



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

Date: Monday, 16 June 2025

**Committee:**  
**Southern Planning Committee**

**Date:** Tuesday, 24 June 2025

**Time:** 2.00 pm

**Venue:** The Shrewsbury Room, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8H

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

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 holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:

<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard  
Assistant Director – Legal and Governance

**Members of the Committee**

Andy Boddington (Chairman)  
Nick Hignett (Vice Chairman)  
Caroline Bagnall  
Elizabeth Barker  
Rachel Connolly  
George Hollyhead  
Mark Morris  
Chris Naylor  
Colin Taylor  
Beverley Waite  
Sam Walmsley

**Substitute Members of the Committee**

Thomas Clayton  
Jamie Daniels  
Greg Ebbs  
Adam Fejfer  
Gary Groves  
Kate Halliday  
Dawn Husemann  
Christopher Lemon  
Mark Owen  
Rosie Radford  
Dan Thomas

Your Committee Officer is:

**Tim Ward**     Committee Officer

Tel:                    01743 257713

Email:                [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk)

# AGENDA

## **1 Apologies for Absence**

To receive any apologies for absence.

## **2 Minutes (Pages 1 - 6)**

To confirm the minutes of the Southern Planning Committee meetings held on 25 March 2025 and 22 May 2025

Contact Tim Ward (01743) 257713.

## **3 Public Question Time**

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 12 Noon on Wednesday 18 June 2025

## **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 South West Of Home Farm Longville In The Dale Shropshire (25/01447/OUT) (Pages 7 - 30)**

Outline application for the erection of 9 dwellings

## **6 Shadwell Quarry, Farley Road, Much Wenlock, Shropshire, TF13 6PF (24/04760/VAR) (Pages 31 - 50)**

Variation of Conditions 2 and removal of condition 15 attached to planning permission 09/02701/FUL dated 23 December 2009

## **7 Hope Valley Nature Reserve, Minsterley, Shropshire (25/01150/FUL) (Pages 51 - 66)**

Widening of existing vehicular access, enlargement of parking/turning area and formation of forestry track, to include associated culverting of ditches

## **8 2 Glebe Cottages Wistanstow Craven Arms Shropshire SY7 8DQ (25/00830/FUL) (Pages 67 - 74)**

Erection of single storey side (north) extension, formation of doorway and porch to front (east) elevation

## **9 Schedule of Appeals and Appeal Decisions (Pages 75 - 176)**

## **10 Date of the Next Meeting**

To note that the next meeting of the Southern Planning Committee will be held at

2.00 pm on Tuesday 22 July 2025 at The Guildhall, Frankwell Quay, Shrewsbury.



## Committee and Date

Southern Planning Committee

INSERT NEXT MEETING DATE

### **SOUTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 25 March 2025**

**2.00 - 3.10 pm in the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ**

**Responsible Officer:** Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

### **Present**

Councillor David Evans (Chairman)

Councillors Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Christian Lea, Nigel Lumby, Tony Parsons, Ed Potter, Colin Taylor (Substitute) (substitute for Richard Huffer) and Edward Towers (Substitute) (substitute for Robert Tindall)

### **70 Apologies for Absence**

Apologies for absence were received from Councillors Richard Huffer and Robert Tindall

Councillor Colin Taylor substituted for Councillor Huffer and Councillor Ed Towers substituted for Councillor Tindall

### **71 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the South Planning Committee held on 25 February 2025 be approved as a correct record and signed by the Chairman.

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### **72 Public Question Time**

There were no public questions

### **73 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.

Councillor Lumby advised the committee that with regard to application number 24/02662/OUT he was the local member and would make a statement and then withdraw from the table and take no part in the discussion and vote.

**74 Proposed Residential Development Land to the North Of Kingswood Road Albrighton Shropshire (24/02662/OUT)**

The Principal Planning Officer introduced the application which was an application for outline planning permission for the erection of up to 150 dwellings with associated infrastructure and the principal means of vehicular access from Kingswood Road only (all other matters reserved).

Councillor Nigel Lumby, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees and then left the table and took no part in the debate or voting

Nicholas Mills, (Applicant), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committee.

Members shared concerns regarding the access to the site and asked whether other traffic calming methods could be considered if the roundabout requested by the Parish Council could not be installed.

**RESOLVED**

That in accordance with the officer recommendation outline planning permission be granted with delegation to officers to confirm condition wording and to secure a section 106 agreement to address affordable housing, long term management of open space, contributions towards passenger transport, a traffic regulation order for restricted access of Beamish Lane, travel plan monitoring, cost recovery for the 30 year monitoring period for Biodiversity Net Gain and cost recovery for monitoring the section 106 agreement.

**75 Biodigester Station, Coder Road, Ludlow, Shropshire, SY8 1XE (25/00309/FUL)**

The Planning Officer introduced the application which was an application for planning permission for the change of Use of a Biowaste Digester to recycle household organic waste building to a Biochar Production Facility, erection of extension and installation of associated infrastructure (sui generis).

Councillor Stuart Waite spoke against the application on behalf of Ludlow Town Council in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Tony Higgins, (Applicant), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members generally welcomed the proposals which would bring a disused industrial site into use. They considered that some of the concerns raised by Councillor Waite would be covered under other permits

**RESOLVED:**

That in accordance with officer recommendation planning permission be granted subject to conditions set out in appendix 1 with delegation to officers to revise condition wording.

**76 Proposed Local Needs Dwelling to the South Of Pulverbatch Shrewsbury Shropshire (24/04212/FUL)**

The Planning Officer introduced the application which was an application for planning permission for the proposed erection of local needs single plot exception site dwelling

Councillor Bill Higgins spoke in support of the application on behalf of Pulverbatch Parish Council in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Dan Morris, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Amy Henson, (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members considered that Pulverbatch was a dispersed settlement and that the proposed site fell within the sphere of influence of the settlement and as such it complied with policy.

**RESOLVED**

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to agree a Section 106 agreement and to apply conditions as necessary.

**77 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 25 March 2025 be noted.

**78 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 29 April 2025

Signed ..... (Chairman)

Date: .....





# Public Document Pack



## Committee and Date

Southern Planning Committee

24 June 2025

## **SOUTHERN PLANNING COMMITTEE**

### **Minutes of the meeting held on 22 May 2025**

**11.00 - 11.10 am in the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ**

**Responsible Officer:** Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

### **Present**

Councillors Caroline Bagnall, Andy Boddington, Rachel Connolly, Nick Hignett, George Hollyhead, Mark Morris, Chris Naylor, Colin Taylor, Beverley Waite and Sam Walmsley

### **1 Election of Chairman**

It was proposed, seconded and duly **RESOLVED:**

That Councillor Andy Boddington be elected Chairman of the southern Planning Committee for the forthcoming municipal year

### **2 Apologies for Absence**

Apologies for absence were received Councillor Elizabeth Barker

### **3 Appointment of Vice-Chairman**

It was proposed, seconded and duly **RESOLVED:**

That Councillor Nick Hignett be appointed Vice- Chairman of the Southern Planning Committee for the forthcoming municipal year

### **4 Date of Next Meeting**

Members were advised that the next scheduled meeting of the Southern Planning Committee would be held on 24 June 2025 at 2.00pm

Signed ..... (Chairman)

Date: .....

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AGENDA ITEM



Committee and date
Southern Planning Committee 24 <sup>th</sup> June 2025

Development Management Report

Responsible Officer: Tim Collard, Service Director Legal and Governance

Summary of Application

<b>Application Number:</b> 25/01447/OUT	<b>Parish:</b>	Rushbury
<b>Proposal:</b> Outline application for the erection of 9 dwellings		
<b>Site Address:</b> Proposed Residential Development Land South West Of Home Farm Longville In The Dale Shropshire		
<b>Applicant:</b> John Lea And Sons		
<b>Case Officer:</b> Jenny Powell	<b>email:</b> jennifer.powell@shropshire.gov.uk	

**Grid Ref:** 353895 - 293655



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**Recommendation:- Refuse for the following reasons:**

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1. The proposed development would be sited in an unsustainable location where it would erode the natural character and visual and landscape amenity of the open countryside in this rural location. Furthermore, the proposal would cause less than substantial harm to a heritage asset and would result the loss of a protected tree without adequate justification or mitigation, contrary to SC Core Strategy policies CS4, CS5, CS6 and CS17, SAMDev Plan Policy MD2, MD7a, MD12 and MD13, the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the NPPF (2024).
2. The proposal would comprise major development in the National Landscape that would have a resultant significant adverse effect on it, neither preserving nor enhancing its purposes. The proposal is neither exceptional nor publicly beneficial and as such is contrary to SC Core Strategy policies CS6 and CS17, SAMDev Plan policies MD2 and MD12, the NPPF (2024) and the AONB Management Plan 2019-2024.
3. Insufficient information has been provided to demonstrate that the development would not have an adverse effect upon highways safety in this location, and as such is contrary to SC Core Strategy policy CS6, SAMDev Plan Policy MD2 and the NPPF (2024)
4. Insufficient information has been supplied to demonstrate to the provision of 10% Biodiversity Net Gain as a consequence of the development. As such the proposal is contrary to the requirements of the NPPF (2024), The Town and Country Planning Act (1990) and the Environment Act 2021.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks outline planning approval with all matters reserved for the erection of nine dwellings. The indicative dwellings proposed would be a mixture of 2, 3 and 4 bedroom homes, subject to the approval of reserved matters. Four dwellings would be semi-detached, with the rest detached. One of the detached dwellings would be a bungalow. Two of the semi-detached dwellings would be affordable homes. Only the open market dwellings would have garages.
- 1.2 An application for outline planning permission allows for a decision to be made on the general principle of whether a site can be developed. Outline planning permission can be refused or be granted subject to conditions requiring the subsequent approval of one or more 'reserved matters' which can be determined under separate planning applications at a later stage. The 'reserved matters' are defined as access, appearance, landscaping, layout and scale. This report is therefore concerned only with whether the general principle of the proposed development in this location is acceptable, in terms of national and local planning

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policy, UK legislation and other relevant material considerations.

- 1.3 Plans showing the site's extent have been amended by the applicant during the application's consideration, with revised location and block plans having been submitted that supersede the original plans.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site comprises an agricultural contractor's yard including some agricultural buildings that is approximately 0.65 hectares in area and which has an existing access off the B4371. The site is located within the recognised named settlement of Longville in the Dale and is located within the open countryside in the Shropshire Hills National Landscape (formerly AONB).
- 2.2 Open fields form the southeastern and southwestern site boundaries, whilst the northwestern boundary is formed by the curtilages of existing dwellings, some of which front the highway. To the northeast is the Grade II listed building known as Home Farm and its wider curtilage, and to the east are existing residential dwellings and agricultural buildings.
- 2.3 Part of the application site is covered by a provisional Tree Preservation Order (The Shropshire Council (Land at and around Home Farm, Longville in the Dale) TPO 2025 which has been imposed by the Tree Team as a consequence of this application being received. This will remain in force for six months from the date of 21<sup>st</sup> May 2025 and will then be reviewed, and a decision taken whether to confirm the order.

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

- 3.1 The Parish Council have indicated they support this application and have provided material planning reasons for their support. This is contrary to the case officer's recommendation to refuse it. The application was discussed between the Interim Planning and Development Services Manager and the Chair of the Southern Planning Committee on 29<sup>th</sup> May 2025 where it was resolved to present this application to the Southern Planning Committee based on the referral meeting the tests set out in the Council's constitution as well as the fact the application site is greater than 0.5ha and therefore constitutes major development.

## **4.0 Community Representations**

### **Consultee Comments**

**SC Green Infrastructure Advisor - Steven Sixsmith**

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9<sup>th</sup> May 2025: Highlights the need for further information to be provided, as the application site area appears to constitute major development which may require a form of Landscape and Visual Assessment and further consultation. Highlights that SAMDev Policy MD2 requires development affecting the National Landscape to pay regard to the Shropshire Hills National Landscape (AONB) Management Plan which also has specific criteria for major development. Raises concerns that the central BNG Area depicted on the plan shows an existing hedge with land north/northwest of the hedge that would not be well overlooked by the proposed units and would create left over dead space not considered in the masterplan. Additional points raised regarding boundary treatments and the limited provision of landscaping details submitted.

30<sup>th</sup> May 2025: Raises additional concerns in line with the tree team's comments (see below), given that the revised red line plan shows a mature oak tree will be felled due to the revised access road proposals submitted, which would be contrary to CS6, CS17 and MD12. Also emphasises that the loss of this mature tree, without clear mitigation proposals, would be counterproductive in enhancing existing tree canopy cover targets which are in place to deal with climate change resilience.

## **SC Highways DC**

8<sup>th</sup> May 2025: Raises an objection finding the existing site access to be substandard for the use proposed, given that the access to the development site is located on the inside of a sharp bend in the B4371 and directly opposite a rural road junction. Notes that whilst the movement of large agricultural machinery currently using the site will cease, domestic vehicles will have different access requirements in terms of layout, construction and visibility from and to emerging vehicles that have not adequately been considered.

28<sup>th</sup> May 2025: Requires further information to be provided and comments on the revised access plans, noting that the road through the settlement is governed by a 30mph speed limit and the suitability of the visibility splays provided are less than would be expected for a 30mph road.

## **SC Ecologist**

13<sup>th</sup> May 2025: Supports the submission, finding the ecological survey and BNG information supplied to be acceptable, not requiring a s106 agreement. Conditions and informatives recommended.

5<sup>th</sup> June 2025: Requires updated information to be submitted (BNG metric and conditions assessment) to take account of the removed tree.

## **SC Trees**

13<sup>th</sup> May 2025: Raises no objection in principle given the removal of a single apple tree could be more than compensated with a suitable landscaping scheme.

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Recommended conditions.

28<sup>th</sup> May 2025: Recommends refusal due to revised access plans that would require the removal of an 'A grade' mature oak tree of significant amenity value and high arboricultural merit which makes a significant contribution to the character and appearance of the village street scene. Raises concerns the tree's loss would have a substantial negative impact on the amenity of the location, and would be contrary to policies CS6, CS17, MD2 and MD12. Advises the oak tree and other important specimens at Home Farm and within the site have been protected under a provisional Tree Preservation Order (TPO) 'The Shropshire Council (Land at and around Home Farm, Longville in the Dale) TPO 2025' (imposed on 21<sup>st</sup> May 2025).

### **SC Conservation (Historic Environment)**

13<sup>th</sup> May 202: Objects on grounds that the amount and layout of development proposed is not adequately justified. Comments the proposal is out of context with the grain and intensity of adjacent properties in this rural location and would create an overly suburban, cramped and overdeveloped development, negatively impacting the wider rural setting and existing rural and agricultural setting of the adjacent listed building. Comments that the submitted Heritage Impact Assessment lacks sufficient assessment in several regards. Concludes that the proposals would be inappropriate and an overdevelopment of this site within the setting of the listed building.

2<sup>nd</sup> June 2025: Maintains objection on grounds that the application would be inappropriate development causing less than substantial harm to the setting of a listed building. Raises specific concerns that revised plans resulting to the partial demolition of the boundary wall and the loss of the mature oak tree (both within the curtilage of the listed building) would be detrimental to the character of the street scene and the setting of the listed building. States that listed building consent would be required for the wall's demolition and would not be supported due to the harm that it would cause to the setting of the listed building. Notes the updated HIA but finds the general layout and form of the development remains as previous with no further detail or context assessment provided. Concludes once again that the proposals would be an inappropriate development in this context which would cause harm to the setting and significance of the listed building. Advises this harm would be less than substantial in nature and as such the harm identified must be weighed against any public benefits with great weight being given to the conservation of heritage assets in line with a paragraphs 212 and 215 of the NPPF.

### **SC Archaeology (Historic Environment)**

8<sup>th</sup> May 2025: No comments

### **SC Affordable Houses**

25<sup>th</sup> April 2025: Advises the application site is located within an area where the

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target rate for affordable housing is 20%, thereby requiring a provision of 1.8 dwellings. Two affordable homes are proposed which would be an over provision of 0.2 and acceptable. Advises that the affordable dwellings should be social rented affordable tenure and transferred to a Registered Provider, whilst the provision of affordable housing should be obligated through a S106 Agreement.

## **Shropshire Hills National Landscape**

24th April 2025: Provides neutral response advising that the planning authority has a legal duty to take into account the purposes of the AONB designation in making its decision, which should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

## **SUDS**

24th April 2025: Advises further information would be required in terms of foul and surface drainage design, and that the ground may be suitable for soakaway, although percolation tests in accordance with BRE 365 must be carried out. Provides specific advice provided re percolation tests, gullies, the management of exceedance flows and surfacing.

## **Public Comments**

### **Rushbury Parish Council**

22<sup>nd</sup> May 2025: Supports the application, finding the site to be a sustainable location for development with an appropriate mix of properties.

No representations from members of the public have been received.

## **5.0 THE MAIN ISSUES**

Principle of development  
Impact on the National Landscape  
Impact on protected trees  
Impact on heritage assets  
Provision of a safe access  
Provision of Biodiversity Net Gain

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan (local planning policy) unless other material considerations indicate otherwise.



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## Adopted Local Plan Policy

- 6.1.2 At this point in time the development plan in Shropshire consists of the Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. Policy CS4 of the Core Strategy indicates that development in the rural area will be focused in Community Hubs and Community Clusters, and states that development outside of these hubs and clusters will not be allowed unless it complies with the requirements of Policy CS5 of the Core Strategy.
- 6.1.3 To provide for sustainable patterns of development Policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan strictly control development in the countryside such that only limited types of residential development, such as conversion of buildings of architectural or heritage merit, accommodation for essential countryside workers, and other affordable housing, is permitted.
- 6.1.4 Together these policies seek to direct development to the most accessible locations, protect the character of the countryside, and support the well-being and vitality of rural communities. In this case, Longville in the Dale has not been identified as a Community Hub or Community Cluster within the adopted developed plan and was not proposed to become one in the now defunct Draft Local Plan. In policy terms, Longville in the Dale is therefore considered solely to be a recognised named settlement in the open countryside. As such, the proposal for new market housing would conflict with the development plan policies outlined above.
- 6.1.5 Longville in the Dale lacks any essential day to day services that would deem the settlement to be a sustainable location for residential development. It has no school, local shop, or employment facilities, whilst the only bus service is the college bus service (to Shrewsbury) which runs through the settlement at 07.31 and 17.36 on weekdays during term time, and at 08.57 and 12.57 on Saturdays. The Longville Arms Public House closed several years ago, whilst a farm shop used to exist some 1.3 miles to the southwest of the settlement but burnt down in May 2025 (and was only accessible by car in any case).
- 6.1.6 The nearest shops and facilities available to the population of Longville therefore are those in Church Stretton (6.5 miles to the west) and Much Wenlock (6.6 miles to the northeast), with the nearest primary school and church being in Rushbury (2.7 miles to the southwest).
- 6.1.7 The site is positioned immediately behind existing dwellings to its northern boundary and is part of an enclosed area of countryside which has been used in association with the applicant's farm and agricultural contracting business. Some agricultural buildings are proposed to be removed as part of the proposal. The site is not considered to be previously developed land according to the definition in the glossary of the NPPF and instead would be considered as open countryside upon cessation of the existing agricultural use. It has only one point of access, on a

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sharp bend off the B4371, opposite a rural road junction. The access is currently only utilised by large agricultural vehicles associated with the existing business operation. These generally have drivers' seating positions that are higher than those of domestic vehicles, and which allow for better visibility when entering and leaving the site.

- 6.1.8 Longville in the Dale does not have a development boundary and is deemed to be open countryside for planning purposes. The settlement has a strong visual connection to Wenlock Edge which forms a backdrop to it, to the south. Given the site's existing agricultural use and location, it is more closely associated with the surrounding open countryside than with the existing built form of the settlement which is broadly linear in form, following the curve of the road. The development site is in a backland position behind existing dwellings.
- 6.1.9 The application site cannot be described as an infill plot, as it would need to have a stronger visual and functional relationship with the neighbouring built form and highway than it does for this to be the case. Given that proposal is not for a development type that would be permitted in the countryside under policies CS5 and MD7a, the development of this site for open market housing with a small affordable component would not be supported under the current adopted local plan.

## Draft Local Plan

- 6.1.10 Under the draft local plan Longville in the Dale was not identified as a Community Hub or Community Cluster and therefore in policy terms was considered to remain countryside where new open market development would be resisted.
- 6.1.11 Comments from the inspectors on the local plan examination were received on the 17<sup>th</sup> February 2025 indicating that modifications required to make the Plan sound were significant and would require a considerable, further supporting evidence and testing as part of the examination process. Unfortunately, the inspectors considered that the timetable to undertake the work was unrealistic and recommended that the local plan examination be withdrawn. The Council will not be continuing with the current draft Local Plan having agreed for it to be withdrawn and not proceeded with.
- 6.1.12 Despite the decision to withdraw the draft Local Plan, the Council's Cabinet resolved that the Evidence Base behind the draft local plan would remain a material planning consideration. The Hierarchy of Settlements (2020) document forms part of the Evidence Base and will continue to be used to inform decisions on a settlement's potential to accommodate new development in terms of its size and the availability of services and facilities within it. Within the document, Longville in the Dale was identified as a recognised named settlement with a settlement population estimate of only 63 individuals and a dwelling estimate of 26 dwellings. As part of the screening process to identify appropriate locations for new housing development, recognised named settlements in Shropshire were ranked and

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categorised according to population size and number of households, alongside the extent to which the settlement had the potential to provide a range services and facilities, high speed broadband, employment opportunities and public transport links. Longville in the Dale was screened out as lacking the necessary potential in this regard, and was therefore not deemed to be capable of supporting new residential development. The Hierarchy of Settlements document can be viewed via the following link: <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-library/evidence-base-documents/>

6.1.13

#### National Planning Policy Framework (NPPF) & Five Year Land Supply

Following the publication of the revised NPPF in December 2024, a new standard method for calculating housing need was adopted, the purpose of which is to significantly boost housing delivery across England. The new standard methodology for Shropshire has resulted in an increased requirement of 1,994 dwellings per annum which for the five year period 2024/25 to 2028/29 equates to a local housing need of 9,970 dwellings. With an additional 5% buffer of 499 the total requirement is 10,469.

6.1.14

The deliverable housing land supply on the 1<sup>st</sup> April 2024 was 9,902 and there is a shortfall of 567 dwellings. Shropshire Council is therefore currently unable to demonstrate a five year supply of deliverable dwellings with only 4.73 years of supply.

6.1.15

Footnote 8 and Paragraph 11(d) of the NPPF detail the implications of not having a five year housing land supply for decision making in the context of the application of the presumption in favour of sustainable development. Footnote 8 indicates that where a Council cannot demonstrate a five-year supply of deliverable housing sites, it means planning policies most important to the decision will be considered out of date.

6.1.16

The effect of this is that the 'tilted balance', as set out in paragraph 11 (d) of the NPPF, is now engaged. Paragraph 11(d) of the NPPF states:

*d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the*

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6.1.17 *policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

6.1.18 This does not change the legal principle in Section 38(6) of the Planning and Compulsory Purchase Act (2004) that decisions on planning applications are governed by the adopted Development Plan read as a whole unless material considerations indicate otherwise. Paragraph 11(d) of the NPPF requires the decision maker to apply less weight to policies in the adopted Development Plan and more weight to the presumption in favour of sustainable development as a significant material consideration. This is described as the tilted balance.

Paragraph 11(d) highlights several important considerations to determine if a proposal is genuinely sustainable. Notably it:

- Directs development to sustainable locations.
- Expects efficient use of land.
- 6.1.19 • Requires well designed places.
- Maintains requirement for provision of affordable housing.
- Requires consideration of other policies in the NPPF also relevant to determining the sustainability of proposals.

6.1.20 Importantly, the tilted balance approach maintains the general principles of good planning. Development should be genuinely sustainable in order to be approved. Paragraph 8 of the NPPF sets out what is meant by sustainable development:

6.1.21 *8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):"*

6.1.22 The three objectives referred to are social, economic and environmental. Other policies in the NPPF and local policy are also relevant to determining the sustainability of proposals.

6.1.23 The extent of the housing land supply shortfall is a further material consideration for the decision maker. Shropshire currently has 4.73 years' supply of deliverable housing land and therefore, whilst a shortfall of 0.27 exists, this is relatively small in the context of the total required supply (567 dwellings of the required 10,469 new homes).

The key planning issue to consider in determining whether the principle of development is acceptable in Longville in the Dale is whether the proposal under

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consideration represents sustainable development and whether there are any other material considerations or benefits of the proposal that are sufficient to outweigh the conflict with the development plan with regards to the location of housing and any other adverse impacts arising from the proposal. These are considered below.

## Sustainable Location

- 6.1.24 Longville in the Dale has no essential day-to-day services and facilities. Any occupiers of the site would therefore have to rely on a motor vehicle to travel to neighbouring settlements and towns for shopping, education, and work. Church Stretton, some 6.5 miles to the west, or Much Wenlock (6.6 miles to the northeast) are the nearest sustainable settlements where local facilities are situated. Given there is no public transport to and from Longville other than via a college bus during term time, or on a Saturday morning, officers consider that there would be a strong need for potential occupiers of the development to rely on a motor vehicle on a day-to-day basis, and that this would not result in sustainable development.
- 6.1.25 In terms of domestic vehicles accessing the development site more generally, an acceptable vehicular access has thus far been demonstrated.

- 6.1.26 Given that Longville is not a community hub or cluster and was screened out of the Hierarchy of Settlements document of the Local Plan Evidence Base, the development proposal is inconsistent with the scale and character of the settlement and would not be sustainable development. As such any approval of the proposal would be at odds with the tilted balance outlined in NPPF Paragraph 11(d) (ii) as it would not direct development to a sustainable location.

## Efficient Use of Land

Turning to the next requirement of Paragraph 11(d) (ii), the proposed site covers an area of approximately 0.65ha and will provide a nine dwellings of various sizes and tenures. The number of dwellings and housing mix accommodated within the site is considered to represent an efficient use of land in this regard. The site is relatively large and whilst officers have concerns about the indicative design and layout, which could be arranged more effectively, the quantum of development would be acceptable for this site and would provide the efficient use of land required by the tilted balance.

## Well Designed Places

Whilst the proposal may be an efficient use of the land available in terms of the tilted balance, the indicative proposal (where all matters including layout and design could be dealt with at the reserved matters stage), the number of dwellings proposed for the site would be nine in number and would nonetheless be an overdevelopment of the site where the indicative density and layout are at odds with the spatial pattern, character and grain of what is a very small rural settlement. The indicative scale and layout of development would result in urban encroachment into the countryside, where the indicative plan is poorly laid out with the semi-

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- 6.1.27 detached and affordable dwellings occupying a cramped position in the eastern part of the site, closest to the adjacent listed building, whilst the larger, detached dwellings indicated at the western end would benefit from a more generous arrangement. An isolated parking area unattributed to any particular dwelling is positioned on the bend as the site is accessed, directly adjacent to the curtilage of the listed building, whilst the proposed bungalow lacks an active frontage and is at odds with the orientation of the other dwellings. Dead space behind existing hedge in the centre of the site is ill-considered and would become a residual ‘no man’s
- 6.1.28 land’ which lacks any clear purpose. Above all, the loss of a protected tree and part of a curtilage listed boundary wall, as would be required as part of the access proposals (which have not yet been deemed acceptable in highways safety terms) is not a constituent part of good design.

- The proposal is therefore not considered to be well designed as it would not make a positive contribution to the character and spatial pattern of the settlement and there is limited potential to make it so through reserved matters. Its access is
- 6.1.29 deficient, and the density, arrangement and rhythm of dwellings would be uncharacteristically suburban in this rural location, harming visual and landscape amenity by projecting out into the open countryside as well as causing harm to the setting of the adjacent listed building and its boundary wall. As such the requirements of the tilted balance with regard to well-designed places are not met.

## Affordable Housing

- Paragraph 65 of the NPPF requires that the provision of affordable housing should be sought for developments in designated rural areas where more than five units
- 6.1.30 housing are proposed, whilst Policy CS11 ‘Type and Affordability of Housing’ of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index.

The Written Ministerial Statement (WMS) published on the 28<sup>th</sup> November 2014 indicated that affordable housing contributions on sites of 10 units or less or 5 units or less in designated protected rural areas would not be required. The Parish of Longville in the Dale is a designated protected rural area. The WMS is policy, not binding law and the Council’s position has been that the WMS is a significant material consideration, but it doesn’t replace or automatically override the development plan as the starting point for planning decisions. Consequently, there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.

- New open market housing in the countryside is not acceptable in principle and
- 6.1.31 therefore not policy compliant. As such, and in line with Paragraph 65 of the NPPF the Council’s Affordable Housing Team considers that greater weight should be

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given to Policy CS11 than the WMS and that an affordable housing contribution should be provided to assist in local needs affordable housing. The application proposes nine dwellings in the countryside and a planning gain for the development would therefore be necessary to help contribute towards local needs affordable housing. The existing target rate in this part of Shropshire is 20% which equates to a requirement to provide 1.8 dwellings. The proposal includes two affordable dwellings which would be a slight overprovision against the prevailing rate. A Section 106 legal agreement would be required to ensure the two dwellings

6.1.32 remained affordable in perpetuity if Members were minded to approve the application, in order to ensure the requirements of Paragraph 65 and policy CS11 are met, whilst these dwellings would need to be of social rented affordable tenure and transferred to a registered provider. In terms of the tilted balance, therefore, the proposal would meet its requirements for an appropriate provision of affordable housing.

6.1.33

Other NPPF policies relevant to determining sustainability

In the consideration of the principle of development, weight should also be given to the use of previously developed land in line with Paragraph 125 (c) of the NPPF. Annex 2 of the NPPF provides a Glossary which includes 'previously developed land' and provides a clear definition of what is and what is not considered previously developed land. It is quite clear that previously developed land excludes land that is or was last occupied by agricultural or forestry uses. Having regard to the agricultural use of the site officers do not consider that this site falls within the definition of previously developed land for planning policy purposes and remains agricultural land that would revert to open countryside upon cessation of use.

6.1.34 Policies relating to the National Landscape and to its countryside, trees and biodiversity as outlined at Paragraphs 187, 189, and 190 are also considered to be of relevance in determining the sustainability of the proposal, alongside those that seek to protect heritage assets at Section 16, and in relation to highways safety at Paragraph 115. The material considerations and associated harms identified in relation to each of these aspects are discussed in the paragraphs that follow.

In summary, with regard to the tilted balance, officers consider that Longville in the Dale is not a sustainable settlement for planning policy purposes given its lack of facilities and services, limited sustainable transport options and its strong visual and functional connection with the open countryside within the protected National Landscape. As such the development site would not represent sustainable development, as it would fail to fully satisfy all three of the economic, social and environmental dimensions to sustainable development outlined in Paragraph 8 of the NPPF and would conflict with the relevant objectives in national and local policies regarding sustainable development and the provision of housing. Overall, the proposal fails to accord with two of the provisions of the tilted balance at Paragraph 11d (ii) of the NPPF (these being 'directing development to sustainable

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locations', and 'well-designed places') as outlined above.

Furthermore, the proposal also fails to accord with Paragraph 11(d) (i) which seeks to protect areas or assets of particular importance such as the Shropshire Hills National Landscape. This is discussed in more detail in the following paragraph. The proposed development is fundamentally unacceptable and cannot therefore be supported in principle.

## 6.2 Impact on the National Landscape

- 6.2.1 The site is located in the heart of the Shropshire Hills National Landscape; a protected landscape, whose purposes planning decisions must seek to protect and enhance. At a national policy level, the NPPF at Paragraphs 187, 189 and 190 affords the highest level of protection to such statutorily designated landscapes, whilst the Levelling Up and Regeneration Act 2023 at section 245 has strengthened an existing duty placed on local planning authorities that compels them to seek to further the purposes of protected landscapes when determining applications for development proposals within them (see Section 85 of the Countryside and Rights of Way Act 2000) and which has been tested in case law. At a local level, Core Strategy Policies CS5, CS6 and CS17, bolstered by SAMDev Plan policies MD2 and MD12, seek to protect and enhance the quality and character of Shropshire's natural environment, including by avoiding isolated or sporadic development in the countryside, particularly in protected landscapes, as well as contributing to and respecting locally distinctive or valued character and amenity value.
- 6.2.2 The Shropshire Hills AONB Management Plan 2019-2024 is also a material consideration in determining planning applications in the National Landscape, where policies P1 (Protection of the AONB), P2 (Landscape), P3 (Heritage and Development) and P4 (Housing and Design of Development) are of particular relevance in this case. These policies require development to accord with the NPPF, and for new housing development to demonstrate sensitivity to both its immediate surroundings and the special qualities of the National Landscape, conserving the integrity of the surrounding landscape.
- 6.2.3 Officers consider the development site, for nine dwellings over an area of 0.65ha, to be major development in the National Landscape in terms of the criteria listed on p33 of The Shropshire Hills AONB Management Plan. This is in terms of its site area (greater than 0.5ha), as well as in terms of a) the quantum of development proposed relative to the size of the very small settlement of Longville in the Dale, where the proposal is 'likely to erode the special qualities of the National Landscape and/or features of the area where the development is proposed', and b) where it would conflict with the economic and social needs of local communities and 'the guiding principle of sustainable development' as previously outlined in the context of the tilted balance.



