmere Road.
- A Local Centre of at least 0.25ha located along the eastern edge of the site so as to encourage opportunities for pedestrian and cycle access and being visible and accessible to residents within the wider area.
- The Masterplan shows a network of Green Infrastructure to include pedestrian and cycle links.
- Financial contributions towards public transport and playing pitches (including additional contributions not set out in the draft allocation policy).
- The Masterplan has been designed to protect, conserve and enhance the existing built, natural and historic environments.

6.1.8 Although the draft allocation carries no weight in decision-making, the Masterplan shows a commitment to delivering a comprehensive scheme that aligns with the principles, parameters and evidence base underpinning the former allocation. The draft allocation was supported by a range of evidence, which collectively sought to ensure that any development would be accessible, infrastructure-led, landscape-responsive and integrated with the wider movement framework. The Masterplan and supporting documents show a high degree of conformity with those expectations.

6.1.9 Crucially, while the allocation policy itself carries no weight, each of the criteria it contained still corresponds with current Development Plan policies, which remain relevant. Taken together, although the withdrawn Draft Local Plan is not a material policy consideration, the application seeks to adhere to its underlying principles, some of which continue to be supported in the adopted Core Strategy and SAMDev Plan, thereby demonstrating a scheme that has been developed in a strategic and evidence-based manner that reflects current planning objectives for this part of Shrewsbury:

- The access strategy and movement network, including improvement to

pedestrian and cycle infrastructure align with the requirements for safe, inclusive and sustainable access/movements in accordance CS6, CS7, MD2 and MD8.

- The provision of a Local Centre which maximises and supports mixed-use neighbourhoods, local service accessibility, reduction in car dependency and sustainable communities aligns with CS1, CS2 and MD2.
- The Masterplans green network, corridors and open space support the protection, conservation and enhancement of the natural environment and promote sport and recreation in accordance with CS17, MD2 and MD12.
- Developer contributions to mitigate any site-/development-specific impacts and support infrastructure as required through CS9 and MD8.

#### 6.1.10 **The Tilted Balance**

6.1.11 Paragraph 11(d) of the NPPF sets out that where the policies most important for determining an application are out-of-date, planning permission should be granted unless either:

- The application of NPPF policies that protect areas or assets of particular importance provides a clear reason for refusal or
- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as whole.

6.1.12 In regard to the first criterion:

- The site does not lie within a protected landscape, a heritage designation or an area where development is restricted for ecological reasons.
- Technical assessments confirms that the proposal would not result in unacceptable impacts on designated heritage assets, protected species or designated ecological sites.
- The majority of the site lies within Flood Zone 1, with built development excluded from areas of higher risk.

On this basis, there is no clear reason for refusal to protect areas or assets of importance and the tilted balance is not dis-engaged.

6.1.13 Consequently, paragraph 11(d)(ii) applies and requires a balancing exercise between the adverse impacts and benefits of the development. The key test is whether the adverse impacts significantly and demonstrably outweigh the benefits.

## 6.2 **Access and Movement**

6.2.1 The application is supported by a comprehensive Transport Assessment (prepared by PJA), which assesses the transport implications of the proposed development.

Additionally, an 'Access and Movement Parameters Plan' (dwrg no: S401-L-06\_B) has been submitted to demonstrate how the movement maximises the potential for use of walking and cycling and to ensure that future residents have sufficient infrastructure provided with each phase.

6.2.2 The former Draft Local Plan allocation required that the full development be dependent on the delivery of the North West Relief Road, whereby Phase 1 was considered acceptable prior to the NWRR becoming operational, based on the anticipated limited traffic impact. With the uncertainties surrounding the delivery of the NWRR, the applicant has undertaken standalone modelling for the full site and in an agreed methodology with the Highways Authority, using outputs from the Shrewsbury Traffic Model for a range of future year scenarios. Following which, the Highways Authority are now satisfied that the full quantum of development can be commenced prior to the construction of the opening of the NWRR without having a significant impact on the transport network.

#### 6.2.3 Access Strategy

Vehicular access is proposed from two new priority junctions onto Ellesmere Road, to the east:

- Phase 1 (150 dwellings) would be served by a single priority T-Junction at the site's southern end; and
- Phase 2 would be served a second northern access, incorporating a ghost-island right-turn lane with an internal spine road linking the two junctions.

Both access points have been designed in accordance with the Design Manual for Roads and Bridges and the Councils Design Guide, providing visibility splays commensurate to the serving road conditions and vehicle speeds recorded by Automatic Traffic Count (ATC) surveys. The accompanying TA demonstrates that both access junctions operate well within capacity with negligible queuing and delays on the serving highway.

The TA models trip generation using TRICS and assesses distribution via a gravity-model approach, whereby Phase 1 is forecasted to generate approximately 77 two-way peak hour trips of which will be dissipated quickly across the local network. Whilst the full development (450 dwellings) is forecast to generate approx. 232 two-way peak hour trips. The Chester Street Gyratory was identified as a key junction and possible constraint; however, the TA predicts that a maximum of 35 two-way trips would be added to this junction – this increase is not considered material in terms of network capacity and safety.

Collision data for a recent 5-year period records five collisions, three of which were serious. However, the TA does not identify any existing pattern of highway safety concern that would be exacerbated by the proposed development.

#### Pedestrian, Cycle and Sustainable Transport

The proposed development incorporates a multi-modal movement strategy, including:

- A toucan crossing on Ellesmere Road to the north of The Moveage and improving connections into existing pedestrian and cycle routes.
- A 3m shared footway/cycleway at the vehicular access points and along the site frontage, tying into the wider Shrewsbury active-travel network.
- New 2m footways and uncontrolled pedestrian crossing points within the site and linking the phases together.

The site is well located for walking and cycling opportunities, with continuous pedestrian links to Shrewsbury town centre, proximity to existing services/facilities and connections to established cycle routes, including links towards the National Cycle Route 81.

Existing bus stops along Ellesmere Road are within 400-500m of proposed dwellings and offering frequent services to Shrewsbury town centre and Ellesmere. Furthermore, the applicant will contribute towards the improvement of bus frequency (discussed further below).

### Conclusion

The submitted information has satisfactorily demonstrated that the proposed development would not result in unacceptable impacts on highway safety or that the residual cumulative impacts on the road network would be severe and therefore complies with CS6 and CS7 and NPPF paragraph 116. The Illustrative Masterplan and parameter plan shows how priority for pedestrian and cycle movements is delivered, along with facilitating access to public transport (through financial contributions mentioned below) in accordance with NPPF paragraph 117 and 118.

## **6.3 Visual impact and landscaping**

6.3.1 The application is supported by a Landscape and Visual Appraisal (prepared by FPCR Environment and Design), with a further Addendum to address cumulative effects arising from the approved Care Home development to the north of the application site (LPA Ref: 25/01810/REM).

### 6.3.2 Landscape Context and Value

The application site comprises agricultural land on the northern edge of Shrewsbury, with existing residential development to the south and east, the Shrewsbury-Chester railway line to the west and Hencote Vineyard to the north. The site is not subject to any national or local landscape designations and the LVA concludes that the site and its immediate context are of a medium landscape value – reflecting its agricultural character, but also its containment by existing urban edges and transport infrastructure.

### 6.3.3 Landscape and Green Infrastructure Strategy

Although submitted in Outline, the LVA sets out how the proposals have been designed and underpinned by a comprehensive landscape strategy, including

approx. 8.4 Ha (c.39%) of the site dedicated to landscaping, open space, habitat creation and sustainable drainage, with key measures including:

- Retention and reinforcement of existing boundary hedgerows and trees;
- Areas of public open space to the north and west of the site, forming a robust landscaped edge with the wider countryside;
- Structural planting and habitat creation, including hedgerows, trees, grassland, wetlands and SuDS;
- Setbacks between built development and sensitive edges, including PROWs, the railway and in response to the topography (higher land to the north); and
- On-plot and street tree planting.

With landscaping a reserved matter for subsequent consideration, a condition is imposed that requires a detailed landscaping strategy to support each reserved matters application, to ensure that the guiding principles under which the outline is sought is secured and designed-in to any detailed design.

#### 6.3.4 Landscape Effects

During construction, a temporary phase, the LVA identifies an adverse effect at the site due to a change in character from agricultural to built form. This is considered to represent a major/moderate adverse effect at the local level but having negligible effects within the wider landscape character. Nonetheless, it is recognised that this is a temporary effect and is incumbent on the majority of proposals that involves the development of green field land.

Following completion and once occupied, the landscape effects at the site and immediate context are assessed as moderate adverse, again reflecting the inevitable change in land use. However, these effects are predicted to reduce to moderate/minor adverse in the longer term, once landscape mitigation matures. Effects on the wider landscape character are concluded as minor adverse to negligible as a result of the sites limited extent and contained context.

The development would result in a change to the local landscape character through the loss of agricultural land; however, the effects are localised and moderated by the site's relationship with the existing built-up area of residential development along Shrewsbury's northern fringe. The assessed moderate adverse effects, reducing over time as mitigation matures, are acceptable in policy terms and consistent with CS6, CS17 and MD2, which allow for change where impacts are appropriately mitigated. The proposals also align with the NPPF paragraph 180 which recognises that development can result in landscape change provided it is sensitively designed and does not cause unacceptable harm in accordance with paragraphs 134 - 136.

#### 6.3.5 Visual Effects

As identified that visibility of the site is generally contained by existing development, vegetation, landform and the railway embankment, with more open views available only from higher ground, along Pirbright to the north and north-west and dynamic

viewpoints along Ellesmere Road. In terms of the effects of identified visual receptors, the LVA concludes the following:

- Residential receptors closest to the site, including properties off Ellesmere Road, Cedars Drive, Winney Hill View and Hencote Lane, are assessed as experiencing moderate to major/moderate adverse visual effects initially, reducing in some cases as planting establishes.
- Users of Public Rights of Way, particularly those on elevated routes north of the site, are assessed as experiencing moderate adverse effects in the short term, typically reducing to moderate/minor or minor adverse in the longer term.
- Road users, including those on Ellesmere Road, are assessed as experiencing moderate adverse effects on completion, reducing over time as replacement hedgerows and street planting mature.
- More distant receptors experience minor or negligible effects.

Whilst some nearby residential receptors and users of the PROW would experience moderate, or in limited cases, major/moderate adverse visual effects, these are typical of development at the urban edge and would be mitigated through layout, separation distances and structural planting. In this context, the proposals comply with CS6 and MD12 which seek to safeguard visual amenity without preventing appropriate development. This approach is consistent with NPPF paragraph 135 which supports development where visual impacts are addressed through good design and landscaping, particularly where effects reduce over time.

#### 6.3.6 Cumulative Effects

The LVA Addendum considers cumulative effects, with the recently approved care home development at Hencote to the north. This concludes that whilst some receptors may experience views of both developments, the cumulative effects would not exceed those already identified in the original LVA. Further, through additional planting associated with both schemes, this would assist in screening and softening views as it matures. Overall, the LVA finds no unacceptable cumulative landscape or visual effects identified.

The assessment of cumulative effects demonstrates that while there would be an increase in built form in some views, the overall magnitude of cumulative landscape and visual effects would not exceed those already identified for the site.

### 6.4 **Ecology and Biodiversity**

- 6.4.1 The application is supported by an Ecological Appraisal (EA) and a suite of detailed protected species surveys, including bats, great crested newts (GCN) and breeding and wintering birds. The surveys have been taken over multiple years and demonstrates how the site is dominated by intensively managed arable land and poor semi-improved grassland, with smaller areas of higher ecological value including hedgerows, mature trees, grassland, with a small area of overlap with the

Old River Bed Shrewsbury Local Wildlife Site. The site is not located within any statutory international or national ecological designation, but does lie within 60m of the Old River Bed SSSI (separated by the A528, Ellesmere Road). The EA concludes that, subject to appropriate buffers, drainage design and construction controls, the proposed development would not result in any adverse effect on the integrity or conservation objectives of the SSSI or LWS. The Illustrative Masterplan shows a substantial green infrastructure corridor along the northern and western boundaries to bugger, protect and enhance the LWS, with no direct public access routes leading to it.

#### 6.4.2 Habitats

Most habitats within the site are of low or negligible ecological value and their loss is not considered to result in significant harm. Habitats of greater value, including hedgerows, mature trees, grassland, are largely retained and incorporated within the sites landscape strategy. The Illustrative Masterplan suggests extensive habitats creation and enhancement, through:

- New native species planting (hedgerows and trees);
- Species-rich meadow grassland;
- Orchard planting;
- Wildlife friendly SuDS (reedbeds and ponds); and
- Green corridors linking retained habitats to off-site ecological networks.

The proposed habitat retention, mitigation and enhancement measures across with CS6, CS17 and MD2 and MD12, which promote high-quality design, protection of environmental assets and the delivery of multifunctional green infrastructure. The proposals also align with the NPPFs objective to minimise biodiversity loss and secure enhancement where possible.

#### 6.4.3 Protect Species

- Bats

Bat activity surveys recorded a range of common bat species, with occasional use of site boundaries by lesser horseshoe bat. No confirmed bat roosts would be lost as a result of the development. Key foraging and commuting corridors are to be retained and enhanced, with lighting controls and the provision of bat boxes proposed to ensure no adverse effect on bat populations.

- Great Crested Newts

A medium GCN population was recorded in an off-site pond approximately 170m south of the site. On-site habitats within 250m are largely sub-optimal for GCN, and it is concluded that GCN are unlikely to regularly utilise the site. Works within the 250m zone can proceed under a precautionary method statement, with no European Protected Species licence anticipated to be required.

- Birds

Breeding and wintering bird surveys identified assemblages of local conservation

value, typical of the habitats present. One barn owl was recorded using the wider area. Mitigation and enhancement measures, including timing of works, retention of key habitats and provision of nesting features, would reduce impacts to acceptable levels.

- Badgers

One active badger sett would be lost to facilitate development, with mitigation proposed in the form of an artificial sett within retained green infrastructure, to be delivered under licence.

Subject to conditions, and licensing where required, the proposals comply with CS17 and MD12, which require the safeguarding of protected species and their habitats. The mitigation hierarchy applied is consistent with the NPPF paragraph 193 which outlines how significant harm to biodiversity be avoided or adequately mitigated.

#### 6.4.4 Biodiversity Net Gain

The statutory requirement to deliver a minimum 10% Biodiversity Net Gain under the Environment Act 2021 applies only to planning applications submitted on or after 12 February 2024. As the current outline application was originally submitted to the Council prior to the introduction of mandatory BNG, the requirement does not apply in this instance. Biodiversity matters are therefore assessed against the relevant development plan policies and national planning policy in force at the time of submission, having regard to mitigation and enhancement measures proposed within the application.

### 6.5 **Other Matters**

#### 6.5.1 Mineral Safeguarding

The accompanying Mineral Resource Assessment demonstrates that, although the site lies within a Sand and Gravel Mineral Safeguarding Area, the identified resource is not economically viable due to its limited extent, abnormal geometry, proximity to existing residential development, the railway corridor, underground infrastructure and the Old River Bed SSSI, and the lack of suitable access for mineral operations. Prior extraction is shown to be neither practical nor feasible without giving rise to unacceptable environment, amenity and highway impacts. The proposal therefore satisfied Policy CS20 and MD16, and NPPF paragraph 223 (c) and (d).

#### 6.5.2 Historic Environment

The accompanying Built Heritage Statement and Archaeological Desk-Based Assessment (and supporting Archaeological Evaluation) conclude that the site contains no designated heritage assets and that its archaeological interest is limited to features of local significance, predominantly associated with post-medieval agricultural activity, with a small number of undated features assessed as having negligible to low potential significance. The assessment provides how the site does

not contribute to the significance or setting of any nearby designated or non-designated heritage assets, and that any visual change would not result in harm. The proposed development therefore accords with CS17 and MD13 which seek to protect and enhance Shropshire's historic environment and to avoid harm to heritage assets and their settings. As the development would result in no harm to heritage significance or requiring mitigation in this regard, the requirements of the NPPF Section 16 are not engaged.

#### 6.5.3 Noise and Air Quality

The accompanying Noise Assessment and Air Quality Assessment demonstrate that the site is capable of accommodating the proposed residential development without giving rise to unacceptable impacts on future occupiers or receptors in the wider area. The Noise Assessment identifies road traffic from Ellesmere Road and rail movements as the dominant sources; however, with appropriate layout, separation and standard mitigation measures (to be dealt with at Reserved Matters stage), internal and external noise standards can be achieved. The Air Quality Assessment confirms that the site lies outside of any Air Quality Management Area, with predicted concentrations of NO<sub>2</sub> and particulate matter at existing and proposed receptors well below national objectives, and operational impacts assessed as negligible. Construction phase impacts can be satisfactorily managed through a Construction Environmental Management Plan. The proposed development is therefore consistent with CS6 which seeks to safeguard residential amenity and minimise pollution, whilst in accordance with NPPF paragraph 198 which requires development to prevent unacceptable risks from noise and air pollution and to ensure that new development is appropriate for its location having regard to effects of health and living conditions.

