

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

Date: Monday, 14 July 2025

Committee:
Southern Planning Committee

Date: Tuesday, 22 July 2025

Time: 2.00 pm

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

You are requested to attend the above meeting. The Agenda is attached.

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk 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
Joshua Dickin
George Hollyhead
Nigel Lumby
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

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes

To confirm the minutes of the Southern Planning Committee meeting held on 24 June 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 16 July 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 Morville Quarry Bridgnorth Shropshire WV16 5NR 25/01164/EIA (Pages 1 - 18)

Proposed Northern and Southern extensions to Morville Quarry with progressive restoration, including the placement of inert materials and the importation of inert material for recycling and sale as recycled material

6 Schedule of Appeals and Appeal Decisions (Pages 19 - 44)

7 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 26 August 2025 at the Guildhall, Frankwell Quay Shrewsbury .

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AGENDA ITEM



Committee and date

Southern Planning Committee
July 22nd 2025

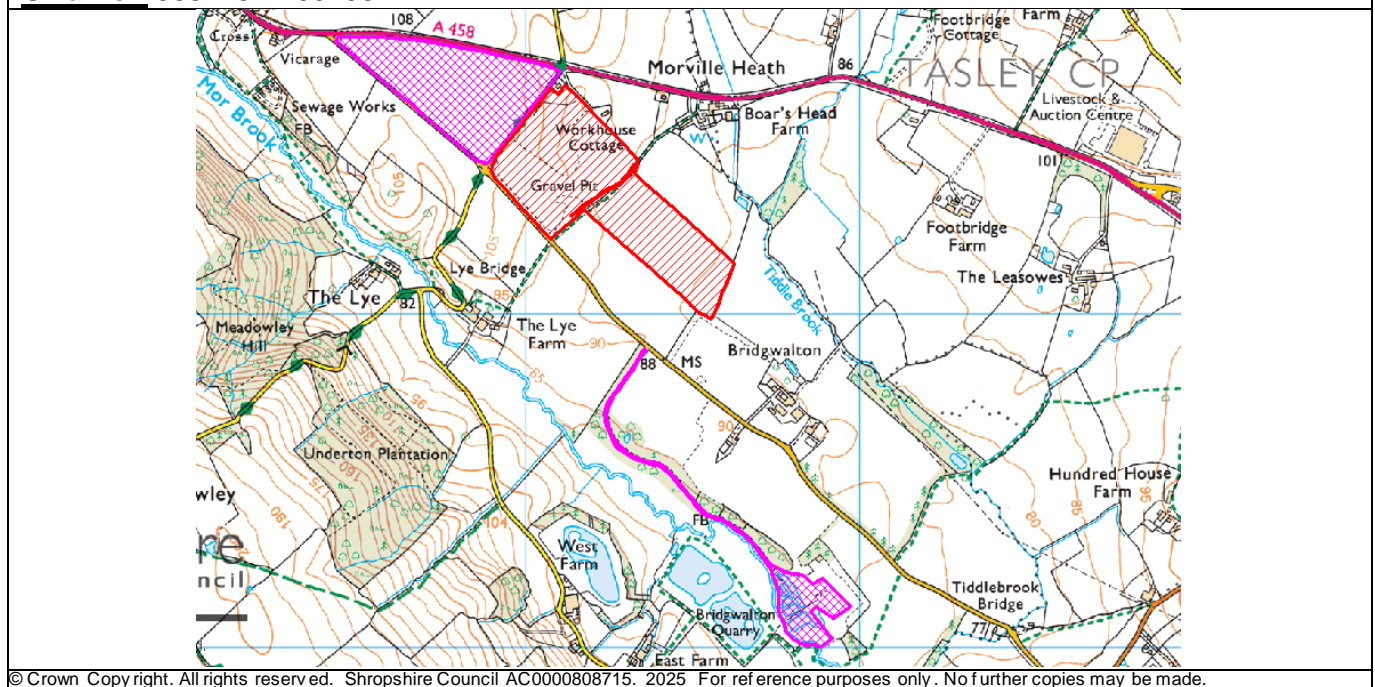
Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/01164/EIA	<u>Parish:</u>	Morville
<u>Proposal:</u> Proposed Northern and Southern extensions to Morville Quarry with progressive restoration, including the placement of inert materials and the importation of inert material for recycling and sale as recycled material		
<u>Site Address:</u> Morville Quarry Bridgnorth Shropshire WV16 5NR		
<u>Applicant:</u> Mr Richard Parton		
<u>Case Officer:</u> Lynn Parker	<u>email:</u> lynn.parker@shropshire.gov.uk	

Grid Ref: 368146 - 293296



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Recommendation:- Approval with delegated powers to refine and set the text for the conditions set out in Appendix 1, and subject to the completion of a S106 Agreement to secure the provision of a Habitat Management and Monitoring Plan and Biodiversity Gain Land Monitoring contribution.