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- 6.2.4 The AONB Management Plan has not been referred to within the application submission and no accompanying report or landscape and visual impact assessment has been provided. These are required documents for major development, listed on p33 and 34 of the AONB Management Plan to support policies P1 and P2, and must identify how the special qualities of the National Landscape are fully respected and integrated into the planning, design and implementation of the development, as well as considering the detrimental impacts of the proposal and their mitigation.
- 6.2.5 The introduction of nine new dwellings in this tranquil location, encroaching into the wider countryside of the National Landscape beyond the extent of the existing built form, would not provide any local public benefits that would outweigh the irreparable harm the development would cause. Paragraph 190 of the NPPF requires major development in National Landscapes to be refused other than in exceptional cases and where it can be demonstrated that the development is in the public interest. In this case, the development would be major development in the National Landscape where no demonstration of need other than a general reference to the Strategic Housing Market Assessment Report 2020 (part of the Local Plan Evidence Base) has been provided alongside repeated erroneous assertions that the site is sustainable and constitutes previously developed land, which are both categorically incorrect.
- 6.2.6 No acceptable justification as to why the proposal would be appropriate in this particular location in a protected landscape has therefore been advanced. Whilst the provision of two affordable dwellings and seven units of open market housing would be in the public interest, the contribution the development would make towards the provision of affordable housing is only slight, and whilst there is an acknowledged shortfall in the Council's housing land supply, there is no shortage of other, far more appropriate and sustainable sites across the county currently coming forward and that can be evidenced by officers. These alternative sites would be far better placed to help meet the Shropshire-wide need for additional housing to meet the identified shortfall of only 567 homes, given that they would not result in adverse impacts on the Shropshire Hills National Landscape, or cause harm to heritage assets and protected trees as this proposal would (as discussed below) and would accord with the tilted balance.
- 6.2.7 The proposed development would represent an unacceptable overdevelopment of the open countryside that would have a harmful urbanising effect on its visual and landscape amenity that would be detrimental to the environment, landscape character and scenic beauty of the valued Shropshire Hills National Landscape in this location. Longville in the Dale sits in a picturesque and tranquil location in the lee of the Wenlock Edge escarpment where the proposal would neither conserve nor enhance the special qualities and outstanding natural beauty of the National

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Landscape, and where the resultant harm caused to this open countryside location would not be offset by any significant economic or public benefits. Given that the proposal does not accord with any of the policies of NPPF, AONB Management Plan, Core Strategy or SAMDev Plan, any approval of this scheme would therefore neither conserve nor enhance the National Landscape, meaning that the local planning authority would not be meeting its statutory duty in this regard if it were to approve the scheme.

### 6.3 Impact on protected trees and local amenity

- 6.3.1 The revised plans to create improved visibility splays at the site's existing access require the removal of an 'A grade' mature oak tree acknowledged within the submitted arboricultural report to be of significant amenity value and high arboricultural merit. No mitigation has been offered for the loss of this important tree. As a consequence of the revised plans, and in order to protect this important specimen and others across the site, a provisional group Tree Preservation Order (TPO) was imposed on 21<sup>st</sup> May 2025 (The Shropshire Council (Land at and around Home Farm, Longville in the Dale) TPO 2025) and is in place for the 6 months initially and will then be reviewed and consideration given to confirming the order. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by that order, or to cause or permit such actions, without the authority's permission in accordance with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 6.3.2 Officers find the loss of the protected tree would result in a substantial negative impact to the amenity of both the National Landscape and the settlement itself, as well as causing less than substantial harm to the setting of the Grade II listed building known as Home Farm in whose curtilage it sits. The AONB Management Plan is of relevance in consideration of the removal of a protected tree in this location, and Policy P2 requires planning decisions to give priority to protecting key features of the landscape, stating that landscape changes should only be pursued where they are appropriate to the features and characteristics that are locally distinctive, such as mature trees. The AONB Management Plan clearly states on p34 that new whilst landscaping may compensate for loss or degradation of landscape features, it should not be an easy way of avoiding good design adapted to retain existing features, and that new planting cannot compensate for the loss of mature trees. Officers are therefore unable to support the harmful removal of this protected tree, which makes a significant contribution to the character and appearance of the village street scene, whilst the local authority would be failing in its strengthened duty to protect and enhance the National Landscape if its removal were supported.

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## 6.4 Impact on heritage assets

- 6.4.1 The application site lies adjacent to a Grade II listed building (a designated heritage asset) and is within its setting. The revised red line of the site's boundary overlaps the listed building's curtilage at its north-easternmost extent, where a section of the listed building's boundary wall is proposed to be removed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to all development affecting a listed building and its setting, where the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 16 of the NPPF and Core Strategy policies CS5, CS6, CS17 and SAMDev Plan policies MD2, MD7a and MD13 are also relevant to the determination of applications affecting heritage assets and their settings, whilst the AONB Management Plan 2019-2024 requires new development to take full account of the setting of heritage assets in Policy P3.
- 6.4.2 The conservation officer finds that the submitted Heritage Impact and Assessment and update documents are lacking in sufficient assessment of the historic context of the site, the relationship between the site and any contribution it makes to the setting of the listed building, the proposed form and amount of development and the impact this will have on the setting of the listed building. The application is also considered to be lacking in an assessment of the local context and vernacular.
- 6.4.3 The heritage terms, the application does not include any real context assessment or rationale for the amount and layout of development proposed. Considering the rural character of the settlement where the majority of properties are detached and set within spacious plots, the proposed layout and amount of development appears out of context and at odds with the existing grain and intensity of existing development within the settlement. The proposed layout and number of dwellings would result in an overly suburban close of dwellings that would be cramped and overdeveloped within the existing rural and agricultural setting of the listed building and the wider rural setting of the settlement.
- 6.4.4 The section of boundary wall proposed to be removed would be curtilage listed by virtue of its position and would require Listed Building Consent to be granted to allow its demolition to proceed. No LBC application has been received, and in any event the Conservation Officer has indicated that such an application would not be supported due to the harm that would be caused both to the listed building and its setting and which is considered to be less than substantial in nature. This harm would erode the character of the heritage asset's setting and directly impact the fabric of a curtilage listed structure. As such the identified harm must be weighed against the public benefits of the proposal, this is considered in the 'Planning Balance' section at the end of this report.

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## 6.5 Provision of a safe access

- 6.5.1 Paragraph 115 (b) of the NPPF outlines that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. There is only one access into the site, accessed at a blind bend opposite a road junction, whilst the wider settlement has no pedestrian crossings, footpaths or street lighting, and whilst this matter is reserved for future determination it is still a material consideration in terms of the current application. Future occupiers would therefore have to walk along or cross the busy B road to reach neighbouring properties, the college bus stop on the opposite side of the road or to access public footpaths, and the proposed development site therefore lacks an appropriate and safe pedestrian connection to existing settlement and is unsustainable in this regard as this would generate further reliance on a vehicle.
- 6.5.2 Core Strategy policies CS6 requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised, and the need for car based travel to be reduced, whilst it also seeks to ensure that all development is designed to be adaptable, safe and accessible to all. Planning submissions should also accord with the 'Manual for Streets 2' Planning Policy Guidance document.
- 6.5.3 There is only one means of accessing the site from the public highway by vehicle. The Highways Team consider that this existing (agricultural) vehicular access into the site would be substandard for any residential use, whilst the revised access details provided are not yet considered to provide a suitable access, given the visibility splays provided are less than would be expected for a 30mph road, even with the proposed removal of a protected tree and a curtilage listed boundary wall. The Highways Team has advised additional information would need to be provided by the applicant to assess the access proposals further in terms of highways safety before a conclusion could be reached and this could be provided as part of the reserved matter applications.
- 6.5.4 Had officers been of the opinion that the principle of the development was acceptable in this location, and had therefore been minded to recommend approval, alternative access arrangements into the site would have been sought to avoid the use the existing substandard access and to avoid any need to remove the tree and wall. Members are advised that if they were minded to approve the scheme against officer recommendation they would also need to request alternative access arrangements to be made into the site so that safe access could be achieved into the site, and it is unclear whether this could be achievable in practice from the information provided to date.

## 6.6 Provision of Biodiversity Net Gain

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- 6.6.1 For all non-exempt developments, such as this one, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires developers to deliver a BNG of at least 10%, so that the development results in more or better quality natural habitat than existed before the development occurred.
- 6.6.2 Whilst the BNG information provided in the submission was initially found to be acceptable by the Ecology team, the red line of the site has been amended by the applicant during the application process, without any corresponding amendment having also been applied to the submitted BNG small sites metric and post development intervention maps. Updated information is now required as consequence of the change in red line area and the proposed removal of a mature oak tree as this in turn is likely to have increased the baseline biodiversity value of the site within the red line, whilst decreasing the net gain demonstrated within it given there is no apparent mitigation for the loss. No updated BNG information has been supplied, and officers are therefore unable to determine whether 10% Biodiversity Net Gain can be provided on site and whether there is sufficient mitigation to address the matters of BNG and its long term monitoring as a consequence of the development. The absence of this information forms an identified harm in the consideration of the application. The proposal therefore does not meet the requirements of Paragraphs 187 and 193 of the NPPF, The Town and Country Planning Act 1990 or the Environment Act 2021.

## 7.0 Planning Balance

- 7.1.1 The material harms of the proposed development found to be contrary to policy are as follows:
- Harm 1 - Siting in an unsustainable location in the open countryside
  - Harm 2 - Major development in the National Landscape
  - Harm 3 – Negative impact on local amenity including the loss of a protected tree
  - Harm 4 – Negative Impact on the setting of a listed building (causing less than substantial harm)
  - Harm 5 – Inadequate information in relation to Highways safety
  - Harm 6 – Inadequate information in relation to the provision of 10% Biodiversity Net Gain
- 7.1.2 The harms identified would result in significant negative impacts on the character and amenity of the local environment, contrary to the adopted Development Plan Policy and the National Planning Policy Framework. Identified harms are given specific weight in the 'Planning Balance', with the hierarchy of weight ascribed to any harm in this case being:

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Very Substantial  
Substantial  
Great  
Moderate  
Limited

7.1.3 There would be definitional harm caused by the siting of the proposed development in an open countryside location that has not been proven to be sustainable, thereby eroding the natural character of this rural location. This represents Harm 1, to which very substantial weight is given.

7.1.4 Very substantial weight is ascribed to Harm 2, which is that the development would comprise major development in the National Landscape that is not an exceptional or publicly justifiable and that would have a significant adverse effect on the protected landscape and which is incompatible with the guiding principles of sustainability and does not meet the requirements of NPPF Paragraph 190 or the AONB Management Plan 2019-2024.

7.1.5 Harm 3 would be the combined visual and physical impact of the proposed development on the existing amenity value of the site, where it is located within a small settlement on land that is not previously developed (in planning terms), would urbanise the wider countryside, and would result in the loss of an important protected tree. A change of use of the site to a residential use would result in harm that would be ascribed substantial weight in this regard.

7.1.6 The finding that less than substantial harm would be caused to the setting of a heritage asset constitutes Harm 4. In officers' professional judgement, this harm would erode the character of the heritage asset's setting and directly impact the fabric of a curtilage listed structure and would therefore be at the upper end of the 'less than substantial' scale. A such, Harm number 4 would be ascribed great weight in the planning balance.

7.1.7 Harm 5 is the impact of the development on highways safety, where the existing substandard access and proposals to improve it have not so far demonstrated that a safe vehicular and pedestrian access into the site can be achieved. Great weight is therefore ascribed to this harm.

7.1.8 Harm 6 is that insufficient information has been provided to determine that the scheme will provide a 10% net gain in biodiversity. Whilst it may be possible to provide the net gain within the site with further assessment and landscaping, it nonetheless cannot be demonstrated at the present time, and therefore moderate weight is ascribed to this harm.

The benefits of the proposed development are identified as 1) the provision of two

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- 7.1.9 affordable dwellings, 2) the contribution the proposal would make towards the provision of housing in Shropshire in the absence of the Council currently being able to demonstrate a five year housing land supply, and 3) the short-term economic benefits that would be created during the construction phase of the proposed development. The provision of the nine dwellings would each have a combined public benefit that is ascribed moderate weight in the planning balance, whilst the short-term economic benefits associated with their construction is afforded limited weight.

## 8.0 CONCLUSION

In terms of the overall planning balance, officers have identified three benefits of moderate and limited weight in favour of the development. Conversely six harms have been identified and have been given weight ranging from moderate to very substantial. On that basis there are no benefits which individually or cumulatively clearly outweigh the multiple harms identified that are found to conflict with local and national policy, and other legislation. No special circumstances exist which justify the inappropriate development proposed at this location, therefore the weight in overall planning balance lies significantly in favour of refusing the scheme.

## 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.

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## 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.

## 11. Background

### Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework 2024

Levelling up and Regeneration Act 2023

Planning (Listed Buildings and Conservation Act) 1990

The Town and Country Planning Act 1990

The Town and Country Planning (Tree Preservation) (England) Regulations 2012



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Core Strategy and SAMDev Policies:

CS1 Strategic Approach

CS4 Community Hubs And Community Clusters

CS5 Countryside And Greenbelt

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS11 Type And Affordability of Housing

CS17 Environmental Networks

MD1 Scale And Distribution of Development

MD2 Sustainable Design

MD3 Delivery Of Housing Development

MD7a Managing Housing Development In The Countryside

MD7b General Management Of Development In The Countryside

MD8 Infrastructure Provision

MD12 The Natural Environment

MD13 The Historic Environment

S5.3 Church Stretton Area Wide Policies

Shropshire Hills AONB Management Plan 2019-2024:

P1 Protection of the AONB

P2 Landscape

P3 Heritage and Development

P4 Housing and Design of Development

Withdrawn Local Plan Evidence Base:

Hierarchy of Settlements (2020)

The Type and Affordability of Housing SPD

## RELEVANT PLANNING HISTORY:

**SS/1/8052/P/** Erection of an agricultural contractors store. **PERCON** 28th August 1997

**SS/1/7625/K/** Erection of an implement store **REFUSE** 25th March 1997

**HEPRE/11/00037** Alteration to roof - form a raised flat roof, in lead, which would eliminate the internal valleys and 'bowl' effect of the roof, thus discharging rainwater over the roof rather than through the impractical open gutter which runs through the roofspace. (Listed Building) **LBCRQ**

**PREAPP/13/00176** Conversion and partial rebuilding of barn to form dwelling **PREAIP** 14th June 2013

**14/02573/FUL** Conversion and reinstatement of first floor of agricultural building to form dwelling **GRANT** 25th November 2014

**14/02980/LBC** Conversion and reinstatement of first floor of agricultural building to form dwelling **GRANT** 25th November 2014

## AGENDA ITEM

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**15/03808/DIS** Discharge Conditions 3 (brickwork), 4 (roof construction/materials), 5 (landscaping), 6 (drainage) and 7 (joinery) of planning permission No. 14/02573/FUL (for conversion and reinstatement of first floor of agricultural building to form dwelling) **DISAPP** 27th May 2016

**15/03813/DIS** Discharge Conditions 3 (brickwork), 4 (roof structure/materials), 5 (landscaping), 6 (joinery) and 7 (roof lights) of listed building consent No. 14/02980/LBC (for conversion and reinstatement of first floor of agricultural building to form dwelling) **WDN** 20th May 2016

**16/01678/LBC** Conversion and reinstatement of first floor of agricultural building to form dwelling (revised scheme) **GRANT** 9th June 2016

**16/01716/AMP** Non-material amendment to planning permission No. 14/02573/FUL to allow timber cladding on three elevations of reinstated upper storey of barn, in lieu of facing brick **GRANT** 20th May 2016

**17/01890/AGR** Erection of a replacement agricultural building for storage of agricultural equipment **PPREQN** 24th May 2017

**17/03744/FUL** Erection of a storage and maintenance building following the demolition of 2 existing barns **GRANT** 9th October 2017

**18/04126/AGR** Proposed general purpose agricultural building **GRN** 19th October 2018

**PREAPP/20/00042** Relocation of agricultural storage building and also redevelopment of existing farm yard for No 10 cross-subsidy/entry level/low cost market/older persons dwellings **PREUDV** 18th September 2020

**PREAPP/20/00043** Relocation of agricultural storage building and redevelopment of site for the erection of 10 dwellings **NPW** 27th January 2020

**21/01068/AGR** Erection of a grain storage building **GRN** 14th April 2021

**25/00761/AGR** Erection of extension to existing agricultural building to provide livestock housing **PNR** 13th March 2025

**25/01447/OUT** Outline application for the erection of 9 dwellings **PDE**

### 12. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SUKFFWTDH9A00>

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

[25/01447/OUT | Outline application for the erection of 9 dwellings | Proposed Residential Development Land South West Of Longville In The Dale Much Wenlock Shropshire TF13 6DS](#)

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member Cllr Colin Stanford



Committee and date  
Southern Planning  
Committee

24<sup>th</sup> June 2025

Item

Public

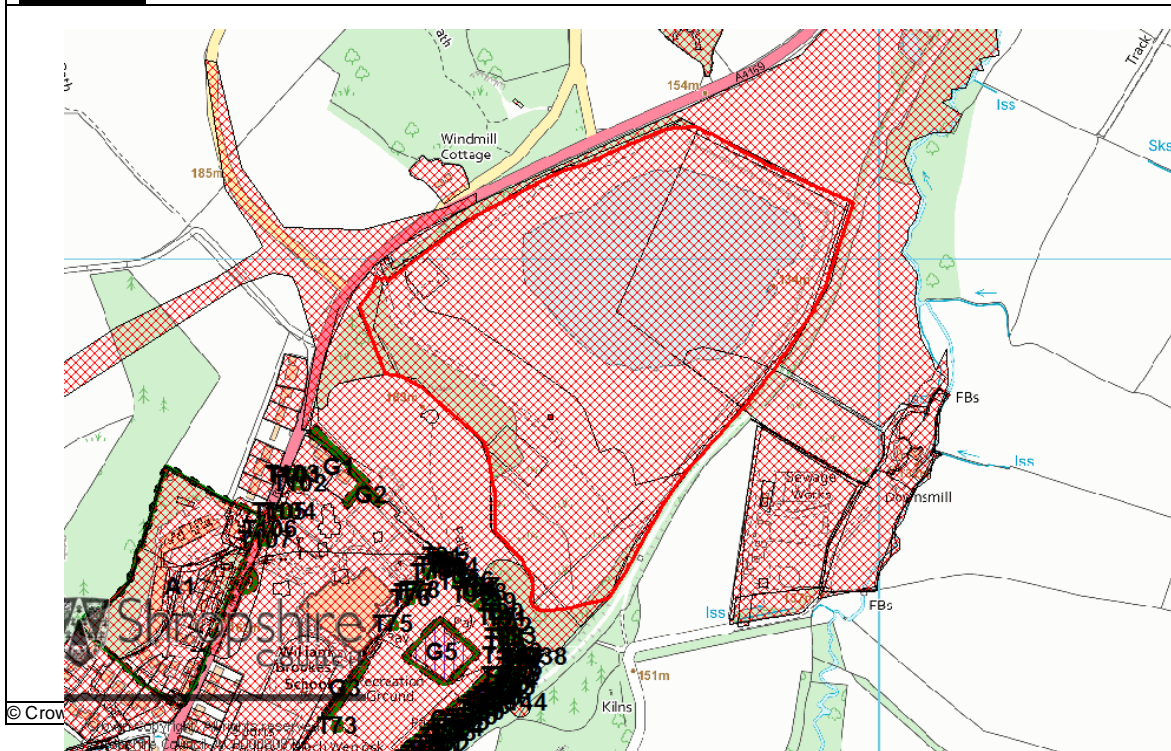
## Development Management Report

Responsible Officer: Tim Collard, Service Director Legal and Governance

### Summary of Application

<b>Application Number:</b> 24/04760/VAR	<b>Parish:</b>	Much Wenlock
<b>Proposal:</b> Variation of Conditions 2 and removal of condition 15 attached to planning permission 09/02701/FUL dated 23 December 2009		
<b>Site Address:</b> Shadwell Quarry, Farley Road, Much Wenlock, Shropshire, TF13 6PF		
<b>Applicant:</b> Shropshire Council		
<b>Case Officer:</b> Jenny Powell	<b>email:</b> jennifer.powell@shropshire.gov.uk	

**Grid Ref:** E363326 : N300452



**Recommendation:- Grant Permission subject to conditions in Appendix 1**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Shadwell Quarry was cleared in 2022 in preparation for development, in breach of a number of conditions attached to planning permission 09/02701/FUL which was granted on 23<sup>rd</sup> December 2009 for the *'Use of land for the stationing of 53no. holiday chalets with access tracks and associated parking; a reception/office building and a building for recreational and educational purposes relating to diving together with associated bin stores and parking areas; and provision of divers platform; pontoon; timber walkways and viewing platforms'*.
- 1.2 A certificate of lawfulness for an existing use or development was granted under 18/04032/CPL on 20<sup>th</sup> December 2018 for the following: *'Certificate of Proposed Lawful Development to establish that Planning Permission 09/02701/FUL (Use of land for the stationing of 53no. holiday chalets with access tracks and associated parking; a reception/office building and a building for recreational and educational purposes relating to diving together with associated bin stores and parking areas; and provision of divers platform; pontoon; timber walkways and viewing platforms) has commenced lawfully, and can be developed in accordance with the approved plans'*.
- 1.3 This confirmed that a material start had been made on site prior to 23<sup>rd</sup> December 2012, that all required pre-commencement conditions that were lawful had been discharged prior to that date, and that the permission granted under 09/02701/FUL remained extant.
- 1.4 Subsequent certificate of lawfulness applications for a proposed use or development were submitted under 20/04795/CPL (*Application for a Lawful Development Certificate for the use of site for stationing of 130 Holiday Chalets*) and 21/04526/CPL (*Application for a Lawful Development Certificate for the use of the site for the stationing of more than 53 Holiday Chalets that fall within the definition of a caravan contained in section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968*).
- 1.5 Both of these applications were found not to be lawful; 20/04795/CPL would have resulted in non-compliance with conditions attached to planning permission 09/02701/FUL for the commenced, but not yet completed, holiday chalet development, and because the additional caravans proposed would require planning permission in their own right and the development proposed would result in a material change in the use approved. 21/04526/CPL was found not to be lawful because the plans approved under 09/02701/FUL limited both the number and position of the holiday chalets permitted on site such that any changes to the plans would require planning permission.
- 1.6 Works to clear the site in 2022 destroyed an extensive area of land of ecological value without mitigation, harming the habitats of the identified protected species on site, including Great Crested Newts. Enforcement investigations were carried out by Shropshire Council under 22/09018/ENF to investigate whether there had been any breach of planning control as consequence of these works and

recommended that the applicant should submit a planning application to vary the conditions of 09/02701/FUL in order to regularise the works.

- 1.7 The current application has therefore been submitted to amend the scheme and aims to restore and mitigate some of this loss whilst seeking to ensure the approved scheme's implementation. It seeks to vary the conditions as applied to application 09/02701/FUL, granted in 2009.

The first condition subject to amendment is Condition 2 which states:

- 1.8 *The development shall be carried out strictly in accordance with the approved plans and drawings.*

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

- 1.9 The applicant has submitted an alternative layout plan for consideration, and to replace that previously approved. The plan alters the proposed location of the chalets, providing space for ecological enhancement. It also removes the dive building/ enterprise from the development.

The second condition subject to amendment is the proposed removal of Condition 15 which stated:

- 1.10 *Before development commences, the applicant/developer shall enter into an agreement to contribute to offsite traffic calming measures up to a sum of £10,000 and to provide a public toilet block at the developer's expense to a specification and in a location to be agreed in writing beforehand with the Local Planning Authority.*

*Reason: In the interests of highway safety and to provide facilities associated with the occupation of the permitted holiday accommodation.*

## 2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 Shadwell Quarry is located to the northeast of Much Wenlock. It is a disused limestone quarry that is now, in part, filled by water. The quarry pool is to the north of the site with a significant slope upwards to the south of the site. There are no permanent structures on site, with a single caravan positioned on land adjacent to the entrance.
- 2.2 The site is accessed by a large existing junction onto the A4169. It is located in an elevated position within the landscape and is bordered to the south, north and west by established vegetation of a mix of trees/ hedges. The site has an open aspect to the east where it is most visible from.
- 2.3 An existing public right of way (the Jack Mytton Way) runs parallel to the eastern boundary of the site but does not cross into it at any point. The site is not located within the designated Shropshire Hills Natural Landscape (previously known as the AONB) but is located to the immediate south of it

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

- 3.1 In accordance with the 'Scheme of Delegation' this application was discussed at Agenda Setting on 24<sup>th</sup> April 2025. The principal planner in consultation with the Chair of Planning Committee concluded this application should be a committee decision due to an objection being received from Much Wenlock Town Council, contrary to officer recommendation to approve it.

### 4.0 **COMMUNITY REPRESENTATIONS**

An application notice was displayed at the Site on 3<sup>rd</sup> February 2025.

#### **Consultee Comments**

##### ***Much Wenlock Town Council***

-The amended layout seeks to move the chalets nearer to the site entrance and on to higher ground. This will bring them into view at one of the main gateways into Much Wenlock and would drastically alter the character of this important entrance point of the town. This amendment is contrary to Objective 6 of the Much Wenlock Neighbourhood Plan 'Good Quality Design' and in particular, but not exclusively, Policy GQD1 which states: 'The high quality natural landscape outside the development boundary of Much Wenlock will be protected from any development which adversely affects the town's character, setting and open views.'

- the previous layout was informed by an extensive Visual Impact Assessment, which this layout contradicts, and brings built development closer to the Shropshire Hills National Landscape.

- Much Wenlock is situated in a Rapid Response Catchment area at extreme risk of flash flooding. The previous layout was complementary to a detailed drainage plan, which is no longer compatible. Further drainage details are required.

- Councillors object to the removal of the pedestrian link to the Jack Mytton Way. Given that this site is for holiday accommodation only, it is important that holiday makers have the opportunity to utilise green pedestrian links into the town centre to boost the local economy. It is felt that the removal of this link will make the site inaccessible to the town centre and reliant on car journeys only.

- given the history of the site, Councillors would wish to see formal management agreements (preferably with a bond) to ensure that environmental undertakings are adhered to. Notwithstanding this, Councillors do not feel that the current proposals go far enough. All green space within the site not subject to development should be given protection from future development.

- further details are needed of what the chalets will look like. It is noted that the dimensions of the chalets differ from the previous application, which was accompanied by designs.

- Councillors object to the variation relating to the provision of public conveniences as no supporting information is provided.

While it is appreciated that signage and marketing are not covered by this application, given the proximity to the entrance to Much Wenlock, the Town Council takes this opportunity to urge the applicant to take particular care with their design and form when the time arises

##### ***Sustainable Urban Drainage Team (SUDS)***

No drainage details have been provided to comment on.

### ***SC Highways***

Initial response received (18<sup>th</sup> February 2025): Additional information was requested given it was unclear from the details submitted what the proposals for the amendment to Condition 15 were, and if it remained the applicants' intention to make a highway contribution for traffic calming. It was recommended the applicant provide further clarification.

Subsequent response received (11<sup>th</sup> June 2025): No objection to the removal of Condition 15: In line with discussions with the previous case officer (who has since left the authority), clarification was received from the Developing Highways Manager that Shropshire Council as Local Highway Authority raised no objection to the variation of Condition 2 (approved plans). In relation to the removal of Condition 15, the Developing Highways Manager added that whilst Section 106 contributions were encouraged, the contribution was for the sum of £10,000 towards off-site traffic calming measures and the provision of a public toilet block. It is considered that in the time since the original planning permission was granted (unrelated) traffic calming measures have been introduced in Much Wenlock. The response added that Shropshire Council would be unable to deliver a substantial scheme with £10,000 when taking into consideration that the public toilet block would also need to be delivered with the £10,000 contribution although.

### ***SC Ecology***

No objection:

SC Ecology have no objection to the proposed variation of conditions 2 and 15 associated with Planning Permission 09/02701/FUL, however, due to the length of time that has lapsed between the grant of planning permission and the proposed variation application (24/04760/VAR), additional conditions have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have reviewed the Preliminary Ecological Appraisal with Preliminary Roost Assessment (Focus Environmental Consultants, March 2024), Great Crested Newt Survey Report (Focus Environmental Consultants, July 2024), Ecological Impact Assessment (Focus Environmental Consultants, October 2024) and Ecological Mitigation & Enhancement Strategy (Focus Environmental Consultants, October 2024) and plans submitted in association with the application, and I am happy with the survey work carried out.

Conditions and Informatives were recommended

### ***Natural England***

No response

### ***Regulatory Services***

As noted in 09/02701/FUL, the sewerage treatment aspect to serve the site will need to be finalised prior to any works

## **Public Comments**

No public comments were received

## **5.0 THE MAIN ISSUES**

Principle of development  
Scale and Design  
Ecological Impacts  
Visual Landscape  
Highways  
Other Matters

## **6.0 OFFICER APPRAISAL**

### **6.1 *Principle of Development***

6.1.1 The original planning permission granted under 09/02701/FUL remains extant as confirmed by 18/04032/CPL. The proposed amendments within the current proposal do not fundamentally alter the description of development originally approved and will still provide a tourism development of 53 chalets.

6.1.2 The principle of development therefore remains acceptable.

### **6.2 *Scale and Design***

6.2.1 The proposed amended layout relocates circa 15-20 of the approved chalets to the southwest of the site closer to the access and away from the southern extremity. This places the chalets on topographically higher land but creates space for ecological restoration. No holiday chalets are currently on site, although a caravan has been positioned at the site's entrance.

6.2.2 The revised layout is suitable for the tourist enterprise and will ensure a functional site. The moving of chalets closer to the access will not increase their visibility or compromise the visual 'gateway' into Much Wenlock as experienced when travelling south along the A4169.

6.2.3 There is an identified impact on the wider visual landscape as a result of the relocations, these are discussed in a later section of this report.

6.2.4 The individual design and scale of the chalets is appropriate for the amended layout and the same as previously approved in 2009. They do not represent overdevelopment or cause an inappropriate density that compromises user experience.

6.2.5 The site also includes a reception and site office, which is consistent with the previous approval and is acceptable.

6.2.6 Amendments to the proposed layout during the application's consideration have reinstated the pedestrian connection to Jack Mytton Way, an important element of the sustainability and connectivity of the site.



The amended site layout is therefore considered to be acceptable.

6.2.7

### **Ecological Impacts**

6.3 The amended site layout identifies areas to the northwest, west, southwest and  
6.3.1 south that are the subject of ecological restoration. This includes woodland planting and the creation of wildflower grassland habitats. These would represent significant improvements compared to the current barren land and will dramatically increase habitat value onsite. Additionally, an extensive enhancement and mitigation plan will improve other habitats that remain on site, including scrubland to the northwest that is suitable for supporting Great Crested Newts.

6.3.2 It is recognised by the Ecology Team that these restorations are not likely to result in an ecological restoration of this sensitive site to its previous levels, but on balance represent an acceptable alternative strategy to improve the biodiversity and habitats that currently exist on site. Legitimate mitigation and enhancements have been outlined to provide a notable contribution towards supporting protected species numbers within the former quarry.

6.3.3 It is the opinion of officers that whilst enforcement action could be taken against the applicant for works in breach of the conditions accompanying the extant planning permission, this would not necessarily result in any meaningful restoration of the site's previous ecological value, where the harm is already done. Such action would also require the extensive use of the Council's limited resources.

6.3.4 On balance, therefore, in order to secure some degree of ecological restoration to the site, and to help mitigate the loss in onsite habitat, approving the amended scheme is deemed to be a more pragmatic approach that would be in the public interest and would be a more appropriate use of council resources, going some way towards helping restore some of the ecological value of the site and mitigating some of the harm done. As such, significant planning weight should be given to the ecological restoration benefits of the proposed amendments under consideration.