#### 6.5.4 Sustainability and Waste

The accompanying Sustainability Statement and Waste Audit demonstrate how the proposed development can be designed to incorporate sustainable drainage principles and effective waste management measures throughout construction and operation. The Waste Audit provides that any future development will follow the waste hierarchy, with a target of diverting at least 70% of construction waste from landfill, supported by on-site segregation, the use of licenced waste carriers and monitoring through a Site Waste Management Plan. Adequate provision can be made for the storage and collection of recyclable and residual waste for future occupiers, ensuring compatibility with Shropshire Council's collection arrangements. Wider sustainability measures to be utilised include a fabric-first approach to building design, improved energy efficiency standards, low-carbon technologies, water efficiency measures and the use of sustainable materials – to be secured at reserved matters stage. The proposed development demonstrates compliance with CS6, CS19 and MD2 which seek to promote sustainable design and require appropriate waste management provision, minimising resource use and limiting environmental impacts.

#### 6.5.5 Flood Risk and Drainage

The accompanying Flood Risk Assessment and Drainage Strategy confirm that the

site lies predominantly within Flood Zone 1, with only the northern fringe, adjoining the Bagley Brook, falling within Flood Zones 2 and 3, where no built development or ground raising is proposed. Detailed assessment shows all other sources of flood risk – surface water, groundwater, sewers and artificial sources – are low. Surface water drainage is to be managed through a comprehensive SuDS network with the Illustrative Masterplan showing attenuation basins, infiltration basins and swales, with infiltration feasible across much of the based on measured permeability. Where infiltration is not viable, in lower-lying northern areas, discharge to Bagley Brook will be restricted to greenfield rates and designed for the 1 in 100 year +4-% climate change event. Exceedance routing can be incorporated to ensure flood flows are directed through open spaces and away from buildings. Overall the proposed development complies with CS18 and MD2 which require integrated and sustainable water management and protection from flood risk. With the development also meeting the requirements of NPPF in ensuring flood risk is not worsened and a resilience to climate change thereby demonstrating that the site can be safely developed without increasing flood risk on- or off-site.

#### 6.5.6 Ground Contamination

The accompanying Geophysical Survey does not identify any widespread contamination across the site, with anomalies largely reflecting historic agricultural activity such as ridge-and-furrow, former field boundaries and drainage features. A small number of localised features have been recorded which may require further consideration at the reserved matters stage, including areas of ferrous debris corresponding with former outbuilding, backfilled former ponds and a possible historic extraction pit north of the existing pond. None of the detected anomalies indicate a significant risk of contamination that would preclude development; however, the present of demolition rubble and infilled features warrants standard precautionary investigation. The proposal is therefore consistent with CS6 and MD2 which require new development to take account of ground conditions and the protection of human health. The limited and localised nature of the features can be appropriately managed through standard conditions requiring a site investigation and, if necessary, a remediation strategy prior to commencement.

### 6.6 **Developer Contributions**

- 6.6.1 Development of this scale generates a range of demands on physical, social and environmental infrastructure. In accordance with adopted Policy and the NPPF developer contributions are required to make the development acceptable in planning terms and to mitigate its impact.
- 6.6.2 As the proposal is for up to 450 dwellings and associated supporting uses, it is CIL liable under Shropshire Council's adopted CIL Charging Schedule. CIL payments will contribute towards strategic infrastructure identified in the Place Plans. Whereas Section 106 contributions will be used against site-specific infrastructure requirements generated as a result of the development, in accordance with the NPPF and CIL Regulations.
- 6.6.3 Affordable Housing

In accordance with CS11, the proposal is required to provide affordable housing at

the prevailing rate, which at the time of writing is 10%. This would be delivered at reserved matters stage in line with the Type and Affordability of Housing SPD.

#### 6.6.4 Transport and Active Travel

The application is to deliver a package of on-site and off-site transport improvements, including:

- Two new access junctions from Ellesmere Road;
- A new toucan crossing on Ellesmere Road
- Upgraded footway/cycleway links along the site frontage;
- Contributions towards improving the frequency and quality of bus services using the northern Shrewsbury corridor; and
- PROW enhancements where necessary to support connectivity and safe usage.

The Section 106 Agreement will therefore include the provision of £1,250 per dwelling and £25,000 per retail unit, total amount to be secured at reserved matters stage. Plus, the addition of on-site infrastructure to be determined at reserved matters stage at the following rates:

- £1,500 per pole
- £10,000 per bus shelter
- £6,000 per real time display (per item)
- £150 per dwelling towards local interchange contribution.

#### 6.6.5 Public Open Space

The Illustrative Masterplan incorporates extensive green infrastructure, including structural planting, ecological corridors, public open space and play provision. These areas will be secured through planning conditions and the reserved matters process; however, the long-term management and maintenance arrangements will be secured through a Section 106 Agreement.

#### 6.6.6 Playing Pitches

The proposed development is to generate demand for 1.09 pitches (comprising 1.04 grass pitches and 0.05 artificial pitch) and 1.45 changing rooms. Whilst the development would not generate sufficient demand to justify provision of a new swimming pool or sport hall of its own right, there would nonetheless be some demand and therefore needing consideration of how the proposals would impact on existing facilities. The application does not propose any on-site provision and an off-site contribution is therefore required for either upgraded and/or new facilities, based on the following rates:

- Pitches - £188,892
- Changing rooms - £280,788
- Maintenance costs - £26,971 per annum for an agreed period.
- Sports Halls - £187,892
- Swimming Pools - £223,700

### 6.6.7 Education

The school catchment areas comprise of Greenfields and Mount Pleasant (primary school) which are both full and expected to remain so. However, the next two schools do show that they may have capacity going forward. CIL contributions will therefore be utilised to create any additional space required at primary school leave.

However, in terms of secondary and SEND schooling, Shrewsbury is treated as one catchment area, whereby all secondary provision is full. There is not enough capacity for new year 7 children transferring each year. Additional children will have an impact upon the school system. The Council are exploring the construction of a new secondary school in Shrewsbury to alleviate pressures being created from all developments within the conurbation. SEND provision is also already at capacity, so contributions are required in regard to this provision and associated transport.

Using the latest pupil yield date, the proposal would generate:

Nursery: 32 children  
Primary: 122  
Secondary: 63  
Post 16: 22  
SEND: 5

Using the above pupil numbers and the latest benchmarking cost calculations for school expansion, the following financial contribution is being made towards:

Secondary education provision within the Shrewsbury area : £1 433 880  
SEND education provision within Shropshire: £428 690  
SEND Transport: £115 500

***Total contribution towards education : £1 978 070***

### 6.6.8 Healthcare and Medical

The proposed development will inevitably have a knock-on effect on local healthcare provisions, through new residents/patients (assuming an average of 2.4 residents per household). In assessing this impact, standard practice of the Integrated Care Board is to revert to the national standard calculations for assessing suitable space requirements for general medical services. The calculation concludes a financial contribution of £744,176 (£1,654 per dwelling), this contribution will be provided through the CIL levy applicable.

## 7.0 **PLANNING BALANCE**

- 7.1 In assessing this application, the Council is required to determine in accordance with the Development Plan, unless material considerations indicate otherwise. As set out in Section 6.1 of this Report, the proposal conflicts with the adopted spatial

strategy contained in the adopted Development Plan, by virtue of the site lying outside of the development boundary for Shrewsbury and not forming part of any allocated housing site. This conflict carries weight against the proposal.

- 7.2 However, as the Council is unable to demonstrate a five-year supply of deliverable housing land, the tilted balance under paragraph 11(d) of the NPPF is engaged. None of the policies that protect areas or assets of particular importance provide a clear reason for refusal. The proposal must therefore be assessed in accordance with paragraph 11(d)(ii), whereby planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF, as a whole.

7.3 Adverse Impacts

- 7.4 The principal adverse impact arises from the proposals clear conflict with the adopted spatial strategy. The development would extend built form into the countryside beyond the defined development boundary, contrary to the plan-led approach for directing growth within Shrewsbury. This harm carries **moderate weight**.

- 7.5 In landscape and visual terms, the development would lead to the loss of agricultural land and a noticeable change in character from open fields to built form. As set out in the submitted LVA, these effects would be localised and moderated by the site's existing containment and would reduce over time as landscaping establishes and becomes mature. Residual effects are assessed as moderate reducing to minor adverse, and appropriate mitigation can be achieved through reserved matters. This impact attracts **limited to moderate weight**.

- 7.6 The proposal would result in the loss of agricultural land, some of which may be of best and most versatile (BMV) quality. Given the prevalence of such land around Shrewsbury, and Shropshire as a whole, along with the wider housing growth needs and the proximity of the site adjacent to the existing built-up area, this carries **limited weight**.

- 7.7 No unacceptable adverse impacts have been identified in respect of highways, ecology, heritage, drainage, noise, air quality or minerals safeguarding. These matters are either **neutral** or capable of being mitigated through conditions.

7.8 Benefits of the proposal

- 7.9 The delivery of up to 450 dwellings, adjacent to Shrewsbury, where there is a significant shortfall in the supply of housing land carries **very substantial weight**. This contribution would notably assist in meeting Shropshire's housing requirement and reducing the current shortfall.

- 7.10 The proposal includes 10% affordable housing, representing a policy compliant, but nonetheless meaningful contribution (45 affordable dwellings) towards social benefits that attracts **substantial weight**.

- 7.11 The development would generate **Page 32** benefits, including construction

employment, increased local spend and Council revenue through CIL and Council Tax; however, it is acknowledged that these are non-unique benefits but are nonetheless significant (in scale) due to the quantum of development. In addition, the proposed Local Centre would support local service provision, create opportunities for small-scale commercial employment and help to retain expenditure within the immediate area. Collectively these benefits attract **substantial weight**.

7.12 The scheme would deliver improvements to sustainable transport, including upgraded pedestrian and cycle connections, new crossing facilities on Ellesmere Road, and contributions towards improving bus service frequency. These measures align with local and national objectives for sustainable movement and contributing towards environmental benefits. This carries **moderate weight**.

7.13 The development is contributing towards facilitating increased education capacity, supporting the delivery of new and expanded facilities and reducing pressures on the existing school system. Whilst these contributions are necessary to make the development acceptable in planning terms, the support they provide to strategic education infrastructure in Shrewsbury attracts **limited weight**.

7.14 Although the former draft allocation now carries no weight, the proposals have been shaped and informed by the evidence base underpinning the now-withdrawn Draft Local Plan, which collectively sought a comprehensive and sustainable masterplanned extension of Shrewsbury in this location. The proposals reflect these evidence-based principles, through delivering a coordinated and considered scheme that responds to known constraints, infrastructure requirements and place-making objective. This benefit is attracted **limited weight**.

## 8.0 CONCLUSION

8.1 In light of the Council's current housing land supply position, and having regard to the NPPF's presumption in favour of sustainable development, the proposal represents a sustainable form of development. On balance, the material considerations indicate that planning permission should be granted.

## 9.0 Risk Assessment and Opportunities Appraisal

### 9.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will

interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## **9.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## **9.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## **10.0 Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## **10. Background**

### Relevant Planning Policies

### **Core Strategy and Saved Policies:**

CS2 - Shrewsbury Development Strategy  
 CS4 - Community Hubs and Community Clusters  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS8 - Facilities, Services and Infrastructure Provision  
 CS9 - Infrastructure Contributions  
 CS11 - Type and Affordability of housing  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 CS19 - Waste Management Infrastructure  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 MD7A - Managing Housing Development in the Countryside  
 MD8 - Infrastructure Provision  
 MD12 - Natural Environment  
 MD13 - Historic Environment  
 MD16 - Mineral Safeguarding

## National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

21/02537/SCR Proposed residential land EAN 10th June 2021

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R98RTTDD02B00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor David Walker
Local Member - Cllr Benedict Jephcott
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. With the submission of the first reserved matters a detailed phasing strategy, including quantum of development in each phase and a phasing strategy for implementation/construction of the development, including delivery of on-site open space, public realm and recreation provision, shall be submitted.

The development shall be undertaken in accordance with the duly approved phasing strategy.

Reason: in the interests of clarity and to define the development in accordance with the requirement to deliver a managed form of development.

5. With each Reserved Matters application a Sustainability and Waste Management Strategy shall be submitted. The Strategy shall be prepared in accordance with the submitted Sustainability Statement and Waste Audit (February 2022) and shall include:

a) details of the sustainable construction measures to be incorporated into the development, including energy efficiency, water efficiency and the use of sustainable materials;

b) details of construction waste management measures, including waste minimisation, on-site

segregation, recycling and recovery, and a minimum target for diversion of construction waste from landfill;

c) details of operational waste management, including the provision, location and design of refuse and recycling storage for each dwelling, and arrangements for collection in accordance with the Waste Collection Authority's requirements; and

d) a timetable for implementation and confirmation of how the approved measures will be monitored and maintained.

The development shall thereafter be carried out in full accordance with the approved Strategy.

Reason: To ensure that the development incorporates appropriate arrangements for the minimisation, storage, recycling and disposal of waste during construction and occupation, thereby protecting the use of natural resources and reducing environmental impacts.

6. With the first reserved matters application, full engineering details of the highway improvements along the A528 Ellesmere Road, to include the Toucan Crossing as shown on the approved Drawing: 5701-C-001 shall be submitted. The approved details and arrangements shall be completed prior to the occupation of the 50th dwelling within the first phase of residential development.

Reason: In the interests of highway safety and to promote walking/cycling as an alternative means of travel

7. With the submission of each reserved matters application, a Design Compliance Statement shall be submitted. The Design Compliance Statement shall, as a minimum:

1) Demonstrate how the detailed proposals accord with the overarching design principles set out in the approved Design & Access Statement (Rev E), the Illustrative Framework Masterplan (drwg no: 841-L-03 Rev H), the approved Parameter Plans (drwg no's: 8401-L-05 Rev A; and, 8401-L-06 Rev B), and any subsequently approved site-wide masterplan and/or parameter plans; and

2) Provide evidence that the design proposals have been presented to an independent Design Review Panel, the attendance and terms of reference of which shall first be agreed in writing with the Local Planning Authority and shall include representation from the Local Planning Authority.

3) Explain how the recommendations of the Design Review Panel have been taken into account and, where relevant, incorporated into the detailed design.

Reason: To ensure that the detailed design of the development secures a high-quality, locally distinctive and sustainable built environment.

8. With each submission of reserved matters, details of measures to enable the safe routing of pedestrians and cyclists through the site and details of secure and public cycle storage facilities, and the number, style and location of cycle stands within the site shall be submitted.

Reason: In the interest of site accessibility and to promote walking and cycling to encourage healthy lifestyles.

9. With the submission of each reserved matters application including residential development, an Acoustic Design Statement shall be submitted which confirms how the adverse impacts of noise, resulting from the nearby Ellesmere Road and the railway, will be mitigated and minimised, and which clearly demonstrates that any significant adverse noise impact will be avoided for future occupiers.

Reason: In the interests of residential amenity

10. With each reserved matters shall include full engineering details of the proposed footways/cycleways and access junctions within that phase as shown on the approved Drawing: 5701-C-001; 5707-C-001 and 5707-C-0010. The details and arrangements shall be completed prior to the first occupation within that phase.

Reason: To ensure a safe and suitable highway and pedestrian/cycle network.

11. With each submission of reserved matters, the recommendations of table B.1 in BS 5837 2012 'Trees in relation to design, demolition and construction' will apply and the following shall be submitted:

- Tree Protection Plan
- Alignment of utility apparatus and drainage in relation to RPAs of the trees
- Arboricultural Method Statement including a supervision schedule
- Schedule of work to retained trees
- Detailed hard and soft landscaping schemes with 5-years maintenance schedule.

Reason: In order to protect the existing trees on and/or adjacent the site in the interests of the amenities of the area and to ensure protection measures are in place to prevent damage to existing trees.

12. With each reserved matters application a detailed and coordinated design for all outdoor space shall be submitted as part of the landscape submission, the details of which shall include:

- An illustrated statement setting out the design objectives including details of the hard and soft materials, street furniture, play equipment, signage, wayfinding and community features.
- Hard surfacing materials plans including palettes and specifications to be agreed Maintenance information for hard landscape materials and features should be included on plans or in a separate document.
- Soft landscape plans and specifications to show the quantity, size, species and positions or density of planting. Planting workmanship including tree protection, and the proposed time of planting, including a schedule of landscape maintenance for a period of 5 years and recommendations for long term management and monitoring.
- Plans, details and specifications for street furniture, refuse or other storage features, signage and wayfinding.

- Plans including locations and details and specifications for biodiversity enhancements.
  - Each play area should have an agreed concept design that demonstrates varied and engaging play experiences, with inclusion and accessibility integrated into the main play experiences.
- Following approval of concept designs, detailed designs and specifications should be submitted for approval. These should reinforce the design narrative.
- Plans showing the location and proposed protection for retained historic or other landscape features, and proposals for restoration, where relevant.
  - Plans showing existing and proposed finished levels, earthworks or contours.
  - Concept designs and detailed plans for sustainable urban drainage features that contribute to the public realm or street scene, incorporating features such as rain gardens and swales.
  - An implementation programme, including phasing of work. This should include details of construction compounds, routes and storage areas, mobilisation and demobilisation, as well as any concepts or detailed plans required to achieve 'meanwhile use strategies'

Reason: To ensure an appropriate landscape design

## **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

13. (a) No development approved by this permission shall commence until a written scheme of investigation for a phased programme of archaeological work has been submitted to and approved by the local Planning Authority in writing.