REPORT

1.0 THE PROPOSAL

1.1 This is a Full Planning Application for extension and restoration works at Morville Quarry near Bridgnorth to release ~2.7 million tonnes of sand and gravel over a 20 year period with an additional 2 years to complete restoration. The red line boundary annotating the development encloses 35.5 hectares and includes the existing Morville Quarry site (~10.68ha), The 'Northern Extension' (~12.81ha), the 'Southern Extension' (~8ha) and the Bridgwalton Quarry access road, Plant Site and associated lagoons. The Applicant's company has operated in Shropshire for over 70 years with a strong position supplying all independent concrete companies, builders merchants and the general market within the region. A sister company is the number one supplier of factory produced mortar in Shropshire, supplying all major housing developers across the County.

1.2 The extensions proposed are to the north west and south east sides of the existing quarry operations at Morville Quarry and intended as follows:

Years 1 to 11:

Mineral extraction at a rate of 250,000 tonnes per annum. Above ground water table in the Northern Extension - B, and both above and below groundwater table in the Southern Extension - A. Extraction of A and B concurrently to provide blend material as both sand and gravel, coarser sand/building sand and a finer sand deposit are available. Once mineral extraction has ceased within the Southern Extension Area it will form a water/silt management lagoon.

Years 1 to 2:

Extracted mineral to be processed at Bridgwalton Quarry adj. to south east and also owned by the applicant. After which it will take place at Morville Quarry's new wash plant.

Years 6 to 20:

Restoration of Northern Extension Area back to original ground levels, ~940,000 tonnes of inert material imported for this. Restoration of Southern Area Extension to mix of wildlife pond, reedbeds, species rich wildlife grassland and hedgerow, native woodland and tree planting.

Years 21 to 22:

Restoration of Plant Site back to original ground levels, ~676,000 tonnes of inert material imported for this.

Years 3 to 21:

Recycling of ~212,500 tonnes of imported material to produce ~170,000 tonnes per annum of recycled aggregate for sale. Silt waste of ~42,500 tonnes per annum to be used in infilling operations for the Northern Extension Area.

Full details of the phased works can be found within the Planning Statement and on drawing nos: KD.MOR.D.015 to 026.

1.3 The proposed development additionally comprises:

- The creation of a gated 4m wide vehicular Crossing Point B over Hangmans Lane for access between the existing Morville Quarry and Northern Extension Area. Temporary traffic lights would operate only during working hours being default green, turning red only when a vehicle needs to cross between the two parts of the quarry. Peak movements are estimated at 8 dump truck crossings per hour. This method protects the existing hedgerows and avoids the need to create visibility splays. Gated Crossing Point A would be established across PROW 0132/7/1 which would be fenced to entirely segregate the footpath and maintain pedestrian priority. Internal concrete routes are proposed to be created to support crossings.
- Provision of a new updated processing soil wash plant within the existing Morville Quarry to become the Plant Site, taking up to 2 years to complete.
- Retention of the existing access from Morville Quarry onto Hangmans Lane leading to Telegraph Lane and retention of existing infrastructure.
- New temporary soil bunds to be established around the northern boundary of the Northern Extension, the northern and north-western boundary of the Southern Extension, and the north-east and south-west boundaries of the Plant Site. These will be seeded and maintained.
- Restoration to a mix of agricultural land and nature conservation. Subject to a 5-Year aftercare and Management regime by the Applicant before being returned to the landowner for long term agricultural use and habitat management.

1.4 Benefits of the scheme put forward by the Applicant include:

- It would contribute significantly to the Shropshire Council's (SC) identified requirement of 2.97 million tonnes of windfall mineral across the next Local Plan period.
- Tasley Gateway and Tasley Garden Village development sites are in close proximity to Morville Quarry and therefore its extension is well suited to providing mineral and managing inert waste for these sites.
- It would provide significant waste capacity for Shropshire over the lifetime of the development. SC cannot currently demonstrate sufficient landfill void capacity.
- It would support direct employment of 15 staff. The development is calculated

to support up to 52 jobs through direct, indirect and induced effects (hauliers, maintenance, goods and service).