6.3.5 The identified ecological mitigation and enhancements would be conditioned extensively to ensure both their implementation and ongoing monitoring post-completion of the development. The imposition of conditions are felt to be an appropriate mechanism in this case to secure the ecology restoration required given that it would be managed by the applicant and located entirely on site. Planning obligations through section 106 legal agreements are principally used in circumstances where the mitigation of the impacts of development is proposed outside of site boundaries, or when it relates to Council-operated services, hence would not be appropriate in this case.

### **Visual Landscape**

6.4 The relocation of chalets on the site would result in them being located at a higher elevation than previously approved, and more visible within the wider  
6.4.1 landscape, mainly from the Jack Mytton Way to the east, due to land topography and the lack of extensive vegetative boundary in this area. This landscape is

characterised by rural countryside with limited visible development and has intrinsic amenity value.

6.4.2 The site is not within the Shropshire Hills Natural Landscape, although it is sited adjacent to this protected landscape's southern border, which runs parallel with the A4169 to the northwest of the site. Visibility into and out of the National Landscape is a material consideration in the determination of planning applications, however in this case there is only limited intervisibility between the site and the National Landscape at the site's access, due to the presence of a heavily tree covered bund adjacent to the public highway which blocks almost all views into the site.

6.4.3 Within this context the proposed row of chalets bordering the Quarry Pool will therefore be noticeable and identifiable against the landscape backdrop. Their orientation, however, means their gable ends would be the most visible elevations, with regular gaps between chalets that would reduce the impact of the mass of the development on the landscape. Furthermore, conditions have been recommended to ensure the materials blend into the rural landscape, mitigating their impact.

6.4.4 Local authorities have a strengthened duty to preserve and enhance the purposes of protected landscapes, in line with Levelling Up and Regeneration Act 2023 at section 245. In this case, the proposal maintains the existing views into and out of the site, both to and from the National Landscape. In terms of the planning balance, when considering the wider impacts of the scheme on visual and landscape amenity, there would be moderate harm caused to visual and landscape amenity as a result of the amended layout and positioning of caravans closer to the site's access which would be glimpsed in views into the site from the access point. However this harm must be weighed against the provision of tourist accommodation and economic benefits that would benefit Much Wenlock and the wider area, which is also accorded moderate weight. Furthermore, some weight must be accorded to the fact the principle of development at this site has already been deemed acceptable under the extant planning permission 09/02701/FUL.

### **Highways**

6.5 The existing access benefits from sufficient width, depth and visibility splays for the vehicle movements anticipated, and is acceptable in planning terms.

6.5.1 The submitted application seeks to remove Condition 15 from the extant permission. This was a pre-commencement condition, which required the applicant to enter into a legal agreement with Shropshire Council in order to (in part) secure a contribution towards traffic calming measures (up to a sum of £10,000).

6.5.2

6.5.3 Planning Practice Guidance emphasises that planning obligations associated with a development should be secured before a decision is made, rather than via the use of a condition. The financial contribution that Condition 15 was attempting to provide for, through a legal agreement that hadn't been made at the point the decision was made, was not an appropriate mechanism to use.

6.5.4 Furthermore, the Highways Team have recently confirmed that in their view there is no current need for any traffic calming measures along the A4169 in this location that would necessitate a legal agreement being made between the applicant and the council for their provision. They therefore have no objection to the removal of the condition.

6.5.5 Even if a legal agreement was still required to be made in relation to a financial contribution for traffic calming measures, the wording of the condition is considered problematic given that it specified a financial contribution of 'up to £10,000' to be the subject of any legal agreement made. The use of the words 'up to' is imprecise and open to wide interpretation and could mean that a signed legal agreement requiring a contribution of only £1 could in practice be adequate to accord with the terminology that was used by the decision maker in 2009.

6.5.6 No legal agreement was made prior to the determination of 09/02701/FUL, and no legal agreement was made prior to the commencement of works. The planning permission is extant. The requirement for a legal agreement securing a financial contribution cannot be further pursued for this application given that Condition 15 was flawed from the the outset, proposing an inappropriate mechanism for securing planning obligations that are in any case would not necessary in the current context, and that could amount to only a minimal sum.

6.5.7 Condition 15 would not be necessary to make the development acceptable and can be removed in respect of highways matters.

## 6.6 ***Other Matters***

### 6.6.1 *Public Toilets*

Condition 15 of the original planning permission also included for the provision of a public toilet block on site to be agreed through legal agreement and funded by the developer (not part of the figure of 'up to £10,000' specified). The requirement for a public toilet is not necessary to make the development acceptable in planning terms at the current time, where the site will be privately owned and operated, is not accessible to the public, and occupiers will have access to toilets within the reception/chalets. There is therefore no wider justification for it, through a legal agreement.

### 6.6.3 *Trees*

Appropriate tree protection measures have been submitted and conditions have been suggested to protect the existing trees within the site boundary.

### 6.6.4 *Drainage*

Appropriate conditions have been suggested to require the development of a suitable drainage scheme for the amended layout.

### 6.6.5 *BNG*

The proposed development is exempt from the need to provide a 10% Biodiversity Net Gain. Permissions granted for applications made before this date, such as the permission to which this Variation of Conditions application has

been made (and where planning permission was granted on 23<sup>rd</sup> December 2009) are not subject to biodiversity net gain.

## 7.0 **CONCLUSION**

7.0.1 The proposal represents a pragmatic and balanced approach to addressing both the historical breaches of planning control and the future development potential of the site. While the new plans and details proposed as a consequence of the amendment of Condition 2 would introduce moderate visual and landscape impacts due to the relocation of chalets to higher ground, these would be mitigated through thoughtful design, orientation, and material use, and are outweighed by the ecological and economic benefits of the scheme. The scheme preserves the National Landscape beyond the site's extent.

7.0.2 The proposal demonstrates a clear commitment to ecological restoration, with significant enhancements planned to improve biodiversity and support protected species, particularly in light of the previous unmitigated site clearance. The reintroduction of pedestrian connectivity to the Jack Mytton Way further strengthens the site's integration with the local area and supports sustainable tourism. It is recommended that Condition 2 is therefore amended and the plans and details submitted for this application are approved.

7.0.3 The removal of Condition 15 is justified given the current planning context as well as the inappropriate mechanism it proposed for securing a planning obligation, and the lack of necessity for offsite traffic calming or public toilet provision. The development remains consistent with the original permission in terms of scale and use, and the proposed amendments under Condition 2 do not fundamentally alter its character or intent.

7.0.4 On balance, the application offers a viable route to regularise past actions, deliver ecological and economic gains, and ensure the long-term viability of the site as a tourism destination. Approval of the proposed variations is therefore recommended, subject to the imposition of appropriate conditions as outlined in Appendix 1.

## 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**

#### **Central Government Guidance:**

National Planning Policy Framework

Planning Policy Guidance

The Levelling Up and Regeneration Act 2023

#### **Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:**

LDF Core Strategy Policies:

CS5 - Countryside And Green Belt

CS6 - Sustainable Design And Development Principles

CS9 - Infrastructure Contributions

CS16 - Tourism, Culture And Leisure

CS17 - Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 - Sustainable Design

MD11 - Tourism Facilities And Visitor Accommodation

MD12 - Natural Environment

S13 - Much Wenlock

Much Wenlock Neighbourhood Plan 2013-26

**RELEVANT PLANNING HISTORY:**

**09/02701/FUL** Use of land for the stationing of 53no. holiday chalets with access tracks and associated parking; a reception/office building and a building for recreational and educational purposes relating to diving together with associated bin stores and parking areas; and provision of divers platform; pontoon; timber walkways and viewing platforms. GRANT 23rd December 2009

**10/05419/ADV** Application under Section 73a of the Town and Country Planning Act 1990 to erect and display a standing sign board GRADV 18th May 2011

**11/01015/DIS** Discharge of conditions on planning application 09/02701/FUL DISAPP 18th July 2011

**11/02142/DIS** Discharge of condition no. 16 on planning application 09/02701 23rd June 2011

**PREAPP/16/00334** Partial infilling of the lake to leave an average water depth of 2m to reduce health and safety risk PREAMD 23rd November 2016

**16/04753/SCR** Screening opinion on partial infilling of the lake to leave an average water depth of 2m to reduce health and safety risk EAN 23rd November 2016

**PREAPP/18/00359** Renewal of planning permission/lawful commencement of development for 53 holiday chalets, associated facilities and diving facilities PREAIP 10th October 2018

**18/04032/CPL** Certificate of Proposed Lawful Development to establish that Planning Permission 09/02701/FUL (Use of land for the stationing of 53no. holiday chalets with access tracks and associated parking; a reception/office building and a building for recreational and educational purposes relating to diving together with associated bin stores and parking areas; and provision of divers platform; pontoon; timber walkways and viewing platforms) has commenced lawfully, and can be developed in accordance with the approved plans LA 21st December 2018

**18/05880/FUL** Installation of 1 sludge thickening building and 1 motor control centre kiosk  
GRANT 12th February 2019

**BR/80/0504/FUL** Retention of existing overburden storage mounds as granted under  
temporary consent number 73/3325 dated 22/3/74 GRANT 9th September 1980

**20/04795/CPL** Application for a Lawful Development Certificate for the use of site for stationing  
of 130 Holiday Chalets NL 11th June 2021

**21/04526/CPL** Application for a Lawful Development Certificate for the use of the site for the  
stationing of more than 53 Holiday Chalets that fall within the definition of a caravan contained  
in section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 of  
the Caravan Sites Act 1968 NL 21st October 2022

**24/04760/VAR** Variation of Conditions 2 and removal of condition 15 attached to planning  
permission 09/02701/FUL dated 23 December 2009 PDE

**SC/MB1989/0749/BR** Change of use from rough pasture to amenity bank/woodland WDN 30th  
October 1989

**SC/MB1980/0504/BR** Temporary overburden storage PERMIT 21st September 1994

**SC/MB1992/0247/BR** Continuance of quarrying operation for the purpose of winning limestone  
PERMIT 9th October 1992

**SC/MB1974/0445/BR** Erection of offices and weighroom and construction of a weighbridge and  
car parking areas PERMIT 31st December 1974

**SC/MB1974/0444/BR** Erection of a building for use as workshop and garage for the repair and  
maintenance of quarry plant PERMIT 31st December 1974

**SC/MB1973/3325/BR** Temporary storage of over burden on land PERMIT 22nd March 1974

**SC/MB1961/2613/BR** Mineral working - outline application only REFUSE 3rd January 1962

**SC/MB1961/1042/BR** Use of quarry as a refuse tip WDN 2nd June 1961

**SC/MB1948/0983/BR** Continue quarrying for the purpose of winning limestone PERMIT 28th  
January 1948

**SC/MB1966/1572/BR** Erection of offices, weighbridge, workshop & access PERMIT 20th July  
1966

**SC/MB1962/0549/BR** Working of mineral REFUSE 2nd May 1962

**BR/87/0143** ERECTION OF FOUR SCULPTURED BLOCKS GRANT 7th April 1987

**BR/89/0749** RETENTION AND EXTENSION OF EXISTING AMENITY BUND OBS 4th  
September 1989

## 11. Additional Information

### **List of Background Papers**

24/04760/VAR - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SONJNFTDMCX00>

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member - Cllr Dan Thomas

### **Appendices**

APPENDIX 1 – Conditions



## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

1. The development shall be carried out strictly in accordance with the approved plans and drawings.

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

2. No built development shall commence on site until details of all external materials have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the external appearance of the development is satisfactory.

3. Within 3 months of the date of this planning permission, details of existing and proposed finished ground levels must be submitted to and approved by the local planning authority. All works are to be carried out in accordance with the approved drawings.

Reason: In the interest of maintaining the amenity value of the area.

4. No further works shall take place on site until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of great crested newts, which are European Protected Species.

5. No further development of the site shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan of the on and off site gains has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site that may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- Personnel responsible for implementation of the plan;
- Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- Possible remedial/contingency measures triggered by monitoring;
- The financial and legal means through which the plan will be implemented.

All works shall be carried out as per the approved plan.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 192 of the NPPF.

6. No further development of the site shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan of the hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved. The submitted plan shall include:

- Planting Plans
- Creation of wildlife habitats and features
- Enhancement of Great Crested Newt habitat
- Written specifications for establishment of planting and habitat creation
- Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
- Means of enclosure
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
- Implementation timetables

Native species used are to be of local provenance (Shropshire or surrounding counties).

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

7. No further development of the site shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- An appropriately scaled plan showing Wildlife/Habitat Protection Zones where construction activities are restricted, where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- Requirements and proposals for any site lighting required during the construction phase;
- A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- Identification of persons responsible for:
  - Compliance with legal consents relating to nature conservation;
  - Compliance with planning conditions relating to nature conservation;
  - Installation of physical protection measures during construction;
  - Implementation of sensitive working practices during construction;

- Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- Provision of training and information about the importance of Wildlife Protection Zones to all construction personnel on site.
- Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 192 of the NPPF.

8. In this condition 'retained tree' means an existing tree, woody shrub or hedge which is to be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any 'retained tree':

No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Any approved tree works shall be specified and carried out by a competent arborist in accordance British Standard 3998: 2010 Tree Work - Recommendations, or its current version.

The tree protection measures detailed in the Tree Protection Plan (BEA-22-117-04 REV PO2) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site. The tree protective barrier shall be installed in accordance with Figures 2 or 3 of BS5837: 2012 - Trees in Relation to Design, Demolition and Construction.

The development shall be implemented in accordance with the Tree Protection Plan (BEA-22-117-04 REV PO2). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

All services and drainage infrastructure will be routed outside the Root Protection Areas indicated on the approved Tree Protection Plan (BEA-22-117-04 REV PO2). Thereafter the development shall be carried out strictly in accordance with the approved tree protection plan.

No further works associated with the development permitted may take place and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The LPA will be informed of the identity of said person.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

9. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local

Planning Authority. 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 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 landscape in accordance with the approved designs.

10. Within six weeks of the date of this permission, a peregrine falcon inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of peregrine falcons is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of Peregrine Falcons under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

11. A 200m exclusion buffer shall be temporarily fenced off from any known peregrine falcon nests, as illustrated in Annexe 5.1 of the Ecological Mitigation & Enhancement Strategy (Focus Environmental Consultants, October 2024). No access, material storage or ground disturbance shall occur within the buffer zone. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of Peregrine Falcons under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)

12. All works to the site shall occur strictly in accordance with the mitigation, enhancement and monitoring measures regarding bats, birds, herptiles, peregrine falcons and hazel dormice as provided in Section 2 and 3 of the Ecological Mitigation & Enhancement Strategy (Focus Environmental Consultants, October 2024).

Reason: To ensure the protection of and enhancements for bats, great crested newts and hazel dormice, which are European Protected Species, peregrine falcons which are a Schedule 1 species, protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended), birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended) and herptiles which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

13. Five years from the date of this permission, a report outlining Great Crested Newt and Peregrine Falcon presence/ absence over the five year period, will be submitted to the Local Planning Authority. If significant population decline is evident a compensation strategy shall be submitted and approved by the Local Planning Authority. The strategy will be implemented in accordance with the approved details.

Reason: To ensure the protection of and enhancements for great crested newts, which are European Protected Species, peregrine falcons which are a Schedule 1 species, protected

under Section 1 of the 1981 Wildlife and Countryside Act (as amended), birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

## **CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

14. Prior to first occupation / use of the development hereby approved, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Great Crested Newt Reasonable Avoidance Measures Method Statement (RAMMS), on the outbuilding present at the site as set out in Section 2 of the Ecological Mitigation & Enhancement Strategy (Focus Environmental Consultants, October 2024).

Reason: To demonstrate compliance with the great crested newt RAMMS to ensure the protection of great crested newts, which are which are European Protected Species.

15. Prior to first occupation / use of the approved development, the makes, models and locations of wildlife 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 15 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 30 artificial nests, of external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), and/or small birds (32mm hole, standard design).
- A minimum of 2 artificial nest, suitable for Peregrine Falcon (Peregrine Falcon nest box).
- A minimum of 2 hibernaculum will be created to provide refuge for great crested newts.
- A minimum of 3 hedgehog domes (standard design) to provide refuge for hedgehogs.
- A minimum of 5 invertebrate boxes (standard design) suitable for pollinators.

The boxes shall be sited in suitable locations, with a clear flight path, where appropriate, 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 192 of the NPPF

16. Within 3 months of the date of this planning permission, drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

17. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

## **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

18. 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 Trusts Guidance Note 08/1823 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.

19. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

20. The chalets hereby approved shall only be used for holiday accommodation and not for permanent residential occupation and shall be occupied only by persons whose main residence is elsewhere. The owners/ operators of the site must maintain an up-to-date register of the names of all the owners and occupiers of the individual chalets hereby approved and of their main home addresses, and must make this information available at all reasonable times to the Local Planning Authority. The register shall be collected by the caravan site licence holder or his/her nominated person.

Reason: To prevent the establishment of permanent residential planning units in an area where new dwellings would not normally be permitted.

## AGENDA ITEM



Committee and date:

**Southern Planning Committee**

**24th June 2025**

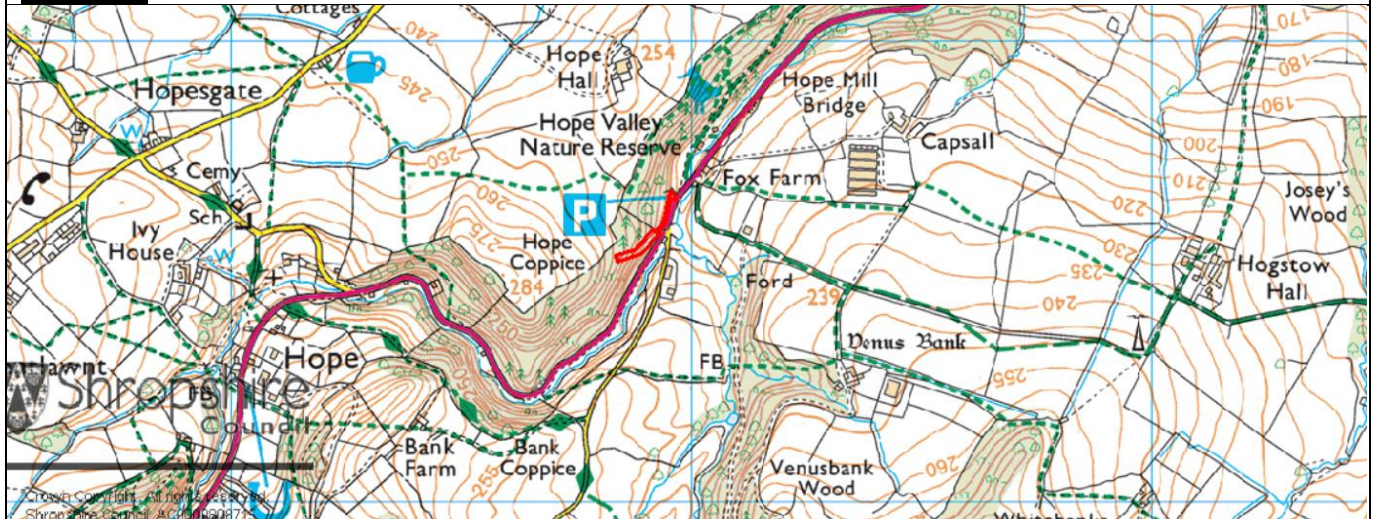
### Development Management Report

**Responsible Officer:** Tim Collard, Service Director - Legal and Governance

#### Summary of Application:

<b><u>Application Number:</u></b> 25/01150/FUL	<b><u>Parish:</u></b>	Worthen with Shelve
<b><u>Proposal:</u></b> Widening of existing vehicular access, enlargement of parking/turning area and formation of forestry track, to include associated culverting of ditches		
<b><u>Site Address:</u></b> Hope Valley Nature Reserve, Minsterley, Shropshire		
<b><u>Applicant:</u></b> Shropshire Wildlife Trust		
<b><u>Case Officer:</u></b> Trystan Williams	<b><u>email:</u></b> <a href="mailto:trystan.williams@shropshire.gov.uk">trystan.williams@shropshire.gov.uk</a>	

**Grid Ref:** 334945 - 301594



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**Recommendation:** Grant Permission subject to:

- the conditions set out in Appendix 1; and
- delegated authority to the planning and development services manager to finalise Biodiversity Net Gain arrangements, including a Section 106 agreement to secure off-site provision and/or monitoring if necessary

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for access improvements to facilitate wider forestry operations as part of an ongoing ancient woodland restoration project being administered by the Shropshire Hills National Landscape (formerly Area of Outstanding Natural Beauty (AONB)) Partnership in collaboration with the Shropshire Wildlife Trust (SWT). The specific elements requiring planning permission are:
- widening an existing highway entrance to enable safe access and egress by commercial timber lorries;
  - enlarging an existing parking/turning area, again primarily to accommodate forestry vehicles in connection with future tree felling operations, but which would also provide additional car parking spaces for public visitors longer-term;
  - constructing a 170-metre long and 3.4-metre wide crushed stone track for access through the woodland beyond the car park;
  - culverting two stretches of ditch under the new track; and
  - lengthening an existing culvert beneath the widened highway access.
- 1.2 Full permission is required because the access is onto a classified highway, but otherwise 'permitted development' rights would have applied. However, the wider tree felling/timber extraction operations do not require planning permission and are already authorised under a felling licence issued by the Forestry Commission.
- 1.3 Amended plans now show the application site area expanded to include additional land for Biodiversity Net Gain (BNG) provision.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located alongside the A488 Shrewsbury – Bishop's Castle Road in the Hope Valley, some 3 miles southwest of Minsterley village and within the Shropshire Hills National Landscape. Now expanded to 0.27 hectares, it forms part of a longer corridor washed over by Ancient Woodland and Local Wildlife Site designations, with much of this particular section recorded as a Planted Ancient Woodland Site (PAWS) and open to the public as a nature reserve. In fact, however, the lower part of the development area comprises hardstanding used as a car park and bordered by modified grassland and mixed scrub on disturbed ground. Meanwhile the proposed track leading up the hillside would pass through stands of trees dominated by non-native Douglas Fir and beech plantations which are identified for removal under the felling licence.
- 2.2 A tree/woodland-lined watercourse (Minsterley Brook) runs along the opposite side of the road before passing under a bridge just north of the site entrance and is designated a Site of Special Scientific Interest (SSSI). Beyond it is mainly open agricultural land, but there are also scattered dwellings further east, as well as to the south, northeast and atop the northwest slopes.



## 3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 Under the Council's adopted Scheme of Delegation, the application is automatically referred to the Southern Planning Committee for determination because Shropshire Council owns part of the site and the proposals do not strictly relate to any of its statutory functions. Moreover, a Council officer (albeit working for the semiautonomous Shropshire Hills National Landscape team) is now acting as agent on behalf of the SWT. However, it is emphasised that the Planning Officer's recommendation for approval aligns with the Parish Council's support for the application, whilst Shropshire Councils elected Local Member has not raised any concerns.

## 4.0 COMMUNITY REPRESENTATIONS

### 4.1 Consultee comments

#### 4.1.1 Shropshire Council Flood and Water Management – no objection:

The proposals are unlikely to increase flood risk significantly and are therefore acceptable.

- 4.1.2 Any permission granted should include an 'informative' advising that the proposed culverts also require 'ordinary watercourse consent' under the Land Drainage Act 1991.

#### 4.1.3 Shropshire Council Rights of Way – comment:

A public bridleway runs diagonally through the site. Although this would not appear to be affected directly, the applicant should be advised of the need for it to remain open, unaltered and unobstructed at all times unless first agreed otherwise by the Rights of Way Team.

#### 4.1.4 Shropshire Council Highways Development Control – no objection:

The proposed alterations would improve the existing access arrangements, especially for large forestry vehicles. Therefore, no objection is raised, subject to conditions requiring:

- completion of the access works and enlarged parking/turning area before the remainder of the development is brought into use;
- construction of the access apron in accordance with the Council's current technical specification; and
- maintenance of the visibility splays indicated for the lifetime of the development.

#### 4.1.5 Additionally, informatives should advise on the need to:

- obtain the requisite licence for works on or abutting highway land;
- keep the adjacent highway clear of mud and other loose material arising from construction works; and
- avoid discharging surface water from the development onto the highway or into road drains.

4.1.6 Natural England – no objection:

The development is considered unlikely to have significant adverse impacts on any statutorily designated nature conservation sites, so no objection is raised. Although the Hope Valley SSSI is close by, this is notified for its geological importance, and the development is unlikely to damage or destroy those interest features. However, this does not necessarily mean there would be no other significant environmental impacts or issues, and the local planning authority should ensure that all such matters are fully considered in consultation with other relevant bodies. Account should also be taken of Natural England standing advice regarding protected landscapes, protected species, locally designated wildlife or geodiversity sites, priority habitats and species, ecological enhancements and BNG, ancient woodland and veteran trees, best and most versatile agricultural land and soils, green infrastructure, public rights of way, and other opportunities for public access and recreation.

4.1.7 Shropshire Council Trees – no objection:

An Arboricultural Impact Assessment (AIA) submitted with the application identifies 23 individual broadleaf trees, 2 hedgerows and 3 groups of trees which have been assessed in accordance with the relevant British Standard and categorised according to their current and potential public amenity value. This categorisation forms the basis for how much weight should be given to the loss of any particular tree and helps to inform the site layout and design process. Council officers agree that the categories assigned in this instance are appropriate.

4.1.8 The development would directly result in the loss of two sections of hedgerow totalling 10 metres, one group of trees and three individual trees, whilst a further tree would be felled on safety grounds. However, these losses would have a relatively minor impact on the overall arboricultural resource and wider amenity of the area and can be compensated through new planting. Meanwhile the remaining trees would be protected as outlined in the AIA.

4.1.9 Accordingly, no objection is raised subject to a condition to ensure that:

- no retained trees are damaged, pruned or felled without prior written approval;
- no works commence until all tree protection measures detailed in the AIA have been established on-site to the local planning authority's written satisfaction;
- the tree protection measures are adhered to throughout the duration of the construction works; and
- all service installations are routed outside identified Root Protection Areas, or, where this is not possible, in accordance with a detailed method statement and task-specific tree protection plan which shall first be agreed by the local planning authority.

4.1.10 Shropshire Hills National Landscape Partnership – comment:

No site-specific comments. However, this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB

designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan.

4.1.11 Shropshire Council Ecology:

24/4/25 – objection:

The submitted information and survey work detailed therein is broadly satisfactory.

- 4.1.12 The Ecological Impact Assessment (EclA) by Wild Borders Ecology confirms that the trees identified for removal have negligible potential for roosting bats, whilst other habitats which *do* have roosting potential would not be impacted directly by the proposed development. However, it also advises that further (presence/absence) surveys for dormice may be required, along with a European Protected Species (EPS) mitigation licence for that species should any further habitat clearance prove necessary. Meanwhile another report titled ‘Dormouse habitat assessment and recommendations’, by Phillip Playford, states:

*Works to be covered by the mitigation licence required below. This stage of the works can be done, if necessary, without requiring a mitigation licence and done under Reasonable Avoidance Methods due to extremely low probability of dormice being encountered in this area and the scale of the works. These will be as above with the additional proviso that if any dormice or signs of dormice are encountered works to stop and a licence applied for.’*

- 4.1.13 Therefore, before granting planning permission it should be clarified whether dormice presence/absence surveys are being conducted and an EPS licence sought.
- 4.1.14 There is potential for the site to be used by nesting birds. The EclA recommends that works are conducted outside the bird nesting season or following a pre-commencement inspection.
- 4.1.15 It is not anticipated that herptiles and invertebrates would be impacted, but a precautionary working method statement is set out in the EclA and should be followed.
- 4.1.16 A BNG assessment has also been submitted. This predicts a net gain of 0.10 (18.35%) hedgerow units and 0.08 (17.33%) watercourse units on-site, which would exceed the mandatory 10%. However, a net loss of -0.17 (-5.92%) habitat units is also predicted, owing to impacts within the area covered by the PAWS designation, which is regarded as irreplaceable habitat. In this respect a bespoke enhancement is required and has yet to be detailed.
- 4.1.17 Worthen with Shelve Parish Council – support

4.2 **Public comments**

- 4.2.1 None

## 5.0 THE MAIN ISSUES

- Principle of development
- Design and landscape impact
- Arboricultural impacts
- Ecological and geological impacts
- BNG
- Access, highway safety and rights of way
- Drainage and flood risk
- Impacts on residential amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The development is acceptable in principle because it is reasonably necessary in connection with the site's established uses, principally as forestry land but also as a nature reserve open to visiting members of the public. Moreover, both of these uses fundamentally accord with the Council's Core Strategy Policy CS5 in that they are land-based activities inherently linked to the rural location.

### 6.2 Design and landscape impact

- 6.2.1 A covering letter submitted with the application explains that the proposals have been developed in accordance with relevant Forestry Commission guidelines and in consultation with a local timber haulage company, with the layout and construction of the widened entrance, extended hardstanding and new track being suitable for safe access by self-loading 6-wheel rigid lorries, which are the largest vehicles likely to be used here. Since the development would be at ground level, mainly surfaced in a 'natural'/unbound material, and largely surrounded by trees in a narrow, steep-sided valley setting, it would not look overly stark or discordant or be prominent in the wider landscape. Furthermore, the overarching plan to restore the ancient woodland will ultimately conserve and enhance the area's character and natural beauty, despite some short-term visual and noise impacts associated with the initial felling of unfavoured trees. Overall, therefore, the scheme accords with the enhanced legal duty (under the Levelling-up and Regeneration Act 2023) to further the statutory purposes of this protected landscape, as well as planning policy requirements in this respect.

### 6.3 Arboricultural impacts

- 6.3.1 It is not for the local planning authority to decide whether the wider tree felling, and overall woodland restoration strategy are appropriate, since they are subject to other legislation and guidance and the Shropshire Wildlife Trust's own management plan. By way of background, however, clearing conifers and other dense, non-native planting carried out in the 1960s is intended to reestablish native broadleaf woodland through a mixture of replanting and natural regeneration.
- 6.3.2 Whilst it is unfortunate that the access improvements will impact to some extent on other trees and short stretches of hedgerow, this is inevitable in order to carry out

the already licensed felling and realise the long-term restoration objectives. The Council's Tree Officer accepts that the short-term harm/losses are proportionate and would ultimately be offset by the wider benefits. Moreover, the submitted AIA explains that some of those trees are in poor condition and require removal in any event, details protection measures to minimise the impacts on retained trees and anticipates that the latter will tolerate some disturbance given their condition and vigour. Adherence to the report's recommendations will be reinforced through the Tree Officer's suggested condition.

## 6.4 **Ecological and geological impacts**

6.4.1 Similarly, whilst advanced clearance of selected trees and vegetation to provide access risks some additional short-term disruption to wildlife habitats and migration, the levels of impact will generally be low, appropriately mitigated, and offset longer-term by the ecological benefits of restoring the ancient woodland, especially as the current non-native plantations would not in fact qualify as priority habitat despite the broadbrush PAWS designation. Overall, therefore, there would be no loss or deterioration of either irreplaceable or priority habitats, and hence no conflict with Paragraph 193c) of the National Planning Policy Framework or Policy MD12 of the Council's Site Allocations and Management of Development Plan.

6.4.2 The submitted EcIA confirms there is no potential for roosting bats to be affected. Meanwhile a supplementary Dormice Statement submitted in response to the Ecology Team's queries (see Paragraph 4.1.13) argues that working under a method statement and ecological supervision, without additional surveys and an EPS licence, is a reasonable and expedient approach in this instance because:

- it follows Government and good practice guidelines for forestry operations;
- the earlier expert reports conclude, and the Shropshire Wildlife Trust agrees, that any presence of dormice within the development area is likely to be transitory rather than permanent; and
- there was no evidence of dormice using nesting boxes previously installed and monitored by the Shropshire Dormice Group in the site's vicinity.

In this regard further comments from the Council's Ecologists are awaited and will be reported to the Committee via the 'Late Representations' pages.

6.4.3 It is noted that Natural England raises no objection regarding the adjacent SSSI, whose interest features are geological and would be unaffected. Similarly, there would be no adverse impact on a Regionally Important Geological Site which extends along much of the Hope Valley.

## 6.5 **BNG**

6.5.1 Also awaiting confirmation/agreement is the means of achieving mandatory 10% BNG. Further to the Ecology Team's comments about technical difficulties in achieving measurable net gains in 'habitat units' on-site given the extent of the PAWS designation (Paragraph 4.1.16), it is hoped that the now expanded site area may enable a bespoke solution, for which some details had just been received at

the time of writing. However, discussions between the agent and the Council's Ecology Team are ongoing and offsetting the shortfall with *off-site* provision or buying statutory 'credits' remain alternative possibilities. Furthermore, in either scenario a Section 106 agreement may be needed to secure long-term monitoring.