(b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report detailing the results of the archaeological work provided to the local planning authority prior to first use or occupancy of the development.

Reason: The site is known to hold archaeological interest.

14. Prior to commencement of each phase of development, an up-to-date EcIA shall be submitted to the Local Planning Authority for approval. This is to include update phase 2 surveys as necessary eg badger, barn owl and roosting bats (in trees) and details of any necessary mitigation measures.

Reason: To ensure that development is informed by up-to-date ecological information and that ecological mitigation is appropriate to the state of the site at the time development/phases of development commence.

15. Prior to the commencement of development within each phase a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Plan Authority. The CEMP shall set out as, as minimum, site specific measures to control and monitor impact arising in relation to:

- Construction traffic
- Noise and vibration

- Dust and air pollutants
- Land contamination
- Ecology and ground water.

The CEMP shall set out arrangements by which the development shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To safeguard the amenities of the adjoining properties and the area generally.

16. Prior to the commencement of each phase of the development the makes, models, specification and locations of features for wildlife shall be submitted to and approved in writing by the Local Planning Authority. The following features for wildlife shall be incorporated into each phase of the development:

- 1) Bat boxes suitable for a range species ' to be both integrated into buildings and erected on suitable trees at a density of one per three dwellings;
- 2) Swift bricks' to be integrated into buildings at a density of one per three dwellings (best erected in clusters);
- 3) Bird boxes suitable for stock dove ' to be erected on suitable trees (minimum 2 per phase);
- 4) Barn owl boxes to be erected on suitable trees (minimum of 2 erected) at least 30 days in advance of works impacting grassland habitat;
- 5) Amphibian hibernacula ' minimum two per suitable wetland location; and
- 6) Holes in solid fencing to allow movement of wildlife through the development where necessary, particularly for hedgehog.

The features shall be incorporated/provided in accordance with the approved details.

Reason: To provide mitigation and enhancement for wildlife in accordance with MD12, CS17 and the NPPF.

17. No development shall commence within each phase until a Highway Infrastructure Completion Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include:

- Detailed design and construction specifications for all roads, footways, and drainage (to Section 38/278 standards).
- A phasing schedule indicating when each section of the highway will be constructed and completed.
- Arrangements for the management and maintenance of the highway infrastructure until its adoption by the Highway Authority.

The development shall be carried out in strict accordance with the approved plan.

Reason: In the interests of highway safety

18. Prior to the commencement of development within each phase a scheme for foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme will demonstrate how each phase will connect into and function as part of a single, integrated system for the whole development. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site, to avoid flooding and to minimise the risk of pollution.

19. No development shall take place until a revised Travel Plan, to include measures to encourage sustainable travel and discourage single-occupancy vehicle use, has been submitted to and approved in writing by the local planning authority. The approved Plan shall be implemented in accordance with the agreed timetable and thereafter maintained.

Reason: To promote active travel and sustainable modes of transport.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

20. Prior to the occupation of development in each Phase hereby permitted, a management and monitoring plan, to include for the provision and maintenance of the habitats and hedgerows for a period of no less than 30 years from the commencement of the development shall be submitted to and approved in writing by the local planning authority. The management and monitoring plan shall include:

- a. Description of all habitats to be created/enhanced within the scheme including expected management condition and total area; and
- b. Detailed designs and/or working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works; and
- c. A works schedule of the management prescriptions (including an annual work plan and the means by which the plan will be rolled forward annually); and
- d. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any seed mix; and
- e. Identification of the persons responsible for implementing the works; and
- f. A timetable of ecological monitoring to assess the success of all habitat creation/enhancement; and
- g. A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure enhancement of biodiversity in accordance with MD12, CS17 and the NPPF.

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

21. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

22. There shall be no storage of any materials including soil or raising of ground levels within that part of the site liable to flood and designated as Flood Zone 2 and 3 as shown in Figure 6-2 of the Flood Risk Assessment.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

**Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. This planning permission is exempt from mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information.



Committee and date
Northern Planning Committee
17 <sup>th</sup> February 2026

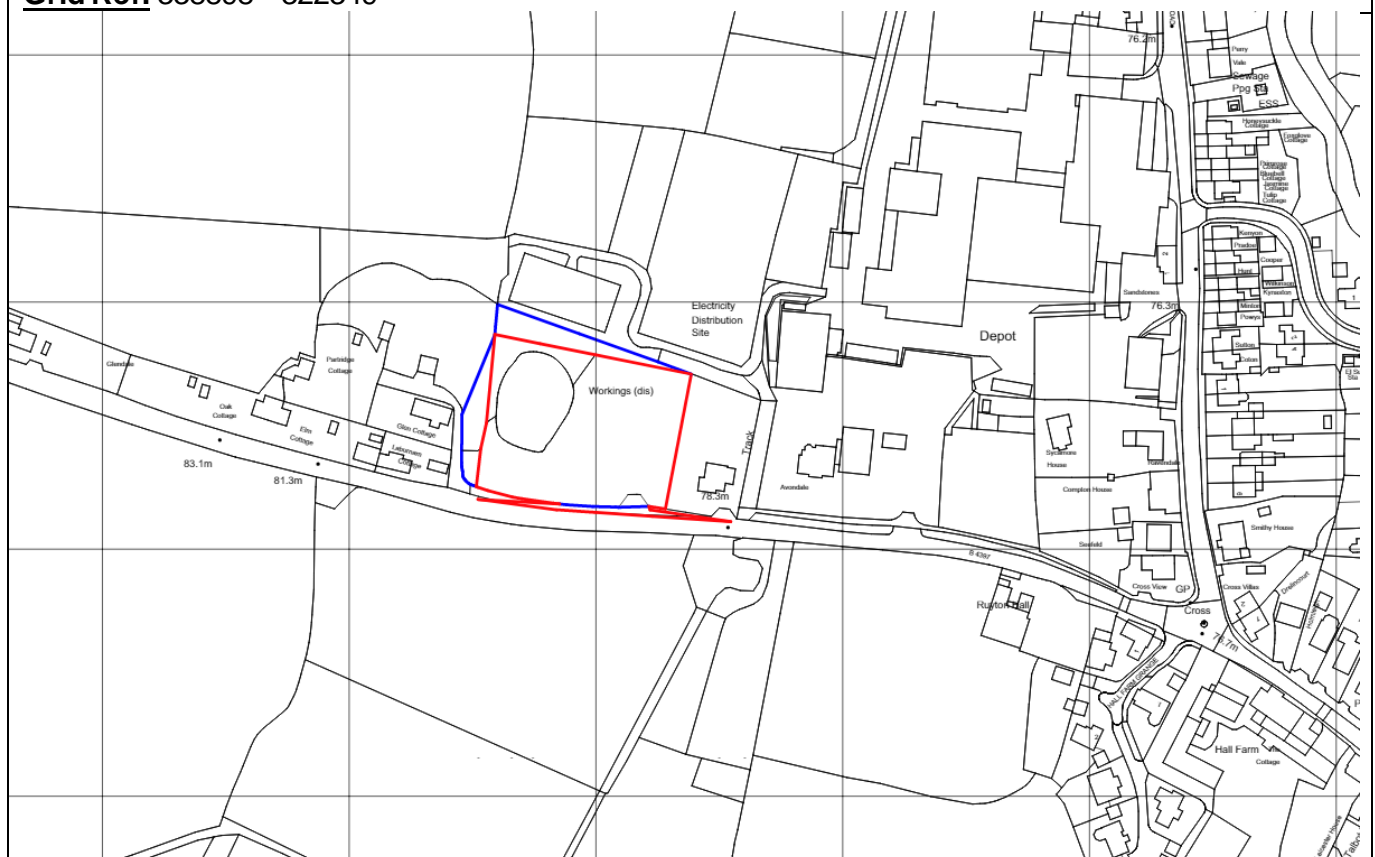
## Development Management Report

Responsible Officer: Tim Collard, Service Director – Legal, Governance and Planning

### Summary of Application

<b><u>Application Number:</u></b> 24/03767/OUT	<b><u>Parish:</u></b>	Ruyton XI Towns
<b><u>Proposal:</u></b> Outline application for the erection of 5No. self-build dwellings (to include access and scale)		
<b><u>Site Address:</u></b> Proposed Residential Development Land North Of Olden Lane Ruyton Xi Towns Shropshire		
<b><u>Applicant:</u></b> Jones		
<b><u>Case Officer:</u></b> Ollie Thomas	<b><u>email:</u></b> <a href="mailto:ollie.thomas@shropshire.gov.uk">ollie.thomas@shropshire.gov.uk</a>	

**Grid Ref:** 338898 - 322349



**Recommendation:- That delegated authority is given to Officers to grant planning permission subject to a financial contribution towards mitigating recreational pressures on an internationally designated ecological site and the conditions in Appendix 1, and for any minor changes to conditions as required.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application is seeking outline planning permission for the erection of five self-/custom-build dwellings, with access and scale submitted for consideration (all other matters reserved for subsequent approval). The proposals include the improvement and enhancement of an existing field access, associated internal access arrangements and indicative plot positions shown on the submitted layout plan.

1.2 There have been several planning applications for residential development on this site, including:

- 14/03841/OUT for the erection of 3no dwellings;
- 21/05221/OUT for the erection of up to 4no dwellings; and
- 22/05574/OUT for the erection of a single dwelling.

All applications were refused *inter alia* as the site lies outside of the defined development boundary for Ruyton XI Towns and the conflict this had with the adopted Development Plan. Furthermore, highway safety has consistently been a reason for refusal, whereby the previous proposals were unable to demonstrate a satisfactory means and the resultant impact on highway safety.

Whilst there has been little movement in terms of adopted local planning policy since the previous applications. What has changed is that the Council is now longer able to demonstrate a five-year housing land supply – it is on this basis to which the application is made.

1.3 In addition to the planning history, there have been two previous planning enforcement investigations (2022 and 2023) into alleged unlawful operational development, engineering/ground works, creation of vehicle access point and the erection of gates and fences. Both investigations were closed down with no further action being taken. Whilst it was confirmed that a technical breach of planning control had been amounted to, it was determined that this did not result in any planning harm and therefore not expedient to pursue.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises approximately 0.49ha of land to the north of Olden Lane, on the eastern approach into Ruyton-XI-Towns. The land forms part of a

former quarry, but is now largely vegetated and has been subject to vegetation clearance over recent times. The surrounding area is characterised by a mix of residential properties, paddocks and agricultural land, constituting a transitional area between the built form and wider countryside.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons. The Principal Planning Officer in consultation with the Committee Chair agrees that the Parish Council has raised material matters which cannot be overcome by negotiation or the imposition of planning conditions in relation to the weight to be given to former draft allocations which are appropriate to be discussed by planning committee.

### **4.0 Community Representations**

The below Section provides a summary of representations received during the consultation/publicity period, comments can be viewed in full on the online planning register, using the application reference.

#### **4.1 Consultee Comment**

#### **4.2 SC Trees – Objection**

The Tree Officer raises significant concern regarding the site levels and their implications for both existing trees and the usability of proposed garden spaces. The submitted levels information indicates that substantial excavation would be required, particularly for the plots on the western side of the site, resulting in steep and potentially impractical access to rear gardens. The land identified as private garden is currently uneven and occupied by scrub and small trees, and would require extensive re-grading that is likely to affect the root systems of important boundary trees.

Particular concern is directed towards Trees 12 and 16 on the northern boundary, which are prominent landscape features and would be at risk from excavation works. Their scale and proximity would also dominate the proposed gardens and dwellings, causing overshadowing and reduced residential amenity. The proposed layout leaves little scope for new planting or meaningful green infrastructure, limiting opportunities for biodiversity enhancement. For these reasons, the Tree Officer cannot support the application in its current form and advises that revisions are needed to address site layout, levels, the relationship with retained trees, and the provision of usable amenity space and biodiversity improvements.

#### **4.2 SC Regulatory Services – No objection subject to conditions**

It is noted that historic land uses on the site, including disused workings and potentially infilled ground, raise the possibility of land contamination, meaning the developer must demonstrate that the site is suitable for its proposed residential use in accordance with the NPPF and the Council's duties under Part 2A of the

Environmental Protection Act 1990. This requires evidence that ground contamination risks and any issues relating to land instability have been properly investigated, that appropriate mitigation and remediation are proposed where necessary and that following such remediation the land would not meet the definition of contaminated land.

#### 4.3 **SC Drainage (SuDS) – Standing advice only**

This is a minor development and the site is not located within the SuDS Consultation Area.

#### 4.4 **SC Ecology – No objection subject to conditions and financial contribution**

The application sites falls within 11.4km from the Cole Mere Ramsar, where new housing is known to contribute to increased recreational pressure and therefore the application must be assessed under the Habitats Regulation. Visitor survey data indicates that Cole Mere is highly sensitive to increased dog walking and recreational use and a mitigation contribution of £50 per bedroom is required to support long-term visitor management measures in line with the Cole Mere Management Plan. Confirmation of the number of bedrooms and agreement to this contribution is required to enable completion of an Appropriate Assessment.

The submitted Preliminary Ecological Appraisal is otherwise acceptable, and its recommendations for protected species can be secured by condition.

#### 4.5 **SC Highways – Object**

The site has been subject to three refused applications, all of which raised unresolved highway safety concerns. The current outline proposal for five dwellings still fails to adequately address these issues.

The access lies on the inside of a bend on a Class II road where visibility is constrained by the road alignment, boundary features and changing gradients, and no robust justification has been provided for the proposed visibility splays. In particular, no speed survey data, highway assessment, or topographical information has been submitted to demonstrate how the visibility can be achieved.

Mitigation has been proposed in the form of relocating the existing 30mph speed limit and traffic calming measures. In order to provide a substantive response, further assessment is required, including a Road Safety Audit being undertaken.

#### 4.6 **Ruyton-XI-Towns Parish Council – Object**

The Parish Council have raised several material considerations within their objection response, including:

- Land it outside the development boundary and contrary to adopted policy;
- Highway safety concerns due to insufficient visibility splays;
- Insufficient drainage for storm water run-off;

- Lack of information and control due to 'self build' aspect of the application;
- Environmental harm through tree and wildlife loss.

## 4.7 Public Comments

A total of nine public representations were received, all of which object to the proposal. The main grounds for objection are summarised as follows:

- **Highway safety, visibility and access**
  - o Insufficient visibility splays, close to a blind bend on a downhill approach
  - o The site has had permission refused previously on highway grounds
  - o Relocation of speed limit and traffic calming is unjustified and could worsen conditions
  - o Proposal will result in increased traffic and congestion
- **Drainage, flooding and ground conditions**
  - o Existing flooding issues along School Road and Olden Road, with run-off heavy during periods of bad weather.
  - o Further hardstanding would increase surface run off
  - o Concerns over ground stability based on sites historic use as a quarry
- **Landscape, trees and environmental impact**
  - o Potential impact to prominent northern-boundary trees, causing damage to roots and impacting on living standards of future dwellings
  - o Previous site clearance has altered the character of the site and further development would cause irreversible harm to local landscape character.
  - o Limited opportunities for tree planting within the layout.
- **Amenity and design issues**
  - o Sites position outside of the development boundary would result in encroachment into countryside
  - o Steeply elevated site would result in dwellings overlooking neighbouring properties, harming privacy and altering the street scene
  - o Self-build dwellings could result in incoherent and inconsistent design
  - o Refuse collection could obstruct the highway at a sensitive point.

## 5.0 THE MAIN ISSUES

- 5.1 The main issues of this application are the principle of development given the sites location outside of the defined development boundary; the scale of the dwellings and the associated visual and landscape impacts arising from the site's topography and relationship with existing vegetation; and the highway safety implications of the proposed access onto Olden Lane.

## **6.0 OFFICER APPRAISAL**

### **6.1 Adopted Development Plan**

6.1.1 Core Strategy Policies CS1, CS4 and CS5 and SAMDev Policies MD1 and MD3 establish a clear hierarchy directing housing to sustainable settlements, with Ruyton XI Towns identified as a Community Hub in accordance with SAMDev S14.2(iv), whilst restricting open market housing in the countryside.

6.1.2 The application site falls outside of the defined development boundary and does not meet any of the exception criteria for countryside development under Core Strategy CS5 or SAMDev MD7a, nor does it represent development of an allocated site.

6.1.3 The development would introduce residential development in an area defined as open countryside and therefore conflicts with the adopted spatial strategy.

6.1.4 However, as the Council is unable to demonstrate a five-year supply of deliverable housing land, paragraph 11(d) of the NPPF requires decision-makers to apply the presumption in favour of sustainable development, unless policies in the NPPF that protect areas of particular importance provide a clear reason for refusal. In such circumstances, the conflict with the adopted Development Plan must be considered in the overall planning balance and the weight given to that conflict relevant to the extent of housing land supply shortfall.