- The quarry is a significant contributor to the local economy. The company pay considerable rates to SC.
- The restoration scheme would provide 24.73% Biodiversity Net Gain over a diverse habitat mix of agricultural land, species rich grassland/hedgerow and waterbodies/reedbeds.

1.5 In addition to a Planning Statement, documents accompanying the application, including an Environmental Statement (ES), have assessed the potential environmental effects of the proposed development. These can be viewed within the online planning file and are listed under Section 11 of this Report.

2.0 SITE LOCATION/DESCRIPTION

2.1 Morville Quarry is located 2km west of the Principal/Key Centre of Bridgnorth, and to the east side of the settlement of Morville. Existing access into the site is gained via Telegraph Lane extending from the A458 to the north west, and through a bellmouth at its south west corner on Hangmans Lane. Telegraph Lane additionally provides access to Bridgwalton Quarry to the south east. Designations within 2km of the site include:

- Devil's Hole Morville SSSI - 655m to the south west.
- Aston Hills Woods Ancient Woodland - 420m to the south west.
- Medieval Cross in St Gregory's Churchyard Scheduled Ancient Monument - 480m to the west
- Morville Conservation Area - 220m to the west containing multiple Grade II Listed Buildings.
- Aldenham Park Registered Park and Garden - 1km to the north west.

2.2 Morville Quarry is operational and comprises a welfare office and weighbridge, storage portacabins, a mobile screening/processing plant, 'as dug' mineral stock piles awaiting processing and processed stock piles. Mineral is currently being extracted within the north-western area and transported by lorry to the processing plant. The proposed Northern Extension is a triangular agricultural field separated from the quarry by Hangmans Lane. Its north west point extends to the junction of Telegraph Lane with the A458 from which this parcel of land is clearly visible due to the absence of hedging along the site's northern boundary. The proposed Southern Extension is a defined rectangular agricultural field which projects to the south-east and is surrounded by further parcels of agricultural land and a previously restored former mineral workings site adjacent to its southern corner. Along the boundary between the existing quarry and the Southern Extension is a public right of way - Footpath 0132/7/1.

2.3 There is a residential property to the north west of the site at 'The Hollies' (no. 23/24) which is within the Applicant's ownership. Otherwise there are further properties to the north-east at Morville Heath Farm and Boar's Head Farm, and a

small settlement at The Lye across Telegraph Lane to the south- west. Outline Planning Permission Ref: [25/01722/OUT](#) for residential, employment, a local centre, a primary school, sports pitches and a country park on a 112 hectare site to the east/south-east is currently under consideration.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Application is accompanied by a Schedule 1 Environmental Statement.

'Schedule 1 Development' as identified within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 includes quarries and open-cast mining where the surface of the site exceeds 25ha (point 19). The total red line boundary for this application covers 35.5ha.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 Morville Parish Council - Notified on 27th March 2025, no comments received.

4.1.2 SC Highways - No objection to the proposal, in terms of highway safety and highway capacity there are no residual concerns or cumulative impacts that would make this development unacceptable in planning terms. Confirm that maintenance of the proposed Hangmans Lane crossing can be achieved through a S278 Highways Agreement. Conditions recommended to manage the construction/use of access points, restrict the signalised junction times and crossing only during their operation, and provide a routing strategy.

4.1.3 SC Drainage - Pre-commencement condition recommended requiring a scheme of surface water drainage. Further details should be submitted regarding the proposed wildlife pond.

4.1.4 The Environment Agency - Agree in principle with the assessment and recommendations in the HHIA, provided the identified mitigation measures are adopted.

For groundwater protection, planning conditions can be used to secure a scheme of monitoring, any adverse effects of that monitoring, and the storage of oils and fuels onsite.

4.1.5 SC Regulatory Services - The noise assessment indicates little variation from the existing noise conditions or projections for the expansion.

4.1.6 SC Ecology - As the BNG is considered to be significant, a S106 Agreement will be required to secure a monitoring fee. However, due to the time delay in the habitat creation, the monitoring fee can be paid in instalments. The monitoring will start when the first habitat is created. Pre-commencement conditions recommended relating to the provision of a Construction Environmental Management Plan (CEMP), Habitat Management Plan, Lighting Plan and updated Ecological Survey.