- 6.5.2 Again, any further Ecology advice or other information received before the Committee meeting will be highlighted in the Late Representations report, but otherwise a resolution is sought from Members to delegate agreement on this point of detail to officers.

## 6.6 Access, highway safety and rights of way

- 6.6.1 As mentioned already, the widened and resurfaced entrance and enlarged hardstanding would improve access and parking/turning/loading space for forestry vehicles, and longer-term for visitors to the nature reserve. Whilst visibility splays along the A488 will technically remain substandard for a de-restricted road, and the initial tarmacked section of the entrance shorter than usual for commercial traffic, officers find them acceptable since they would offer clear betterment over the current situation, the entrance would still be relatively lightly used, and the Highways Development Control does not object subject to standard conditions and informatives. It should also be noted that the car park will necessarily be closed to the public during forestry operations, thereby avoiding any risk of parked cars impeding lorry movements.

- 6.6.2 The adjacent public footpath will be protected under separate legislation on which the applicant will be advised.

## 6.7 Drainage and flood risk

- 6.7.1 Most of the new hard surfacing would be permeable, and it is noted that the Flood and Water Management Team has no objection. Although culverting watercourses is generally discouraged under Core Strategy Policy CS18, additional short stretches are likely to be acceptable here (subject to a separate Ordinary Watercourse Consent application also being approved) as they are unlikely to significantly increase flood risk given the presence of the existing similar culvert at the point furthest downstream.

## 6.8 Impacts on residential amenity

- 6.8.1 The new track and enlarged car park would be well separated and screened from the neighbouring properties. Although there would be some noise during construction and felling works, this would be temporary and again not unreasonable in the context of the wider forestry activity.

## 7.0 CONCLUSION

- 7.1 For the reasons outlined above, officers consider the proposals accord overall with the principal determining criteria of the relevant development plan policies and national guidance, with any harmful impacts being minor and short-term and offset by the wider long-term benefits of restoring the ancient woodland. Approval of the

application is therefore recommended, subject to:

- finalisation of BNG arrangements, including a Section 106 agreement to secure off-site provision and/or monitoring if necessary; and
- conditions to reinforce the other critical aspects of the scheme.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

### **8.3 Equalities**

8.3.1 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

- 9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

## 10.0 BACKGROUND

### Relevant Planning Policies:

Central Government Guidance:  
National Planning Policy Framework

### Shropshire Local Development Framework Adopted Core Strategy Policies:

CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS7 - Communications and Transport  
CS8 - Facilities, Services and Infrastructure Provision  
CS16 - Tourism, Culture and Leisure  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

### Shropshire Council Site Allocations and Management of Development Plan Policies:

MD2 - Sustainable Design  
MD11 - Tourism Facilities and Visitor Accommodation  
MD12 - Natural Environment

### Relevant Planning History:

None

## 11.0 ADDITIONAL INFORMATION

**View details online:** <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=STN674TDGRN00>

### List of Background Papers:

Application documents available on Council website via link above

### Cabinet Member (Portfolio Holder):

Councillor David Walker

### Local Member:

Cllr Heather Kidd



## AGENDA ITEM

<b>Southern Planning Committee - 24th June 2025</b>
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Hope Valley Nature Reserve
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<b>Appendices:</b>
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Appendix 1 – Conditions and Informatives
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## APPENDIX 1 – CONDITIONS AND INFORMATIVES

### STANDARD CONDITIONS

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 in strict accordance with the approved, amended plans and particulars listed below in Schedule 1.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. a) No works associated with the development hereby permitted shall commence, and no equipment, machinery or vehicles shall be brought onto the site for the purposes of said development, until all tree protection measures specified in the submitted 'Tree Survey' report (dated 11th November 2024 and received by the local planning authority on 25th March 2025) have been fully implemented on-site to the written satisfaction of the local planning authority, and until the local planning authority has also been notified of the identity of a person who shall be responsible for day-to-day supervision of the site and to ensure that the tree protection measures are fully complied with. All approved tree protection measures must be maintained throughout the course of development works until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the local planning authority.

b) No existing tree indicated for retention shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority, with effect until the expiration of 5 years from the date of the substantial completion or first use of the development (whichever is the sooner). Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 (Tree Work) or its current equivalent.

c) All services shall be routed outside the root protection areas indicated on the approved Tree Protection Plan, or, where this is not possible, a detailed and task-specific method statement shall be submitted to and approved in writing by the local planning authority before relevant works commence.

Reason: To safeguard retained trees in the interests of the visual amenity and biodiversity value of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

## CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

4. Prior to the first use of any part of the development, there shall be submitted to and approved in writing by the local planning authority a verification report by an appropriately qualified and experienced Ecological Clerk of Works, to demonstrate full adherence to and implementation of the recommended mitigation measures set out in Sections 4.1-4.5 of the submitted Ecological Impact Assessment (referenced MW0029, dated 13th February 2025 and received by the local planning authority on 25th March 2025), and in the 'Dormouse habitat assessment and recommendations' report by Phillip Playford (dated 16th December 2024 and received by the local planning authority on 25th March 2025). This shall include details of any pre-commencement checks undertaken.

Reason: To ensure appropriate ecological mitigation in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

## CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

5. Prior to the first use of the development, the vehicular access to the site shall be reconfigured, visibility splays provided and parking and turning areas laid out and surfaced in complete accordance with the approved plans. They shall thereafter be retained in that condition for their intended purposes throughout the lifetime of the development, and the visibility splays shall be maintained clear of any growths or other obstructions higher than 0.9 metres above ground level.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

## INFORMATIVES

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from [www.planningportal.co.uk](http://www.planningportal.co.uk) or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful, and the Local Planning Authority may consequently take enforcement action.

2. This planning application is subject to mandatory Biodiversity Net Gain. For more information please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers>. Development must not commence until you have submitted and obtained approval for a definitive Biodiversity Gain Plan and Habitat Management and Monitoring Plan.
3. The installation of a culvert pipe in any river, stream, ditch, drain or other watercourse may require Ordinary Watercourse Consent under the Land Drainage Act 1991. For further details see <https://www.shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/new-development-and-watercourse-consenting/ordinary-watercourses-applying-for-consent-for-works/>.
4. This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (including any footway or verge);
  - carry out any works within the publicly maintained highway;
  - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
  - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <http://www.shropshire.gov.uk/roads-and-highways/developing-highways/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

5. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works at the site.
6. If any vehicular access and/or parking/turning areas slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water from the development to drain onto the public highway or into highway drains.
7. This planning permission does not authorise the obstruction, realignment, reduction in width, resurfacing or other alteration of any public right of way, temporarily or otherwise. Before carrying out any such operation you should consult Shropshire Council's Outdoor

Recreation Team and obtain any closure order or further consents which may be required.

8. In arriving at this decision the 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 39.

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## AGENDA ITEM



Committee and date
<b>Southern Planning Committee</b>
<b>24th June 2025</b>

### Development Management Report

Responsible Officer: Tim Collard, Service Director - Legal and Governance

#### Summary of Application

<b><u>Application Number:</u></b> 25/00830/FUL	<b><u>Parish:</u></b>	Wistanstow
<b><u>Proposal:</u></b> Erection of single storey side (north) extension, formation of doorway and porch to front (east) elevation		
<b><u>Site Address:</u></b> 2 Glebe Cottages Wistanstow Craven Arms Shropshire SY7 8DQ		
<b><u>Applicant:</u></b> Mrs Ceri Ellis		
<b><u>Case Officer:</u></b> Tracie Witkiss	<b><u>email:</u></b> tracie.witkiss@shropshire.gov.uk	

<b><u>Grid Ref:</u></b> 343176 - 285681
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**RECOMMENDATION:- Grant Permission** subject to the conditions set out in Appendix 1.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey extension to the side (north) elevation, formation of doorway and porch to front (east) elevation of this domestic property.
- 1.2 The single storey extension will provide a ground floor shower room and an office. The extension is to be finished in timber horizontal weatherboarding with plain clay roof tiles to match the existing.
- 1.3 The new doorway will replace an existing access which will be closed off and a cloakroom formed in the internal recess.
- 1.4 The proposed porch over the doorway will be part open to sides with a pitch roof. The porch will be constructed in stone and plain clay roof tiles to match the existing.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The subject dwelling is a semi-detached two storey cottage positioned centrally in the village of Wistanstow to the western side of main through road.
- 2.2 The house is constructed predominantly of rubble stone beneath a plain clay tiled roof and is set back from the highway with a gravelled driveway leading to the front of the property. The property is shielded by extensive hedgerows with gardens to all three sides.
- 2.3 Whilst there does not appear to be a definitive principal elevation, the two existing pedestrian accesses are to the front (east) and side (north) elevations.
- 2.4 The dwelling has been previously extended to the rear with the addition of a garden room which was granted planning permission in 2018.
- 2.5 The subject site lies within the Shropshire Hills National Landscape.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 Applicant is a Building Control Surveyor and therefore directly reports to the Planning Services Manager. For this reason the application cannot be decided under delegated powers and must be decided by the relevant Planning Committee.

### 4.0 COMMUNITY REPRESENTATIONS



## 4.1 Consultee Comment

### 4.1.1 Shropshire Council – Historic Environment (Conservation)

We have no comments to make in relation to conservation matters.

## 4.2 Public Comments

### 4.2.1 Wistanstow Parish Council

No comments received.

4.2.2 The application was publicised in accordance with relevant legislation and no further public comments were received

## 5.0 THE MAIN ISSUES

- Principle of Development
- Siting, Scale and Design
- National Landscape

## 6.0 OFFICER APPRAISAL

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

### 6.1 Principle of Development

6.1.1 The NPPF (2024) advises that proposed development that accords with an up-to-date Development Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes a material consideration to be given significant weight in determining applications.

The application is considered with due regard of

- Core Strategy: Policy CS6 - Sustainable Design and Development; and
- SAMDev: Policy MD2 – Sustainable Design

The provision of residential extension(s) and/or alterations to provide additional living accommodation for an existing dwelling is acceptable in principle, subject to compliance with Local and National Policy.

### 6.2 Siting, Scale and Design

6.2.1 Policy CS6 of Shropshire's Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and

design considering the local context and character.

- 6.2.2 This is reiterated in policy MD2 of the SAMDev Plan which indicates that all development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity and ensure sustainable design and construction principles are incorporated within the new development.
- 6.2.3 The proposed development is very modest in scale and density measuring 3m wide x 6m deep x 4.5m at the highest point. It is set back behind the front build line thereby appearing subservient to the original dwelling.
- 6.2.4 The finishing materials of the extension are proposed to be black timber cladding. This would contrast successfully with the traditional style and materials of the original dwelling. In addition, the timber cladding would be of a suitable agricultural and local vernacular.
- 6.2.5 The proposed scale, design and appearance of the extension will respect the existing character of the dwelling and will not result in any visual impact in the locality. There is no significant harm to the neighbouring resident's amenity.
- 6.2.6 The proposed development will not result in any significant loss of garden area and an appropriate level of amenity space will be retained.

## 6.3 National Landscape

- 6.3.1 The subject site lies within the Shropshire Hills National Landscape. The NPPF affords the highest level of protection to such statutorily designated landscapes.
- 6.3.2 At a local level, Core Strategy Policies CS5, CS6 and CS17, bolstered by SAMDev Plan policies MD2 and MD12, seek to protect and enhance the quality and character of Shropshire's natural environment, including by avoiding isolated or sporadic development in the countryside, particularly in protected landscapes, as well as contributing to and respecting locally distinctive or valued character and amenity value.
- 6.3.3 The Shropshire Hills AONB Management Plan 2019-2024 is also a material consideration in determining planning applications in the National Landscape, where policies P1 (Protection of the AONB), P2 (Landscape), and P4 (Housing and Design of Development) are of particular relevance in this case. These policies require development to accord with the NPPF, and for development to demonstrate sensitivity to both its immediate surroundings and the special qualities of the National Landscape, conserving the integrity of the surrounding landscape.
- 6.3.4 Within the National Landscape consideration of the visual impact of development

proposals and the purpose of conserving and enhancing the natural beauty of the area is naturally very important.

- 6.3.5 The site is within the village centre and the proposed development is of such a scale that it will not conflict with the immediate surroundings or wider landscape character nor lead to a significant adverse effect on the scenic beauty of the National Landscape.

## 7.0 CONCLUSION

In conclusion, the proposed development is a well-considered approach to balancing property enhancement with natural conservation. By aligning with national and local policies, including those safeguarding the Shropshire Hills National Landscape, the application demonstrates sensitivity to its surroundings and upholds the principles of sustainable design. Furthermore, the retention of amenity space and the minimal impact on neighbours' amenities demonstrates its compatibility with community interests. Approving this application would support growth while preserving the integrity of the local character and natural beauty.

## 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

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

18/02171/HHE Erection of a single storey lean to rear extension of existing property dimensions 1.3 metres beyond rear wall, 4.0 metres maximum height, 2.4 metres high to eaves. WDN 22nd May 2018

18/02628/FUL Erection of a single storey rear extension GRANT 4th September 2018

18/04367/DIS Discharge of Condition 4 (Notification to Historic Environment Team) associated with planning application number 18/02628/FUL DISAPP 4th October 2018

25/00830/FUL Erection of single storey side (north) extension, formation of doorway and porch to front (east) elevation PDE

SS/1/8284/P/ Formation of a vehicular access PERCON 20th November 1997

SS/1/04/15491/F Change of use of land from agriculture to domestic. PERCON 20th April 2004

SS/1/99/009590/F Erection of an extension to dwelling. PERCON 11th February 1999

## 11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SSGKV2TDG8M00>

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 Joshua Dickin
Appendices APPENDIX 1 - Conditions

### **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. The proposed development shall be constructed from the materials specified on the submitted application form received 3rd March 2025. No alterations shall be made to the materials or the colour without express consent in writing from the Local Planning Authority.

## AGENDA ITEM

<b>Southern Planning Committee - 24th June 2025</b>
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2 Glebe Cottages
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Reason: To ensure that the external appearance of the development harmonises and are appropriate to the local environment.

## SCHEDULE OF APPEALS AS AT COMMITTEE 27 May 2025

<b>LPA reference</b>	24/01692/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Scott Marnick
<b>Proposal</b>	Proposed new bungalow
<b>Location</b>	Proposed Dwelling To The South Of Millar Row Off Ludlow Road Craven Arms Shropshire
<b>Date of appeal</b>	25.11.2024
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	18.02.2025
<b>Date of appeal decision</b>	12.03.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	24/01643/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Peter Hartland
<b>Proposal</b>	Installation of double boxed dormer window to front roofline, raise rear roofline with installation of skylights to the rear flat roof dormer to facilitate loft conversion, changes to fenestration
<b>Location</b>	12 Bramblewood Broseley Shropshire TF12 5NY
<b>Date of appeal</b>	09.09.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	18.03.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	23/05512/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr M Archer
<b>Proposal</b>	Erection of one self contained holiday letting unit
<b>Location</b>	Woodcroft Farm Richards Castle Ludlow Shropshire SY8 4EB
<b>Date of appeal</b>	13.08.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	25.03.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	23/05513/LBC
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr M Archer
<b>Proposal</b>	Erection of one self contained holiday letting unit
<b>Location</b>	Woodcroft Farm Richards Castle Ludlow Shropshire SY8 4EB
<b>Date of appeal</b>	13.08.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	No Further Action Taken
<b>Costs awarded</b>	
<b>Appeal decision</b>	25.03.2025



<b>LPA reference</b>	24/04105/FUL
<b>Appeal against</b>	Non-determination
<b>Committee or Del. Decision</b>	n/a
<b>Appellant</b>	Mr & Mrs Matthews
<b>Proposal</b>	Erection of children's activity and learning centre
<b>Location</b>	Proposed Childrens Activity And Learning Centre East Of Ludlow Road Bridgnorth Shropshire
<b>Date of appeal</b>	31/03/2025
<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>	24/03933/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Jayne Walton
<b>Proposal</b>	Erection of detached dwelling.
<b>Location</b>	Land Adjoining Dalesford Cardingmill Valley Church Stretton Shropshire SY6 6JF
<b>Date of appeal</b>	01.04.2025
<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>	24/02529/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Joseph Hamer
<b>Proposal</b>	Erection of 1No dwelling with detached double garage
<b>Location</b>	Proposed Dwelling Adjacent To No. 2 New Farm Cottages Arscott Pontesbury Shropshire
<b>Date of appeal</b>	02/04/2025
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	23/04367/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs Lena Greatwich
<b>Proposal</b>	Change of use of residential dwelling to residential care home (revised scheme)
<b>Location</b>	41 Clifton Villas Temeside Ludlow
<b>Date of appeal</b>	20.08.2024
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	20.02.2025
<b>Date of appeal decision</b>	08.04.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	24/01534/FUL and 21/08162/ENF
<b>Appeal against</b>	Refusal and Enforcement Notice
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Mrs E Quinn
<b>Proposal</b>	Change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area
<b>Location</b>	35 The Caravan Tong Forge Shifnal Shropshire TF11 8QD
<b>Date of appeal</b>	08.04.2025
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/02158/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Tara and Gurpal Singh and Kaur
<b>Proposal</b>	Erection of a dwelling with detached double garage
<b>Location</b>	Proposed Dwelling Adjacent Enderby Cleobury Mortimer Shropshire
<b>Date of appeal</b>	18.10.2025
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	18.02.2025
<b>Date of appeal decision</b>	10.04.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	24/01837/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr And Mrs Law
<b>Proposal</b>	Erection of single storey rear extension and annex for dependant relative
<b>Location</b>	Wootton Lodge Duken Lane Wootton Six Ashes Bridgnorth Shropshire WV15 6EA
<b>Date of appeal</b>	23.09.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	10.04.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	24/02347/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Peter Blanchflower
<b>Proposal</b>	Alterations to garage roof
<b>Location</b>	Pipe House 43A Bridge Road Benthall
<b>Date of appeal</b>	29.10.2024
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	25.03.2025
<b>Date of appeal decision</b>	16.04.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	24/04514/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	James Cumiskey
<b>Proposal</b>	Erection of walls and entrance gates to drive
<b>Location</b>	Spring Cottage 69 Vicarage Bank Alveley Bridgnorth Shropshire WV15 6HG
<b>Date of appeal</b>	17.04.2025
<b>Appeal method</b>	Householder Fast Track
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/00041/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs R Mantle
<b>Proposal</b>	Outline application (all matters reserved) for the erection of one (market) dwelling
<b>Location</b>	Proposed Dwelling South Of Overton Grange Farm Richards Castle Shropshire
<b>Date of appeal</b>	17/04/2025
<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>	24/04864/DSA106
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Simon Angell
<b>Proposal</b>	Removal of Section 106 Agreement (provision of affordable housing) pursuant of 11/05428/FUL
<b>Location</b>	Removal of Section 106 Agreement (provision of affordable housing) pursuant of 11/05428/FUL
<b>Date of appeal</b>	23.04.2025
<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>	25/00247/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr And Mrs Paul And Kath Lewis
<b>Proposal</b>	Erection of a dwelling and residential annex/triple garage (revised description)
<b>Location</b>	Proposed Dwelling And Annexe North Of Station Road Woofferton Shropshire
<b>Date of appeal</b>	23.04.2025
<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>	24/03669/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Claire Stokes
<b>Proposal</b>	Conversion of existing manege building to provide a five bed house and six stables
<b>Location</b>	Proposed Conversion Of Manege Building Cosford Grange Cosford
<b>Date of appeal</b>	30/04/2025
<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>	24/02149/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Kuldeep Singh
<b>Proposal</b>	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of extension to front elevation
<b>Location</b>	28 Woodland Close Albrighton Wolverhampton Shropshire WV7 3PR
<b>Date of appeal</b>	10.01.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	01.05.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	22/04355/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Econergy International Ltd
<b>Proposal</b>	Erection of an up to 30 MW Solar PV Array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers and grid connection infrastructure, including substation buildings and off-site cabling
<b>Location</b>	Proposed Solar Farm To The West Of Berrington Shrewsbury Shropshire
<b>Date of appeal</b>	18.09.2024
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	02.05.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	24/03387/PMBPA
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Ian Swancott
<b>Proposal</b>	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit to include all works
<b>Location</b>	Proposed Residential Conversion Of Former Agricultural Building At Mortimer Hill Cleobury Mortimer Shropshire
<b>Date of appeal</b>	08/05/2025
<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>	25/00264/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Dave Cooper
<b>Proposal</b>	Construction of a detached 3-bay garage with annex above
<b>Location</b>	Top Barn Abdon Craven Arms Shropshire SY7 9HZ
<b>Date of appeal</b>	09.05.2025
<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>	24/02579/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr P Whiteman
<b>Proposal</b>	Application under Section 73A of the Town And Country Planning Act 1990 for the change of use of agricultural land to form new residential access and parking (Part Retrospective)
<b>Location</b>	Paper Mill 121 Alveley Bridgnorth Shropshire WV15 6HE
<b>Date of appeal</b>	20.11.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	13.05.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	24/04151/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr David Dickinson
<b>Proposal</b>	Erection of dwelling for single disabled occupancy, access drive and parking
<b>Location</b>	Proposed Dwelling South East Of 11 Corfton Bache Shropshire
<b>Date of appeal</b>	21.05.2025
<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>	24/02194/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs Sarah Powell
<b>Proposal</b>	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of porch to front elevation
<b>Location</b>	Sandford Cottages 3 Powk Hall Cottages Pound Street Claverley Wolverhampton
<b>Date of appeal</b>	31.10.24
<b>Appeal method</b>	Fast Track
<b>Date site visit</b>	22.04.25
<b>Date of appeal decision</b>	22.05.25
<b>Costs awarded</b>	N/A
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	24/04272/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Refusal
<b>Proposal</b>	Change of use from a dwelling house (Class C3a) to a residential home for up to 5 children (Class C2)
<b>Location</b>	32 And 34 Harley Road Condover Shrewsbury Shropshire SY5 7AZ
<b>Date of appeal</b>	28.05.2025
<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>	24/03342/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr P Inions
<b>Proposal</b>	Erection of single storey rear extension following demolition of existing conservatory and erection of a ground and lower ground level incidental outbuilding providing garaging and gym facilities
	Hall Cottage Folley Road Ackleton WV6 7JL
<b>Date of appeal</b>	02.12.24
<b>Appeal method</b>	Fast Track
<b>Date site visit</b>	21.05.25
<b>Date of appeal decision</b>	29.05.25
<b>Costs awarded</b>	n/a
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	24/02080/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Jack Wrigley
<b>Proposal</b>	10 Shepherds Huts for wedding accommodation
<b>Location</b>	Walled Garden Delbury Hall Diddlebury Craven Arms Shropshire SY7 9DH
<b>Date of appeal</b>	22.10.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	29.05.2025
<b>Costs awarded</b>	n/a
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	25/00657/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Ian Stanton
<b>Proposal</b>	Erection of 2No bungalows with associated landscaping and external works
<b>Location</b>	Proposed Residential Development Land South Of 16 Meadow Close Bridgnorth Shropshire
<b>Date of appeal</b>	02.06.2025
<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>	25/00388/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	J Persson & C Crawford
<b>Proposal</b>	25/00388/FUL
<b>Location</b>	17 Woodlands Close Broseley Shropshire TF12 5PY
<b>Date of appeal</b>	09/06/2025
<b>Appeal method</b>	Householder Fast Track
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	23/04139/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr R Burgoyne
<b>Proposal</b>	Erection of 1 no. detached dwelling and detached single garage
<b>Location</b>	Proposed Dwelling At Land To The North Of Seifton House Seifton Shropshire
<b>Date of appeal</b>	20.09.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	Dismissed
<b>Costs awarded</b>	
<b>Appeal decision</b>	13.06.2025



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## Appeal Decision

Site visit made on 18 February 2025

**by Tamsin Law BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

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**Appeal Ref: APP/L3245/W/24/3354910**

**Land off Millar Row, Craven Arms, SY7 9RX**

- 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 S Marnick against the decision of Shropshire Council.
  - The application Ref is 24/01692/FUL.
  - The development proposed is described as “proposed new three bedroom dwelling.”
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on; the living conditions of future occupiers; the character and appearance of the area; and trees.

### Reasons

#### *Living Conditions*

3. The appeal site is located to the north of a fire station. Close to the boundary of the appeal site is a drill tower used for training. The proposed dwelling would have a small garden to the rear, adjacent to the drill tower. Windows for the dining room, a bedroom and an ensuite would face the rear garden and towards the drill tower.
4. Due to the layout of the surrounding area, there would be views of existing rear gardens from the drill tower. However, no other dwellings are in such close proximity, nor do they have such a limited garden space, as the appeal proposal. The proximity to the boundary of the appeal site combined with its elevated nature means that anyone using the tower would have direct views into the rear garden area of the proposed dwelling as well as into the rear facing windows. The use of the tower in proximity to the proposed dwelling would therefore have harmful impacts to the privacy of future occupiers.
5. Further, the noise and disturbance associated with the drill tower during a training event, would likely involve shouting and potentially the use of sirens which would result in activity that would be disruptive to future occupants. In the absence of any technical evidence to the contrary, I conclude that future occupiers would suffer from harmful impacts relating to noise and disturbance.
6. In their submission the appellant argues that the drill tower is used on a quarterly basis for approximately 2 hours. Nevertheless, I have not been provided with any evidence that the use of the drill tower is limited to this and could therefore be used

on a more regular basis and for longer period of time. Whilst there are other dwelling close to the fire station, none are in as close proximity to the drill tower as the proposed dwelling would be.

7. Whilst there are buildings located close to the appeal site, the rear windows and rear garden would be south facing, benefitting from natural light. The existing buildings are set sufficiently away from the boundary with the appeal site to not cause any harmful levels of overshadowing.
8. Whilst I have not found harm in relation to overshadowing, I conclude that the proximity of the proposed development to the existing drill tower would result in harmful impacts on privacy and unacceptable levels of noise and disturbance. It would therefore be contrary to Policy CS6 of the Shropshire Council Local Development Framework Core Strategy (2011) (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2017) (SAMDev) which seek to ensure that developments safeguard amenity.

### *Character and Appearance*

9. The appeal site is located in a predominantly residential area with a fire station to part of its southern boundary. Dwellings on Millar Row vary in their design characteristics, with both single and two-storey terraced dwellings and differing brick colours and differing garden sizes. Dwellings are largely set back from the highway behind area of garden and parking, which creates a pleasant sense of spaciousness that contributes positively to the character and appearance of the area.
10. The proposed dwelling would be a detached single storey dwelling fronting on to Millar Row, access via a new access from the existing turning head. The dwelling would be set back from highway by a small garden area, and a parking/turning area would be located to its side. The proposed dwelling would have a small garden area to the rear. Whilst this would be limited in scale, it would be sufficient in size for the scale of the dwelling. Further, it is of a similar size to the gardens of nearby dwellings.
11. Given the small scale of the proposed dwelling, combined with its set back from the road and parking/turning area to the side, the proposed development would maintain the spacious character of the area and not create a cramped appearance.
12. In light of the above, the proposed development would maintain the character and appearance of the area. It would therefore comply with CS Policies CS1, CS3 and CS6 SAMDev Policies MD1, MD2 and MD3. Together these seek to ensure that developments that respect locally distinctive or valued character.

### *Trees*

13. During my site visit I saw that the appeal site was largely laid to gravel with small trees planted around its boundary. The proposed development would cover much of the appeal site to one side, with a permeable parking/turning area to the right. A garden would be located to the rear.
14. As part of the proposed development, two ornamental trees would be removed in order to facilitate the proposed access. These appear to be fairly newly planted trees that are small in scale. Further opportunities for planting would be available

to the front of the appeal building and in the proposed rear garden to mitigate the loss of the trees and protect those remaining, this could be secured via an appropriately worded condition.

15. In light of the above, I conclude that the proposed development would not have a harmful impact on trees. The proposed development would comply with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12 which seek to ensure that developments that consider the design of landscaping, including trees.

### **Conclusion**

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

*Tamsin Law*

INSPECTOR







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## Appeal Decision

Site visit made on 11 March 2025

**by P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

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**Appeal Ref: APP/L3245/D/24/3350010**

**12 Bramblewood, Broseley, Shropshire TF12 5NY**

- 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 Peter Hartland against the decision of Shropshire Council.
  - The application Ref is 24/01643/FUL.
  - The development proposed is the installation of double boxed dormer window to front roofline, raise rear roofline with installation of skylights to the rear flat roof dormer to facilitate loft conversion, and changes to fenestration.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council has amended the description of development from that seen on the application form to provide clarity and to reference operational development only. The description outlined in the banner heading above aligns with the Council's description which I find accurately describes the proposal.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

### Reasons

4. Bramblewood is a residential cul-de-sac, characterised by a mix of one and two storey modest sized detached and semi-detached dwellings. All the properties have parking and gardens to the front. There is a clear absence of dormer windows to the front rooflines of properties in Bramblewood. The appeal property is a single storey, semi-detached bungalow within an enclave of bungalows located at the end of the cul-de-sac. The bungalow is similar in scale and form to its single storey neighbours and contributes to the enclave's consistent street character. The side elevation of the property is visible from the road as the adjacent two storey dwelling at number 13 is set back from the building line of number 12. Due to its scale and consistent proportions to neighbouring development, the appeal property makes a positive contribution to the character and appearance of the area.
5. The proposed front and rear dormers would sit at ridge height and would occupy much of the front and rear roof slopes. As a result of their low-set profile, the roofs of the bungalows are an important and visually prominent part of the street scene. The additional scale and mass of the proposal at roof level would result in a bulky

and top-heavy appearance to the property, which would not reflect the proportions of the existing dwelling or neighbouring properties. The proposed development would result in dominant and incongruous intrusions into the roof of the appeal property. As such, they would be disproportionate to the modest scale of the existing dwelling.

6. The proposed dormer windows of the dwelling would be highly visible and overt from the street in comparison to its primarily single storey neighbours. The dormers would undermine the uniform nature of the rooflines of the semi-detached bungalows, fundamentally altering the character, appearance, and balance of the pair of semi-detached dwellings to their detriment. This would be a discernible departure from the prevailing character of the appeal property and the street scene. The proposed development would result in a dwelling that would be harmfully out of character with the small group of bungalows the site is amongst in Bramblewood.
7. For the reasons set out above, the proposed development would have a harmful effect on the character and appearance of both the appeal property and the surrounding area. Accordingly, I find conflict with Policy CS6 of the Shropshire Local Development Framework: Core Strategy 2011 and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan. These policies provide an expectation that development would protect and enhance the built environment, be appropriate in scale and design, would respect local character and relate to its context. Policy D1 of the Broseley Town Council Neighbourhood Development Plan also supports these requirements. The proposal would also be contrary to the National Planning Policy Framework which seeks development that achieves high quality design that contributes positively to local character with regard to its surroundings and context.

### **Other Matters**

8. While there were no objections from neighbouring occupiers to the scheme and Broseley Town Council supported the proposed development, this is not a reason in itself to allow development which I have found to be visually harmful. The appellant has drawn my attention to examples of front box dormers both in Cockshutt Lane and Dark Lane. I have taken these into account in the assessment of the character and appearance of the area, as far as I am able to, based on my site visit and the information before me. Dark Lane does not have a uniform roofscape as found in Bramblewood. Furthermore, the roofscape of Cockshutt Lane is partly characterised by dormer windows, whereas they are absent in Bramblewood. Accordingly, the properties referred to me are read in a different context to the appeal property. Therefore, there is no direct comparison to be made between them that weighs in the appeal's favour.
9. I understand the wishes of the appellant to maximise the living space within their existing property, to provide additional accommodation. However, these are personal circumstances that do not outweigh the harm I have identified.
10. Reference is made by the appellant to discussions with the Council regarding the acceptability of an amended proposal. However, an amended scheme is not before me. As such, this decision is based on the proposed development before me.

## **Conclusion**

11. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed.