#### **6.1.5 Draft Local Plan**

6.1.6 The Draft Local Plan has since been withdrawn from examination, whereby none of the draft settlement strategies, development boundaries or emerging allocation can be relied upon as material considerations. Furthermore, the site was not proposed as an allocation within the withdrawn Plan. Consequently, the proposal must be assessed against the current adopted policies and any other material considerations.

#### **6.1.7 The Tilted Balance**

6.1.8 Paragraph 11(d) of the NPPF sets out that where the policies most important for determining an application are out-of-date, planning permission should be granted unless either:

- The application of NPPF policies that protect areas or assets of particular importance provides a clear reason for refusal or
- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as whole.

6.1.9 In regard to the first criterion:

- The site does not lie within a protected landscape, a heritage designation or

an area where development is restricted for ecological reasons.

- Technical assessments confirms that the proposal would not result in unacceptable impacts on designated heritage assets, protected species or designated ecological sites.
- The majority of the site lies within Flood Zone 1, with built development excluded from areas of higher risk.

On this basis, there is no clear reason for refusal to protect areas or assets of importance and the tilted balance is not dis-engaged.

6.1.10 Consequently, paragraph 11(d)(ii) applies and requires a balancing exercise between the adverse impacts and benefits of the development. The key test is whether the adverse impacts significantly and demonstrably outweigh the benefits.

#### 6.1.11 **Other material considerations**

6.1.12 The applicant within their submission documents has referred to the land as constituting previously developed land ('PDL'/'brownfield') as the historic land use is that of a disused sand quarry. The Officer does not agree with this as the operational element of any quarry ceased long ago and the land has since become naturally regenerated with self-seeded vegetation, scrub and maturing trees (despite the applicant undertaken vegetation clearance which has been subject to enforcement investigations). The NPPF provides a definition on PDL to which it is explicit that land is not regarded as brownfield where its use has blended back into the landscape and where natural regeneration has taken place. The site now (or did prior to vegetation clearance) reads as part of the rural environment, rather than active or derelict industrial land. On this basis, the site cannot reasonably attract the positive weight normally associated with the reuse of brownfield land and does not deliver any brownfield-related benefits.

## 6.2 **Whether the site is in a sustainable location**

6.2.1 Although the site is located outside of the defined development, it is nonetheless positioned within close proximity to the existing built-up areas, with existing residential development in both directions along the western approach into Ruyton XI Towns and represents an infill plot in an otherwise built-up street scene. Furthermore, the site is served by a pedestrian footway that leads to the centre of village and therefore benefits from accessible access to local services and facilities. The site is not isolated in planning terms, and the pattern of surrounding development ensures that future occupiers would remain well-connected, with access to essential day-to-day services, such as local shops, schools, community facilities and public transport services, achievable within a reasonable distance.

## 6.3 **Access and Highways**

6.3.1 The application is supported by highways information which seeks to address the previously identified highway issues raised through previous planning application.

The proposed development would utilise a reconfigured access onto Olden Lane, with a 5.5m wide access and footways on both sides of the junction.

- 6.3.2 Although the Local Highways Authority maintains an objection on the grounds that full visibility splays commensurate to the prevailing road condition cannot be achieved. The application has provided speed survey data which demonstrates the actual 85<sup>th</sup> percentile speeds are approx. 39.7mph (westbound) and 40.8mph (eastbound). This provides a more accurate basis for assessing highway risk.
- 6.3.3 To address visibility limitations, the applicant has suggested a series of on-highway measures including relocating the existing 30/40mph speed limit transition further west so that the entire site frontage sits within a 30mph zone, thereby reducing the required visibility splays to distances that can be delivered within land under the applicant's control and the public highway. Additionally, the applicant has suggested the incorporation of physical traffic calming measures, including a single lane chicane/build out, to reduce the speed of passing vehicles and reinforcing the relocated speed limit.
- 6.3.4 The Case Officer is of the judgement that the proposed traffic calming chicane/build-out would create an unnatural and contrived driving environment along this rural stretch of Olden Lane. Whereby such measures are considered inappropriate for the character of the highway and would not represent a proportionate or contextual response to the identified visibility constraints. Therefore, the on-highway measures are not acceptable. However, even without the chicane/build-out, the Officers judgement is that the access arrangements and proposed visibility are sufficient to ensure a suitable means of access, and the development would not result in an unacceptable or severe residual impact on the highway network.
- 6.3.5 In addition, the Case Officer does not consider the proposed relocation of the existing 30/40mph speed limit transition to be necessary or justified. Relocating the speed limit (to be done by a Traffic Regulation Order) is a highway engineering intervention that must be evidence-led, demonstrating that the revised location reflects the actual speed environment and is capable of achieving the desired outcome. The applicants own ATC data indicates that a simple shift of signage is unlikely to materially alter passing speeds or deliver a safer access arrangement. As a result, relocating the speed-limit, which the sole purpose being to achieve commensurate visibility splays would not provide a proportionate or technically robust solution and is therefore not required.
- 6.3.6 Paragraph 116 of the NPPF makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe. Whilst the application has been unable to demonstrate an adequate package of mitigation works to satisfy the Local Highways Authority, the Case Officer is of the judgement that the proposal, utilising an existing access point on the entrance approach to the village, would not result in an unacceptable safety impact or that the residual cumulative impacts would be severe. The absence of off-site traffic calming or speed limit changes does not alter the Officer's overall conclusion that the

development would not give rise to unacceptable highway safety risks.

## **6.4 Site Layout and Scale**

- 6.4.1 As mentioned, this outline application is also seeking to approve scale matters concurrently, as a result the application is supported by a series of plans/drawings to show the arrangements of dwelling within the plot, along with an indicative street scene.
- 6.4.2 The indicative site layout plan shows the five dwellings positioned along the northern edge of Olden Lane, following the existing pattern of linear development and reinforcing the established grain of frontage properties in the existing built-up area. The dwellings are set back behind the existing vegetation line and served via a shared access that runs parallel to the highway before reaching the individual plots. The plan also demonstrates generous private garden areas, areas of new planting and a defined corridor of public open space.
- 6.4.3 As has been raised by the Tree Officer, there are significant changes to the site levels, with the submitted topographical information showing the land rising steeply to the north. This results in the rear gardens to slope noticeably upwards which does raise some concern in regard to the usability of this site and potential impracticability issues. However, the steepness of the land is a characteristic of the site, as opposed to a result of the proposed development and that there remains flexibility within each plot to achieve suitable garden levels through sensitive engineering, terracing or stepped solutions – of which would be a landscape matter to be dealt with at reserved matters stage.
- 6.4.4 As scale is a matter for consideration at this outline stage, the submitted drawings and sections seek to demonstrate the appropriateness of the proposed dwellings and their massing within the site's topography and surrounding built and natural environment. As mentioned, the site levels rise steeply away from Olden Road and it is therefore necessary to control scale to avoid excessive height or visual dominance when viewed from within the highway and neighbouring dwellings. It has been sufficiently justified that dwellings of two storeys can be accommodated without resulting in unacceptable landscape or amenity impact, provided that finished levels are carefully managed and secured through condition.

## **6.5 Trees**

- 6.5.1 The Tree Officer has raised concerns with Trees 12 and 16 along the northern boundary and that these may dominate the garden spaces, cause overshadowing and impact amenity due to their elevated position. However, the Layout Plan shows sufficient separation and orientation, including sun-path, to ensure that the living accommodation face southwards towards Olden Lane. This reduces the extent to which these trees would impact day-to-day living.
- 6.5.2 The Tree Officer also notes that limited space appears available for new planting or green infrastructure. Whilst this is acknowledged, the Layout Plan shows meaningful areas for landscaping, most notably the open space provision along the

southern boundary, retained boundary vegetation and potential for reinforcement planting along the northern edge. As landscaping is a reserved matter, there remains scope for a planting strategy to be secured through subsequent application. As part of this application, the Officer is satisfied that opportunities for biodiversity enhancement, mitigation planting and visual softening can be achieved, and will be secured via planning condition to be submitted with the reserved matters.

- 6.5.3 Whilst the concerns surrounding existing trees and the topography of the site are material to the determination of this application, it is the Officer's judgement that they do not amount to constraints that would prevent the development from achieving a suitable and policy-compliant development at reserved matters stage. The submitted plans with this application demonstrate that the site is able to provide five dwellings with private garden spaces, parking spaces and public open space that is achievable. The remaining technical matters relating to levels, garden usability and tree protection can be satisfactorily addressed through reserved matters and condition.

## **6.6 Flood Risk and Drainage**

- 6.6.1 The application site lies wholly within Flood Zone 1, where the risk of fluvial flooding is low and the principle of residential development is acceptable in sequential terms. The applicant has submitted outline drainage information indicating that surface water would be managed within the site using sustainable drainage principles, with foul drainage to agreed at reserved matters stage. As a minor development, outside of the SuDS consultation area, the LLFA have not raised any objection, but nonetheless recommending that infiltration should be prioritised wherever feasible.
- 6.6.2 Public representations raise concerns about existing localised flooding along School Road and Olden Land and that new development would worsen flooding conditions. Whilst these concerns are acknowledged, the Officer is satisfied that an appropriate on-site and combined drainage design and SuDS strategy can adequately address surface water to ensure development does not increase flood risk on- or off-site, to be addressed through reserved matters.

## **6.7 Ecology and Biodiversity**

- 6.7.1 The application is supported by a Preliminary Ecological Appraisal which confirms that the site comprises a former quarry area that has since been partly cleared, with remaining habitats including areas of bare sandy ground, tall form-dominated neutral grassland and several mature and semi-mature trees on the northern and eastern boundaries. Overall, the site is assessed as being of low ecological value, with no statutory or non-statutory wildlife designations within 1km.
- 6.7.2 The PEA identifies no evidence of protected species on the site, but notes that foraging and commuting bats, occasional badger use, hedgehog and nesting birds may be present within the boundary vegetation or within the wider landscape. No trees on or adjoining the site were found to contain bat-roost features and the

nearest mapped ponds lie more than 240-350m from the site. The PEA concludes that protected species do not represent a constraint to development provided that standard mitigation is applied.

6.7.3 The Council's Ecologist raises no objection in principle, but advises that the proposals fall within the recreational impact zone for Colemere Ramsar. In line with established mitigation for residential development within the catchment, a financial contribution of £50 per bedroom will be required to fund long-term visitor management. This contribution has not yet been made, and subject to a positive resolution, the Officer will seek this contribution prior to issuing any decision.

6.7.4 As the proposal relates to individual self-build plots, the development falls within one of the exemptions of the mandatory 10% BNG requirements. The scheme is therefore not required to provide a quantified metric or meet the 10% uplift.

## 6.8 Affordable Housing

6.8.1 The proposal falls below the threshold at which affordable housing contributions are required, as set out in the NPPF.

## 7.0 PLANNING BALANCE

7.1 In assessing this application, the Council is required to determine in accordance with the Development Plan, unless material considerations indicate otherwise. As set out in Section 6.1 of this Report, the proposal conflicts with the adopted spatial strategy contained in the adopted Development Plan, by virtue of the site lying outside of the development boundary for Ruyton XI Towns and not forming part of any allocated housing site. This conflict carries weight against the proposal.

7.2 However, as the Council is unable to demonstrate a five-year supply of deliverable housing land, the tilted balance under paragraph 11(d) of the NPPF is engaged. None of the policies that protect areas or assets of particular importance provide a clear reason for refusal. The proposal must therefore be assessed in accordance with paragraph 11(d)(ii), whereby planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF, as a whole.

## 7.3 Adverse Impacts

7.4 The proposal would introduce new built form on land currently experienced as part of the village's rural edge, resulting in a change to landscape character and the loss of undeveloped land. Whilst this change would be perceptible, it is contained by existing development along Olden Road and the established vegetation to the north. These effects therefore attract **limited to moderate weight**.

7.5 Concerns have been raised by the Tree Officer regarding the steeply sloping rear gardens, potential impracticability of private amenity space and the presence of mature trees along the northern boundary. Whilst these constraints are acknowledged, the submitted plans demonstrate that appropriate garden areas can

be achieved, whereby matters of any landscaping, tree protection and planting can be dealt with at reserved matters. These matters attract **limited weight**.

7.6 The Highways Authority have not accepted the applicants proposed traffic-calming scheme or access junction arrangements. However, even without such measures the access arrangements, as revised, can provide a safe and suitable means of access and would not result in severe residual impact. Accordingly, the highway impacts are assessed as **neutral** in the planning balance.

7.7 No unacceptable impacts have been identified with respect to ecology, drainage or flood risk. These matters are either neutral or can be addressed through conditions and therefore attracting **neutral weight**.

## 7.8 **Benefits of the proposal**

7.9 The delivery of five self-build homes carries **significant weight**, given the acknowledged under-provision of housing within Shropshire. The proposal would make a modest contribution towards local supply and support opportunities for bespoke, locally-designed housing.

7.10 The development would deliver economic benefits, including construction employment, local spending and Council revenue through Council Tax receipts. Although typical of residential development of this scale, these benefits nonetheless attract **limited to moderate weight**.

7.11 The proposal incorporates on-site public open space, reinforces the existing vegetation around the edges of the site and allows for future landscaping and ecological enhancements, attracting **limited weight**.

7.12 Residential development in this infill plot, surrounded by residential development along Olden Road, would complete a fragmented frontage and make efficient use of an accessible site closely related to existing development and within close and accessible reach to a range of essential services and facilities by sustainable means. This attracts **limited weight**.

## 8.0 **CONCLUSION**

8.1 Taking the proposal as a whole and applying the tilted balance as required by paragraph 11(d)(ii) of the NPPF, it is the Officers judgement that this is a finely balanced case. The proposal does give rise to identifiable harms, in particular the site's location outside of the development boundary, landscape change and the constraints associated with site levels and existing trees. However, these harms attract limited to moderate weight and on balance do not significantly or demonstrably outweigh the benefits of delivering five dwellings in a sustainable and accessible location. With technical matters capable of being addressed through planning conditions and reserved matters and there being no clear NPPF policy that provides a reason for refusal, the balance narrowly indicates that planning permission should be granted.

## **9.0 Risk Assessment and Opportunities Appraisal**

### **9.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### **9.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### **9.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## **10.0 Financial Implications**

There are likely financial implications if the decision and / or imposition of

conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

#### **Core Strategy and Saved Policies:**

CS1 - Strategic Approach  
 CS4 - Community Hubs and Community Clusters  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS7 - Communications and Transport  
 CS11 - Type and Affordability of housing  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 MD3 - Managing Housing Development  
 MD7A - Managing Housing Development in the Countryside  
 MD12 - Natural Environment  
 MD13 - Historic Environment  
 Settlement: S14 – Oswestry

#### **National Planning Policy Framework**

### RELEVANT PLANNING HISTORY:

14/03841/OUT Outline application for the erection of 3No dwellings (all matters reserved)  
 REFUSE 3rd November 2015

21/05221/OUT Outline application for residential development of up to 4 dwellings REFUSE 4th January 2022

22/05574/OUT Outline planning application for a single dwelling using a existing access off a established dropped curb to the site (to include access) REFUSE 14th February 2023

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SKN0YGTDKPJ00>

List of Background Papers (This MUST be completed for all reports, but does not include items
---

containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor David Walker
Local Member - Cllr Robert Jones
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, layout, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. With each reserved matters application full details of the existing and proposed site levels, including finished floor levels, finished ground levels, garden gradients and all associated earthworks shall be submitted. The submitted details shall reflect the scale parameters approved at outline stage and shall include:

- a) a topographical survey of existing site levels;
- b) proposed levels across each plot and the internal access road;
- c) cross-sections demonstrating the relationship between the dwellings, their gardens, boundary treatments and adjacent land; and
- d) details of any engineering operations necessary to achieve the proposed levels.

The development shall thereafter be carried out strictly in accordance with the approved levels.

Reason: To ensure that the development reflects the approved scale, responds appropriately to the site's topography, safeguards residential amenity and landscape character and secures an acceptable relationship with the existing built and natural environments.

5. The dwellings hereby approved shall be limited to no more than two storeys in height, and no dwelling shall exceed a maximum ridge height of 8 metres above its approved finished floor level. Details demonstrating compliance with this height limit shall be submitted as part of any reserved matters application. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure the development responds appropriately to the site's topography and safeguards amenity of the built and natural environments.

6. With each reserved matters application up-to-date arboricultural information, prepared in accordance with BS 5837:2012 shall be submitted. This shall include, as a minimum:

- a) An updated Arboricultural Impact Assessment
- b) A Tree Protection Plan showing the precise location and extent of all protective fencing and ground-protection measures;
- c) A detailed Arboricultural Method Statement;
- d) A schedule of any proposed tree works; and
- e) A detailed landscaping scheme, demonstrating opportunities for new tree planting.

Reason: To prevent harm or loss of existing trees and to secure appropriate protection and enhancement of the sites ecological and arboricultural features.

## **CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

7. a) No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

Submission and implementation of remediation scheme

b) Where the approved risk assessment (required by condition a) above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

Verification of remediation scheme

c) Following implementation and completion of the approved remediation scheme (required by condition b) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

#### Unforeseen contamination

d) In the event that further contamination is found at any time when carrying out the approved development - that was not previously identified ' it must be reported in writing immediately to the Local Planning Authority and no further development shall be carried out. Following this, an investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

#### REASON:

To ensure that the risks associated with any contamination have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with the National Planning Policy Framework.