-	Morville Quarry
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- 4.1.7 SC Trees - Pre-commencement condition recommended in relation to the provision of an Arboricultural Impact Assessment, Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) and tree protection measures – retained trees and hedgerows and an area of mixed broadleaf woodland towards the centre of the northern site boundary.
- 4.1.8 Natural England - Conditions recommended including a pre-commencement condition requiring a Scheme of Soil Movement be submitted for each Phase.
- 4.1.9 SC Landscape - Following the submission of additional information relating to landscape and visual effects, are satisfied that, on balance, the landscape and visual effects of the proposal are not significant. Therefore, conditions are recommended to manage new and existing hedgerows and trees, soil movement and bund formation, and the provision of revised detailed restoration and aftercare schemes.
- 4.1.10 SC Archaeology - Are satisfied that the submission of the Written Scheme of Investigation (WSI) has addressed part a) of the previously recommended pre-commencement condition (24th April). Revised condition recommended to ensure that the work is carried out in accordance with the approved WSI.
- 4.1.11 SC Conservation - Overall, it is considered that the proposal would result in minor adverse harm to the setting of the Morville Conservation Area, this would be of a less than substantial nature and could be further reduced by mitigation measures.
- 4.1.12 Historic England - Are not offering advice in this case.
- 4.2 Public Comments
 - 4.2.1 Confirmation of site notice display received on 31st March 2025. Proposal advertised in the Shropshire Star on 8th April 2024 as relating to an Environmental Impact Assessment and affecting a Public Right of Way.
 - 4.2.2 No public representations have been received to date.
- 5.0 THE MAIN ISSUES
 - Principle of Development
 - Environmental Impacts:
 - Landscape and Visual Considerations
 - Nature Conservation and Ecology
 - Noise
 - Air Quality and Dust
 - Archaeology and Cultural Heritage
 - Transportation and Traffic
 - The Impact on Water Resources
 - Soil, Land Quality and Agriculture

- Climate Change Adaption
- Cumulative Impacts

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Morville Quarry is a long-established site, the earliest planning permission for the winning of sand there having been Granted in December 1958. It has been continuously worked since that time through subsequent planning permissions most recently under the Salop Sand and Gravel mantle, making an important contribution to the Shropshire economy. It is understood that the existing Morville Quarry site will be exhausted by the end of 2025 therefore the proposal to extend the works into two adjacent land parcels is now necessary for the continuity of the sand and gravel provision for Shropshire.

6.1.2 Minerals are a finite natural resource and can only be worked where they are found. Chapter 17 of the NPPF: Facilitating the sustainable use of minerals, begins at paragraph 222 by declaring that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Taken alongside the Government's objective of significantly boosting the supply of homes (NPPF, Chapter 5) and the substantially increased new dwellings per annum requirement for Shropshire, the statement becomes more pertinent. NPPF, paragraph 224 notes that when determining planning applications great weight should be given to the benefits of mineral extraction, including to the economy whilst ensuring that there are no unacceptable environmental impacts and suitable restoration and aftercare can be achieved.

6.1.3 In line with the NPPF, the Development Plan, identifies that there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. Policy CS20 is concerned with securing the continued provision of sand and gravel at the appropriate level and establishes a preference for extending existing quarries such as Morville. The proposed Southern Extension Area falls within Minerals Allocation S3.1e of the SAMDev Plan covering the southern half of the allocation. This supports Policy MD5 in maintaining an adequate and steady supply of sand and gravel during the Plan period. The Allocation requires development be subject to appropriate measures to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in the local area and further assessments and appropriate mitigation measures to address potential adverse impacts on biodiversity and residential amenity. At paragraph 4.40 (Policy S4), it is acknowledged that the extension to Morville Quarry will support the comprehensive working of mineral resources at a well-established existing quarry with good access to local markets.

6.1.4 Whilst the Draft Local Plan will be withdrawn, the Council Cabinet of 12th February 2025 agreed to give material weight to the 'Evidence Base' behind it, as opposed to

its progress. Minerals Allocation S3.1e of the Development Plan has been identified in the 'Evidence Base' for the Draft Local Plan as a Saved Allocation i.e. one which will continue into the next local plan period. There is clear continued policy support for the extension of Morville Quarry to its south-eastern/eastern side.

- 6.1.5 The proposed Northern Extension Area is not specifically allocated for further minerals development however, it is within a Minerals Safeguarding Area for sand and gravel. As the proposed development is for mineral extraction, it would not have the effect of sterilising mineral resources which SAMDev Policy MD16 seeks to ensure.
- 6.1.6 The proposed development is compliant with the Development Plan in that it relates to the extension of Morville Quarry into Minerals Allocation S3.1e site and a Minerals Safeguarding Area for sand and gravel. There is a high degree of certainty that the proposed development would contribute favourably to the Shropshire economy for at least a decade, including providing support for the Government's required boost in housing supply. The proposed development would sustain an existing viable business and its associated employment. The requirement for the proposed quarry extensions is therefore acceptable in principle and supported. Environmental impacts and suitable restoration and aftercare of the proposal are discussed below and found to be acceptable.