*P Brennan*

INSPECTOR

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## Appeal Decisions

Site visit made on 12 March 2025

by **JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

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### **Appeal A Ref: APP/L3245/W/24/3347407**

#### **Woodcroft Farm, B4361 From Hereford And Worcester County Boundary To Overton Road, Richards Castle, Shropshire, SY8 4EB**

- 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 M Archer against the decision of Shropshire Council.
  - The application Ref is 23/05512/FUL.
  - The development proposed is the erection of one self-contained holiday letting unit.
- 

### **Appeal B Ref: APP/L3245/Y/24/3347409**

#### **Woodcroft Farm, B4361 From Hereford And Worcester County Boundary To Overton Road, Richards Castle, Shropshire, SY8 4EB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) against a refusal to grant listed building consent.
  - The appeal is made by Mr M Archer against the decision of Shropshire Council.
  - The application Ref is 23/05513/LBC.
  - The works proposed are the erection of one self-contained holiday letting unit.
- 

## **Decisions**

### **Appeal A Ref: APP/L3245/W/24/3347407**

1. The appeal is dismissed.

### **Appeal B Ref: APP/L3245/Y/24/3347409**

2. No further action is taken on this appeal.

## **Preliminary matters**

3. Although the house on site is called Woodcroft in the listing details, in the submissions it is called Woodcroft Farm, and I shall refer to it as such.

## **Main Issues**

4. The main issue in relation to Appeal B is whether any works before me require listed building consent and so whether that appeal is necessary.
5. The main issues concerning Appeal A are
  - a) whether the works would harm the significance of the Grade II listed Woodcroft Farm by reason of their effect on the setting of that designated heritage asset;
  - b) whether there is justification for a self-contained holiday letting unit here, and, if any harm would be caused by either of the above,

- c) whether there are any public benefits that outweigh any harm to the listed building's significance, and any material considerations that justify a decision otherwise than in accordance with the development plan.

## **Reasons**

### ***Background***

6. In 2019 planning permission and listed building consent were granted to convert the detached historic barn (the former barn) that was adjacent to Woodcroft Farm to a holiday unit. Because of its age and location, under section 1(5) of the Act, this former barn was part of the listed building. However, once the conversion started, inherent structural difficulties that could not be overcome meant the former barn was carefully taken down, even though such works had no listed building consent. Fresh applications were submitted and refused for a revised scheme for the conversion of the former barn. In 2023 in the 2 subsequent linked appeals (the previous appeals), the Inspector confirmed the works were not, in fact, for the conversion of the building, but for its complete rebuilding. He also expressed concerns about the intended design of what was to be constructed.
7. When I visited, the scheme subject of the previous appeals had been partly built. It is now proposed to build a new unit to a different design, and I understand that this would involve modifying what is currently on site.

### **Appeal B**

8. Unlike the previous appeals, Appeal B does not aim to regularise the position in relation to the original barn, as it does not seek listed building consent for either its conversion or its demolition. Moreover, the new building would be detached and so would not be a physical extension to the dwelling of Woodcroft Farm. As such, this appeal is not to demolish, alter or extend a listed building, and so, having regard to section 7 of the Act, listed building consent is not required for any of the works before me. I shall therefore take no further action on this appeal.

### **Appeal A**

#### ***Heritage impact***

9. Woodcroft Farm appears to have originally been a timber-framed dwelling from the 17<sup>th</sup> Century. It has been subject to subsequent alterations since then, including a relatively recent single storey rear extension. Its special architectural and historic interest lie in the way it continues to display some of the construction techniques from the various phases of its development, and still reflects its origins as a simple rural home. Arising from these, it demonstrates an architectural and historic significance. In this regard, because of its age, design and apparent function, the former barn that previously stood on the site of the building now before me would have enhanced this significance, by emphasising, through its appearance and nature, the site's agricultural origins, and by being sited in a way that created a yard area.
10. The proposal would maintain the sense of a yard, as it would substantially fill the gap between Woodcroft Farm and the newer Woodcroft Barn to the north. However, measuring some 6.5m wide and rising to 2 storeys (albeit with the second storey in the roofspace), it would offer a sizeable gable to the yard area. I recognise that, through using original stone and cladding the upper portion with

weatherboarding, the materials would allude to what is common in the area and what stood here previously. To my mind though, given its dimensions, it would nonetheless be a striking and bulky feature, that would be close to the listed building. As a result, it would challenge the dominance and primacy of Woodcroft Farm when looking from in front of that house and from the driveway and parking area to the north. Its effect on the setting would therefore harm the significance of the heritage asset.

11. In coming to this view, I acknowledge that Woodcroft Farm no longer stands in isolation, as it no doubt once did. However, the house to the south is some metres away and is located on the distant side of the listed dwelling rather than on the side from which one approaches. As such, whilst it does impinge, to a degree, on the setting of the listed building, this is only to a limited amount. Woodcroft Barn though is more prominent, as it is by the drive to Woodcroft Farm. While it adds to the sense of enclosure around the yard area, and although it has sought cues from the rural environment in its design, it nonetheless has domestic elements about its appearance that reflect its use. In my opinion though, its separation from Woodcroft Farm serves to reduce any challenge it has to the primacy of the original listed house.
12. I am also aware that the former barn used to stand in broadly this location. However, that was a materially smaller structure than what is before me, with its footprint being 5.1m wide and 6.4m long. As a result, its east-facing gable was not as large and created a greater sense of subservience. Consequently, the proposal would not be recreating or retaining the character of that building, which had been there for many years, and so the fact that the former barn used to stand on this site has not been a basis to justify different findings.
13. Accordingly, I conclude that because of the effect of the proposal on the setting of Woodcroft Farm, it would cause harm, albeit less than substantial, to the significance of that asset, and would fail to preserve its special architectural and historic interest.

### ***Suitability for tourist uses***

14. In line with the *National Planning Policy Framework* (the Framework), the development plan offers a qualified support for economic development in rural areas. The Council's *Adopted Core Strategy* Policy CS5 says new development will be strictly controlled to protect the countryside. However, small scale economic development will be accepted if, among other things, it is primarily in a recognisable named settlement and its needs and benefits are demonstrated. *Adopted Core Strategy* Policy CS16 accepts tourism schemes and visitor accommodation that are accessible, appropriate to their location, and preserve the historic value of rural areas. Policy MD7a in the Council's *Site Allocations and Management of Development Plan* (SAMDev) says new market housing will be strictly controlled outside defined settlements and similar, while SAMDev Policy MD11 states that holiday let accommodation in the countryside that is not related to the conversion of existing buildings will be resisted, following the approach to open market residential development. It would seem this approach is partly in the interests of sustainability and partly to safeguard the landscape.
15. The site is in the countryside, outside any settlements. Although Ludlow is relatively close I was told of no public transport that could be reasonably used to



allow travel to that town and back, while the distances involved and the nature of the intervening roads mean anyone staying here is unlikely to walk to or from the property. Consequently, they would be heavily reliant on the car to meet their most basic needs. To my mind, this new unit, even if used for holiday letting, would therefore be contrary to SAMDev Policy MD11 and, by extension, Policy MD7a.

16. My attention has also been drawn to SAMDev Policy MD7b. This seeks to resist the replacement of buildings that contribute to the historic environment, saying any negative impacts will be weighed against the need for the replacement of the building and the benefit of facilitating appropriate rural economic development.
17. It is by no means certain that policy is relevant as the building it is said to be replacing is no longer present. Putting that aside though, I have no sound basis to consider that, before the works started in 2019, the former barn needed to be replaced. Whilst I understand it was not in a suitable state to be changed to living accommodation, it has not been demonstrated that it was in a damaged, substandard or inappropriate condition for its on-going use as an outbuilding. Indeed, although it was incorrect in concluding it could be converted in the manner intended, the structural survey's positive outcome implied that, in many regards, the building must have appeared sound.
18. Turning to the second component of the weighing exercise in SAMDev Policy MD7b, it was contended that a holiday letting use would contribute to the rural economy in the area, and indeed the Council accepted a small but limited benefit in this regard. However, I have no decisive information to show there is a demand for this unit, or to indicate how it is to be managed, and I was not told it would be operated in connection with any existing tourism enterprise or business. Moreover, notwithstanding the effects that new buildings for holiday lets could have on rural economic development, they are not supported in rural areas outside the various defined settlements and centres under SAMDev Policy MD11.
19. Having found in the previous appeals that the proposal was not for a conversion, that Inspector said 'I need not consider the matter of the principle of the holiday let opportunity further'. As such, I am not satisfied he expressed any specific view on the merits of such a use here. I also have no reason to question that the appellant genuinely intended to convert the former barn, but that does offer me a basis to find differently on this issue.
20. Accordingly, on the evidence before me I conclude this would not be a suitable location for a holiday letting unit, and would be contrary to *Adopted Core Strategy* Policies CS5 and CS16, and SAMDev Policies MD7a, MD7b and MD11.

### ***Planning Balances***

21. I have found less than substantial harm would be caused to the significance of Woodcroft Farm. The Framework says that great weight should be given to the conservation of heritage assets, and any harm to their significance should require clear and convincing justification. Moreover, if less than substantial harm is caused to the significance of any such asset, that harm should be weighed against the public benefits.
22. Having regard to my comments above, given the development plan context and my uncertainty about the demand for, and management of, the unit, I consider any



benefits to the local economy should be afforded limited weight only. Similarly there is no means of ensuring the revenue from the scheme would assist in the maintenance of the adjacent listed building. I recognise that a holiday letting unit was accepted here under the 2019 decisions. However, that was intended to be for the conversion of an existing historic former barn that was part of the designated heritage asset. As a result, the effect on Woodcroft Farm would have been much less than the development before me, while benefits could no doubt have been identified for the maintenance and on-going use of the building. Consequently, I would expect the reasoning around those decisions was very different to that associated with this current scheme.

23. Accordingly, I conclude that the effect of the proposal on the setting of Woodcroft Farm means it would cause less than substantial harm to the significance of that designated heritage asset. In the absence of any public benefits and any clear and convincing justification to outweigh this harm, the scheme would be contrary to Policies CS6 and CS17 in the Council's *Adopted Core Strategy*, Policy MD2 in SAMDev and also the Framework, all of which seek to safeguard designated heritage assets and the historic context of a site.
24. Moreover, having regard to section 38(6) of the *Planning and Compulsory Purchase Act 2004* I am aware of no material considerations that indicate a decision should be otherwise than in accordance with the development plan.

### **Conclusion**

25. Accordingly I conclude Appeal A should be dismissed.

*JP Sargent*

INSPECTOR

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## Appeal Decision

Site visit made on 25 February 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

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### Appeal Reference: APP/L3245/W/24/3349002

### 41 Clifton Villas, Temeside, Ludlow, Shropshire SY8 1PA

- 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 Mrs Lena Greatwich against the decision of Shropshire Council.
  - The application Ref is 23/04367/FUL.
  - The development proposed is change of use of residential dwelling to residential care home.
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of use of residential dwelling to residential care home at 41 Clifton Villas, Temeside, Ludlow, Shropshire SY8 1PA in accordance with the terms of the application, Ref 23/04367/FUL, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing nos: MAD/LUD/23/Location; MAD/LUD/23/Site-1; MAD/LUD/23/1-2; MAD/LUD/23/1-4; MAD/LUD/23/1-1; MAD/LUD/23/1-3; and MAD/LUD/23/1-5.
  - 3) Prior to the first occupation of the development hereby permitted, the vehicular parking shown on Figure 1: Site Plan – Frontage of No. 41 Temeside contained within the Transport Technical Note prepared by HVJ Transport Ltd, dated December 2023, shall be provided and shall thereafter be retained for the parking of vehicles only.
  - 4) The bike store shown on drawing no MAD/LUD/23/Site-1 shall be kept available for the storage of bicycles.
  - 5) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises shall only be used as a residential care home for up to four children and for no other purpose (including any other use falling within Class C2 of the Order, but may revert back to C3 (dwellinghouse) on cessation of the use).

### Main Issue

2. The main issue relevant to this appeal is the effect of the proposal upon highway safety.

## Reasons

3. The scheme seeks to convert a residential dwelling to a C2 Use Class<sup>1</sup> residential care home which would provide a home for four children. The children would be cared for by nine staff present during the day, with two staff present overnight. However, the staff would work in shift patterns and no more than four staff are expected to be present during the day and two at night.
4. Based on the information before me the Council does not have any parking standards and parking requirements are based on a case-by-case basis. The appellant has provided census data for Shropshire that identifies that 42% of people use the car for their journey to work. Given that at most four staff are expected to be present on site at any one time, based on the census data, at least two of them are likely to drive to work. As such, two car parking spaces would be required. The appellant states that one car would be kept on site available to undertake journeys with the children. Consequently, there is a requirement for at least three parking spaces for those working at the property and for the day-to-day use of the care home.
5. Towards the front of the site is a paved driveway and a plan has been provided to identify that three car parking spaces can be provided within the site. A photograph has also been provided by the appellant which shows three cars parked towards the front of the property with space to open the car doors as well as space for the wheely bin in front of the shared alleyway. There would also be space between cars to access the front door, for most people. Based on the information before me the width of the driveway would also allow for cars to enter and exit even if the other two parking spaces were occupied, although cars would not be able to turn around within the site to exit in a forward gear. Consequently, three vehicles can be parked within the driveway without overhanging the pavement with space to access the parked vehicles, the appeal property and the neighbouring houses' rear gardens.
6. Towards the rear of the garden of the appeal property is an outbuilding and this is proposed to provide bicycle storage in association with the proposed use. In light of the conclusion above, there would be space next to parked vehicles for bicycles to access the rear garden and use this bicycle storage.
7. Next to the driveway towards the front of the property is a solid brick wall and this does block driver visibility in one direction when exiting the driveway. From the other direction the visibility is generally free from obstructions due to the low boundary walls along the nearby frontages. This is an existing situation and something the occupiers of the dwelling likely have had to deal with on a regular basis.
8. However, the appellant has provided reported personal injury collision data which indicates that there have been no reported incidents within 50 metres(m) of the site for the 24 years for which records are published. As such, there is no evidence that this restricted visibility and parking layout has led to reported incidents occurring. No notable changes are proposed to the existing parking layout and the appellant has provided substantive evidence that the number of vehicular trips to and from the proposed use would be no higher than the current situation. Given that there have been no reported incidents nearby, there is no robust evidence that

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<sup>1</sup> The Town and Country Planning (Use Classes) Order 1987

the location and layout of the existing parking arrangement has had an unacceptable impact upon highway safety.

9. The appellant acknowledges that visitors and social workers are likely to visit the property, although social workers are expected to visit around every six weeks. There would also be family visitors and deliveries would have to be made from time to time. The site is located near to Ludlow town centre and the train station is approximately 800m from the appeal property and there are also bus services nearby as well. Furthermore, approximately 600m from the site is the Smithfield Road car park. There is also a park and ride scheme operating in Ludlow and the appellant states that those buses pass near the appeal site offering an alternative transport option for staff and those visiting the site.
10. The route between the Smithfield Road car park and the appeal property has a pavement that is lit by streetlights. The car park is a modest distance from the site, but other than a slight incline when heading back to the car park, the route would generally be accessible for most people even in inclement weather and during the hours of darkness. The route towards the train station whilst further would also be accessible for most people via street lit pavements and would not be so far as to make it impractical for those working or visiting the site even in inclement weather. The train station would also be a relatively short distance for most people to cycle to the appeal property.
11. Along Temeside near to the appeal site there are parking restrictions that typically prevents parking on the road at any time. However, close to the appeal site is Weeping Cross Lane and much of this road generally does not have any parking restrictions. As such, those working at the property, as well as those visiting could park on this road and walk a short distance to the appeal site. Both this road and Temeside have pavements lit by streetlights and people would only have to walk a short distance. The two parking spaces would also provide space on site for the two employees working at night when buses and trains may not be in operation. Even if an additional car was kept on site to undertake journeys with the children, in light of the carers shift pattern and the number of possible visitors there would only be a very limited increase in the number of vehicles that would need to park on the road and those visiting the site would do so irregularly. As such, this very limited increase would not have an unacceptable impact on highway safety.
12. In terms of deliveries, these would happen anyway given the existing residential use of the property and likely occur on Temeside at the present time given the number of houses there are along this road. Whilst used as a care home, the property would function on a day-to-day basis much like a typical family house. I have no robust evidence that the number of deliveries to this property would be substantially greater than the existing use.
13. If staff and visitors to the property did park on Temeside this would likely be for a considerable period of time and given the relatively narrow width of the road this could lead to disruption to the free flow of traffic, including for pedestrians. However, this would be a matter of individual behaviour rather than the use of the building.
14. Given the availability of alternative transport options nearby, and based on the census data for Shropshire, it is not evident that all staff and visitors would necessarily arrive via car. Even in inclement weather given the modest distances

involved, these alternative options, including parking nearby would not be impractical for most people. These alternatives would also mean that during staff shift changes the employees would not need to park on Temeside. It is not evident that the proposal would need to adopt a car free policy to make the development acceptable on highway safety grounds.

15. There is no substantive evidence that the proposed use would substantially increase the number of welfare or ambulance vehicular movements to and from the property above what would be expected from a typical dwelling of this size. As such, the proposal would have a negligible effect upon the number of movements of such vehicles in the area.
16. Interested parties have witnessed accidents on this road and these would appear to relate to the narrowness of the road with vehicles mounting the pavement and drivers not observing the speed limit. However, I have not been presented with substantive evidence that vehicular movements and the parking arrangements of the proposal itself would lead to harm to highway safety of a magnitude to warrant withholding permission.
17. For the reasons given above, it has not been shown on the balance of probability that the development would have a significantly detrimental effect upon the free flow and safe movement of traffic, including for pedestrians, cycles and motor vehicles. As such, the residual cumulative impacts of the development upon the road network would not be severe, taking into account all reasonable future scenarios.
18. Therefore, the proposed development would not cause unacceptable harm to highway safety and would accord with Policy CS7 of the Core Strategy. This seeks, amongst other matters, to ensure developments protect local cycling routes and footpaths as local transport routes and promotes greater awareness of travel behaviour to encourage more informed choices about communication, the need to travel and alternative options.

### **Other Matters**

19. A neighbouring occupier has identified that they have a disability that affects their mobility. People with a disability have protected characteristics for the purposes of the Public Sector Equality Duty (PSED).
20. In my assessment of the effect of the development on the neighbouring occupier, I have therefore had due regard to the PSED contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
21. I understand the neighbouring resident uses the shared alleyway next to the appeal building to access their property using a mobility scooter. However, the development does not propose to make notable changes to the driveway and vehicles could block the alleyway regardless of the use of the building. The maintenance of the route along the side of the appeal property to access the neighbouring dwellings would be a private matter between the residents and

outside the scope of this appeal. Therefore, the development would not result in significant harm to the neighbouring occupant.

22. The benefit of the development is to provide residential care for vulnerable children, the needs of which I must also consider under the PSED, which weighs in favour of the development.
23. In view of this, and having regard to the legitimate and well-established planning policy aim of providing a sufficient number of homes for different groups in the community, a refusal of permission would not be proportionate and necessary. Allowing the appeal would be consistent with my PSED duty contained in Section 149 of the Equality Act 2010.
24. A building in C2 use is still classed as residential, and the day-to-day use of the building would be very similar to a dwelling with the care home providing a home for the children. This is not substantially different to a Use Class C3 dwelling where children with specialist needs can live. The type of noise and disturbance from this use would not be materially different from that which can occur in a dwelling.
25. Children in care can have a wide variety of needs but there is no substantive evidence before me that they would all cause significantly harmful disruption to the neighbouring occupiers. Consequently, the use is compatible with the adjacent uses and would not cause significant harm to the living conditions of nearby occupiers.
26. However, given the size of the property and the number of bedrooms proposed if it was occupied by more than four children the noise and disturbances that could occur could harm the living conditions of the children in the care home and nearby occupiers. As such, a condition could be attached to require the property is only occupied by up to four children to ensure this would not happen.
27. Concerns have been raised by interested parties that the proposed development would be an inappropriate business use. However, the building would be used as a residential care home which would be appropriate in a residential area.
28. Whilst only one staircase would be provided within the property, I have no robust evidence that such a layout would cause significant harm to the living conditions of the occupiers or the staff working in the care home. Furthermore, the scheme proposes three bathrooms, and it is not evident that this would be insufficient for the proposed use to cause serious sanitary issues.
29. A wheelchair ramp is not proposed as part of this scheme, and there is no robust evidence that if one was installed that it would render the parking spaces unusable. Furthermore, certain wheelchair ramps do not have to be permanently fitted in front of doors, and these could be moved if vehicular access was not possible.
30. It has not been robustly evidenced that using non-local companies to provide travel information would undermine the substance of the evidence produced nor that they would be unable to fully understand local conditions.
31. The planning system does not exist to protect private interests such as the value of land and property.



## Conditions

32. No conditions have been suggested by the Council however, I have determined that a number of conditions are necessary which are set out below. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed those conditions I consider meet the relevant tests. The appellant was given the opportunity to comment on the conditions and agreed to the wording of them.
33. Further to the standard commencement condition, a condition requiring the development is carried out in accordance with the approved plans is necessary in the interest of certainty.
34. Conditions ensuring the car parking spaces and bike store shown on the approved plans and documents are kept available for the parking of vehicles is necessary in the interest of highway safety.
35. A condition limiting the number of children that can be housed within the property is necessary in the interest of the living conditions of the neighbouring occupiers as well as the occupiers of the care home.

## Conclusion

36. The proposed development accords with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

*G Sibley*

INSPECTOR





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## Appeal Decision

Site visit made on 18 February 2025

**by Tamsin Law BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> April 2025

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**Appeal Ref: APP/L3245/W/24/3351551**

**Enderby, High Street, Cleobury Mortimer, DY14 8DN**

- 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 Tara and Gurpal Singh and Kaur against the decision of Shropshire Council.
  - The application Ref is 24/02158/FUL.
  - The development proposed is creation of dwelling and associated garaging on vacant land.
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### Decision

1. The appeal is allowed and planning permission is granted for creation of dwelling and associated garaging on vacant land at Enderby, High Street, Cleobury Mortimer, DY14 8DN in accordance with the terms of the application, Ref 24/02158/FUL, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are: the effect of the proposed development on the character and appearance; highway and pedestrian safety; and the living conditions of nearby residents.

### Reasons

#### *Character and Appearance*

3. The appeal site comprises part of the side garden of an existing residential dwelling, known as Enderby. The host dwelling, along with several other properties lie behind building that front on to High Street. The site is currently accessed via a single-track lane that serves several properties. The relatively unkempt nature of the garden combined with its secluded location at the end of the access lane means it does not contribute positively to the character and appearance of the area.
4. The surrounding area has a mixed use, with commercial uses fronting on to High Street and residential dwelling located behind. The area is characterised by detached and terraced buildings, single storey and two-storey in nature. Whilst buildings vary considerably in their individual design characteristics there is a general consistency in the use of red brick and render. that share a general consistency in appearance but vary in their precise detailing. Whilst along High Street dwellings and buildings typically front on to the highway, there are several examples of dwellings located behind frontage development, accessed via short lanes, such as the appeal site and neighbouring Cottage Gardens.

5. Whilst the development of one single storey dwelling to the side of Enderby would be to the rear of High Street, it reflects that back land layouts that are not entirely uncharacteristic of this area.
6. The plot would have a similar size plot to neighbouring dwellings. Additionally, the proposed dwelling would be modest in size and therefore sit suitably within its plot. Furthermore, the plot arrangement would be consistent with the grain of the immediately adjoining neighbouring properties.
7. The proposed dwelling would be single storey and would sit well back from High Street in a secluded location. The appeal scheme would therefore not be readily visible from the street scene. Even when viewed from the proposed access, the development would be partly obscured by existing built form. Therefore, any inconsistencies between the character of the development and the wider prevailing residential grain would not be particularly appreciable from public vantage points.
8. Overall, the proposed development would not appear cramped or give rise to any harmful impacts to the character and appearance of the area. Consequently, I do not find conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) or Policy MD2 of the SAMDev. Together these policies, amongst other matters, seek for development to be of a high-quality design that responds to the form and layout of existing development.

#### *Highway and Pedestrian Safety*

9. The proposed development would utilise an existing access from High Street. My visit to the appeal site was a snapshot in time regarding highway conditions but it was reasonable to conclude that levels of traffic would increase during peak hours when people return from work and school. The crux of the matter for the Council and in regard to this main issue was that the intensification of the use of the existing access, which in their view is substandard.
10. High Street is a busy road but, the access would be out on to a relatively straight section of road with no on street parking. This combined with the cross over would provide opportunity for any vehicles exiting the site to see any approaching vehicles and vice versa. It would also offer good visibility of any pedestrians. Additionally, whilst there are limited opportunities for passing, most of the access lane is straight and offers good visibility. As such, any vehicles wanting to enter the access would be able to see any vehicles moving towards the junction with High Street. Furthermore, pedestrians utilising the pavement and public right of way would also be visible and vehicles would have appropriate time to stop and allow them to pass.
11. With the above in mind, vehicles utilising the proposed access would have good visibility and the net increase in use of the access by a single dwelling would not have a harmful impact on highway safety. Accordingly, the proposed development would comply with CS Policy CS6 and SAMDev Policies MD2 and MD8 which together seek to ensure that developments are served by adequate infrastructure. Additionally, I find no conflict with paragraph 115 of the National Planning Policy Framework (the Framework) which seeks to ensure that development does not have an unacceptable impact on highway safety.

#### *Living Conditions*

12. The proposed development would be located to the side of Enderby and to the rear of Monterrey, both residential dwellings. To access the dwelling future occupants would also travel passed Isca Place. The Council's concerns relate to the impact of additional traffic travelling along the access lane on the living conditions of Enderby and Monterrey.
13. The driveway and turning area for the proposed dwelling would follow a similar route to an existing access serving both Enderby and Monterrey. Given that this is an established route for vehicles, noise and light arising from vehicle movements will already be experienced by the occupants of neighbouring properties. I also noted that there is a fair level of background noise in this location given its location close to High Street.
14. Taking into account the existing situation, I am of the view that the construction of an additional dwelling with its associated vehicle movements would not result in a significant increase in noise or light pollution at a point where it would be unduly detrimental to the living conditions of the occupants of neighbouring properties.
15. I note that the appeal site is already in use as garden and that the majority of the garden space allocated to the proposed development would be positioned away from the boundaries with neighbouring properties.
16. I therefore conclude that the proposed development would not be harmful to the living conditions of neighbouring residents. It would therefore accord with CS Policy CS6 which seeks, amongst other things, to ensure that developments do safeguard residential and local amenity.

### **Conditions**

17. The Council have provided a list of conditions which the appellant has had the opportunity to comment on. A plans condition and time limit condition are required in the interests of certainty. To protect highway safety and living conditions of nearby residents, a construction management plan should be provided. I consider that conditions regarding external lighting, and biodiversity enhancements are necessary in order to ensure that the biodiversity and environment of the area are safeguarded during construction and lifetime of the development. An amended arboricultural impact assessment is not necessary as sufficient detail has been provided.
18. I consider that a condition regarding surface water drainage is necessary in order to ensure that surface water is appropriately managed for the lifetime of the development. A condition requiring the provision of the access and turning area is necessary in the interest of highway safety, however an access scheme is not required.
19. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework. One of the Council's conditions included a list of the information required to be submitted and reference to other guidance. However, such is not necessary for the conditions to be precise or enforceable. I have, therefore, not included such lists so as to allow the parties to agree the relevant information and guidance against which it should be assessed for this specific site and at the time that agreement for the details is sought.

## **Conclusion**

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

*Tamsin Law*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 05/2024/02b (Location Plan, Block Plan and Garage Plan) and 05/2024/02b (elevations as proposed and floor plans as proposed).
- 3) Prior to commencement of the development hereby permitted, a scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the dwelling.
- 4) Prior to first occupation of the dwelling hereby permitted, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be maintained for the lifetime of the development.
- 5) 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. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
- 6) Prior to commencement of development, which including any works of demolition, a Traffic Management Plan for construction traffic shall be submitted to, and approved in writing by the Local Planning Authority, and shall include a community communication protocol. The approved Statement shall be implemented in full throughout the duration of the construction period
- 7) Prior to first occupation of the dwelling hereby permitted, the access, parking and turning areas as detailed shall be completed.

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## Appeal Decision

Site visit made on 21 January 2025 by A Khan BSc (Hons) MA MSc

### Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

### Appeal Ref: APP/L3245/D/24/3349564

### Wootton Lodge, Duken Lane, Wootton, Shropshire WV15 6EA

- 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 Robert Law against the decision of Shropshire Council.
- The application Ref is 24/01837/FUL.
- The development proposed is single storey rear extension to form dressing room/gym and erection of annexe to form granny flat for dependant relative.

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
  - i) whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies,
  - ii) the effect of the proposal on the openness of the Green Belt, and
  - iii) whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

### Reasons for the Recommendation

#### *Whether inappropriate development*

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless it falls within the given list of exceptions. One of these exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The original building, as defined by the Framework, is a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.
5. The term 'disproportionate additions' is neither defined in the Framework, nor is there a defined way of assessing and measuring proportionality set out within the development plan. It is therefore a matter for the decision maker to determine in the particular circumstances of the case whether the additions would be

disproportionate, albeit that with the reference to 'size' as set out in the Framework, this could include volume, floorspace, footprint and external dimensions.

6. The appeal site lies within an area of rural character, amongst a small cluster of buildings on one side of Duken Lane, which is otherwise surrounded by agricultural fields. The site comprises a bungalow with additional accommodation within the roof space, as well as a number of outbuildings along the front boundary of the site and within the rear garden. Limited information has been presented to determine the size of the original building. The appellant's submissions refer to the office and store building as being original, but it remains unclear, having regard to the available evidence, whether this building represents a normal domestic adjunct to the dwellinghouse. Even then, it is clear that the bungalow has been subject to a number of alterations and additions, which include side, rear and roof extensions. Cumulatively, these represent significant additions to the original building.
7. The proposed plans indicate that the appeal scheme would create additional built development with the construction of a rear extension and annexe. The appellant suggests that the additions would be much less than 30 – 40% increase which is 'typically' allowed. However, the size of the proposed development, in combination with previous additions, would clearly exceed what can be reasonably considered proportionate. Consequently, the proposed rear extension and annexe would represent disproportionate additions over and above the size of the original building.
8. The appellant mentions that the proposed annexe would constitute limited infilling in villages, which is another exception to inappropriate development in the Green Belt. The development plan policies with regard to this exception are broadly consistent with the Framework. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy [March 2011] (CS) states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt.
9. Policy MD6 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan [Adopted 17 December 2015] requires development proposals to demonstrate that they do not conflict with the purposes of the Green Belt. The Court of Appeal judgement in *Julian Wood*<sup>1</sup>, wherein it was held that whilst settlement boundaries as set out in a development plan are a consideration in whether a proposal for limited infilling fell within a village, they are not determinative, and whether the proposal falls within a village is ultimately a matter of planning judgement for the decision maker based on the facts on the ground. The appeal site lies within a small cluster of buildings with no development on the opposite side of Duken Lane. As such, it does not form part of a village, and the proposed annexe therefore cannot be regarded as limited infilling in a village.
10. With regard to Paragraph 154 of the Framework, the proposal therefore would be inappropriate development in the Green Belt. The proposal would also contradict the Green Belt aims of CS Policy CS5 and SAMDev Policy MD6.

<sup>1</sup> Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council  
EWCA Civ 195 - 9 February 2015



### *Openness of the Green Belt*

11. The proposed annexe would have limited visibility from the public road as the outbuilding and tall front boundary treatment provide some screening. However, the vehicle access point of the site provides public views into the site, as well as outside the neighbouring property, between the conifer hedge and the brick built outbuilding.
12. The proposed extension and annexe would introduce additional built forms where there are currently none. The scale of the proposed annexe, combined with its detached nature would erode the open and spacious nature of the site. Due to the existing development on the appeal site and the surrounding buildings in close vicinity, the proposed annexe would fill an open space. The proposed annexe would extend the building relatively close to the edge of the site boundary, creating a massing effect that would disrupt the connection between the front and rear garden space, despite being lower in height than neighbouring buildings. Consequently, the proposed annexe would moderately harm the openness of the Green Belt.
13. The proposed rear extension, though subservient to the host dwelling and not visible from public view due to being screened by the host property and annexe, would add further to the overall mass and bulk of the property. Consequently, there would be a loss of spatial openness to the Green Belt and thus cause moderate harm.
14. The proposed development would add to the cumulative effect of built form on the site. With regard to Paragraph 154 of the Framework, the proposal therefore would moderately harm the openness of the Green Belt.

### *Other considerations*

15. Paragraph 153 of the Framework highlights that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, to which I ascribe substantial weight, and any other harm resulting from the development, is clearly outweighed by other considerations, to which several have been referred to my attention.
16. The appellant has presented a case based on the need for the annexe to accommodate 3 dependent elderly relatives for whom they currently have caring responsibilities, which would include access for carers and disability facilities. It is noted that alternative solutions to address the family's needs, such as adapting the existing dwelling or outbuilding on site, may be available. While these personal circumstances are understood, there is a lack of presented evidence to demonstrate that there are no other suitable options other than constructing the annexe. Therefore, I attach limited weight to this consideration in the determination of this appeal.
17. By accommodating the 3 elderly relatives, the appellant states there is a potential to free up the 3 dwellings currently occupied by each of them, which would be suitable for family use. As I have not been presented with a mechanism to ensure that this would be the case, I therefore afford very limited weight to this consideration.