8. Prior to the commencement of development a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out as, as minimum, site specific measures to control and monitor impact arising in relation to:

- Construction traffic
- Noise and vibration
- Dust and air pollutants
- Land contamination
- Ecology and ground water.

The CEMP shall set out arrangements by which the development shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To safeguard the amenities of the adjoining properties and the area generally.

9. The dwellings hereby permitted must only be developed as a self-build or custom-build home as defined in the Self-build and Custom Housebuilding Act 2015 (as amended). Prior to the commencement of development of each dwelling, the applicant must submit to and have approved in writing by the Local Planning Authority a Compliance Statement. This statement must include the following:

1. Evidence that the initial owner of the dwelling will have/has had primary input into its final design and layout;
2. A timetable for construction and occupation;
3. A marketing strategy (if applicable) to ensure the plot is offered to self/custom builders;

4. A mechanism to ensure the dwelling is occupied by the person(s) who commissioned its design and construction.

and any other relevant information reasonably required by the Local Planning Authority to demonstrate compliance with the definition of self-build or custom-build housing.

The development of each dwelling must thereafter be carried out in accordance with the approved Compliance Statement.

The first occupation of each self-build or custom-build dwelling must be by a person or persons who had a primary input into the final design and layout of that dwelling and the dwelling(s) must be occupied by this/these person(s) for a period of at least three years.

Reason: To ensure the development is implemented as a self-build or custom-build dwelling in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended), which is the justification for exemption from the provision of mandatory biodiversity net gain.

10. No development shall take place until a site-wide scheme for a combined surface and foul water drainage system, serving all dwellings within the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how each dwelling will be connected to a single, integrated drainage system. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

11. Prior to the commencement of the development, including any works of demolition and/or site clearance, a site wide Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period of each dwelling.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

12. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

13. Prior to first occupation of each dwelling, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific) or sparrows (32mm hole, terrace design).
- 1 hedgehog nesting box.

The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. Bat boxes should be erected on southerly aspects (south-west, south or south-east) and bird boxes should be erected on northerly or shaded east/west aspects. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

14. The hereby approved access shall be satisfactorily completed and laid out prior to the dwellings being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety

## **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

15. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. This planning permission is exempt from mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information.

This page is intentionally left blank



Committee and date

Northern Planning Committee

17<sup>th</sup> February 2026

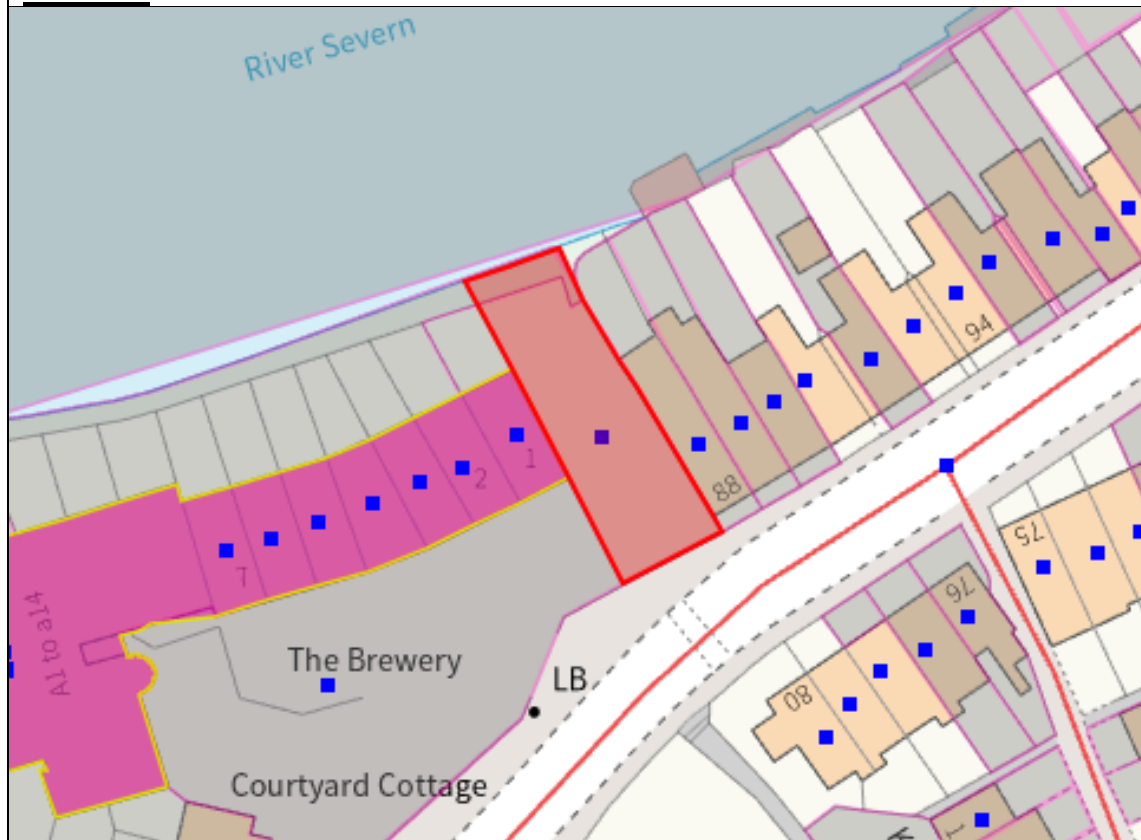
## Development Management Report

Responsible Officer: Tim Collard, Service Director – Legal, Governance and Planning

### Summary of Application

<b><u>Application Number:</u></b> 25/03895/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of a detached dwelling and associated landscaping works.		
<b><u>Site Address:</u></b> Proposed Dwelling East Of The Brewery Longden Coleham Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Simon Britten		
<b><u>Case Officer:</u></b> Didi Kizito	<b><u>email:</u></b> didi.kizito@shropshire.gov.uk	

**Grid Ref:** 349202 - 311970



**Recommendation:- Grant Permission** subject to the conditions set out in Appendix 1.

The proposal represents an appropriate form of infill development that will integrate positively with the established built form and preserve the character and appearance of the Conservation Area. The scale, design and siting of the dwelling have been sensitively considered to ensure that the significance of the historic setting is maintained. Owing to the separation distances, orientation and layout of the dwelling, the development will not give rise to any unacceptable impacts on the privacy, outlook or general amenity of neighbouring properties more than what already exists. The development therefore accords with Shropshire Council policies CS6, CS17, MD2 and MD13.

**REPORT****1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a detached dwelling and associated landscaping works.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is a gap in the built development on the north side of Longden Coleham. With the rear of the site fronting to the riverbank, positioned between the Grade II listed former Trouncer's Brewery complex to the west and a row of late 19th/early 20th century brick terraces to the east. The site lies within the Shrewsbury Conservation Area.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council have submitted a view contrary to officers based on material planning reasons. The Team Manager (in consultation with the Committee Chair and Local Member agrees that the Town Council have raised material planning issues and that the application be determined by the planning committee.

**4.0 Community Representations****4.1 Consultee Comment**

- 4.2 SC Conservation  
No objections subject to conditions.

- 4.3 SC Highways  
No objection subject to conditions.
- 4.4 SC Archaeology  
No comments to make.
- 4.5 SC Ecology  
No objection subject to conditions.
- 4.6 SC Affordable Houses  
No comment
- 4.7 SC Regulatory Services  
Informative provided.
- 4.8 SC Ecology  
No objection subject to conditions.
- 4.9 Shrewsbury Town Council  
Object to this application on the grounds of overdevelopment of the site. The proposed dwelling is too large and dominates the brewery site and nearby residential properties. The gap should be left as it is; this proposal is an inappropriate use of the space. The proposed design does not sit well with the existing brewery building.

#### 4.9 Public Comments

A total of four public representations were received, all of which object to the proposal. The main grounds for objection are summarised as follows

- The scale, height, and contemporary design of the proposed dwelling.
- Proposal considered over dominant and out of keeping with the Longden Coleham Conservation Area.
- Three-storey form would exceed existing rooflines, causing loss of light, overshadowing, and an oppressive sense of enclosure.
- Potential privacy impacts on neighbouring gardens and roof terraces.
- River-facing elevation viewed as unsympathetic and visually intrusive, including from Greyfriars Bridge.
- Concerns about structural risks from pile-driven foundations.

## 5.0 THE MAIN ISSUES

Principle of development  
Design and Heritage issues  
Residential amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Core Strategy policies CS1 and CS2 set out a general strategy for development and states that Shrewsbury will be the primary focus for development in Shropshire and seek the enablement of a significant level of housing.

6.1.2 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value and demonstrates how good standards of sustainable design and construction have been employed.

### 6.2 Design and Heritage issues

6.2.1 There is an extant planning permission for a two-storey dwelling on the site, which establishes the principle of residential development on this site. This current application proposes an alternative design for a single detached dwelling on this site, in a contemporary taller pitched roof and more linear form. The original proposal has been revised and refined, picking up design cues from the former Brewery adjacent and better addressing colour tones and finishes that reflect the area and context.

6.2.2 The proposed dwelling has been designed with careful attention to its scale, form and architectural expression, ensuring it responds positively to the established built character of this part of the Conservation Area. Its appropriate set-back from the highway, together with a footprint, height and proportions that align with neighbouring development, allows the building to integrate sensitively into the street scene without eroding its prevailing character.

6.2.3 The rear elevation, angled to screen the rebuilt brewery wall and incorporating vertical screening panels, is considered an appropriate contemporary intervention when viewed from the river, with the amenity space arranged similarly to neighbouring riverside properties. The front elevation amendments most notably the introduction of Corten cladding and industrially inspired fenestration represent positive refinements that strengthen the building's relationship with its historic context. The submitted visuals provide sufficient clarity regarding materiality, and conditions have been applied to secure material samples at discharge-of-conditions stage, ensuring quality is maintained.

6.2.4 On the brewery side, the splayed return beyond the rebuilt wall forms a deliberate

transitional element within the riverside building line, tempering the visual relationship between the proposed dwelling and the former industrial structure while softening views of the less distinctive eastern brewery elevation. The elevational composition, proportion of openings and roof form have been carefully designed to sit comfortably within this sensitive setting, while the use of high-quality external materials reinforces a cohesive and contextually appropriate appearance. Taken together, these measures ensure the development contributes positively to the character and visual integrity of the Shrewsbury Conservation Area.

- 6.2.5 While the previously approved two-storey form would have resulted in a lesser degree of enclosure and a greater high level of visual separation between the former brewery building and the adjoining terrace row, the current proposal as amended is more inspired by the context of the brewery building and achieves a more appropriate relationship. In the officer's view, a three-storey dwelling of comparable height to the former brewery maintains the sense of character and appearance of the Conservation area, and do not consider the loss of openness with the development of this gap and gives rise to any unacceptable visual harm.

### 6.3 Residential amenity

- 6.3.1 The concern that the proposal would result in an oppressive sense of enclosure is not substantiated by the site context or the submitted plans. The layout and design maintain an appropriate separation from the neighbouring terrace. It is noted that the existing projections on dwellings Nos. 88 and 89 have themselves created a degree of enclosure, particularly affecting the first-floor bedroom window of No. 88, where a 'tunnel effect' already impacts that room. This sense of enclosure, together with reduced daylight and overshadowing, is a consequence of the existing built form rather than the proposed development.

- 6.3.2 Although the proposed dwelling exceeds the height of adjacent terraces, the separation distance and the angle of the rear elevation ensure that the amenity of neighbouring properties is not adversely affected. In addition, the neighbouring terraced dwellings benefit from distinct outdoor spaces arranged across different levels, including an upper terrace, raised decking, and a lower garden.

- 6.3.3 Objections that the scheme would create an oppressive sense of enclosure are not supported by the site context or the submitted plans. The design maintains appropriate separation from the neighbouring terrace, and it is noteworthy that existing projections on dwellings Nos. 88 and 89 have already introduced a degree of enclosure particularly impacting the first-floor window of No. 88, where a perceived 'tunnel effect' currently affects the bedroom. This sense of enclosure, along with reduced daylight and overshadowing, arises from the existing built form rather than the proposed development.

- 6.3.4 Furthermore, the proposal would not result in direct overlooking of the bedroom, bathroom, or roof terrace of No. 88. In fact, the new dwelling does not increase

overlooking compared to the adjacent terrace (No. 89), and the use of hit-and-miss cladding on the second-floor master bedroom further restricts views. Additionally, the rear gardens are already overlooked from a public footpath across the river within the quarry.

6.3.5

The gardens are north facing and, due to their terraced configuration stepping down from the existing built mass, receive limited natural sunlight; light is already constrained by the boundary wall and the terraced nature of the gardens.

6.4

Other matters

6.4.1

The site is considered a sustainable location in highways choices terms and the level of parking provision and means of site access are considered acceptable and accord with policy.

6.4.2

There are no technical concerns relating to drainage and flooding issues, and details can be adequately mitigated and secured by appropriate conditions.

6.4.3

There are no ecological issues with the development, and impacts can be mitigated by conditions. The site will be subject to the mandatory Biodiversity Net Gain condition, and officers are satisfied the 10% uplift is achievable.

6.4.4

In terms of ground conditions the proposed development is in a Coal Mining Authority low risk area and no special measures are required.

## 7.0 CONCLUSION

The proposal represents an appropriate form of infill development that will integrate positively with the established built form and preserve the character and appearance of the Conservation Area. The scale, design and siting of the dwelling have been sensitively considered to ensure that the significance of the historic setting is maintained. Owing to the separation distances, orientation and layout of the dwelling, the development will not give rise to any unacceptable impacts on the privacy, outlook or general amenity of neighbouring properties more than what already exists to warrant a refusal of the scheme. The development therefore accords with Shropshire Council policies CS6, CS17, MD2 and MD13 and the NPPF.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## **8.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## **8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## **9.0 Financial Implications**

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## **10. Background**

Relevant Planning Policies

## Local Plans:

CS6 Sustainable Design And Development Principles

CS17 Environmental Networks

MD2 Sustainable Design

MD12 Natural Environment

MD13 Historic Environment

## Central Government Guidance:

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

22/05020/FUL Erection of a new dwelling (renewal of extant planning permission 19/01969/FUL) GRANT 3rd January 2023

PREAPP/23/00364 Erection of a detached three storey dwellinghouse PREUDV 13th June 2023

PREAPP/23/00593 Preapplication site meeting relating to PREAPP/23/00364 Erection of a detached three storey dwellinghouse PREAMD 6th September 2023

PREAPP/23/00872 Erection of a detached three storey dwellinghouse

PREAMD 7th December 2023

25/03895/FUL Erection of a detached dwelling and associated landscaping works. PDE

25/04001/FUL Erection of a new dwelling (Renewal of planning permission 22/05020/FUL)

GRANT 18th December 2025

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T48KSETDLGW00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member  
Cllr Kate HallidayAppendices  
APPENDIX 1 - Conditions

**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Finished Floor levels should be set no lower than 53.68m AOD.

Reason: To protect the development from flooding over its lifetime including the impacts of climate change.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

4. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied.

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

5. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a Construction Traffic Management Plan.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area, due to the constrained nature of the site.

**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

6. Prior to the above ground works commencing samples and details of the roofing materials and all the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the works harmonise with the existing development and to preserve the character and appearance of the property within the Conservation Area.

7. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the works harmonise with the existing development and to preserve the character and appearance of the property within the Conservation Area.

8. Prior to the commencement of the relevant work details of all external windows, roof windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To ensure that the works harmonise with the existing development and to preserve the character and appearance of the property within the Conservation Area.

9. Before the relevant part of works commence details of the proposed decorative finishes and colour scheme shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the works harmonise with the existing development and to preserve the character and appearance of the property within the Conservation Area.

10. Before the relevant part of works commence details of boundary treatment and gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the works preserve the character and appearance of the dwelling within the Conservation Area.

11. Prior to above ground works, a Landscaping and Tree Planting Scheme (in accordance with BS 8545:2014) to include a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved scheme and timescales or within the first planting season following approval (whichever is the sooner). Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority

be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of tree cover and landscape in accordance with the approved designs.