6.2 Environmental Impacts

6.2.1 Landscape and Visual Considerations

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of this application which aims to understand the baseline landscape and visual receptors within the site and local area, to assess the effect of the development proposed on these receptors, and to consider if there are cumulative effects from the proposed development when taken together with other potential development. The LVIA concludes that of the 32 no. receptors identified, none currently receive a Significant Adverse Visual Effect, nor would they during the operational period of the proposed development. Some Moderate Adverse Visual Effects have been detected (also some Slight, Minimal and Neutral Effects), accordingly a series of in-built mitigation measures are proposed to screen views of the proposed development and provide enhancement measures.

SC Landscape have advised that the methodology described in the LVIA is reasonably detailed and evidence-based, however, there are some technical limitations in the overall assessment. Nevertheless, SC Landscape conclude that the landscape and visual effects of the proposal are not significant, a conclusion which is supported in part by the robust local landscape character defined by its woodlands, high, dense hedgerows as well as the retention and enhancement of peripheral vegetation and screening bunds. Furthermore, the proposed restoration presents an opportunity to complement the restored productive agricultural land with new native woodland and enhancements for biodiversity in the long term.

Whilst there will be some landscape and visual impacts from the development during its operational lifetime, the economic benefits of the proposal outweigh the overall low level of Adverse Visual Effects identified. In accordance with Policies CS17 and MD2, the proposed development would include mitigation measures and subsequently enhance, restore and recreate natural assets at the site through a BNG rich programme of restoration.

6.2.2 Nature Conservation and Ecology

The proposed development would entail some impacts on ecological features through the removal of arable field margins, some hedgerow sections and minor woodland removal. However, all habitats will be replaced as part of the restoration strategy and additional hedgerows, woodland, species-rich grassland and open water created. An over provision of BNG is indicated as part of the quarry's restoration scheme. The mitigation measures detailed in the submitted Preliminary Ecological Appraisal will be secured through the conditions recommended by SC Ecology requiring a Construction Environmental Management Plan (CEMP), Habitat Management Plan, Lighting Plan and updated Ecological Survey. A Habitat Management and Monitoring Plan and a BNG Monitoring Contribution will be achieved through a S106 Agreement.

Whilst SC Trees have recommended arboricultural assessment and tree protection through condition, the proposed development by its type would not lend itself to tree retention. There are no protected trees within or adjacent to the site, and the proposed programme of restoration demonstrates an overall ecological gain which includes areas of woodland planting. The recommended arboricultural condition is not required.

6.2.3 Noise

The submitted Noise Assessment determines that noise levels at all receptors will be well within the noise limits set and would remain below the existing background levels for normal operations. SC Regulatory Services concur that the Noise Assessment indicated little variation from the existing noise conditions or projections for the expansion. In terms of noise impact, the proposed development will not have an unacceptable impact on the local community.

6.2.4 Air Quality and Dust

Potential sources of dust emissions have been considered, as well as the locations of nearby sensitive receptors within the submitted Air Quality Assessment. The Assessment concludes that subject to the mitigation measures set out, there would be no higher than a Negligible Effect to any of the 13 no. dust receptors identified for either temporary works or for the normal quarry operations.

6.2.5 Archaeology and Cultural Heritage

There are a number of Heritage Assets within 2km of the site whose settings could be impacted by the proposals, and these together with the importance of known archaeology have been assessed. Special attention shall be paid to the desirability

of preserving or enhancing the setting of Listed Buildings and the character or appearance of Conservation Areas in accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. An Archaeological Desk Based Assessment and Geophysical Survey Report have been submitted with this application, and a Written Scheme of Investigation (WSI) has been provided now rather than later in response to the pre-commencement condition recommended by SC Archaeology. The process of site preparation for mineral extraction would cause the complete removal of any significant archaeology present, and for this reason an agreed WSI confirming the intended strip, map and sample excavation for identification and recording of assets is necessary. A WSI submitted during the course of the application has been approved by SC Archaeology.