18. The appellant has listed a number of 3-, 4- and 5-bedroom properties which have been sold in the area as justification to demonstrate the absence of suitable and affordable properties to relocate the elderly relatives within a 2-mile radius of the appeal property. However, this in of itself does not mean there are no smaller or more affordable properties within the search area or a reasonable distance beyond. Consequently, I attach very limited weight to this consideration.
19. The appellant has made reference to nearby buildings which have had extensions approved of a larger scale than the proposal. I do not have the full context of these extensions and they relate to a scheme not comparable to the proposed extension and annexe, therefore I afford this limited weight.
20. I have had regard to a number of other considerations advanced in support of the appeal scheme, including the subordinate nature of the annexe and lack of visibility of the rear extension, as well as the lack of objections from neighbours and parish councillors. However, these are neutral considerations which do not weigh in favour of the development, and therefore afford them very limited weight.
21. Lastly, the appellant has cited the Council's Single Plot Exemption Policy to increase the supply of affordable housing in Shropshire. This policy has little relevance to the appeal scheme before me, therefore I ascribe very limited weight to this consideration.

### **Conclusion and Recommendation**

22. The appeal scheme would constitute inappropriate development in the Green Belt, to which I ascribe substantial weight. When taken individually or cumulatively, the other considerations advanced in support of the scheme do not clearly outweigh the harm which would be caused to the Green Belt. In this instance, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
23. As such, the development is contrary to CS Policy CS5, SAMDev Policy MD6 and Section 13 of the Framework which seek to prevent inappropriate development in the Green Belt. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*A Khan*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

24. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*S Edwards*

INSPECTOR



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## Appeal Decision

Site visit made on 25 March 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

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**Appeal Ref: APP/L3245/D/24/3353300**

**Pipe House, 43A Bridge Road, Benthall, Broseley, Shropshire TF12 5RB**

- 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 Peter Blanchflower against the decision of Shropshire Council.
  - The application Ref is 24/02347/FUL.
  - The development proposed is 'gabled extension to rear of existing garage (permitted as ancillary accommodation: PP ref. 20/03598/FUL) together with alterations to the facade materials via the addition of cedar cladding to each gable inset.'
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal site is within Broseley Conservation Area (CA) wherein I have a statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

### Main Issue

3. The main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the CA.

### Reasons

#### *The Significance of the CA*

4. The significance of the CA stems from its historic importance, the survival of its historic pattern of settlement and buildings that reflect Broseley's evolution. The Broseley Conservation Area Appraisal (March 2008) (BCCA) highlights the diverse but traditional styles and architectural detailing which epitomises the buildings in the CA. It is noted that Broseley is a predominantly brick and tile town, reflecting the local tradition of brick construction in the area. The BCCA notes that the use of non-traditional materials and inappropriate detailing risks eroding the character of the CA.

#### *The Effect of the Proposed Development on the Significance of the CA*

5. The appeal site relates to a relatively modern detached two storey house which is set back from Bridge Road behind a stone wall, rising garden land and driveway. A brick built double garage with a dual pitched roof sits to the front of the house. The site's position on elevated ground makes the house and garage highly visible from

the road. Planning permission<sup>1</sup> has been granted to convert the garage into ancillary accommodation, including installation of an external staircase to the upper floor of the garage. The surrounding area is predominantly residential in character, containing houses of various ages, size and design.

6. The proposal seeks to add a single gablet extension to the northern roof slope of the garage and cedar cladding to each of the three gables (including the proposed new gablet). The submitted Planning and Design Statement contends that the proposed architectural style and materials palette would reflect the main house, neighbouring properties and those in the wider area.
7. The main house is largely of brick construction with a tiled roof and dormer gables. There is no cedar cladding to the exterior of the main house and the dormer gablets are lead clad. Within this context, the proposal would introduce a material which would be discordant with the materials palette of the main house.
8. While there are examples of timber cladding on buildings in the area, the cladding remains subservient in coverage to their host building. In contrast, the proposed timber cladding would fill the gables of the garage from their apex to the eaves line of the building, covering a large proportion of those elevations and creating a dominant feature on the building. The proposed cladding would be visually intrusive by virtue of its coverage, elevated position and anomalous material, drawing attention to its incongruity.
9. While the garage is not of particular architectural merit, the proposal to introduce a relatively large gablet to the building would create an unbalanced and visually awkward addition that would undermine its cohesive and proportional design. Despite the mature vegetation on the east side of Bridge Road, the proposed alterations to the garage would be highly visible from the street due to the site's elevated position.
10. The appellant has pointed to a variety of gables in the immediate and wider area. However, the majority of these relate to houses which are materially different in size, massing and design to the garage. Of the limited examples provided relating to garages, I do not have the full details of these schemes so I cannot be certain that the circumstances of those cases or the policies that applied at the time of their consideration are the same. In any event, I have considered the appeal proposal on its own merits.
11. Given the above, the proposal would fail to preserve or enhance the character or appearance of the CA, thereby harming the significance of the CA. Accordingly, the proposal would fail to accord with section 72(1) of the PLBCAA.
12. The degree of harm to the CA would be less than substantial in the terms of the National Planning Policy Framework (Framework) given the scale and nature of the proposal. In such circumstances, paragraph 215 of Framework establishes that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset (in this case the CA), this harm should be weighed against the public benefits of the proposal.

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<sup>1</sup> Ref. 20/03598/FUL.

### *Public Benefits*

13. The proposal would enhance ancillary accommodation and provide benefit to its occupiers in terms of increased space. However, this would amount to a private benefit to occupiers, so I am only able to give this very limited weight.
14. The appellant contends that the proposal would make a positive contribution to the CA. However, for the reasons given above, I find that the scheme, on the contrary, would neither preserve or enhance the character or appearance of the CA.
15. Paragraph 212 of the Framework advises that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Furthermore paragraph 213 of the Framework indicates that any harm to the significance of a designated heritage asset should require clear and convincing justification.
16. The very limited public benefits would not be sufficient to outweigh the less than substantial harm the appeal scheme would cause to the significance of the CA, which carries great weight.
17. Consequently, I conclude that the proposed development would neither preserve nor enhance the character or appearance of the CA. Hence it would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011), Policies MD2 and MD13 of the Site Allocations and Management of Development Plan (December 2015) and Policy D1 of the Broseley Neighbourhood Development Plan 2020-2038 (March 2020) insofar as they require development to protect, conserve and enhance the historic environment, reflect local character and achieve high quality design. Additionally, the proposal would conflict with the overarching aims of section 16 of the Framework 'Conserving and enhancing the historic environment'

### **Conclusion**

18. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

*U P Han*

INSPECTOR

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## Appeal Decision

Site visit made on 8 April 2025

**by P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

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**Appeal Ref: APP/L3245/W/24/3355365**

**28 Woodland Close, Albrighton, Wolverhampton WV7 3PR**

- 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 Kuldeep Singh against the decision of Shropshire Council.
  - The application Ref is 24/02149/FUL.
  - The development proposed is the erection of extension to front elevation.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council has amended the description of development from that seen on the application form. I have adopted the description of the development from the decision notice in the banner heading above in the interests of clarity.
3. The Council refused the application for two reasons as set out in the decision notice. The first of these reasons related to insufficient or inaccurate information as the submitted plans were hand-drawn, but dimensioned. The appellant has submitted a professionally drawn set of plans for the proposed development. Whilst these plans do not involve a substantial difference or fundamental change to the application, I have considered whether accepting the information would cause procedural unfairness to interested parties. As I consider that the acceptance of the plans would not deprive those entitled to be consulted on an application, the opportunity to make a representation, I have decided to accept them. My decision is based on the set of drawings 10/24-001 PO1, 10/24-002 PO1 and 10/24-003 PO1. I am satisfied that these plans adequately and fully address the first reason for refusal.
4. The application form states that the development was undertaken in May 2024. I saw during my visit that the front extension has been completed, which appears to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.
5. No development plan policies have been referred to in the second reason for refusal as set out in the Council's decision notice. However, Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (SLDF) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) are considered pertinent to this proposal.



## **Main Issue**

6. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

## **Reasons**

7. Woodland Close is a residential cul-de-sac, characterised by a mix of one and two storey, modest sized, link detached and semi-detached dwellings. All the properties have parking and gardens to the front. The host property is a single storey, link-detached bungalow within an enclave of bungalows located at the midpoint of the cul-de-sac. The bungalow is similar in scale and form to its single storey neighbours and contributes to the enclave's consistent street character. The bungalows have a consistent gable frontage with flat roofed car port and garage to the side. The front and side elevation of the host property is visible from the road, as it is the last in a row of four bungalows and, its side elevation fronts adjacent two storey dwellings. Due to its scale and consistent proportions to neighbouring development, the appeal property makes a positive contribution to the character and appearance of the area.
8. The proposed front extension introduces a forward projecting gable in front of the existing flat roof car port and part of the existing bungalow providing an enclosed garage and porch. As a result of their low-set profile, the roofs of the bungalows, are an important and visually prominent part of the street scene, particularly the flat roof car ports which link the bungalows together. The additional scale and mass of the proposal's roof results in an overly dominant and incongruous addition to the property. This does not reflect the proportions of the existing dwelling or neighbouring properties. As such, the proposed front extension is disproportionate to the modest scale of the original dwelling.
9. The host property is highly visible due to its location on the outer bend of Woodland Close at the end of the row of four bungalows. The proposed front extension, due to the mass of the gabled roof, is overt within the street, fundamentally altering the character and appearance of the property to its detriment. This would be a discernible departure from the prevailing character of the host property and the street scene. The proposed development results in a dwelling that is harmfully out of character with the small group of bungalows the site is amongst in Woodland Close.
10. For the reasons set out above, the proposed development would have a harmful effect on the character and appearance of both the host property and the surrounding area. Accordingly, I find conflict with Policy CS6 of the SLDF and Policy MD2 of the SAMDev. These policies provide an expectation that development would protect and enhance the built environment, be appropriate in scale and design, would respect local character and relate to its context. The proposal would also be contrary to the National Planning Policy Framework which seeks development that achieves high quality design that contributes positively to local character with regard to its surroundings and context.



## Other Matters

11. The Council has drawn to my attention, a revised planning application that has subsequently been approved.<sup>1</sup> The approved plans have reduced the scale of the roof to the front extension, leaving the garage extension with a flat roof, in keeping with neighbouring properties. As this fallback position provides a realistic alternative scheme that could be implemented, this attracts weight in favour of the scheme. However, as this is smaller and would have a reduced effect on the appearance of the site and its surroundings, it conveys only limited weight in favour of the appeal proposal.

## Conclusion

12. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed.

*P Brennan*

INSPECTOR

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<sup>1</sup> 24/04484/FUL – Erection of front porch and garage extension - 7 January 2025

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## Appeal Decision

Hearing held on 18 February 2025

Site visits made on 19 February 2025

**by Richard Clegg BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> May 2025**

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**Appeal Ref: APP/L3245/W/23/3332543**

**Land to the west of Berrington, Shrewsbury, SY5 6HA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Econergy International Ltd against the decision of Shropshire Council.
  - The application Ref 22/04355/FUL, dated 26 August 2022, was refused by notice dated 16 May 2023.
  - The development proposed is described as 'erection of an up to 30MW solar PV array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers and grid connection infrastructure, including substation buildings and off-site cabling'.
  - This decision supersedes that issued on 26 March 2024. That decision on the appeal was quashed by order of the High Court.
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### Decision

1. The appeal is allowed and planning permission is granted for a solar farm involving the erection of an up to 30MW solar PV array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers, and grid connection infrastructure, including substation buildings and off-site cabling, on land to the west of Berrington, Shrewsbury, SY5 6HA, in accordance with the terms of the application, Ref 22/04355/FUL, dated 26 August 2022, subject to the conditions in the attached schedule.

### Procedural matters

2. A case management conference was held on 18 December 2024 to consider the ongoing management of the appeal. There was no discussion of the merits of any of the parties' cases at the conference. A note of the meeting (core document 4.25 (CD 4.25)) is included in the core document library, which can be accessed via the following link: [Land west of Berrington, Shrewsbury, Shropshire, SY5 6HA - related documents | Shropshire Council](#).
3. On the application form (CD 1.1), the location of the site is given as land south of Berrington. At the case management conference, it was agreed<sup>1</sup> that the site is more accurately referred to as land to the west of Berrington, and I have identified it accordingly in the case details above. It was also agreed that the

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<sup>1</sup> The Local Planning Authority was not represented at the case management conference. However, it did not subsequently dispute the agreed position on identification of the site and the description of development.

term solar farm be included in the description of development, and I have considered the appeal on the basis of a proposal for *a solar farm involving the erection of an up to 30MW solar PV array, comprising ground mounted solar PV panels, vehicular access, internal access tracks, landscaping and associated infrastructure, including security fencing, CCTV, client storage containers and grid connection infrastructure, including substation buildings and off-site cabling.*

4. Following the quashing of the original appeal decision, the Local Planning Authority reviewed its position in the light of various changes since the 2024 inquiry, including the then proposed revisions to the National Planning Policy Framework (NPPF), recent appeal decisions and the High Court case, and financial considerations, and decided not to continue to defend the refusal of planning permission (CD 17.4).
5. Flour not Power (a group of local residents) had previously submitted a statement of case in accordance with Rule 6(6) of the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, in which they had set out their objections to the proposed development. As a Rule 6(6) party, Flour not Power participated in the 2024 inquiry and submitted written representations. Subsequently, having concluded a legal agreement with the Appellant<sup>2</sup>, which provides amongst other matters for an enhanced landscaping plan and an updated traffic management plan, Flour not Power withdrew from the appeal process as a Rule 6(6) party, and also withdrew its objections to the proposal (CD 17.5).
6. Several local residents have also withdrawn their objections to the proposed development since the quashing of the original appeal decision.
7. Having regard to the change in circumstance concerning objections, I decided, in accordance with section 319A(4) of the Town and Country Planning Act 1990, that the procedure for redetermining the appeal should be varied to a hearing.
8. In the previous appeal decision, reference was made to a minor drafting error whereby a small strip of land had been incorrectly included within the site along the northern boundary of the western parcel. No development or landscaping is proposed on that strip, and revised location and site plans were submitted before the 2024 inquiry which show the correct position of the boundary (CDs 15.1 & 15.2).
9. Prior to the hearing, the Appellant submitted a revised landscape masterplan and a revised construction traffic management plan (CDs 17.7 & 17.8). The landscape masterplan includes some areas of additional hedgerow, woodland and shrub planting. The construction traffic management plan provides for signage to prevent construction traffic entering the roads known as Sandy Bank and Cliff Hollow, and it includes details of the access to the construction compound. The amendments are relatively minor, and at the case management conference representatives of Flour not Power advised that interested parties were aware of them: indeed they are referred to in the agreement between the Appellant and Flour not Power. No objections have been received.

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<sup>2</sup> CD 17.6 sets out the key terms of the Residents' Compensation Agreement.

10. I am satisfied that no prejudice would be caused to any party by taking the revised plans and construction traffic management plan into account in considering the appeal, and I have proceeded accordingly.
11. The Appellant has submitted a unilateral undertaking (CD 4.24). It contains obligations concerning mitigation measures for skylarks.

### **Main Issues**

12. Having regard to the submitted documentation and the representations received, I consider that the main issues in this appeal are:
  - i) The implications of the proposed development for meeting the challenge of climate change.
  - ii) The effect of the proposed development on the character and appearance of the area.
  - iii) The implications of the proposed development for best and most versatile agricultural land.
  - iv) The effect of the proposed development on skylarks.
  - v) The effect of other considerations on the overall planning balance.

### **Reasons**

#### ***The challenge of climate change***

13. The Development Plan includes the Shropshire Core Strategy (CD 5.1, adopted 2011) and the Shropshire Site Allocations and Management of Development (SAMDev) Plan (CD 1.2, adopted 2015). Policy CS8 of the Core Strategy positively encourages infrastructure which mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, where there would be no significant adverse impact on recognised environmental assets, a matter which I consider below (paras 81 & 82).
14. Infrastructure provision is the subject of Policy MD8 of the SAMDev Plan. Although this policy does not make specific mention of solar development, it supports proposals for new strategic energy infrastructure where the contribution to agreed objectives would outweigh the potential for adverse impacts. The development of a solar farm on the appeal site would make an important contribution to national and local objectives to increase the production of renewable energy (below, paras 21 & 22). I consider the balance with other matters in my overall conclusions.
15. In the emerging Local Plan Review (CD 5.6), Policy DP26 provides support for non-wind renewable and low carbon strategic infrastructure where its impact is, or can be made, acceptable. However I agree with the main parties that, at this stage in its preparation, the emerging Plan carries limited weight, since hearings have been suspended, with the Inspector referring to significant concerns about its soundness<sup>3</sup>.
16. At the national level, the amended NPPF emphasises the importance of renewable energy development, making it clear, at paragraph 168(a), that significant weight should be given to the benefits associated with such proposals and their contribution to a net zero future.

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<sup>3</sup> CD 4.22, paragraphs 5.6 & 5.7.

17. The Climate Change Act 2008 (as amended, CD 6.6) imposes a statutory requirement for the level of greenhouse gas emissions in the UK to be reduced to net zero by 2050, and the Net Zero Strategy of 2021 (CD 6.11) made a commitment to fully decarbonising the power system by 2035, subject to security of supply.
18. A number of other strategies and plans published by the Government reinforce the importance of action to address the challenge of climate change, and emphasise the role of renewable energy in this regard. The British Energy Security Strategy, refers to the 2035 target to decarbonise the electricity system, and anticipates a five-fold increase solar in capacity from 14 gigawatts (GW) by that date<sup>4</sup>. Powering our Net Zero Future, the Energy White Paper published in 2020, refers to the compelling case for tackling climate change, and to solar (power) as a key building block of the future generation mix<sup>5</sup>. Since the original appeal decision, the Clean Power 2030 Action Plan has been published. The plan sets out a pathway to generating sufficient clean power to meet the country's total annual electricity demand by 2030, with a considerable increase in the capacity of solar developments required as part of the energy mix<sup>6</sup>.
19. I have read that there is also a particular local need for solar development. The Council's Climate Change Taskforce referred in its comments on the planning application to modelling work that suggests that to achieve the objective of the Marches Local Enterprise Partnership Energy Strategy of 50% self-sufficiency in the Marches area would require at least an additional 50 solar farms of 40 megawatts (MW) output, together with other smaller developments<sup>7</sup>.
20. Emphasis on solar power is also highlighted in the national policy statements EN-1 and EN-3 (CDs 6.3 & 6.4), although given that they are intended primarily to apply to nationally significant energy proposals and that there are policies in the Development Plan which refer to renewable energy schemes (Policy CS8 of the Core Strategy and Policy MD8 of the SAMDev Plan), I give their provisions limited weight.
21. The proposed solar farm would generate up to 30MW of electricity. That output is calculated by the Appellant to be sufficient to power approximately 7,000 homes, saving about 6,000 tonnes of CO<sub>2</sub> annually<sup>8</sup>, figures which are not disputed by other parties. Of particular importance, given the urgency of the need to increase the production of electricity from renewable sources, is the availability of a grid connection for the development. The capacity of the local grid network to accept the output from a proposal can be a significant constraint on bringing forward schemes for solar energy. In this case, there would be no such problem, and the solar farm could be developed without delay should planning permission be granted<sup>9</sup>.
22. There is broad support, at national and local level, for the development of renewable energy projects, including a significant uplift in the capacity of solar schemes. Moreover the ambitious targets to reduce greenhouse gas emissions point to the need for electricity from renewable sources to come on stream

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<sup>4</sup> CD 6.12, page 9.

<sup>5</sup> CD 6.9, page 45.

<sup>6</sup> CD 6.24, pages 25, 28 and table 1.

<sup>7</sup> CD 2.4, page 4.

<sup>8</sup> CD 16.3, paragraph 10.3.4.

<sup>9</sup> CD 16.1, paragraph 1.6.1.

quickly. The contribution which the proposed solar farm could make in the near future to generating clean electricity carries significant weight in support of the development.

### ***Character and appearance***

23. The Shropshire Landscape Typology includes the appeal site and the greater part of the 3km study area defined for the Appellant's Landscape and Visual Appraisal (CD 1.18) within the estate farmlands landscape character type<sup>10</sup>. This character type is described as gently rolling lowland and valley floor landscapes, with an ordered pattern of fields and woods. The appeal site and its surroundings reflect this description: the site falls towards Cound Brook to the west and south, and the rise and fall of the landform continues beyond the boundary. There are no blocks of woodland within the site, but there are trees within the hedgerows which mark the field boundaries, and areas of tree cover nearby which assist in framing views.
24. It is intended that the solar farm would generate electricity for 40 years, and the development would encroach onto the two large parcels of open land which comprise the majority of the appeal site for a considerable period of time. However hedgerow and tree cover along the boundaries of the two large fields would be strengthened. A post and wire fence towards the northern end of the eastern parcel would be removed, but the nearby hedgerow would be reinforced and, from where the boundary turns to the north, a short stretch of hedgerow would be planted close to the position of the fence across to the road to Eaton Mascott. Notwithstanding this detailed change, the proposal would essentially respect the existing field pattern. Moreover this area of estate farmlands is extensive, and I do not consider that the proposed development would have more than a minor adverse effect on this landscape as a whole.
25. The Appellant has assessed the site as not having sufficient qualities to elevate it above other surrounding undesignated landscapes. Whilst it forms part of a pleasant expanse of open land extending to the west of Berrington, there is no detailed evidence of factors which could indicate that it merited consideration as a valued landscape<sup>11</sup>, as referred to in paragraph 187(a) of the NPPF. It is common ground between the Appellant and the LPA that the site is not a valued landscape: I have no reason to take a different view, and I share the view of the Appellant's landscape witness that the site is of community value.
26. I also agree that, given the undeveloped nature of the site on rising land above Cound Brook, it has a high susceptibility to development which would extend across most of the two parcels. There is no disagreement about the appropriateness of the methodology used in the assessment of landscape effects, and the combination of high susceptibility and community value indicate medium sensitivity to the proposed development<sup>12</sup>.
27. Since the 2024 inquiry, proposals for additional boundary planting have been put forward, and the arrays would be set back from field edges. Notwithstanding the accommodation of the development within the structure of the landscape, the existing open fields would be replaced by rows of solar panels. That would represent a fundamental and adverse change in the

<sup>10</sup> CD 18.1, appendix 1, figure 2.

<sup>11</sup> Factors that can help in the identification of valued landscapes are set out in box 5.1 of Guidelines for Landscape and Visual Impact Assessment (C 8.3).

<sup>12</sup> CD 12.4, appendix 1.



character of the site. The influence of that change would extend beyond the site, since the construction of a solar farm in the rural landscape to the west of Berrington would disrupt the ordered pattern of fields and woods in this part of the estate farmlands

28. During construction, traffic movement and activity on the site would emphasise the disruptive influence of the proposal on the local landscape. Given that construction work is only expected to last for a relatively short period of about six months<sup>13</sup>, I do not consider that it would materially increase the harm to the landscape arising from the impact of the development.
29. I turn now to consider the visual impact of the proposed development. Rural roads run to the west, north and east of the two parcels of agricultural land which make up the greater part of the appeal site. Along much of the field boundaries, views of the appeal site are filtered by hedgerow planting. Thinner sections of hedgerow would be strengthened and gaps would be planted up. The revised landscape masterplan (above, para 9) makes specific reference to additional planting around the north-eastern corner of the western parcel to screen views from Cliff Hollow Road. During construction and the early years of the development, the presence of the arrays across the site would be apparent through weaker parts of the site boundary, but thereafter the proposed planting would provide substantial screening. Views into the site would be available at the access points, but there would only be three of these, and the two which would enable movement between the western and eastern parcels are on the road to Cantlop Mill which is a lightly-used route, only allowing vehicular traffic as far as the house at the Mill. Moreover several sections of the adjoining roads, for example the western end of Cliff Hollow Road, the southern part of the road to Cantlop Mill (as shown in the existing view and photomontage at viewpoint 4<sup>14</sup>), and part of the road to Eaton Mascott run below the level of the adjacent fields, increasing the screening effect of hedgerows. Whilst there would be a perception of development from the adjacent roads, particularly in the early years, the rolling landform and hedgerow reinforcement would minimise this effect. As the development would not be unduly prominent from the northern side of the site, it would not materially detract from views towards the Shropshire Hills to the south and east.
30. Two footpaths run across the farmland to the east of the site. From both footpaths views of the eastern parcel are available, and, because of the rising land on the site, the expanse of the arrays would be visible even when additional planting had reached maturity in about 15 years, as shown in the photomontage from viewpoint 11<sup>15</sup>. However although the arrays would appear intrusive from certain positions along both footpaths, including viewpoints 11 & 12 from where they would be seen in the foreground of the distant hills to the west, only part of the development would be seen. I also note that views of the site are only available over about 200m of footpath 0407/1/1, which is further from the appeal site<sup>16</sup>.
31. The extent of the development would be most apparent from Cantlop, which is to the south of the site and above the intervening Cound Brook. From several

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<sup>13</sup> CD 16.4, paragraph 6.3.2.

<sup>14</sup> CD 4.3.

<sup>15</sup> CD 4.3.

<sup>16</sup> CD 1.18, paragraph 8.6.



positions here, including viewpoints 14 & 15<sup>17</sup>, there would be views of the development beyond the lower ground on either side of Cound Brook. The solar farm though would be one component of extensive views across the countryside. From viewpoint 15, it is possible to make out the existing solar farm at Boreton to the north-west, but this is not a significant feature in the landscape and there is a clear separation between it and the appeal site. Consequently I do not consider that the construction of the appeal proposal would result in an adverse cumulative effect. Because of the nature of the rolling landform, the proposed solar farm would not be a noticeable feature in more distant views towards the site.

32. The proposed development would have a minor adverse effect on this area of the estate farmlands, harm which merits limited weight. There would be a major adverse change in the character of the site and its immediate surroundings, and bearing in mind the medium sensitivity of the landscape of the site and its surroundings, I consider that this harm carries moderate weight. I also reach a different view on weight to visual harm from the previous Inspector. Whilst I agree that the solar farm would appear intrusive from footpaths to the east and from Cantlop to the south, the extent of visibility of the development would be restricted from the footpaths, and the development would be seen in the context of a wider countryside view from Cantlop. For these reasons I attribute moderate weight to the harm I have identified. Nevertheless, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. Overall, therefore, the development would not protect and enhance the natural environment taking account of the local context and character, leading to conflict with provisions of Policies CS6 and CS17 of the Core Strategy. There would also be conflict with that part of paragraph 187(b) of the NPPF, which explains that planning decisions should recognise the intrinsic character and beauty of the countryside.

### ***Agricultural land***

33. The greater part of the site comprises over 40ha of agricultural land in two large parcels<sup>18</sup>. An agricultural land classification report, prepared to accompany the planning application, records the quality of the land based on a survey of the majority of the two parcels. The report identified 22.4ha (54.1%) of grade 2 land, 12.4ha (29.9%) of grade 3a land, and 4.9ha (11.8%) of grade 3b land<sup>19</sup>. I note that the survey undertaken for the Appellant found profiles of grade 1 soil within the wider area of grade 2 land. These are not shown as separate mapping units, the Appellant arguing that the land does not meet the definition of grade 1 land in the Agricultural Land Classification Guidelines of land with no or very minor limitations to agricultural use<sup>20</sup>. I agree with the previous Inspector that the surveyor undertaking the agricultural land classification was entitled, as a matter of professional judgement, to take a

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<sup>17</sup> CD 4.3. The photomontages from viewpoint 15 in Cantlop are incorrectly labelled as viewpoint 14.

<sup>18</sup> Excluding the route of the cable run to the grid connection point, the updated statement of common ground gives the size of the site as 44.09ha (CD 4.22, para 3.1), whereas the agricultural land classification report refers to a size of 41.4ha (CD 1.3. table 4.3).

<sup>19</sup> Using the figures from the agricultural land classification report, (and the percentages are agreed in the updated statement of common ground) gives a maximum amount of known BMV land on the site, having regard to the larger site size stated in the statement of common ground.

<sup>20</sup> The Appellant's soils proof of evidence for the 2024 inquiry, CD 12.6, paragraph 2.1.14. Agricultural Land Classification of England and Wales, revised guidelines, Ministry of Agriculture, Fisheries and Food, CD 9.1, page 9.

rounded view of land quality within the site<sup>21</sup>. The NPPF defines the best and most versatile (BMV) agricultural land as that within grades 1, 2 & 3a of the agricultural land classification. Irrespective, therefore, of the grading of those areas where a grade 1 profile was found, it is clear that a large proportion of the appeal site is BMV land, and most of the site is in arable use.

34. Policy CS6 of the Core Strategy requires all development proposals to make the most effective use of land and to safeguard natural resources, including high quality agricultural land. Similarly at national level, paragraph 187(b) of the NPPF explains that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the BMV agricultural land.
35. The Written Ministerial Statement of 2015 on solar energy and other matters addresses the effect of proposals on agricultural land. Where a proposal involves agricultural land, it should be clear that this is necessary, and poorer quality land is expected to be used in preference to land of a higher quality. In similar vein, EN-3 advises that where the proposed use of any agricultural land has been shown to be necessary for solar development, poorer quality land should be preferred to that of a higher quality, and the use of the BMV land should be avoided where possible.
36. In the emerging Local Plan, Policy DP26(2k) says that where a proposal for a large-scale solar farm requires the use of agricultural land, poorer quality land should be used in preference to that of a higher quality, and Policy DP18(4) seeks to avoid the use of the BMV agricultural land, unless this is justified by the need for, and benefit of, the development. I have already found that the emerging Local Plan carries limited weight (above, para 15), but these provisions reflect the approach to higher quality agricultural land in the Core Strategy and national policy.
37. As part of the site selection exercise, a search of brownfield sites within 100 miles of Berrington was undertaken. Each of the six sites identified was being marketed for commercial purposes, and they were not considered to be available for the proposed solar farm<sup>22</sup>.
38. A key consideration in bringing forward a solar energy scheme is the availability of a grid connection. The Appellant has the offer of a grid connection at a point on the overhead line about 0.8km to the north of the main part of the appeal site, and between the substations at Bayston Hill and Cross Houses. Given that thermal power loss increases with distance, together with the expense of a greater length of trenching, a corridor of 6km along the overhead line was used in the site selection exercise<sup>23</sup>. This resulted in a search area encompassing an extensive area to the south of Shrewsbury and including the southern part of the town.
39. The site lies within an area where there is a high likelihood that most of the land (more than 60%) would be classified as being of BMV quality<sup>24</sup>. Ten other potential development sites were identified within the search area, but all were largely or entirely grade 3, based on Natural England mapping. This mapping

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<sup>21</sup> CD 17.1, paragraph 77.

<sup>22</sup> CD 1.13, paragraphs 4.4.2-4.4.7.

<sup>23</sup> CD 16.3, paragraph 3.5.3.

<sup>24</sup> CD 16.3, paragraph 3.4.2.

also indicates that the appeal site is potential grade 3 land<sup>25</sup>. Whilst there is a larger proportion of grade 2 land on the appeal site, that is identified in the detailed agricultural land classification report, prepared for the planning application. I acknowledge that it was not feasible for similar site-specific surveys to be undertaken of the other potential development sites. Considered on an equivalent basis at the site-finding stage, other land within the search area is potentially of similar quality to the appeal site.