12. Prior to first occupation of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 193 of the NPPF.

## **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

### **Informatives**

1. A Biodiversity Gain Plan and Habitat Management and Monitoring Plan will need to be submitted in order to discharge the General Biodiversity Gain Condition

-





Committee and date

Northern Planning Committee

17<sup>th</sup> February 2026

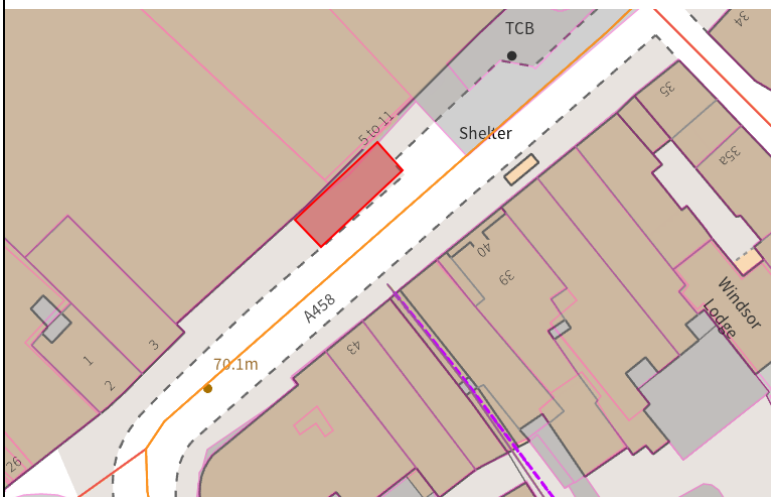
## Development Management Report

Responsible Officer: Tim Collard, Service Director – Legal, Governance and Planning

### Summary of Application

<b><u>Application Numbers:</u></b> 25/03854/ADV and 25/03853/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Installation of BT Street Hub Unit with advertisement panels		
<b><u>Site Address:</u></b> Footpath Outside 5 Castle Street Shrewsbury Shropshire SY1 2BD		
<b><u>Applicant:</u></b> Global Outdoor Media Limited		
<b><u>Case Officer:</u></b> Didi Kizito	<b><u>email:</u></b> didi.kizito@shropshire.gov.uk	

**Grid Ref:** 349276 - 312667



© Crown Copyright. All rights reserved. Shropshire Council AC0000808715. 2025 For reference purposes only. No further copies may be made.

### Recommendation:- Refuse

#### Recommended reason for refusal

The proposed free-standing BT digital street hub outside 5 Castle Street would, due to its scale, height, design, illumination and prominent siting, introduce a visually intrusive and dominant feature into the Shrewsbury Conservation Area, creating visual clutter and harming both the historic streetscape and the setting of nearby listed and non-designated heritage

assets. The double-sided illuminated screen would adversely affect visual amenity in both immediate and wider views, failing to preserve or enhance the character and appearance of this part of the town centre. As such, the development is considered harmful to the significance of the Conservation Area and is contrary to Local Plan Policies CS3, CS6, CS17, MD2, MD13 and the NPPF.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Applications 25/03854/ADV and 25/03853/FUL pertain to the erection of a freestanding BT digital street hub with an illuminated advertising screen. The new hub is designed to stand 2.99 meters high, 1.24 meters wide, and 0.35 meters deep.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The pavement outside 5 Castle Street is within the Shrewsbury Conservation Area and the setting of nearby listed and non-designated heritage assets. The location is highly sensitive, with important co-visible and inter-visible views contributing to the historic character of the town centre.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The works proposed relate to Shropshire Council land but concerns non-statutory functions of the Council and the Scheme of Delegation requires that such applications are considered by Committee.

### 4.0 Community Representations

#### Consultee Comment

- 4.1.1 SC Highways  
No objection subject to condition.
- 4.1.2 SC Conservation (Historic Environment)  
The proposed BT digital street hub, by reason of its scale, height, illuminated digital display and prominent siting within the Shrewsbury Conservation Area, would form a visually intrusive and dominant feature that introduces modern illuminated advertising and visual clutter into a historically sensitive streetscape. The structure would detract from the character and appearance of the Conservation Area and would harm the setting of nearby listed and non-designated heritage assets. This represents *less than substantial harm* to heritage assets to which great weight must be given.

The submitted heritage assessment is limited in scope and does not adequately address the prominence of the structure or its impact on key views within the Conservation Area. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area and would fail to pay special regard to the desirability of preserving listed buildings and their settings, as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **4.2 Public Comments**

### **4.2.1 Shrewsbury Town Council**

The Town Council strongly object to the installation of street hubs as they have no place within the town centre. They do not have a place within the evolving Design Code and are not in keeping within the Conservation Area. Large, internally illuminated signs are not acceptable in this location. Members fully endorse the comments of the Conservation Officer.

### **4.2.2 Shrewsbury Civic Society objects to this proposal. To our knowledge, these 'hubs' have been appearing in urban locations around the country over the last year or so. Whilst these structures may be appropriate for a city location they are not suited to historical areas and, in our opinion, will just produce unnecessary visual 'noise'**

### **4.2.3 Comments have been received objecting to the scheme for the following reasons:**

- Street Hubs function mainly as advertising structures, offering little genuine public benefit.
- Services like WiFi and charging are already widely available, so the units fill no unmet need.
- Claims about air-quality or traffic monitoring are promotional; features are optional, uncommitted, and not regulatory-grade.
- The units take up valuable pavement space and appear out of keeping with the conservation area.

## **5.0 THE MAIN ISSUES**

Part 12 of the National Planning Policy Framework (NPPF) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

## **6.0 OFFICER APPRAISAL**

### **6.1 Impact on local amenity**

#### **6.1.1 The proposed installation would be positioned on a busy high street footpath. The**

proposed BT digital street hub, by virtue of its scale, height, illuminated digital display and prominent siting within the Shrewsbury Conservation Area, would form an unduly intrusive, modern and visually dominant feature that introduces illuminated advertising and associated visual clutter into a highly sensitive historic streetscape. The development would fail to preserve or enhance the character or appearance of the Conservation Area and would detract from the immediate and wider setting of nearby listed and non-designated heritage assets. The harm identified is considered to amount to less than substantial harm; however, great weight must be given to the conservation of designated heritage assets.

- 6.1.2 The identified harm is considered localised and, according to the NPPF, would constitute less than substantial harm to the significance of the Conservation Area. Such harm must be balanced against any public benefits. The submitted documents note that the scheme would offer 438 hours per year, per screen, for free Council advertising and messaging. Additionally, it is stated that the Street Hub can accommodate environmental sensors to monitor air quality, noise, and traffic, and is powered entirely by renewable, carbon-free energy. While these features provide some public benefit, they are not deemed sufficient to outweigh the harm to the Conservation Area. In addition, the brightness and dynamic nature of the displays, especially after dark, would draw undue attention and appear visually dominant, disrupting the traditional streetscape.
- 6.1.3 The submitted heritage assessment is limited in scope and does not adequately address the prominence of the structure or its impact on key views within the Conservation Area. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area and would fail to pay special regard to the desirability of preserving listed buildings and their settings, as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.1.4 In the absence of public benefits sufficient to outweigh this harm, the proposal is contrary to Policies CS6 and CS17 of the Core Strategy, Policies MD2 and MD13 of the SAMDev Plan, the relevant requirements of the National Planning Policy Framework, and the statutory duties under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 6.2 Impact on public safety

- 6.2.1 It is concluded that the proposal would not have an adverse effect on public safety or the safety of highway users.

## 7.0 CONCLUSION

The proposed free-standing BT digital street hub outside 5 Castle Street would, due to its scale, height, design, illumination and prominent siting, introduce a visually intrusive and dominant feature into the Shrewsbury Conservation Area, creating visual clutter and harming both the historic streetscape and the setting of nearby listed and non-designated heritage assets. The double-sided illuminated screen

would adversely affect visual amenity in both immediate and wider views, failing to preserve or enhance the character and appearance of this part of the town centre. As such, the development is considered harmful to the significance of the Conservation Area and is contrary to Local Plan Policies CS3, CS6, CS17, MD2, MD13 and the NPPF.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### **8.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

### **8.3 Equalities**

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

National Policy:  
NPPF

Core Strategy and Saved Policies:  
CS3, CS6, CS17, MD2, MD13

### RELEVANT PLANNING HISTORY:

None

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T44VF4TDLEP00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
--

Cabinet Member (Portfolio Holder) - Councillor David Walker
---

Local Member - Cllr Alex Wagner
---------------------------------



Committee and date
Northern Planning Committee
17 <sup>th</sup> February 2026

## SCHEDULE OF APPEALS AS AT COMMITTEE 17.02.2026

<b>LPA reference</b>	24/03791/VAR
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Glen James
<b>Proposal</b>	Variation of condition 7 (highways improvements) of planning application 23/02475/FUL
<b>Location</b>	Ollerton Business Park Childs Ercall Market Drayton
<b>Date of appeal</b>	07.01.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/02864/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr R Lea
<b>Proposal</b>	Outline application for the erection of 4No. dwellings (all matters reserved)
<b>Location</b>	Land To The South Of Weston Lullingfields
<b>Date of appeal</b>	15.01.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/03837/PIP
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	R And C Fearnall
<b>Proposal</b>	Application for Permission in Principle Residential development of between 3 and 5 dwelling houses
<b>Location</b>	Residential Development South Of Pear Tree Lane Whitchurch
<b>Date of appeal</b>	30.01.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/04230/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Gary Llewellyn
<b>Proposal</b>	Construction of new driveway which would necessitate a dropped kerb
<b>Location</b>	2 Woodcote Way Shrewsbury SY2 5SJ
<b>Date of appeal</b>	30.01.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/02334/FUL
<b>Appeal against</b>	Appeal Against Conditions Imposed
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Kevin Peake
<b>Proposal</b>	Extension and alterations to existing industrial outbuildings.
<b>Location</b>	Unit B2 And B3 Marche Lane Industrial Estate Halfway House Shrewsbury
<b>Date of appeal</b>	22.01.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/02913/PIP
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Sara Sartain - The Executors Of Pearl Mary Tudor
<b>Proposal</b>	Application for Permission in Principle for development of between two and four dwellings on land to the north and south of Rossall New Cottages, Isle Lane, Bicton, Shrewsbury, SY3 8DZ
<b>Location</b>	Proposed Dwellings North And South Of Rossall New Cottages Isle Lane, Bicton Shrewsbury
<b>Date of appeal</b>	25.11.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/03186/PIP
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	D and C Reece
<b>Proposal</b>	Application for permission in principle for the development of between four and five dwellings
<b>Location</b>	Land North Of B5067 And Adjoining The Crossroads At Walford Heath, Shrewsbury
<b>Date of appeal</b>	03.12.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/03153/OUT
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr and Mrs Clarke
<b>Proposal</b>	Outline application for the erection of 2no. dwellings (all matters reserved)
<b>Location</b>	3 Loxdale Shrewsbury
<b>Date of appeal</b>	25.11.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/03156/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Michael McDonagh
<b>Proposal</b>	Change of use of land to use as a residential caravan site for two Gypsy/Traveller families with a total of 4 caravans, including no more than 2 static caravans/mobile homes, together with the laying of hardstanding, erection of ancillary amenity building and, improvement of the access.
<b>Location</b>	Land At Hengoed Fields Upper Hengoed Oswestry
<b>Date of appeal</b>	09.01.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/10792/ENF
<b>Appeal against</b>	Enforcement Notice served
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr Michael McDonagh
<b>Proposal</b>	Change of use of land to use as a residential caravan site for two Gypsy/Traveller families with a total of 4 caravans, including no more than 2 static caravans/mobile homes, together with the laying of hardstanding, erection of ancillary amenity building and, improvement of the access.
<b>Location</b>	Land At Hengoes Fields Upper Hengoes Oswestry
<b>Date of appeal</b>	14.01.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/03090/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Ms Doo Rickett
<b>Proposal</b>	Temporary consent (3 years) for the continuing residential occupation of 4no. static caravans
<b>Location</b>	Land At Pentreheylin Dudleston Heath Ellesmere
<b>Date of appeal</b>	13.01.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

## APPEALS DETERMINED

<b>LPA reference</b>	25/00653/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr David English
<b>Proposal</b>	Erection of 4 No two storey terrace dwellings and 1 No pair of two storey semi-detached dwellings, 6 car parking spaces and formation of new vehicular access following demolition of Horse and Jockey Public House
<b>Location</b>	The Horse And Jockey Church Street Whitchurch
<b>Date of appeal</b>	29.09.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	25.11.2025
<b>Date of appeal decision</b>	14.01.2026
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	25/02353/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Draper & Lea
<b>Proposal</b>	Outline planning for the erection of 3 dwellings and all associated works
<b>Location</b>	Land Adjacent to Walldene Uffington Shrewsbury
<b>Date of appeal</b>	08.10.2025
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	18.12.2025
<b>Date of appeal decision</b>	20.01.2026
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	25/02054/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Bruce
<b>Proposal</b>	single storey rear/ side extension, alterations to existing side single storey roof, front porch addition, alterations to existing front single storey roof
<b>Location</b>	1 The Firs Whitchurch
<b>Date of appeal</b>	18.09.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	08.01.2026
<b>Date of appeal decision</b>	27.01.2026
<b>Costs awarded</b>	<b>Refused</b>
<b>Appeal decision</b>	<b>Allowed</b>

<b>LPA reference</b>	25/00963/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr. & Mrs. O'Donovan
<b>Proposal</b>	Erection of three bedroom affordable dwelling house
<b>Location</b>	Land North West Of Brookside Farm Dorrington Lane Woore
<b>Date of appeal</b>	19.08.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	08.01.2026
<b>Date of appeal decision</b>	29.01.2026
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	25/00734/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Ms Amy Lewis
<b>Proposal</b>	Erection of 1No affordable dwelling with detached double garage
<b>Location</b>	Proposed Affordable Dwelling At Tanglewood Wilcott Nesscliffe
<b>Date of appeal</b>	30.09.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	23.12.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>





---

## Appeal Decision

Site visit made on 25 November 2025

**by Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 14 January 2026.**

---

### **Appeal Ref: 6000844**

#### **The Horse and Jockey, Church Street, Whitchurch SY13 1LB**

- 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 David English against the decision of Shropshire Council.
  - The application Ref is 25/00653/FUL.
  - The development proposed is for the erection of 4 No two storey terrace dwellings and 1 No pair of two storey semi-detached dwellings, 6 car parking spaces and formation of new vehicular access following demolition of Horse and Jockey Public House.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on the non-designated heritage asset, the surrounding conservation area, and the setting of two listed buildings.

### **Reasons**

3. The appeal site sits within the Whitchurch Conservation Area (the WCA) and is closely related to the Grade I listed Church of Saint Alkmund and the Grade II listed No 20 Saint Marys Street. The WCA covers the historic core of Whitchurch comprising a mixture of residential and commercial properties. With the exception of Saint Alkmund's the buildings surrounding the appeal site are primarily built of brick with some examples of timber frames and a number of buildings having been painted. The appeal building sits prominently at the junction between Church Street, St Marys Street and Claypit Street. I find the significance of the WCA arises in part from its ability to demonstrate the historic core of a market town with regards to its layout and the retained historic buildings, as well as the changing needs and wealth of its residents.
4. The Church of Saint Alkmund is a large early-18<sup>th</sup> example built in sandstone. It is a tall feature that's prominence along the surrounding roads is increased by its modestly elevated position above the surrounding ground levels. The church's significance stems from its age, design and positioning that sets it as a focal point of the centre. No 20 St Mary's Street is an early, 16<sup>th</sup> or 17<sup>th</sup> century dwelling, a more modest building that has been remodelled in the Gothick style. Along with its age, this property shows the development and evolution of tastes and needs.
5. The host building itself, the former Horse and Jockey public house, is accepted by both parties as being a non-designated heritage asset (NDHA). It is a fairly linear building sitting perpendicular to Claypits Street and built in red brick, it presents to

Church Street as three elements. The right-most element is two-storeys served by a roof that turns around the corner to Claypits Street. Although the middle section is two-storeys, it is the lowest element and the roof pitch is steeper to meet the ridgeline of the right-most section. The final section is three-storeys, containing a window in the gable end facing St Alkmund. This section is also the most ornate with brick quoins and brick dressing around the windows and roof. Attached to this section is what appears to be a later first-floor projection in mock timber frame.

6. At the time of my visit, it was clear that the building had not been in use for some time and it was not possible to gain safe entry into the building. Nevertheless, I understand that much of the inside of the building has been lost. Notwithstanding this, I find the building still provides a positive contribution to the WCA and the setting of the above-mentioned listed buildings. I find that the major element of the building's interest stems from its age and relationship with the surrounding area, including as a result of its positioning, materials and external appearance. These elements add to the legibility of the surrounding area and its history.
7. To the rear of the site is an additional L-shaped building which appears to have formerly been a stable and storage. Although I was able to view inside this building, due to significant ivy growth, the outside was greatly hidden. It appeared from my observations, mindful of the visible materials and construction method, that this building was also of some age. I consider this building also makes some contribution to the understanding of the site and its contribution to the wider WCA.
8. The proposal would result in the complete loss of the public house, as well as the L-shaped building. Their local interest and the significance of the NDHA would therefore be lost entirely. Moreover, as these buildings contribute to the WCA and the setting of the above two listed buildings, this contribution would also be lost to the detriment of their significance and interest. Harm would, therefore, occur not only to the NDHA but also to these designated heritage assets.
9. This harm would be further exacerbated by the proposed dwellings which are relatively modern in the design and, from the details available to me, nondescript in their detailing. Of particular note is that the traditional features present on the existing public house and within the surrounding area are not obviously reflected in the designs of the proposed dwellings. Lacking sufficient details, I cannot be certain that the proposed doors and fenestration, the roofing or brickwork would be sympathetic to the conservation area. The two properties prominently located at the front of the site are particularly incongruous given their staggered arrangement and that they would present a long blank wall along Claypits Street with a shallow roof slope above. The site's proposed layout would also not follow the pattern of development characteristic of the surrounding streets and wider WCA. Although it would mirror that of the modern block of flats, they do not make a positive contribution to the WCA or set a precedent for similar development.
10. Against this background, and given the scale of the development, I find that a high degree of less than substantial harm would occur to the significance of the designated heritage assets noted above. Although less than substantial, the National Planning Policy Framework (the Framework) is clear that great weight should be given to any asset's conservation. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

11. The Government's objective is to significantly boost the supply of housing, and the proposal would provide six new dwellings in a location with good access to services. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Collectively these matters are public benefits. However, given the small scale of the proposal they form only a moderate public benefit which, in the circumstances of this case, do not outweigh the harm to the designated heritage assets.
12. It was clear during my site visit that as part of the building's deterioration it has had become significantly overgrown with ivy and there was also damage to the windows and rooves which meant the building is unlikely to be weathertight. I am also mindful of the vandalism suffered at the site. I note in relation to this, the Council's suggestions that the building has been deliberately neglected during the long period it has been unoccupied. However, I have found the building to retain its significance and that harm would result from its loss and replacement. This matter would not, therefore, be determinative in my assessment and so I have not considered this matter further.
13. Moreover, the appellant's Structural Inspection report sets out potential remedies to a number of issues and concludes only that it would not be cost effective to repair and reuse the building. It is not clear whether this conclusion took account of the building's historic significance as part of the assessment of cost effectiveness.
14. The proposal would result in an unacceptable impact on the significance and interest of the non-designated heritage asset, the surrounding conservation area and the two listed buildings. No public benefits have been identified that outweigh this harm and therefore the proposal conflicts with Policies CS3, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy and Policies MD2 and MD13 of the Site Allocations and Management of Development Plan. These collectively, and amongst other matters, seek to avoid the loss of significance to both designated and non-designated heritage assets, and their settings, through sympathetic, high-quality design that protects and enhances the historic environment and local context. The proposal also conflicts with the Framework, including Chapter 16 and Paragraphs 212 and 215 which collectively seek to protect heritage assets and weigh any harm against public benefits.

### **Other Matters**

15. The appellant submits that the public house would not have long-term viability due to the presence of other existing public houses within Whitchurch. However, I have not been provided with sufficient evidence to demonstrate whether this would be the case. Nevertheless, the lack of financial evidence for the loss of a public house is not directly relevant to the matter upon which this appeal turns, effect on the historic environment, and it has not, therefore, been determinative in my considerations.
16. I have found harm to designated and non-designated heritage assets resulting from the proposed development. As such, the appeal must fail and therefore any potential harm to the RAMSAR site would not occur and thus there does not need to be any means of mitigation in place. I therefore do not need to consider the matter further.

17. The appellant has drawn my attention to an appeal<sup>1</sup> allowing the demolition and replacement of a non-designated heritage asset and I note the comparisons made. However, having considered the available details of that scheme, I find that it significantly differs to the case before me. In particular, the replacement of that building was deemed acceptable as it was found that the significant historic features of interest had already been lost. This example has therefore had no substantive bearing on my assessment of this proposal. Moreover, proposals must be determined on their own individual merits as I have done in this case.
18. The appellant has set out the current position of the Draft Shropshire Local Plan 2016-2038 and that it was recommended the Council withdraw the plan or would be refused. However, given the policies that were used within the Council's reason for refusal this matter has not been particularly relevant to this appeal.

### **Planning Balance and Conclusion**

19. Both parties agree the Council cannot demonstrate a five-year housing land supply. However, the Framework provides a clear reason for refusing the development, harm to designated heritage assets, and therefore the proposal does not benefit from the presumption in favour of sustainable development.
20. The proposal would result in harm to both designated and non-designated heritage assets as noted above. The proposal therefore conflicts with the development plan taken as a whole and the Framework provides a clear reason for refusal on heritage grounds.
21. Above I have identified the benefits of the scheme as part of my assessment relating to heritage assets. These are, namely, that the proposal would provide six new dwellings, be in an accessible location, and provide economic and social benefits. These matters therefore weigh in support of the appeal proposal.
22. Overall, and while mindful of the Council's under provision of housing, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission.
23. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal is dismissed.

*Samuel Watson*

INSPECTOR

---

<sup>1</sup> Reference: APP/L3245/W/22/3300054

---

## Appeal Decision

Site visit made on 18 December 2025

**by N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

---

### Appeal Ref: 6000986

#### Land adjacent to Walldene, Uffington Lane, Uffington, Shrewsbury SY4 4SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Draper & Lea against the decision of Shropshire Council.
  - The application Ref is 25/02353/OUT.
  - The development proposed is outline planning for the erection of 3 dwellings and all associated works.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Government launched a consultation on reforms to the National Planning Policy Framework (the Framework) in December 2025, but as the proposals are still subject to change, they carry little weight. Accordingly, the decision was made with reference to the December 2024 version of the Framework.
3. The application was submitted in outline with all matters (access, appearance, landscaping, layout, and scale) reserved for subsequent approval. I have therefore dealt with the appeal on that basis, treating all submitted plans and drawings as illustrative.

### Main Issue

4. Whether the proposed development accords with the development plan strategy for housing and would be in a sustainable location.

### Reasons

5. The appeal site comprises open, agricultural land, located beyond the end house of a small ribbon of development that fronts Uffington Lane. The site and the surrounding area have a rural character with open fields, bounded by hedgerows.
6. Policy CS4 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (the CS) sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (the SAMDev) 2015.
7. While Uffington is listed as a Community Cluster Settlement in Policy MD1 of the SAMDev, the site is located beyond the settlement, which is approximately 0.5 kilometres away. Indeed, the site and small ribbon of development are detached

from the nucleus of properties within Uffington. As such, the appeal site is not viewed within the context of the buildings within the settlement. Instead, it is viewed within the context of the predominantly, open rural landscape, where buildings and development are more sporadic. Accordingly, the site lies outside of the settlement, within the open countryside.

8. Policy CS5 of the CS, allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities, particularly where it relates to certain types of development. Policy MD7(a) of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. It also sets out various types of residential development that would be permitted in the countryside.
9. The proposal would be for open market dwellings in the open countryside and there is no evidence before me to suggest that the proposal falls within any of those development types listed in Policy CS5 of the CS or Policy MD7(a) of the SAMDev. Consequently, the proposed development would fail to satisfy these policies and, overall, it is contrary to the Council's development plan strategy for housing.
10. Uffington is accessible on foot and by cycling from the appeal site. The edge of Shrewsbury is also nearby. As such, the site is not remote. The proposed development would also not be functionally separate from other development. Given such, and with due regard to the cited judgment<sup>1</sup>, the site is not within an isolated countryside location.
11. The services and amenities in Uffington are limited to a public house, church and a village hall. The level of services and amenities within the settlement are therefore limited, and it is not clear, on the evidence before me, how the proposal would enhance or maintain the vitality of the nearby community.
12. The obvious and most direct route to the edge of Shrewsbury is along busy roads and the footways are narrow and overgrown in parts. Future occupiers would also need to cross the B5062 and the A49 roundabout. The roundabout is particularly busy, and although the distance to access services, amenities and facilities around Sundorne Road on foot would be achievable from the appeal site, due to safety concerns, I am not persuaded that future occupiers would regularly choose walking and cycling along this route as an option. This would particularly be the case for families with young children, older people or those with mobility issues.
13. Cycling, using national routes, including cycle route no. 81 would be more attractive. Although during inclement weather and the darker winter months, the prospect of future occupiers cycling to access services and amenities along the route, including nearby employment opportunities would be limited. Likewise, the same could be said for walking along the route.
14. My attention has not been drawn to nearby bus stops or the frequency of a bus service operating locally, which could serve as a realistic alternative to car use to access Shrewsbury but also other Key Centres and Community Hubs and Clusters. Therefore, there is limited evidence before me that the proposal would promote and encourage public transport use, which would limit car usage by future occupants of the proposed development.

<sup>1</sup> Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

15. The Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nonetheless, future occupiers would not benefit from a range of modes of transport to access services and amenities elsewhere. Therefore, they would be highly dependent on the use of private cars, and the proposal would not prioritise sustainable transport modes.
16. For the above reasons, I conclude that the proposed development does not accord with the development plan strategy for housing, and it would not be in a sustainable location. It would thereby conflict with Policies CS4 and CS5 of the CS and Policies MD1 and MD7(a) of the SAMDev, as well as the aims and objectives of the Framework.

### **Planning Balance**

17. The Council accept that they cannot demonstrate a five-year supply of housing land. The main parties suggest that the shortfall is 4.73 years, and even though the shortfall is modest, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The Framework makes it clear that weight should be afforded to policies of the development plan according to their degree of consistency with the Framework. In this regard, the Framework seeks rural housing to be located where it will enhance or maintain the vitality of rural communities. The Framework also seeks to direct development towards locations with good access to services and facilities and ensure that sustainable transport modes are prioritised. As such, Policies CS4 and CS5 of the CS and Policies MD1 and MD7(a) of the SAMDev are broadly consistent with the Framework.
19. The proposal would be within walking distance of Uffington and future occupiers would, albeit to a limited extent, contribute to maintaining the services within the settlement. There would also be some limited opportunity to access services and amenities within Shrewsbury by walking and cycling. Nonetheless, the proposal does not represent a suitable location for housing having regard to relevant development plan policies and its spatial strategy, and future occupiers would be highly dependent on the use of private cars, which would not prioritise sustainable transport modes. Within this context, although the conflict between the proposal and Policies CS4 and CS5 of the CS and Policies MD1 and MD7(a) of the SAMDev is somewhat reduced, the policies should be given moderate weight in this appeal.
20. Three additional family houses would contribute to boosting the supply of new housing, as referenced in the Framework. The development could also be delivered relatively quickly, representing a windfall site, and the layout of the scheme could be designed to be reflective of the density of neighbouring properties. Indeed, the dwellings could be built to respect the character and appearance of the area, incorporating sustainable energy methods, such as solar PV panels and heat pumps. There would also be social and economic benefits to local services during the construction phases, supporting small local builders and building suppliers.
21. There is also a suggestion that the proposal would make a financial contribution to the CIL payment which would contribute towards infrastructure. Concerns related to

ecology, trees, visual impact, highways and drainage matters have not been raised but these are requirements of planning policy and taken together they are neutral matters that carry limited weight.

22. In combination, the benefits attract positive weight in my determination. However, the provision of three new homes would only make a limited contribution to housing supply. Overall, due to the small-scale nature of the proposed development the benefits of the scheme would attract modest weight.
23. Numerous appeal decisions for residential development within Shropshire have been referenced by both main parties. Full details for each case, in particular those submitted by the appellant<sup>2</sup>, have not been provided and a proper comparison between those previous appeal decisions and the appeal scheme before me has not been possible. In any event, as demonstrated by those previous appeal decisions, each proposal must be judged on the site-specific circumstances and on its own merits. Given this, I attach limited weight to those previous appeal decisions.
24. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

### **Conclusion**

25. For the above reasons, I conclude that the proposal would conflict with the development plan when considered as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, the appeal should be dismissed.

*N Bromley*

INSPECTOR

---

<sup>2</sup> Appeal references: APP/L3245/W/24/3352860; APP/L3245/W/23/3324882; APP/L3245/W/21/3288835; APP/L3245/W/22/3310764; APP/L3245/W/21/3267148 and APP/L3245/W/21/3288834



---

## Appeal Decision

Site visit made on 8 January 2026

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026.

---

**Appeal Ref: APP/L3245/W/25/3375064**

**1 The Firs, Whitchurch, Shropshire SY13 1NL**

- 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 and Mrs Bruce against the decision of Shropshire Council.
  - The application Ref is 25/02054/FUL.
  - The development is proposed single storey rear/ side extension. Alterations to existing side single storey roof. Front porch addition, alterations to existing front single storey roof.
- 

### Decision

1. The appeal is allowed and planning permission is granted for proposed single storey rear/ side extension. Alterations to existing side single storey roof. Front porch addition, alterations to existing front single storey roof at 1 The Firs, Whitchurch, Shropshire SY13 1NL in accordance with the terms of the application, Ref 25/02054/FUL, subject to the conditions in the attached schedule.

### Applications for costs

2. An application for costs was made by Shropshire Council against Mr and Mrs Bruce. This application is the subject of a separate decision.

### Preliminary Matter

3. The appellant has submitted an Arboricultural Impact Assessment (AIA), dated September 2025 and a Tree Protection Plan (TPP). The AIA and TPP were prepared after the Council's decision but were submitted with the appellant's Statement of Case. While the Council has reservations about accepting the AIA and TPP as part of the appeal, it has had an opportunity to comment on the AIA and TPP, as has the Council's Tree Team. Having regard to the principles established in *Holborn Studios Ltd<sup>1</sup>*, I am satisfied that no party has been prejudiced in this regard, and I have taken the AIA and TPP into account in determining this appeal.

### Main Issue

4. The effect of the proposed development on protected trees.

### Reasons

5. The appeal property comprises a two-storey detached house. The house occupies a large corner plot position at the junction of The Firs and Chester Road. The property has a generous garden area that extends to the side, front and rear.

---

<sup>1</sup> *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

6. The area nearby largely has a residential character with dwellings set within spacious plots. With an abundance of mature trees, garden hedges and other vegetation, the area and nearby street scene has an attractive, verdant appearance.
7. Two mature trees are located within the garden of the host property, one to the side and one at the rear. Both trees are protected by a tree preservation order. They are tall, attractive trees that have a high amenity value and contribute significantly to the character and appearance of the area. Indeed, the AIA identifies the trees as Category A – Trees of high quality, and Category B - Moderate quality trees. The Category A tree, a Copper Beech, and the Category B tree, a Western red cedar, are both highly visible in the surrounding area.
8. The root protection areas of the two trees dominate the site and in accordance with BS5837-2012, the rear extension would need to be constructed using a piled foundation. The detailed design of the piled foundation, as well as a dry-laid patio area, and ground protection measures, would need to be set out in a final arboricultural method statement (AMS). This would need to be secured by a suitably worded planning condition. As would the supervision of the works by a qualified arboriculturist.
9. In addition, while a TPP has been submitted, which identifies the location of tree protection measures around the trees during the construction phase, the protective measures would need to be secured as part of the AMS. The Council agrees with this approach, and subject to the suggested conditions, the proposal would ensure that the trees can be suitably protected.
10. The possibility of damage and harm to the trees could occur once construction works commence. As a consequence, the AMS, and mitigation measures would need to be approved prior to works commencing on site, as would the arboricultural supervision. I am satisfied that the conditions are necessary to make the development acceptable in planning terms and that it would have otherwise been necessary to refuse planning permission. The appellant has provided written agreement to the terms of these conditions.
11. For the above reasons, I conclude that the proposed development would not be harmful to the protected trees. Therefore, the proposal would accord with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) and Policies MD2 and MD12 of the Site Allocations and Management of Development Plan (December 2015), which together and amongst other things, requires development to protect environmental assets, such as trees.

### **Conditions**

12. In addition to the conditions set out in the main issue, and the standard time limit condition, I have also, in the interests of certainty, attached a condition specifying the approved plans.
13. Although not suggested by the Council, a condition to secure that the proposed external materials match those of the original building or are those shown on the approved plans, is necessary in the interests of safeguarding the character and appearance of the host property and surrounding area.

## Conclusion

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

*N Bromley*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: 25005-EX-100; 25005-PL-101 Revision A; 25005-PL-102 Revision A; and 25005-PL-110 Revision A.
- 3) The external materials of the development hereby permitted shall match those used in the existing dwelling or shall be those specified on the approved plans.
- 4) No development shall commence until a final arboricultural method statement (the AMS) and tree protection plan, in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced), has been submitted to and approved in writing by the local planning authority. The AMS shall include specific details and technical drawings for the design and construction of the development, including foundations, flooring and irrigation beneath the development, and the new patio area within the root protection area of the protected western red cedar at the rear of the property, as well as the location of services and drainage infrastructure. The development shall thereafter be carried out in accordance with the approved details, and all tree protection measures shall be maintained in a satisfactory condition throughout the duration of the construction phase, until all equipment, machinery and surplus materials have been removed from the site.
- 5) No development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 4 has been submitted to and approved in writing by the local planning authority. This scheme shall be appropriate to the scale and duration of the works and shall be administered by a qualified arboriculturist instructed by the applicant and approved in writing by the local planning authority. The scheme of supervision shall be implemented as approved.

This page is intentionally left blank

---

## Costs Decision

Site visit made on 8 January 2026

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026.

---

### Costs application in relation to Appeal Ref: APP/L3245/W/25/3375064

#### 1 The Firs, Whitchurch, Shropshire SY13 1NL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Shropshire Council for a full award of costs against Mr and Mrs Bruce.
  - The appeal was against the refusal of planning permission for proposed single storey rear/ side extension. Alterations to existing side single storey roof. Front porch addition, alterations to existing front single storey roof.
- 

### Decision

1. The application for an award of costs is refused.

### Preliminary Matter

2. The applicant does not state whether a full or partial award is sought. Nonetheless, by reason of the information contained within the application, I have interpreted it as being one for a full award and have proceeded on that basis.

### Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The applicant, who in this case is the Council, claims that the appellant, by submitting new information not previously seen by them, has resulted in additional expense reviewing that information. It is also highlighted that the appeal process should not be used as a process to provide additional information which has not gone through public consultation or statutory consultations.
5. Paragraph 052 of the PPG states that examples of unreasonable behaviour which may result in an award of costs against an appellant include, amongst other things, only supplying relevant information at appeal when it was requested, but not provided, at application stage.
6. It is clear that the Arboricultural Impact Assessment (AIA), dated September 2025 and the Tree Protection Plan (TPP) has resolved the sole reason for refusal. Had the information being submitted during the planning application, the appeal could have been avoided. However, the appellant suggests that the AIA and TPP were not requested before a decision was made on the planning application.
7. Consequently, it appears to me that the lack of dialogue from the claimant has created uncertainty for the appellant in respect of how to proceed. The uncertainty

has subsequently resulted in the appeal submission. Therefore, I am not persuaded that the appellant has behaved unreasonably by submitting the appeal, as opposed to a new planning application.

8. Furthermore, even though the appeals procedural guide makes it clear that the appeal process should not be used to evolve a scheme, I am satisfied in this case, as set out in my formal decision, that no party has been prejudiced by the acceptance of the additional information as part of the appeal.
9. Overall, for the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*N Bromley*

INSPECTOR

---

## Appeal Decision

Site visit made on 8 January 2026

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

---

**Appeal Ref: 6000501**

**Brookside Farm, Dorrington Lane, Woore, Shropshire CW3 9RR**

- 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 and Mrs O'Donovan against the decision of Shropshire Council.
  - The application Ref is 25/00963/FUL.
  - The development proposed is erection of three-bedroom affordable house.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The address on the application form includes reference to 'Dorrington Farm Junction With London Roads B5026 To College Fields'. This is a description of the location, rather than part of the address. For this reason, I have omitted this from the banner heading.
3. The Government launched a consultation on reforms to the National Planning Policy Framework (the Framework) in December 2025, but as the proposals are still subject to change, they carry little weight. Accordingly, the decision was made with reference to the December 2024 version of the Framework.

### Main Issue

4. Whether the proposed development accords with the development plan strategy for housing and would be in a sustainable location.

### Reasons

5. The appeal site comprises garden land associated with the host property, Brookside Farm. The site is located along a quiet country lane, primarily set amongst other residential dwellings which are grouped together, close to the junction with the busy B5026, London Road. Aside, from groups of residential dwellings, the area nearby has a rural character, with open agricultural fields bounded by hedgerows, an abundance of trees and occasional agricultural and equine buildings.
6. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) outlines the strategic approach to development across the County. The strategy includes seeking to ensure that rural areas will become more sustainable through a rural rebalance approach, which includes accommodating around 35% of the area's residential development in rural areas over the plan period. Such development will be located predominantly in Community Hubs and

Community Clusters. Outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.

7. As the appeal site is outside the settlement boundary of Woore, Irelands Cross and Pipe Gate, which are listed as a Community Hub in Policy MD1 of the Site Allocations and Management of Development Plan, December 2015 (the SAMDev), it lies within the open countryside.
8. Policy S11.2(vii) of the SAMDev states that Woore has provided for significant housing growth and there is therefore limited potential for development of approximately 15 dwellings over the period to 2026. These will be delivered through limited infilling, conversions and small groups of houses which maybe acceptable on suitable sites within the villages, avoiding ribbon development along the A51.
9. Outside the settlements, Policy HOU1 of the Woore Neighbourhood Plan, 2016-2036 (the NP) states that new development will be strictly controlled in line with the development plan and national policies. Paragraph 6.13 of the NP also states that to prevent fragmented development, windfall development adjoining the village is not acceptable, unless it is an exception site for affordable housing, or other development that is normally allowed in the countryside.
10. Policy CS5 of the CS, allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities, particularly where it relates to certain types of development. One such type of development is the provision of affordable housing / accommodation to meet a local need. Policy MD7(a) of the SAMDev, amongst other things makes provision for exception site dwellings where they meet evidenced local housing needs.
11. The proposal is submitted as an affordable housing unit. However, it would be occupied by the appellants who reside and own Brookside Farm. Therefore, it is not clear how the proposal would be secured as affordable housing and how it would meet a local housing need. Likewise, there is no substantiated evidence which demonstrates that the proposal would be an exception site dwelling that would meet the exception sites criteria set out in the Council's Type and Affordability of Housing Supplementary Planning Document, 2012. In these circumstances, the appeal scheme would not be a type of development listed in the policies of the development plan and it would be for an open market dwelling in the open countryside.
12. Irelands Cross is a short distance from the appeal site but services and facilities within the settlement appear to be a notable distance away. In order for future occupiers of the proposal to access services, facilities and public transport opportunities on offer nearby, they would be required to walk along the B5026 to access the edge of the settlement. The road carries fast moving traffic and there is no pavement or street lighting for a large proportion of the route. Forward visibility is also poor in parts and due to safety concerns, future occupiers of the proposed development would be discouraged from walking to the settlement, especially during hours of darkness and in poor weather conditions. This would particularly be the case for families with young children, older people or those with mobility issues.

13. Cycling would be more attractive due to the distances involved but, again, due to safety concerns along the B5026, the prospect of future occupiers cycling to access services and amenities along the route is somewhat reduced. Nearby public footpaths would also not be reliable routes either due to variable ground conditions, especially during hours of darkness. As a result, the future occupants would be highly dependent on the use of private cars for their day-to-day needs.
14. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Even so, I consider that the site is not readily accessible to the nearest settlements via a range of modes of transport. Consequently, the proposal would not enhance or maintain the vitality of the nearby community.
15. Reference has been made to other houses that have recently been constructed nearby. The full details of these cases have not been provided, and a proper comparison has therefore not been possible, and I have determined the case before me on its own merits.
16. For the above reasons, I conclude that the proposed development does not accord with the development plan strategy for housing, and it would not be in a sustainable location. It would thereby conflict with Policies CS1 and CS5 of the CS, Policies MD1, MD7(a) and S11.2(vii) of the SAMDev, and Policy HOU1 of the NP. It would also conflict with the overall plan-led approach of the Framework.

### **Other Matters**

17. There is a suggestion that the proposed dwelling would be self-build. However, although the Framework supports small sites to come forward for self-build housing, evidence of the demand and supply of self-build housing within the area has not been provided. Likewise, no details regarding the mechanism for securing the plot as self-build housing has been submitted. Accordingly, I attach limited weight to the matter.
18. I acknowledge the appellants frustrations with regard to the planning process, but I have nevertheless considered the proposed development on its planning merits.

### **Planning Balance**

19. The Council accept that they cannot demonstrate a five-year supply of housing land. At 4.73 years, even though the shortfall is modest, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The Framework makes it clear that weight should be afforded to policies of the development plan according to their degree of consistency with the Framework. In this regard, the Framework seeks rural housing to be located where it will enhance or maintain the vitality of rural communities. The Framework also seeks to direct development towards locations with good access to services and facilities and ensure that sustainable transport modes are prioritised. As such, Policies CS1 and CS5 of the CS, Policies MD1, MD7(a) and S11.2(vii) of the SAMDev, and Policy

HOU1 of the NP are broadly consistent with the Framework and should be given significant weight.

21. A single infill dwelling on garden land would make efficient and effective use of underutilised land, which could also be delivered relatively quickly. Therefore, the proposal would contribute to boosting the supply of new housing as referenced in the Framework. The proposal would also provide social and economic benefits to local services during the construction phases and following occupation of the dwelling, without conflict with neighbouring land uses. A new dwelling could be designed to be energy efficient and would also help the appellants to downsize and remain in the community, providing private benefits for them. There are also no objections from neighbouring properties.
22. I acknowledge that the proposed access arrangements are acceptable and no concerns are raised in respect of ecology or the effect on wildlife, heritage assets, contamination, flooding or drainage. Also, there are no concerns raised with the design of the scheme or the effect on the character and appearance of the landscape, with the site screened by trees. Even so, these are requirements of planning policy and taken together they are neutral matters that carry limited weight.
23. Even in combination, the identified benefits, due to the small-scale nature of the proposed development, are modest. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

## **Conclusion**

24. For the above reasons, I conclude that the proposed development would conflict with the development plan when considered as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. Accordingly, the appeal should be dismissed.

*N Bromley*

INSPECTOR

---

## Appeal Decision

Site visit made on 2 December 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

---

**Appeal Ref: 6000774**

**Tanglewood, Wilcott, Nescliffe SY4 1BL**

- 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 Ms Amy Lewis against the decision of Shropshire Council.
  - The application Ref is 25/00734/FUL.
  - The development proposed is the erection of a single 3 bedroom affordable dwelling with detached double garage.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant has submitted a Flood Risk Assessment (FRA). Due to the nature of the information and that the Council has had the opportunity to review and comment upon it, I am satisfied that taking it into account would not cause procedural unfairness to anyone involved in the appeal. As such I have accepted the FRA.

### Main Issues

3. The main issues are:
  - whether the appeal site is in a suitable location for the proposed development, having regard to relevant local plan policies; and
  - the effect of the proposed development on flood risk.

### Reasons

#### *Location*

4. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (ACS) strictly controls new development within the countryside and sets out a number of developments that are considered acceptable. This includes affordable housing to meet a local need in accordance with ACS Policy CS11, which require such exception schemes to be on suitable sites in and adjoining Shrewsbury Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements. Proposals also need to be of a suitable scale, design, tenure and have prioritisation for local people as well as appropriate arrangements to ensure affordability in perpetuity.

5. Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17 December 2015) (SAMDev Plan) expands on ACS Policies CS5 and CS11. In terms of protecting the long term affordability of single plot exception dwellings, they will be subject to size restriction and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions. The explanation of this policy emphasises that the detail criteria for the assessment and subsequent treatment of exception housing proposals are set out in the Council's Type and Affordability of Housing Supplementary Planning Document (TAHSPD). Paragraph 5.13 of the TAHSPD reinforces ACS Policy CS11 in that exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement.
6. Based on the evidence before me, there is agreement between the main parties that the proposed development would deliver a dwelling for the appellant who has demonstrated that their housing needs and personal circumstances satisfy the TAHSPD in relation to the '*Build You Own*' scheme.
7. The appeal site is a roughly triangular-shaped parcel of land accessed off an unnamed road via the entrance to Tanglewood, which is a detached bungalow, a number of outbuildings as well as what appeared to be a single storey workshop building and a stable block. Part of the site is gravelled, and I observed a number of vehicles and machinery situated upon it. The appeal scheme would see the erection of a detached 2-storey dwelling with a separate double garage.
8. Adjacent to Tanglewood, to the other side of the access, is a detached cottage. A linear field is located to the north and east of the appeal site and beyond that is a large open area that is predominantly clear of structures and falls within the Nesscliff Training Camp (NTC). To the other side of this open space, and still within the NTC, are multiple buildings. I observed that many of these were close to houses facing an unnamed road to the east of the NTC's boundary.
9. There is dispute between the parties on whether the appeal site is demonstrably part of, or adjacent to, Wilcott, which is a recognisable named settlement. I saw that there were a number of houses in close proximity to each other that focussed on the unnamed road to the east of the NTC that then continued to meander in a northeasterly direction. Consequently, I found Wilcott to be a broadly tight-knit settlement that was partly reinforced, in terms of its built form, by the adjoining cluster of buildings associated with the NTC along its eastern boundary.
10. Due to the expansive open gap between the appeal site and the cluster of buildings within the NTC, they appear visually detached and feel disconnected from each other. Therefore, the proposed development would neither be located within nor adjacent to Wilcott.
11. The support of a Council Member and their view that the appeal site is located in Wilcott Marsh is noted. However, neither the appellant nor the Council agree that the site is located within Wilcott Marsh. On the basis of the evidence before me there is no reason to disagree with the appellant and the Council on this matter.
12. For the above reasons, the appeal site is not in a suitable location for the proposed development having regard to relevant local plan policies. This is contrary to ACS Policy CS11 and SAMDev Plan Policy MD7a, which requires, amongst other things, exception schemes for local needs affordable housing to be on suitable sites in and adjoining recognisable named settlements.

### ***Flood Risk***

13. The National Planning Policy Framework (the Framework) sets strict tests to protect people and property from all sources of flooding and states that where these tests are not, met new development should not be allowed.
14. The Planning Practice Guidance (PPG) explains that 'flood risk' is a combination of the probability and the potential consequences of flooding, and areas at risk of flooding are those at risk of flooding from any source, now or in the future. The PPG adds that for areas at risk of river and sea flooding, this is principally land within Flood Zone (FZ) 2 and FZ 3 and it identifies that the Environment Agency's 'Flood Map for Planning' (FMP) shows river and sea flooding.
15. The appellant's FRA includes an extract of the FMP that clearly illustrates that part of the appeal site containing the access road falls within FZ2. However, the FRA, which is site specific, has compared the Environment Agency's flood level and a flood extent map with the findings of a topographic survey. This demonstrates that the proposed built development and the access road would be more than 0.6m above the 1000-year event, which would have a higher flood level than the 1 in 30-year and 1 in 100-year events. Taking climate change into account, the access road would have a low chance of surface water flooding at a depth of 0.2m, which is unlikely to pose a risk to evacuation. Consequently, as per the definitions in the PPG, the appeal site falls within FZ1, which has a low risk of flooding and based on the evidence before me, a sequential test is not required in this case, which would have been required if any part of the developed area of the appeal site fell within FZ2.
16. Had I been minded to allow the appeal, measures to manage surface water runoff could have been dealt with via a condition so that stormwater would not affect adjoining land or increase the risk of flooding elsewhere. Although it has been demonstrated that the proposed development would not be at risk of flooding in this case, I see no harm in the occupants of dwellings close to FZs 2 and 3 being registered to receive flood warnings.
17. In conclusion, the proposed development would accord with national policy in the Framework, which seeks to ensure that new development is directed away from areas at risk of flooding.

### **Other Matters**

18. There is no legal agreement before me that would secure the proposed dwelling as affordable housing in perpetuity. Had the proposal been acceptable in all other respects, this is a matter I would have raised with the main parties.
19. I note the Council's concerns about the access to the proposed dwelling if it were later occupied by somebody who was not associated with Tanglewood. There is a clear access via the existing vehicular entrance to Tanglewood off the public highway and past the workshop and stable buildings, and I see no issue with this. Nevertheless, this is not a determinative factor in this case.

### **Planning Balance**

20. The Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. I give significant weight to the conflict with ACS Policy CS11 and SAMDev Plan Policy

MD7a, which are consistent with the Framework in supporting opportunities to bring forward rural exception sites that will provide affordable housing to meet identified needs. A key qualifying criterion of these policies is that proposals are in or adjoining a recognisable named settlement. As a result, I find that there is conflict with the development plan as a whole.

21. The parties agree that the Council has a deliverable housing land supply of 4.73 years. Consequently, paragraph 11 d) of the Framework is applicable. Paragraph 11 d) ii) identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The proposed development would make a positive contribution in the delivery of a new dwelling that meets an identified local need as part of the Council's *'Build Your Own'* scheme, that would represent the efficient use of land and is partly on previously developed land. There would also be associated social and economic benefits during the period of construction and once the dwelling is occupied, as well as the opportunity for biodiversity enhancements.
23. However, the limited scale of the development means that I afford the provision of a new dwelling within the context of the current shortfall, along with the other benefits listed above, moderate weight in favour of the proposal.
24. I understand the appellant's strong local connection, the personal and business-related benefits associated with locating the new dwelling on the site, and the support from the Parish Council as well as from public representations. Whilst sympathetic to these personal circumstances, I am mindful that the courts, in general, have taken the view that planning is concerned with land use in the public interest. Moreover, there is little evidence before me to demonstrate that these benefits could not be delivered in a less harmful way. Consequently, I afford this moderate weight.
25. Paragraph 83 of the Framework promotes sustainable development in rural areas and housing should be located where it would enhance or maintain the vitality of rural communities. The closest services, including a shop, school and bus stop, are in Nesscliffe. I saw that the route to this nearby village was along unlit roads with limited stretches of footpath. Whilst a small part of the route is along National Cycle Route 81, the road conditions would not be particularly inviting for walkers and those with mobility issues, as well as many cyclists, particularly during adverse weather and during the hours of darkness. Due to a lack of genuine sustainable travel choices, the occupants of the proposed house would be heavily reliant on private motor vehicles to access services and facilities on a regular basis. Consequently, I give this factor limited weight.
26. There is no compelling evidence to support the appellant's claim that the proposal would result in a cumulative reduction in vehicle movements. There is no comparison of likely vehicle movements associated with accessing day-to-day services and facilities, including shops and schools. As such, I afford this limited weight.
27. A lack of harm or policy compliance in respect of character, living conditions and highway safety would have a neutral effect which weigh neither for nor against the proposed development.

28. On the other side of the balance, the appeal site would not be in a suitable location for the proposed development having regard to relevant local plan policies, which would be contrary to paragraph 82 of the Framework. Given the long-lasting nature of locating the proposed development neither in nor adjoining a recognisable named settlement, I attribute significant weight to this conflict.
29. Therefore, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework does not apply.

### **Conclusion**

30. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

*P Barton*

INSPECTOR

This page is intentionally left blank