40. The landowner's agent has advised that, notwithstanding the grading of the land forming the appeal site, there is a significant variation in soil quality from very light sand to solid clay due to the removal of top-soil to fill undulations (CD 4.9). The undulations and inconsistency of the soil have made the parcels difficult to farm, which contributed to the decision to put them forward for the proposed development.
41. Whilst there is a clear thread of policy at local and national level which seeks to safeguard BMV agricultural land, this does not extend to an embargo on the use of such land for the development of solar energy proposals. The information before me does not indicate that it is possible to avoid the use of the BMV land to take up the grid connection offer west of Berrington, nor that poorer quality land is available for this purpose.
42. It is intended that, during the lifetime of the development, the land would be used for the grazing of sheep. Whilst the Appellant acknowledges that the proposal would not make the most effective use of the BMV land, agricultural use would continue in tandem with the operation of the solar farm. The retention of agricultural use would appropriately be the subject of a condition requiring implementation of a scheme for sustainable sheep grazing.
43. The Appellant has submitted an outline soil management plan (CD 4.6), the objectives of which include the protection of soil resources on the site and identifying best practice to maintain the physical properties of the soil. The plan makes reference to soil handling, moisture assessment, soil stripping, storage, and the management of on-site traffic movements. Moreover there is evidence that continuous arable cropping results in a reduction of organic matter, structural stability, and earthworm and microbial activity in soil<sup>26</sup>. Consequently the change in farming activity during the presence of the solar farm would be beneficial to soil health. Subject to a condition requiring implementation of a soil management plan, the proposal should not erode the status of the BMV land on the appeal site.
44. Figures for a cereal crop indicate that the appeal site contributes about 0.002-0.003% to the national yield and about 0.06% to the county yield<sup>27</sup>. This is a modest amount, and that small reduction would only extend for a temporary period. Given the small scale of the contribution of the site to arable crop production, and the ability of the farm to alter the agricultural use to which the land is put, I consider that the loss of the land to arable use for 40 years would not have a materially adverse effect on food security.
45. I conclude that there is no alternative to the use of the BMV land for the proposed development, and that in any event, with the safeguard of a

<sup>25</sup> CD 4.5, section 3, and paragraph 4.1.8.

<sup>26</sup> CD 12.6, paragraph 7.2.1.

<sup>27</sup> CD 12.6, paragraphs 4.3.4 & 4.3.6.

condition concerning a soil management plan, the status of the site as BMV agricultural land would be safeguarded. However, the land would not be used to its maximum potential as BMV land for the duration of the development, leading to a conflict with Policy CS6 of the Core Strategy, a circumstance to which I give moderate weight. On the other hand, the prospect of improved soil condition due to the break from arable crop production would be a benefit which merits countervailing moderate weight.

## **Skylarks**

46. Surveys have identified that the appeal site is used by skylarks. The skylark is listed as a species of principal importance under section 41 of the Natural Environment and Rural Communities Act 2006. It is also included on the red list of Birds of Conservation Concern, which identifies those species considered to be of greatest conservation concern<sup>28</sup>. The British Trust for Ornithology records that the number of these birds fell precipitously from the mid-1970s, although more recently there has been a small upturn in the species' fortune<sup>29</sup>.
47. Breeding bird surveys were undertaken in 2022 and 2024. In 2022, eleven skylark territories (each used by a pair of birds) were identified on the site, whereas in 2024 the number was lower, at six<sup>30</sup>. The 2024 survey post-dates the original appeal decision, and this information was not available to the Inspector at the time. It is the Appellant's evidence that variations in the number of territories are not unexpected, with densities affected by and management, including crop type and the timing of cropping.
48. Whereas skylarks will continue to forage on land within solar farms, the Appellant acknowledged that nesting would be displaced by the proposed development. By way of mitigation it is proposed to provide alternative habitat for breeding skylarks on land immediately to the north of the site (CD 1.16). Natural England's standing advice on protected species and development makes clear that no more habitat should be lost than is replaced<sup>31</sup>, and not that there should be no net loss of breeding pairs (of skylarks), as referred to in the original appeal decision.
49. The mitigation would be secured by means of planning obligations and a condition<sup>32</sup>. The condition would preclude development until a skylark mitigation strategy had been approved, such strategy to follow the principles set out in the Skylark Mitigation and Management Plan prepared on behalf of the Appellant<sup>33</sup>. Planning obligations in the unilateral undertaking require implementation of the strategy prior to development commencing, confirmation of implementation to the LPA, and maintenance of the strategy for the lifetime of the development.
50. The mitigation land has been intensively grazed since 2022. Average densities of skylark territories in different habitat types are set out in an article by Harry Fox in the Bulletin of the Chartered Institute of Ecology and Environmental Management (CD 10.22). Intensive grazed pasture has the lowest density of territories of 0.02 per hectare, and is considered to be poor-quality habitat for

<sup>28</sup> CD 10.43, page 2.

<sup>29</sup> CD1 10.1, pages 1 & 2.

<sup>30</sup> The 2022 figure is reported in CD 1.23, table 5, and the 2024 figure in CD 16.7, paragraph 3.2.4.

<sup>31</sup> CD 10.11, page 11.

<sup>32</sup> CD 4.24, and suggested condition 26 in CD 18.2.

<sup>33</sup> Schedule 3 in CD 4.24.

skylarks. Applying that density to the 25ha of mitigation land, the Appellant's ecology witness calculated that at present that area could be expected to support 0.5 pairs of skylarks. There is no detailed evidence which calls into question that approach. I note that the 2024 survey records six territories, but the number remains low for the size of the land, and variations in numbers are not uncommon (above, para 47).

51. At present it is not certain whether the mitigation land will continue to be used for grazing or whether it will revert to arable. The Mitigation and Management Plan addresses both scenarios. If the land remains as pasture, it would be grazed less intensively, with low stocking densities specified to allow the establishment of a matrix of shorter and tussocky grassland suitable for both nesting and foraging. In addition, livestock should not be on the land between April and June to avoid disturbance and maximise skylark breeding success. If the land is used for arable farming, it is intended that 12 skylark plots, which would be left fallow over autumn and winter and undrilled during spring, would be created. The plots would occupy about 6ha of the 25ha mitigation land, and twelve plots would slightly exceed the maximum number of territories on the appeal site identified in the surveys.
52. Both the appeal site and the mitigation land have been used for pheasant shooting. Pheasant shooting is restricted to the period from 1 October to 1 February, which does not coincide with the breeding season for skylarks. The British Trust for Ornithology has calculated that the median date for first clutches of eggs is 19 May<sup>34</sup>. I note that at the 2024 inquiry it was accepted that the shooting and nesting seasons did not coincide, and I do not consider that there would be undue disturbance to skylarks from shooting on the mitigation land.
53. The proposal would result in the loss of territories on the appeal site and the consequent displacement of breeding pairs of skylarks. However, the nearby mitigation land would be enhanced to accommodate displaced skylarks, and, given the number of plots expected to be created if the land reverts to arable production or the stocking densities if it remains as pasture, I am satisfied that the proposal would not result in a net loss of habitat suitable for the species, nor materially weaken its conservation status.

### ***Other considerations***

#### *Heritage assets*

54. There are a number of heritage assets in the vicinity of the appeal site<sup>35</sup>. At the time of the 2024 inquiry, Flour not Power argued that there were four key heritage assets most at risk of a negative impact from the proposed development: Cantlop Bridge, Berrington Farmhouse, Newman Hall Cottages and Cantlop Mill. These structures are all relatively close to the site, they are the heritage assets considered in detail in the original appeal decision, and I consider that they are the assets of most relevance in considering the effect of the proposed development.

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<sup>34</sup> CD 16.5, paragraph 7.1.2.

<sup>35</sup> Figure 3 in appendix 1 of CD 1.18 shows the location of listed buildings, scheduled monuments, conservation areas, and registered parks and gardens in relation to the site.



*i) Cantlop Bridge*

55. Cantlop Bridge, a grade II\* listed building, straddles Cound Brook, adjacent to the present alignment of the Shrewsbury to Acton Burnell road, and about 125m to the south of the appeal site. It has architectural interest as an early example of a cast-iron bridge, and historic interest as it is considered to be the only cast-iron bridge to a design approved by Thomas Telford, remaining in place in Shropshire<sup>36</sup>. The significance of this listed building derives primarily from its architectural and historic interest. However, the setting of the bridge, as an example of transport infrastructure, includes a stretch of the watercourse and of the nearby road, and these aspects of setting also contribute to the significance of the asset.
56. Although the south-west part of the appeal site is relatively close to Cantlop Bridge, there is a belt of trees on the land which rises from Cound Brook, with the fields where the solar arrays would be installed lying beyond. The extent of tree cover would not only restrict views of the development on the appeal site from the listed building, but also from the nearby stretch of the road where it crosses Cound Brook. I conclude that the proposed development would not materially affect the setting of Cantlop Bridge, and, therefore, it would not cause harm to its significance.

*ii) Berrington Farmhouse*

57. The farmhouse, a grade II listed building, is a substantial property standing on the road through Berrington, and positioned on the south-west side of the village, about 275m from the appeal site. It dates from the 17<sup>th</sup> century, and has additions from the 18<sup>th</sup> and 19<sup>th</sup> centuries, with historic interest as an extended farmhouse from these periods<sup>37</sup>. At one time, the appeal site formed part of the landholding associated with the farmhouse<sup>38</sup>, and, although this link no longer exists, the listed building still appears as an historic farmhouse in a rural setting. The agricultural aspect of the landscape serves as a reminder of the purpose for which Berrington Farmhouse was built, and this setting makes an important contribution to the significance of the listed building.
58. The development on the appeal site would occupy part of the setting of the listed building. However, the solar farm would be set back from the edge of Berrington, with woodland and strengthened hedgerow cover proposed on the nearest part of the appeal site. Berrington Farmhouse would continue to be seen as a prominent building in the wider rural landscape, and the ability to appreciate the historic association with a predominantly agricultural landscape would not be diminished. I conclude that the proposed development would not materially affect the setting of Berrington Farmhouse, and, that it would not cause harm to the significance of this listed building.

*iii) Newman Hall Cottages*

59. Newman Hall Cottages are a grade II listed building<sup>39</sup>. The cottages date from the 17<sup>th</sup> century, but they have been remodelled and now form a single dwelling. There is architectural interest in the styles evident in the building, and historic interest as an example of traditional rural dwellings. Built as

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<sup>36</sup> The list entry is at appendix 3 of CD 12.8.

<sup>37</sup> The list entry is at appendix 3 of CD 12.8.

<sup>38</sup> CD 12.8, paragraph 6.11.

<sup>39</sup> The list entry is at appendix 3 of CD 12.8.

isolated rural dwellings, the setting of the surrounding countryside contributes to the significance of this heritage asset.

60. However, although the listed building is not far from the south-east boundary of the appeal site, there is no identified historical, functional or economic relationship with this land<sup>40</sup>. The dwelling does not have a principal elevation facing towards the appeal site, and woodland planting is proposed to strengthen tree cover on the site boundary. Within the site, the solar arrays would be set back from this point, and the listed building would continue to appear as an isolated dwelling in an open countryside location. I conclude that the proposed development would not materially affect the setting of Newman Hall Cottages, and that it would not cause harm to the significance of this listed building.

*iv) Cantlop Mill*

61. Cantlop Mill is locally listed. Now in residential use, it is thought to have been a corn mill and was powered by Cound Brook<sup>41</sup>. There is evidence that during the 19<sup>th</sup> century, the tenant of the mill held several fields within the appeal site<sup>42</sup>. The Mill is a short distance to the south of the appeal site, but is at a lower level close to the watercourse. The narrow road between the west and east parcels of the appeal site leads down to Cantlop Mill: this route with public access continues across Cound Brook and up the southern valley side to Cantlop in the form of a footpath, providing a link between Berrington and Cantlop. Cantlop Mill has historic interest as a site where industrial activity formerly occurred and provided a service to the surrounding rural area. Given its functional link with Cound Brook and its position on an historic route between Berrington and Cantlop, these aspects of its setting are of particular importance to the significance of the mill.
62. Notwithstanding the proximity of the appeal site to the mill, the landform, with a pronounced change in level between the intended position of the arrays and the mill building on the valley floor, together with the extent of intervening tree cover, would greatly restrict any intervisibility between the asset and the proposed development. The appeal site does not make an important contribution to the setting of Cantlop Mill, and development on the site would not lessen the ability to appreciate the asset as a former industrial structure with a functional relationship with Cound Brook. Accordingly, I conclude that the proposed development would not materially affect the setting of this heritage asset, and so it would not harm its significance.

*v) Conclusions on heritage assets*

63. The proposed development would not materially affect the setting of any of the four heritage assets of most relevance, and would not harm their significance. In consequence, it would comply with Policy MD13 of the SAMDev Plan, which seeks to ensure that, wherever possible, proposals avoid loss of significance to designated or non-designated heritage assets. Nor would the proposal conflict with paragraph 212 of the NPPF, which requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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<sup>40</sup> CD 12.8, paragraph 6.16.

<sup>41</sup> CD 1.6, paragraphs 5.97 & 5.91.

<sup>42</sup> CD 1.6, paragraphs 5.95 & 5.96.

### *Nature conservation interests*

#### *i) Berrington Pool*

64. About 0.4km to the north of the appeal site is Berrington Pool. The Pool is a small and deep mere, which is designated as a site of special scientific interest (SSSI), and which is also part of the Midlands Meres and Mosses Phase 1 Ramsar site<sup>43</sup>. The SSSI citation refers to eutrophic and mesotrophic lakes, floodplain fen and wet woodland. The site has a rich flora of emergent species, including some which are uncommon, notably slender sedge. The citation for the Ramsar site refers to a diverse range of habitats from open water to raised bog, and mentions that the site supports a number of rare species of plants associated with wetlands. It should be borne in mind that this Ramsar site covers several SSSIs and the range of qualifying features relates to the designated site as a whole, and not to each component part.
65. The Appellant's ecology witness has explained that there is not considered to be any potential pathway by which the SSSI and Ramsar features would be affected by the proposed development<sup>44</sup>, and I agree that ceasing to use agricultural chemicals whilst the solar farm is in place is likely to be beneficial to the local environment. There is no detailed evidence to substantiate a contrary view.

#### *ii) Species other than skylark*

66. The breeding bird surveys (above, para 47) identified use of the appeal site by dunnock and yellowhammer, bird species which are red and amber-listed respectively. I heard that these species feed on field margins, and yellowhammers also nest close to the ground at the base of hedgerows. The strengthening of hedgerows and the enhancement of field margins with more diverse grassland should benefit both species. This measure and other ecological enhancements could be included in a soft landscape scheme and/ or a landscape and ecological management plan, both of which are suggested to be the subject of conditions.
67. To minimise disturbance to bats, a condition is suggested which would require approval of any external lighting, and bat and bird boxes are proposed to ensure the provision of nesting opportunities in accordance with Core Strategy Policy CS17 and SAMDev Policy MD12.

#### *iii) Biodiversity net gain*

68. It is the Appellant's evidence that the proposed development would provide biodiversity net gain of 65.67% in habitat units and of 61.34% in hedgerow units. No alternative assessment is before me<sup>45</sup>. That would be an important benefit of the development. The proposed landscape and ecological management plan would be instrumental in securing biodiversity net gain.

#### *iv) Conclusions on nature conservation interests*

69. With the safeguard of the conditions referred to above (paras 66-68), together with the requirement in a construction environment management plan for

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<sup>43</sup> The location of Berrington Pool is shown on CD 18.3. CD 18.4 identifies the citation features for both the SSSI and the Ramsar site.

<sup>44</sup> CD 16.5, paragraph 8.1.3.

<sup>45</sup> CD 16.6, headline results.



mitigation measures for ecological receptors, I am satisfied that the proposal would not have a material adverse effect on nature conservation interests. The planting proposals would give rise to a marked increase in biodiversity, and I give significant weight to the biodiversity net gain. That enhancement in biodiversity would accord with Policy CS17 of the Core Strategy and Policy MD12 (part 3) of the SAMDev. I am satisfied that the proposal would also be consistent with paragraph 193(d) of the NPPF, which makes clear that opportunities to improve biodiversity should be integrated into the design of developments.

### *Living conditions*

70. Construction activities and traffic have the potential to cause problems of disturbance to local residents. The construction environment management plan would include measures to minimise any potential adverse effects, including a construction routing plan and a prohibition on construction traffic accessing the site through Berrington. Conditions are also proposed to control the times during which construction works would take place and the direction of close circuit television cameras.
71. A tracker system would be used for the arrays, to enable the solar panels to move to face the sun throughout the day. There are a number of dwellings in the vicinity of the site, including those in Berrington, and concern has been expressed in individual representations about noise from the tracking motors. However the noise assessment accompanying the application explains that these motors run for only 5-10 seconds every few minutes and that test reports show that the sound level would be very low<sup>46</sup>.
72. Operational noise would be generated by the power station and sub-station<sup>47</sup>. Predicted noise rating levels would exceed background noise levels at a number of nearby dwellings, but when account is taken of the effect of the building fabric (with windows open), internal noise levels would be within the World Health Organization guideline of 30dBA for sleeping conditions<sup>48</sup>.
73. I conclude that the proposed development would not unacceptably worsen the living conditions of nearby residents.

### *Highway safety*

74. The highway network in the area around the appeal site includes several narrow roads, and there is a general lack of footways. These roads do not carry high volumes of traffic. Most traffic would be generated during the construction and decommissioning periods, and it is intended that vehicles would use the Shrewsbury to Acton Burnell road, from which there would be a direct access into the western parcel of the appeal site<sup>49</sup>. Construction traffic would be prohibited from the narrow roads of Cliff Hollow (past the northern side of the site) and that from Cliff Hollow to Cantlop Mill, and from travelling through Berrington. During its operational life, the solar farm would only require occasional maintenance visits. Measures to control traffic movement during the construction period would be included in the construction environment

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<sup>46</sup> CD 1.12, paragraph 24.5 and figure 24.1.

<sup>47</sup> CD 1.12, paragraphs 24.1 & 24.4.

<sup>48</sup> CD 1.12, paragraph 28.7.

<sup>49</sup> The route for construction traffic and other intended measures are set out in the traffic management plan, CD 17.8.

management plan which could be secured by means of a condition, and, with this safeguard, I am satisfied that the proposed development would not adversely affect highway safety.

#### *Flood risk*

75. The site lies within flood zone 1 where there is the lowest level of flood risk. A flood risk assessment explains that solar panels are not expected to increase the impermeable area of a site and contribute to an increase in surface water run-off<sup>50</sup>. It is intended that back-filled trenches and swales would be included in the development, and as these would promote infiltration and provide storage capacity across the site, only a negligible increase in surface water run-off is expected<sup>51</sup>. In consequence, I do not anticipate that the proposed development would increase flood risk through run-off into Cound Brook which lies on lower ground to the south of the site. I note that the Council's drainage team has not objected to the proposal, and, subject to conditions requiring that a soakaway test be carried out and a sustainable drainage scheme implemented, I find that the proposal would not increase flood risk elsewhere.

#### *Economic considerations*

76. Reference is made by the Appellant to the creation of jobs during the construction and operational phases of the development, both in connection with the solar farm and indirectly in the supply chain. However there is no detailed evidence to indicate the number of jobs likely to be supported, and I note that during the operational phase of the development only occasional visits to the site are expected to be required.
77. The farm business has been involved in the countryside stewardship and higher level stewardship schemes which are being phased out, and with the reduction of subsidies, it is claimed that there would be a significant loss of income. The proposed development would represent diversification, providing a source of income for the business. However there is no detailed evidence to indicate the extent of the benefit which the solar farm would provide. Overall, I consider that the economic benefits of the proposal carry limited weight.

#### *Planning obligations*

78. I have already referred to planning obligations concerning mitigation in respect of skylarks which currently nest on the appeal site (above, para 49). The obligations concern the implementation of a skylark mitigation strategy. They are directly related to the proposed development on the nearby land to the south, necessary to make it acceptable in planning terms by avoiding the net loss of habitat for a species of conservation concern, and, through the provision of 12 skylark plots or the management of grazing land for conservation purposes, fairly and reasonably relate to the development in scale and kind. I find that the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations are met, and that the provisions of the unilateral undertaking are material considerations in this appeal.

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<sup>50</sup> CD 1.9, section 7.4

<sup>51</sup> CD 1.9, section 8.

## Conditions

79. I have considered the suggested conditions in the light of the advice in Planning Practice Guidance and the discussion on conditions at the hearing. In accordance with section 100ZA(5) of the Town & Country Planning Act 1990, the Appellant has agreed to those conditions which would be pre-commencement conditions<sup>52</sup>. Those conditions which I consider would be necessary for the development to proceed are listed in the accompanying schedule, together with the reasons for their imposition.
80. I do not consider that a separate condition is required concerning a complaint procedure scheme. Complaints relating to amenity concerns are most likely to arise during the construction phase, and a complaints procedure scheme could be referred to in a condition concerning a construction environment management plan.

## Conclusions

81. In the Core Strategy, Policy CS8 refers to infrastructure which addresses climate change, and it is, therefore, of particular relevance to the proposed development. This policy encourages proposals such as solar farms which would mitigate climate change, provided that there would be no significant adverse impact on recognised environmental assets. Over 80% of the fields where the solar farm would be situated is BMV agricultural land (above, para 33), a recognised environmental asset. I have found that this land would not be used to its maximum potential during the lifetime of the development, resulting in conflict with Policy CS6, but that shortcoming does not translate into harm to the resource. Indeed, the break from arable crop production should be beneficial to soil health.
82. I have also considered the effect of the development on nearby heritage assets and Berrington Pool, which is a SSSI and part of a Ramsar site. There would be no harm to the significance of the heritage assets, nor to the qualifying features of the designated nature conservation site, and in the latter respect the development would comply with Policy CS17. In the absence of any significant adverse impact on recognised environmental assets, there is clear support for the proposal from Policy CS8.
83. As the development would provide renewable energy whilst safeguarding the agricultural land within the site, it would contribute to sustainable economic growth, and is supported by Policy CS13.
84. Policy CS5 seeks to protect the countryside and refers to strict control over new development. Specific mention is made of opportunities for certain categories of development, including required infrastructure which cannot be accommodated within settlements. The site selection exercise has provided justification for the development to take place on the appeal site, and hence outside a settlement (above, paras 37-39, 41). There is a general requirement in Policy CS5 that development proposals should maintain and enhance countryside vitality and character. The solar farm would have a low level of on-site activity during its operational life-time, but that would not be dissimilar to land used for crop production and, although short on detail, the proposal would provide support for the farm business (above, para 77). However, as the

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<sup>52</sup> CDs 18.5 & 18.6.

proposal would cause some harm to the character and appearance of the area, it would not maintain countryside character. Consequently, I consider that the development would conflict with Policy CS5, and with provisions of Policies CS6 and CS17 which seek to provide protection generally for the natural environment.

85. Policy MD8 of the SAMDev Plan supports proposals for new strategic energy infrastructure where its contribution to agreed objectives would outweigh the potential for adverse impacts. The development of a solar farm on the appeal site would make an important contribution to national and local objectives to increase the production of renewable energy. There would be adverse impacts in respect of the effect on the character and appearance of the area and the use of BMV agricultural land, and I consider the balance of these matters below (para 89).
86. Policy MD12 encourages development which appropriately enhances natural assets. The accompanying explanation makes clear that natural assets include trees and hedges, and the proposal provides for the strengthening of hedgerows and tree cover on the site boundary, in accordance with part 3 of the policy. Proposals which would be likely to have a significant adverse effect on visual amenity should only be permitted if there is no satisfactory alternative means of avoiding such impacts and the social or economic benefits outweigh the harm. Whilst the development would cause harm to visual amenity, this would be limited in extent and merits no more than moderate weight. Accordingly the proposal would not conflict with part 2 of Policy MD12.
87. As the proposal would not harm the significance of nearby heritage assets, there would be no conflict with Policy MD13. The western edge of the site lies within a mineral safeguarding area, to which Policy MD16 applies. Proposals for non-mineral development within a safeguarding area should only be permitted in certain circumstances, which include applications for temporary planning permission<sup>53</sup>. The appeal proposal is temporary in nature, and would not prejudice the ability to retrieve minerals from the western edge of the site. There is no conflict with Policy MD16.
88. There is support in both the Core Strategy and the SAMDev Plan for renewable energy proposals. The development would be consistent with policy provisions concerning nature conservation, economic growth, heritage assets and minerals safeguarding, but adverse effects in respect of the effect on the character and appearance of the area and the use of BMV land bring it into conflict with parts of Policies CS6 and CS17, and with Policy CS5.
89. There is an urgent need for energy from renewable sources in order to achieve carbon reduction targets, and a major contribution is expected from solar developments. The proposal would provide sufficient electricity for a significant number of homes, about 7,000, and importantly, the grid connection offer would enable the site to contribute at an early date to renewable generation. The contribution which the appeal proposal could make at an early stage to providing electricity from a renewable source is a factor which carries significant weight in support of the proposal. That important benefit outweighs the harm to landscape character and visual amenity, and the failure to make the most effective use of BMV agricultural land, factors which carry moderate

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<sup>53</sup> CD 5.2, paragraph 3.150(ix).

weight. The outcome of that balancing exercise is a finding that the proposal complies with SAMDev Plan Policy MD8.

90. Whilst there is conflict with certain provisions, the proposal is consistent with important policies which support infrastructure development, and complies with policy provisions concerning nature conservation, economic growth, heritage assets and minerals safeguarding. I conclude that the proposed development would comply with the Development Plan considered as a whole.
91. In addition to the benefit from the generation of electricity from a renewable source, the proposal would also provide a high level of biodiversity net gain to which I give significant weight, and provide an opportunity to improve soil condition on the site, which merits moderate weight. The benefits of the proposed development clearly outweigh the harm which I have already identified. Because of the harm to the character and appearance of the area, the proposal would conflict with part of paragraph 187(b) of the NPPF, but it is consistent with paragraphs 168, 193(d) and 212 and 186(d) concerning renewable energy, biodiversity and heritage assets respectively. Those matters have already been considered in assessing the balance of considerations in respect of the proposed solar farm. There are no material considerations which support a decision being taken other than in accordance with the Development Plan considered as a whole, with which the appeal proposal would comply.
92. For the reasons given above, and having regard to all matters raised, including the suggested conditions, I conclude that the appeal should be allowed.

*Richard Clegg*

INSPECTOR

## Schedule – Conditions

- 1) The development hereby permitted shall commence not later than three years from the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following plans:
  - i) Site location plan (05), ref 1051487-ADAS-XX-XX-DR-P-8006.
  - ii) Site layout plan (13), ref 1051487-ADAS-XX-XX-DR-PL-8000.
  - iii) Illustrative landscape masterplan (V20), ref 1051487-ADAS-XX-XX-DR-L-8001.
  - iv) Site access arrangements, ref 111182-10-01; as supplemented by the traffic management plan, ref 111182-TMP-REV0.
  - v) Technical details: customer-substation, ref PL.006.
  - vi) Technical details: MV power station, ref PL.005.
  - vii) Technical details: storage container, ref PL.010.
  - viii) Technical details: mounting structure (tracker), ref PL.001.
  - ix) Technical Details 1: gate, fence, construction road, camera, satellite dish, ref PL.007.
  - x) Waterless toilets (Kazubaloo 1), ref KL1.

Reason - To provide certainty.

- 3) The approved development, once operational shall have an export capacity of not more than 30MW (AC).

Reason - To provide certainty, and in accordance with the scale of the development for which permission is sought.

- 4) The development hereby permitted shall cease on or before the expiry of a 40 years period from the date when electricity is first exported from the solar panels to the electricity network (the *First Export Date*). Written notification of the *First Export Date* shall be given to the Local Planning Authority within 14 days of the event occurring.

Reason - In accordance with the time limited nature of the application.

- 5) In the event that the development hereby permitted ceases to export electricity to the grid for a continuous period of 12 months at any point after the *First Export Date*, a scheme of early decommissioning works (the *Early Decommissioning Scheme*) and an ecological assessment report detailing site requirements in respect of retaining ecological features (the *Early Ecological Assessment Report*) shall be submitted, including timescales, no later than 3 months after the end of the 12



months non-electricity generating period to the Local Planning Authority for its approval in writing. The approved *Early Decommissioning Scheme* and the approved *Early Ecological Assessment Report* shall be implemented in full thereafter.

Reason - The development would cause some harm to the character and appearance of the area and in respect of the use of best and most versatile agricultural land. The use and associated structures should therefore be removed as soon as possible if the solar farm is no longer required

- 6) Within a period of 39 years and 6 months following the *First Export Date*, a scheme for the decommissioning of the solar farm and its ancillary equipment and restoration of the land, and including a programme for the decommissioning and restoration works (the *Decommissioning Scheme*), shall be submitted for the written approval of the Local Planning Authority. Written notification shall be given to the Local Planning Authority not less than 7 days before the commencement of the decommissioning works. The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved *Decommissioning Scheme*.

Reason - To safeguard the character and appearance of the area

- 7) Prior to their erection final details of the proposed materials and finish, including the colour of all solar panels, frames, ancillary structures, equipment, and enclosures shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details, and it shall be retained as such for its lifetime.

Reason - To safeguard the character and appearance of the area.

- 8) Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on the proposed site access arrangements drawing ref 111182-10-01. Thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason - In the interest of highway safety.

- 9) Prior to any other development taking place, the first 15 metres of the access shall be surfaced with a permeable bound material which shall be retained for the lifetime of the development.

Reason - To prevent mud and detritus being deposited on the public highway in the interest of highway safety.

- 10) All trees and hedgerows which are to be retained in accordance with the approved landscape masterplan shall be protected in accordance with the tree protection plan, ref 1051610 Econergy TPP sheets 1-3 (Appendix 5 of the RSK ADAS Ltd Report ref 1051610 - *Arboricultural Planning Statement – Solar Farm on Land South of Berrington*, dated March 2022) and in accordance with *BS 5837: 2012 Trees in relation to Design, Demolition and Construction, recommendations for tree protection*. Protective fencing shall be erected prior to the commencement of any

permitted development activities. The fencing shall be retained throughout the construction period and shall only be moved with the prior approval of the Local Planning Authority.

Reason - To protect features of the natural environment in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy and MD12 of the Shropshire Council Site Allocation and Management of Development Plan.

- 11) No development shall take place until a qualified arboriculturist has been appointed to undertake supervision and monitoring of the tree protection fencing and other measures at pre-commencement stage and throughout the construction period as outlined at Appendix 10 - Key Sequence of Events after Planning Approval, of the RSK ADAS Ltd Report ref 1051610 – *Arboricultural Planning Statement – Solar Farm on Land South of Berrington*, dated March 2022. Thereafter, the appointed arboriculturist shall submit a completion statement to the Local Planning Authority to demonstrate compliance with the approved tree protection measures at each stage listed in Appendix 10.

Reason – To protect features of the natural environment in accordance with Policy CS6 and CS17 of the Shropshire Core Strategy and MD2 of the Shropshire Council Site Allocation and Management of Development Plan.

- 12) All services shall be routed outside the root protection areas indicated on the Tree Protection Plan, ref 1051610 Econergy TPP sheets 1-3 (Appendix 5 of the RSK ADAS Ltd Report ref 1051610 - *Arboricultural Planning Statement – Solar Farm on Land South of Berrington*, dated March 2022).

Reason: To protect features of the natural environment in accordance with Policy CS6 and CS17 of the Shropshire Core Strategy and MD2 of the Shropshire Council Site Allocation and Management of Development Plan.

- 13) No development shall take place until a construction environment management plan (CEMP), including timescales and based on the Transport Statement (with the exception of appendix 4), the Traffic Management Plan ref 111182-TMP-Rev 01 by RSK Environment Ltd, and the outline CEMP, dated August 2023, has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall make provision for the following measures:
- i) Construction routing as in Figure 1 of the Traffic Management Plan, with:
    - no construction traffic permitted to travel along the unclassified road leading from the highway known as Cliff Hollow to Cantlop Mill.
    - no construction traffic permitted to use the highway known as Cliff Hollow.
    - no construction traffic permitted to travel to or from the site via Berrington.
  - ii) Construction vehicles shall only access the site via the proposed new site access.



- iii) The site access shall be provided as shown in drawing 111182-10-01 of the Transport Statement.
- iv) Traffic marshals shall be appointed to manage access and egress during the construction phase.
- v) Mitigation measures for non-motorised users of public rights of way as outlined in section 4.3 of the Transport Statement.
- vi) Traffic management measures to include parking facilities for all vehicles visiting the site and as outlined in the Traffic Management Plan.
- vii) Pre and post construction highway condition surveys between the points indicated on the plan reference 111182-CTAR.
- viii) Signage as outlined in the Traffic Management Plan.
- ix) Maintenance of the highway as outlined in the Traffic Management Plan.
- x) A method of monitoring of vehicles entering and leaving the site.
- xi) A construction routing plan containing details of the education, signage and enforcement that will be used to ensure compliance.
- xii) Details of waste management including a prohibition on burning anything on the site.
- xiii) Details of mitigation measures for local residents and ecological receptors in relation to construction lighting.
- xiv) Compound, storage and other construction facilities to be located at least 200m from any dwelling.
- xv) Proposals for the closure of the highway known as Sandy Bank Road during the construction of the development.
- xvi) A complaints procedure scheme for dealing with noise and other amenity related matters occurring during the construction period, including provisions for complaint investigation, reporting, and implementation of remedial actions within an approved timescale.

The development shall be implemented in accordance with the approved CEMP.

Reason – To safeguard the living conditions of local residents and to maintain highway safety.

- 14) Construction operations shall only take place within the following hours: 07.30 to 17.30 from Monday to Friday, and 08.00 to 12.00 on Saturday. No operations, including the maintenance of machinery and plant shall

take place outside of these hours, nor at any time on bank and public holidays.

Reason – To safeguard the living conditions of local residents.

- 15) Any close circuit television cameras located upon the site must not provide a view into any residential site.

Reason – To safeguard the living conditions of local residents.

- 16) No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat units identified in the approved Natural England biodiversity metric as a minimum (53.69 habitat units) to achieve biodiversity net gain. The LEMP shall include the following:

i) Description and evaluation of features to be managed.

- ii) Ecological trends and constraints on site that might influence management.

iii) The aims and objectives of management.

iv) Options for achieving management aims and objectives.

v) Prescriptions for management actions.

vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over five-year periods to a minimum period of 30 years from the date of first export of electricity from the site).

vii) Details of the organisation responsible for implementation of the plan.

viii) Ongoing monitoring and remedial measures.

ix) Details of species selected to achieve target habitat conditions.

x) Details of minimum heights of trees and hedgerows to be planted.

xi) Creation of wildlife habitats, features, and ecological enhancements.

xii) Details of the legal and funding mechanisms by which the implementation of the LEMP will be secured.

xiii) Details of how contingencies and/or remedial action will be identified, agreed and implemented, so that the development delivers the biodiversity objectives of the approved scheme.

Reason – To protect the character and appearance of the area, and to ensure the delivery of biodiversity net gain.

- 17) No development shall take place until a detailed soft landscape scheme in accordance with the approved landscape masterplan for the whole site has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include:

- i) Schedules of plants/seed mixes, including planting sizes and proposed numbers/densities.
- ii) The method of cultivation and planting.
- iii) Means of protection for plants.
- iv) Written specifications for establishment of planting and habitat creation.
- v) Details for stopping up existing gaps in hedgerows with planting.

Planting and seeding shall be undertaken within the first available planting season following the completion of construction works, and in accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding has been completed.

Reason - To protect the character and appearance of the area, and to enhance biodiversity.

- 18) No development shall take place until a landscape maintenance plan, requiring the maintenance and replacement of planting for a period of at least 10 years from completion of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The landscape maintenance plan shall be implemented as approved.

Reason -To protect the character and appearance of the area, and to enhance biodiversity.

- 19) All works on the site shall be carried out fully in accordance with the mitigation measures set out in the Ecological Impact Assessment by RSK ADAS Ltd, dated 24 January 2023.

Reason: To comply with Policy CS17 of the Shropshire Core Strategy and Policy MD12 of the Shropshire Council Site Allocation and Management of Development Plan.

- 20) No development shall take place until details of bat and bird boxes, including their locations and heights, have been submitted to, and approved in writing by, the Local Planning Authority. A minimum of 4 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species, and a minimum of 4 artificial nests, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups) and/ or other small birds (32mm hole, standard design) shall be erected on the site prior to the date of the first export of electricity, in accordance with the approved details. The bat and bird boxes shall thereafter be retained and replaced where necessary during the lifetime of the development.

Reason -To provide nesting opportunities for bats and birds.

- 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. The submitted scheme shall take account of the advice on lighting set out in the Institution of Lighting Professionals and Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK (available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>). All external lighting shall be installed strictly in accordance with the specifications and locations set out on the plan, and thereafter retained for the lifetime of the development. Under no circumstances shall any other external lighting be installed without prior consent from the Local Planning Authority.

Reason - To minimise disturbance to bats, in accordance with Policy CS17 of the Shropshire Core Strategy and Policy MD12 of the Shropshire Council Site Allocation and Management of Development Plan.

- 22) No development shall take place until a skylark mitigation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The skylark mitigation strategy shall follow the principles set out in the *Skylark Mitigation and Management Plan – Land south of Berrington, Shrewsbury* by RSK ADAS Ltd dated 1 May 2023, and shall include:
- i) Identification of the areas for the implementation of mitigation.
  - ii) Details of how the areas will be managed.
  - iii) Arrangements to secure the delivery of proposed measures, including a timetable of delivery.
  - iv) Monitoring for periods of not less than 5 years.
  - v) The inclusion of a feedback mechanism to the Local Planning Authority before the end of the first 5 years period, allowing for the alteration of working methods and management prescriptions, in accordance with the results of the monitoring process.
  - vi) Identification of persons responsible for implementing the strategy.

Reason – To provide alternative foraging and nesting opportunities for skylarks displaced by the development.

- 23) No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation, has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved scheme.

Reason – To safeguard, and to ensure the investigation and recording of, archaeological assets within the site

- 24) No development shall take place until a soakaway test has been carried out in accordance with BRE Digest 365, or such other guidance as has been agreed in writing by the Local Planning Authority. The results of the test shall be reported to the Local Planning Authority, and the approved recommendations shall be implemented in full prior to the date of the first export of electricity from the site.

Reason – To ensure that the site is satisfactorily drained, in accordance with Policy CS18 of the Shropshire Core Strategy.

- 25) No development shall take place until a sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
  - ii) Include a timetable for implementation.
  - iii) Provide a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme.

The sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason - To ensure that the site is satisfactorily drained, in accordance with Policy CS18 of the Shropshire Core Strategy.

- 26) No development shall take place until a scheme setting out the measures which shall be undertaken to facilitate sustainable sheep-grazing between the solar arrays, including grass sward specification and potential stocking type and density, and including timescales for monitoring and reporting for the duration of the operational life of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, and confirmation that the approved measures are being implemented shall be provided to the Local Planning Authority upon prior written request.

Reason - To ensure that the site continues to be used for agriculture.

- 27) No development shall take place until a soil management plan, which includes measures to improve soil quality and ensure that there will be no material loss of soil quality within the operational lifetime of the site, and provides details of any movement of soils within the site, has been submitted to, and approved in writing by, the Local Planning Authority. The soil management plan shall be implemented as approved.

Reason – To safeguard the quality of agricultural land.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr D Hardy	Partner, CMS
Mr A Heslehurst MPlan MRTPI	Director, RSK ADAS Ltd
Mr D Leaver BSc(Hons) BLD CMLI	Associate Director of Landscape Planning, Stephenson Halliday
Mr H Fearn MSc MCIEEM	Director, Avian Ecology Ltd
Mr J Ward	Associate, CMS

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr J Collett	Planning Officer, Shropshire Council
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### **INTERESTED PERSONS:**

Mr J Dryburgh	Flour not Power and local resident
Mrs C Wild	Flour not Power and local resident

## **HEARING DOCUMENTS**

- CD 18.1 Mr Hardy's opening statement on behalf of the Appellant.
- CD 18.2 Lists of revised suggested conditions, agreed by the Appellant and the LPA.
- CD 18.3 Plan of Berrington Pool SSSI (also part of Midlands Meres and Mosses Phase 1 Ramsar (Wetland)).
- CD 18.4 Email dated 20 February 2025 from Mr Ward to the Planning Inspectorate concerning Berrington Pool.
- CD 18.5 Regulation 2(4) notice concerning pre-commencement conditions.
- CD 18.6 The Appellant's response to CD 18.5.



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## Appeal Decision

Site Visit made on 23 April 2025

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr R Burgoyne against the decision of Shropshire Council.
  - The application Ref is 23/04139/FUL.
  - The development proposed is erection of 1 no. detached dwelling and detached single garage.
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### Decision

1. The appeal is dismissed.

### Main Issues

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

### Reasons

#### *Heritage Assets*

#### *Designated heritage asset*

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



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

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

#### *Non designated heritage assets*

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



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

#### *Character and Appearance*

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

#### **Heritage and Planning Balance**

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

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

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

### **Conclusion**

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

*RC Kirby*

INSPECTOR



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## Appeal Decision

Site visit made on 1 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

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**Appeal Ref: APP/L3245/W/24/3355034**

**121 Paper Mill, Blunder Bridge Junction with A442 to Alum Bridge Junction, Birdsgreen, Alveley WV15 6HE**

- 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 P Whiteman against the decision of Shropshire Council.
  - The application Ref is 24/02579/FUL.
  - The development proposed is described as “application under Section 73A of the Town and Country Planning Act 1990 for the change of use of agricultural land to form new residential access and parking”.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural land to form new residential access and parking at 121 Paper Mill, Birdsgreen, Alveley WV15 6HE in accordance with the terms of the application, Ref 24/02579/FUL, subject to the conditions in the attached schedule.

### Preliminary Matters

2. At the time of my visit the development had already started with the access track present. The appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
3. Drawing No 4326-02 as submitted during the planning application process identified the proposed fence as being 1.2m. An amended version of this plan was submitted during the appeal which removed this annotation. I am mindful that the fence is shown as being 1m on drawing No 4326-01B. Although appeals should not be used to evolve a scheme, I find that the change proposed before me is, in itself and against the scope of the development as a whole, so modest as to not substantially or fundamentally change the scheme. I also find that there would be no procedural unfairness in accepting the amended plan given how modest the alterations are, and that drawings 4326-02 and 4326-01B conflicted on this. I have, therefore, considered the amended version of drawing No 4326-02 in my determination of this appeal.
4. I have altered the descriptions used in the header and decision sections above, as they contained superfluous information. The descriptions above therefore more accurately set out the appeal development.

### Main Issues

5. The appeal site is located within the Green Belt and therefore the main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt; and,
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether Inappropriate Development*

6. Paragraph 153 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 also states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
7. Subject to a number of exceptions, as listed in Paragraph 154, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include engineering operations and material changes in the use of land where they would preserve the Green Belt's openness and not conflict with the purposes of including land within it.
8. The appeal scheme comprises the change of use of land from agricultural to domestic, the provision of a gravel track and parking area for use by the existing dwelling, and the creation of a new access. As part of this scheme the existing access and parking area, which do not have permission, would be removed. As noted above, the track has already been provided.
9. Looking at the elements individually it is clear that the change of use is covered by Paragraph 154(h)v of the Framework while the provision of a track and parking is engineering operations covered by Paragraph 154(h)ii. To meet these exceptions however, they must preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
10. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. Openness has both a spatial and visual aspect, and an adverse impact to either can harm the openness of the Green Belt as a whole.
11. The track and proposed parking cover areas of otherwise undeveloped space within the site. However, as the area covered is very limited relative to the Green Belt as a whole, it would not adversely affect its spatial openness. As the track and parking would be finished in gravel set at ground level their visual presence would be softened and partially screened by the adjacent vegetation and the mature planting along the site boundaries. There would also, therefore, be no harm to visual openness.
12. Given the track and parking would serve only one dwelling, it is likely that the number of vehicles parked or using the track would be low. As such, the change of

use to allow the domestic use of these elements would also not affect the spatial or visual aspects of openness.

13. I must also consider the scheme against the purposes of including land within the Green Belt. In this case I find that only purpose (c), under Paragraph 143 of the Framework, is directly relevant to this appeal. The scheme includes development across land within the countryside that was otherwise undeveloped. However, this development, in the form of the existing track and proposed parking areas, would be so small and, by way of its design innocuous, that it would not unacceptably encroach into the countryside. Therefore, the above elements would not conflict with the purposes of including land within the Green Belt. In light of the above, these elements comply with the Framework exceptions and are not inappropriate development.
14. However, the fencing and gate serving the new access are not covered by any of the exceptions set out under Paragraph 154 of the Framework, including those set out above. Therefore, in line with the Framework they are inappropriate development in the Green Belt and would, by the physical presence and visual prominence adversely affect its openness. Given the scale of the proposal in relation to the Green Belt as whole, the harm to its openness would be limited. Nevertheless, the Framework, under Paragraph 153, is clear that any harm to the Green Belt should be given substantial weight.
15. I am mindful of the decision the Inspector came to through their consideration of the previous appeal (reference APP/L3245/W/23/3329361). While that appeal was for a similar scheme, the proposal before me has been amended, including the reduction of the proposed parking area and fencing. A new Framework has also been published since that decision was made. Although I have been mindful of this decision, all decisions turn on their own particular circumstances based on the facts and evidence before the decision-maker at the time. Therefore, this previous appeal does not bind my assessment.
16. By harming the openness of the Green Belt, the proposal conflicts with Policy CS5 of the Adopted Core Strategy (the ACS) and Policy MD6 of the Site Allocations and Management Development Plan (the SAMD) which, amongst other matters, seek to control and restrict development within the Green Belt. The proposal also conflicts with Section 13 of the Framework, including Paragraphs 143(c), 153 and 154 as outlined above.

#### *Other Considerations and Green Belt Conclusion*

17. It has been put to me that the proposed fencing and gate could be carried out under the provisions of the Town and Country Planning (General Permitted Development) (England) Order (the GPDO). It is likely, given the height of the proposed boundary treatment, that it would be covered by the GPDO. Moreover, a fence and gate erected under permitted development would achieve a similar outcome to the one proposed here. That is, access to the field and dwelling from this side of the brook. Therefore, there is a more than theoretical possibility for the fallback scheme to be carried out and the harm outlined above could already occur irrespective of the outcome of this appeal. I therefore attribute considerable weight to this consideration.
18. The proposal would also provide access to the existing dwelling which, since the loss of the bridge, would otherwise not be provided with a formal access. I have



not been provided with any evidence to demonstrate that the bridge could not be replaced and, as such, I afford this matter limited weight.

19. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. I have attached considerable weight to the fallback consideration in support of the proposal. Therefore, the other considerations in this case clearly outweigh the harm identified. Looking at the case as a whole, very special circumstances exist which justify the development.

### **Conditions**

20. For certainty and enforceability, I have attached a condition requiring that the development is carried out in accordance with the approved plans. In the interest of character and appearance, additional details are required to be submitted setting out the proposed materials and finishes.
21. In order to ensure that hedgerows are appropriately replaced, a condition is necessary requiring additional details to be submitted. It is not necessary that this be a pre-commencement condition and so I have reworded it to be required prior to above ground works. In the interest of protecting bats, a condition is necessary controlling any external lighting schemes. A condition is necessary so as to ensure that the existing access and parking area are removed and the land appropriately reinstated.
22. As development has already commenced, it is not necessary for a condition to be attached setting out the standard timescale for works to begin.

### **Conclusion**

23. For the reasons given above, I therefore conclude that the appeal should be allowed.

*Samuel Watson*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall be carried out in strict accordance with the following drawings: 1:2500 Site Location Plan, 1:500 Block/Site Plan, Parking and Turning Plan, and drawing numbers; No. 4326-01B and 4326-02.
- 2) Prior to the commencement of any above ground works associated with the parking area, boundary fence and gate, samples and/or details of the proposed materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 3) Prior to the commencement of any above grounds works, a replacement hedge planting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. Any trees or plants which die, become seriously damaged or

diseased within five years of the completion of the development, shall be replaced within 12 calendar months with planting of the same type and species.

- 4) Prior to the installation of any external lighting in connection with the development hereby approved, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and to a timetable which has been approved in writing by the Local Planning Authority.
- 5) Within three months of the access and parking areas hereby permitted being brought into use, the existing access and parking areas, as shown for removal on drawing No 4326-01B and the Parking and Turning Plan, shall be removed and reinstated to its natural state.

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## Appeal Decision

Site visit made on 22 April 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

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**Appeal Ref: APP/L3245/D/24/3354120**

**Sandford Cottage, 3 Powk Hall Cottages, Pound Street, Claverley, Shropshire WV5 7AD**

- 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 Mrs S Powell against the decision of Shropshire Council.
  - The application Ref is 24/02194/FUL.
  - The development proposed is the erection of porch to front elevation.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the Council's description of development as set out on the Decision Notice in the banner heading above, as it more accurately describes the development, and I note that the revised description has been used on the appeal form. However, I have omitted the words that are not acts of development.
3. At the time of my site visit the construction of the porch had begun but was not complete. For the avoidance of doubt, I have therefore considered the proposal on the basis of the submitted plans.

### Main Issues

4. The main issues are the effect of the development on the host property and whether the development would preserve or enhance the character or appearance of the Claverley Conservation Area.

### Reasons

5. The appeal property is a terraced dwelling which sits in a short row of 4 properties within the Claverley Conservation Area (CA). The Claverley Conservation Area Appraisal (CCAA) sets out that its special interest is derived from its situation within the surrounding rural landscape, the local topography and its historic buildings, notably those within its historic core and along the streets leading to it. It notes the row of dwellings, of which the appeal property forms part, as comprising a short terrace of picturesque 19th century brick cottages which define the western edge of the village, facing towards the village at the junction of Pound Street with the lane to Chyknell.
6. While not listed or afforded protection through the provision of an Article 4 Direction, the appeal property is identified as a non-designated heritage asset (NDHA) by the Council, which the appellant has not disputed. The age of the

building, along with its attractive frontage, including interesting architectural details and a simple vernacular style, contribute to its significance as a NDHA. The appellant has provided an assessment of the effect of the development upon the heritage assets as part of their Statement of Case.

7. The appeal property can be seen in the photograph '*view west down Pound Street*' contained in the CCAA. The image shows the front of the dwelling prior to the commencement of the development, and other alterations which have taken place to the frontage of the property. Like the others in the row, the appeal property had a modest pitched roof canopy above the front door. The canopy roof was positioned directly below the first floor window and mirrored the pitch and form of the gables above it and similar features on the adjoining properties.
8. Despite minor differences in the proportions of the front elevations of the dwellings in the row, and the external finish to number 4, the properties were nonetheless consistent in terms of their architectural features. These include lean-to canopy roofs to the ground floor windows, pitched roof canopies above the front doors with a decorative brickwork gable, which reflect the pediments at eaves level above the first floor openings, and decorative ridge tiles. The presence of these architectural features creates a pleasant sense of uniformity to the group of dwellings.
9. In light of these considerations, the pitched roof canopy at the appeal property was an attractive feature which contributed positively to the character and appearance of the NDHA, and the overall group value of the terraced row. Moreover, despite its peripheral position on the edge of the CA and external materials, the row occupies a prominent position at the entrance to the village and is clearly of an age which informs the interpretation of the evolution of the CA. Having regard to these factors, the appeal property contributes positively to the character and appearance of the CA and its significance as a heritage asset.
10. The appeal proposal, which has resulted in the loss of the pitched roof canopy above the entrance door, comprises the construction of an open porch. Alterations to the existing canopy roof above the ground floor windows are also proposed. While the porch includes traditional materials and would be viewed against the backdrop of the host dwelling, by virtue of its design, including a gable at odds with the pitch of that of the existing gable features, combined with its overall scale and massing, it nevertheless appears as an anomalous feature in relation to the original dwelling. As such, the introduction of the porch adjunct to the front elevation, which is of considerable bulk and proportions, disrupts the traditional architectural detailing of the original frontage of the property. Furthermore, notwithstanding the position of the porch, set back from the front boundary of the property, due to the height of the front boundary wall, it is nevertheless visible from the road, both immediately to the front of the property and in views towards the site along Pound Street. Consequently, the porch represents an unsympathetic addition which appears as a visually dominating component of the host property.
11. In light of the above considerations, the porch compromises the architectural composition of the host property and the cohesive appearance of the group of the terraced properties. As such, it has a harmful effect on the significance of the NDHA and diminishes the contribution it, together with the group, make to the significance of the CA. Thus, in that regard, the proposal fails to preserve or enhance the character of the CA and would undermine its significance as a NDHA. In finding harm, this is something to which I have given considerable importance

and weight to. Further, the Framework sets out that great weight should be given to the conservation of a heritage asset.

12. However, as the harm relates to only a small part of the CA, the effects are localised and therefore cause less than substantial harm to the CA in the terms of the Framework. In relation to the NDHA, the Framework indicates that a balanced judgement will be required, having regard to the scale of any harm or loss, and the significance of the heritage asset. The appellant contends that the porch is required to provide protection from the elements, given that the original entrance door opens directly into the living room of the property. However, there is no clear evidence to demonstrate that the appeal proposal represents the only available solution, or that the scale of the porch is the minimum necessary to meet these requirements. Furthermore, such benefits are largely private and do not justify a porch of this scale and design. Thus, I attribute little weight to these benefits, which would not outweigh the less than substantial harm to the significance of the CA as a designated heritage asset.
13. For the foregoing reasons I therefore find the proposed development has a harmful effect on the significance of the host property as a NDHA and fails to preserve or enhance the character or appearance of the CA. Accordingly, the development conflicts with those aims of Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy, adopted March 2011 which seek development of a high quality, which protects, restores, conserves and enhances the historic environment and is appropriate in scale and design, having regard to heritage assets. It would also fail to accord with Policies MD2 and D13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, adopted December 2015 which, among other things, require development to protect, conserve and enhance the historic context, character and significance of heritage assets.

### **Other Matters**

14. While it may be that the construction of a porch of a similar design, position and height at the property would constitute permitted development<sup>1</sup>, it would appear a porch in that case would be considerably smaller in footprint than the appeal proposal. Moreover, it has not been demonstrated that a porch constructed as permitted development would be equally or more harmful than the appeal scheme in so as to justify the extent of harm that the appeal scheme causes.
15. The absence of harm in relation to other matters and lack of objection from interested parties would not render the scheme acceptable. Furthermore, whether the development which has been carried out was done so as a genuine mistake on the appellant's behalf is not relevant to the determination of the appeal.

### **Conclusion**

16. The development conflicts with the development plan when read as a whole. Material considerations have not been shown to be of sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

*E Worley* INSPECTOR

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<sup>1</sup> Class D, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

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## Appeal Decision

Site visit made on 21 January 2025 by A Khan BSc (Hons) MA MSc

### Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

### Appeal Ref: APP/L3245/D/24/3355380

#### Hall Cottage, Folley Road, Shropshire, Ackleton WV6 7JL

- 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 P Inions against the decision of Shropshire Council.
- The application Ref is 24/03342/FUL.
- The development proposed is described as 'for the proposed demolition of existing conservatory and erection of a single storey rear extension, together with the erection of a ground and lower ground level incidental outbuilding providing garaging and gym facilities'.

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matters

3. A new version of the National Planning Policy Framework (the Framework) was published in December 2024. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. A previous appeal (APP/L3245/D/22/3297563) for a larger scheme on the site was dismissed in August 2022. I have had regard to this decision as an important material consideration for this appeal.

### Main Issues

5. The main issues are:
  - i) whether the proposal would be inappropriate development in the Green Belt, including its effect on the openness of the Green Belt, having regard to the Framework and any relevant development plan policies,
  - ii) the effect of the proposal on the character and appearance of the host dwelling and surrounding area, and

- iii) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

## **Reasons for the Recommendation**

### *Whether inappropriate development and openness*

6. The appeal site lies within the Green Belt. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless it falls within a given list of exceptions. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy [March 2011] (CS) makes it clear that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Policy MD6 of the Shropshire Council Site Allocations and Management of Development Plan [Adopted 17 December 2015] (SAMDev) states that development proposed in the Green Belt must be able to demonstrate that it does not conflict with the purposes of the Green Belt. Insofar as they relate to this appeal, I find that these policies are broadly consistent with the Framework.
7. One of the exceptions envisaged by the Framework is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. No concerns were raised by the Council regarding the proposed single storey rear extension, which would replace a conservatory of a broadly similar size. There are no reasons for me to disagree with this assessment, and this extension would not therefore constitute inappropriate development in the Green Belt.
8. However, the appeal scheme also includes the construction of a large two storey outbuilding for ground floor garage use and lower ground floor gym facilities. There is no dispute between the main parties that this part of the proposal, which would be connected by a staircase and paved terrace area, should be regarded as an extension to the host property, due to the absence of meaningful degree of separation. It is also agreed that by comparison with the original dwelling, the proposed extensions would represent disproportionate additions.
9. The appeal dwelling is set within a sizable plot, and lies within an area characterised by its spaciousness and openness, with relatively large separation between buildings. The proposed outbuilding would reduce the gap between the host and neighbouring properties and introduce a significant built form where there is currently none. The proposal would consequently diminish the site's contribution to the openness of the Green Belt. The scale, massing and location of the proposed development would make it unduly prominent from the street scene, therefore reducing the openness of the Green Belt, both in visual and spatial terms.
10. Together with previous additions, the appeal scheme would result in disproportionate additions over and above the size of the original building and would therefore constitute inappropriate development in the Green Belt. It would also harm the openness of the Green Belt. Consequently, the proposal would be contrary to CS Policy CS5 and SAMDev Policy MD6, which seek to protect the Green Belt.



### *Character and appearance*

11. The appeal site lies within a quiet, residential area along the southern side of Folley Road, which is otherwise surrounded by agricultural land. The southern side of Folley Road is characterised by dwellings spaciouly set apart from one another, and within large, spacious plots. Dwellings are generally set back from the road but have open frontages and low front boundary treatments, providing views to and from the road. These elements contribute to the open and spacious character of the area.
12. The proposed two-storey structure would result in a significant increase in built form which, despite being set back from the frontage, would appear unduly prominent from the street scene. The development would fill an existing gap where there is currently no built form, leading to a visual intrusion that would appear incongruous to the area. The erosion of the gap would lead to a cramped and overdeveloped appearance which would detract from the spacious and open character of the area.
13. The harm would be exacerbated by the excessive scale and massing of the proposal, which would lack subservience to the host property. This would create a dominant form of development that would be unsympathetic and disproportionate to the host property. The appellant's argument regarding the high quality of the proposal's design does not adequately mitigate the harm of the proposal's excessive scale and massing.
14. Due to the land level changes, the two-storey scale of the building at the rear would emphasise the incongruous nature of the outbuilding and lack of subservience to the host property. Although this aspect of the proposal would not be widely visible from the road, this adds to my concerns regarding the harm that would be caused by the structure, as a result of its excessive scale.
15. Consequently, the proposal would cause unacceptable harm to the character and appearance of the host dwelling and surrounding area. The proposal would conflict with CS Policy CS6 and SAMDev Policy MD2, which seek to protect the design of development by ensuring it respects local context and character.

### *Other considerations*

16. Paragraph 153 of the Framework highlights that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, to which I ascribe substantial weight, and any other harm resulting from the development, is clearly outweighed by other considerations.
17. The appellant has presented detailed evidence with regard to the existence of a fallback position which, it is argued, would be more harmful to the Green Belt than the appeal scheme. This includes a Lawful Development Certificate (Local Planning Authority Reference 23/04361/CPL) for the proposed erection of two detached outbuildings. Furthermore, a Lawful Development Certificate (Local Planning Authority Reference 24/00687/CPE) confirms that the implementation of a scheme previously granted planning permission by the Council was not fully exhausted, meaning that the right to implement a rear conservatory remains available to the appellant.

18. Having regard to the presented evidence, I have no reasons to doubt there is a real prospect that this fallback position would be implemented if the appeal proposal does not go ahead. However, whilst these buildings would cumulatively cover a larger footprint than the appeal scheme, they would be of a single storey scale and would not appear unduly prominent within the street scene. They would not be comparable in scale or height to the appeal proposal. Overall, based on the available information, I consider that the appeal scheme would be more harmful to the Green Belt and the character and appearance of the area than the fallback position.
19. Furthermore, I have been presented with no mechanism which would prevent the exercise of further permitted development rights, for example before permission for the appeal scheme is implemented. This means that an outbuilding could be constructed using permitted development rights even if the appeal was allowed. For these reasons, I ascribe limited weight to the presented fallback position.

### **Conclusion and Recommendation**

20. Substantial weight is ascribed to the harm which would be caused to the Green Belt, due to the inappropriate nature of the development and loss of openness. Additionally, I ascribe moderate weight to the harm which would be caused to the character and appearance of the host dwelling and the area. Limited weight is afforded to the presented fallback position for the reasons given above.
21. The harm caused by the development would not be clearly outweighed by the other considerations advanced in support, whether taken individually or cumulatively. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
22. The proposal conflicts with the development plan as a whole. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*A Khan*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

23. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*S Edwards*

INSPECTOR





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## Appeal Decision

Site visit made on 24 April 2025

**by Tamsin Law BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 29 May 2025**

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**Appeal Ref: APP/L3245/W/24/3352264**

**Delbury Hall, Mill Lane, Diddlebury, Shropshire, SY7 9DH**

- 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 Jack Wrigley (Delbury Building Limited) against the decision of Shropshire Council.
  - The application Ref is 24/02080/FUL.
  - The development proposed is 10 Shepherds Huts for wedding accommodation.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are;
  - Whether the appeal site is an acceptable location for development having regard to flood risk; and
  - The effect of the proposed development on the significance of the Grade II listed Delbury Hall and associated curtilage listed walled garden.

### Reasons

#### *Flood Risk*

3. The submitted Flood Risk Assessment (FRA) includes an extract from the Environment Agency's Flood Map for Planning which details the site being located within Flood Zone 3. The FRA states that the likelihood of flooding from fluvial or tidal sources is between 1% and 3.3% each year and that the shepherd's huts would sit within potentially flooded areas.
4. Paragraph 170 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk.
5. The Framework further sets out in paragraph 175 that the sequential test should be used, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

6. The appellant's FRA does not include any additional modelling and reaffirms the location of the site within Flood Zone 3. Therefore, in accordance with guidance in the Framework, the sequential test applies.
7. The PPG gives advice on how the sequential test should be applied to planning applications in areas at risk of flooding. The area to apply the test will generally be defined by local circumstances relating to the catchment area for the type of development proposed. Only where other sites are not available would the proposal, as a 'more vulnerable' development, be subject to a further exception test to demonstrate that the sustainability benefits of the development would outweigh flood risk and that the site would be safe from flooding for its lifetime.
8. No sequential test has been submitted by the appellant, despite the appellant's own FRA identifying at paragraph 3.4 that the proposal may require the application of the sequential test. Consequently, there is insufficient information regarding the risks and effects of flooding at the site and elsewhere, or the availability of alternative sites. As such, on the basis of the information before me, it has not been satisfactorily demonstrated that the principle of development at this site is acceptable.
9. For these reasons, the proposal would be contrary to Policies CS6 and CS18 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) which seek to ensure that developments are designed to be safe taking account the lifetime of the development, and the need to adapt to climate change. It would also be contrary to the principles within Chapter 14 of the Framework, which seek to steer development to areas with the lowest risk of flooding and where it requires a sequential test to be provided for schemes in Flood Zone 3.

#### *Listed Building*

10. Delbury Hall, a Grade II listed building, is an impressive 18th century brick mansion. A dovecote and coach house/stables are separately listed. The historic landscape surrounding Delbury Hall includes parkland, ponds/lakes, the aforementioned listed buildings and a walled garden. These features illustrate the functions of the surrounding grounds for pleasure and as a source of produce and support to Delbury Hall.
11. The significance of the listed buildings is derived from their architectural interest and their historic use in the operation of a country house and grounds. Whilst the walled garden is enclosed on all sides by a 4m tall brick wall, the lack of built form, apart from some small structures relating to its historic use as a nursery, gives it an open character.
12. The proposed shepherd huts would be sited within the walled garden and finished with timber cladding. The shepherds' huts would be distributed around the walled garden area, retaining some of the traditional garden layout.
13. The proposed shepherds' huts would largely be screened from the surrounding area and buildings by the existing 4m tall garden walls. Nevertheless, the introduction of 10 shepherds' huts would dominate the walled garden. Whilst some of the traditional layout of the gardens would be reinstated, the introduction of shepherds huts in a formal layout would substantially erode the openness of the garden, which coupled with their design, would mean that it would be particularly

noticeable and harmful to the historic form of the garden and setting of the listed buildings.

14. I have had regard to the appellants submission that the design of the shepherds' huts would be akin to bait huts which would have been historically used on the land. However, these would likely have been located around the wider estate and not grouped together in a formal layout within the walled garden.
15. Further the appellant has stated that the proposal would provide funds which would help to sustain the property and enterprise as a whole and contribute to its upkeep and restoration and provide additional overnight accommodation for the wedding business. I have considered this matter in arriving at my conclusions. The harm to the heritage assets that I have identified would amount to 'less than substantial harm' as set out in the Framework. The Framework advises that great weight should be given to an asset's conservation and the more important the asset the greater the weight should be. It confirms that this is irrespective of the level of harm.
16. Whilst I have acknowledged the financial gains that the appellant envisages, I consider that the harm to this very important assemblage of heritage assets would be considerable (within the 'less than substantial' category). In my judgement, the public benefits that would arise would be insufficient to outweigh that harm.
17. The proposed development would therefore conflict with CS Policies CS6 and CS17 and policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015). Together these seek to ensure that developments avoid harm to a designated asset, including their setting.

### **Conclusion**

18. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, which would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

*Tamsin Law*

INSPECTOR

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