The Assessment concludes that impacts on the setting of the Morville Conservation Area (and therefore the Listed Buildings within it) are limited by the lack of intervisibility between the sites. Wider vistas of the surrounding countryside and designations would be impacted during extraction however, this would be mitigated by the temporary nature of the works, the fact of the existing quarries and the progressive restoration of the site. In accordance with NPPF paragraphs 215 and 216, the proposed development would result in less than substantial harm to the significance of Designated and Non-Designated Heritage Assets where the public benefits of the proposal i.e. its contributions to Shropshire house building and waste capacity, would outweigh the less than substantial harm identified.

6.2.6 Transport and Traffic

Morville Quarry would continue to be served by the existing established access with no changes proposed to the current operating hours or vehicle routing to and from the site. The proposed development would result in an increase in traffic activity overall for a period of 20 years and necessitate crossings of Hangmans Lane and a PROW to facilitate extraction, although internal routing would minimise use of the public highway for this purpose. The submitted Transport Statement concludes that the local road network could readily accommodate the worse-case traffic flow conditions employed for assessment, and that there were no inherent characteristics of the road layout that compromised safety for, or as a result of HGV use.

SC Highways have confirmed that in terms of highway safety and capacity, there are no residual concerns or cumulative impacts that would make this development unacceptable. Information submitted in support of this application has demonstrated where the existing highway can suitably accommodate the proposals and proposed mitigations including off-site works to the existing highway where required.

6.2.7 The Impact on Water Resources

A Hydrological and Hydrogeological Impact Assessment (HHIA) has been submitted in support of the application comprising site investigation and monitoring

work, production of a conceptual site hydrological and hydrogeological model and assessment of the potential impacts of the proposed development. The HHIA concludes that extraction and restoration as proposed has low potential for negative effects on the water environment and water dependent receptors. A slight decrease in surface water run-off to the Tiddle Brook may occur as a result of the excavation works in the Southern Extension Area as it will be worked wet (below the groundwater table), however no changes in levels or recharge to the groundwater which provides a baseflow to the Tiddle Brook are anticipated. Where relevant, mitigation measures have been proposed for implementation

The Environment Agency have commented substantially on this aspect and provided additional advice. It is noted that the Southern Area Extension would be worked below the groundwater table using a long arm reach excavator, negating the need to dewater the area, working the mineral wet to extract it from the ground. This would reduce any drawdown effects upon the local water table considerably. The EA advise that mitigation of potential impacts has been addressed through in-design mitigation measures. The level of potential impact likely to arise from the proposed development is low and capable of being controlled to acceptable levels.

The submitted Flood Risk Assessment demonstrates that the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere. This is acknowledged by SC Drainage.

6.2.8 Soils, Land Quality and Agriculture

The submitted Soil Resources and Agricultural Quality of Land Report identifies the presence of two topsoil and three subsoil resources at the site and confirms the Agricultural Land Classification as falling under Grades 1, 2 and 3 i.e. best and most versatile (BMV) agricultural land. NPPF paragraph 187b) advises that local planning authorities should take into account the economic and other benefits of BMV agricultural land and that poorer quality land should be used in preference for development. The restoration programme for the proposed development indicates that ~14.8ha of agricultural land will be restored (alongside the creation of other ecological environments) and this amount is roughly commensurate with the current position (see ES Table 14.1, p.136). The proposed afteruse for agriculture is therefore acceptable provided the mitigation and best practice measures proffered to ensure the proposed development can operate without causing unacceptable impact on soil resource are complied with. Natural England support that the physical characteristics of the land and soil resource be restored, so far as is practicable, to their status when last used for agriculture.

6.2.9 Climate Change Adaption

The proposed 20 year period for the operational phase of the development is regarded as short term. There will be a greater quality and quantity of woodland, hedgerows and trees across the application site post restoration than there is currently. Taking these factors into account, the proposed development would contribute positively to mitigating and adapting to climate change.

6.2.10 Cumulative Impacts

Whether the cumulative impact of the proposed development when combined with other developments and activities in the area would make the proposal unacceptable should be taken into account. Other past, present or reasonably foreseeable development should be considered together with the proposed development to ascertain if there are combined potential impacts. Chapter 16 of the ES carries out this review and concludes that there are no relevant developments either allocated, proposed or currently undetermined within the locality of Morville Quarry and its extension area which would result in an unacceptable cumulative impact. It should be noted that whilst the South Area Extension to the quarry would project the workings closer to Mixed Use Allocation BRD030, for which the proposal under current planning application ref: 25/01722/OUT includes housing and employment development, it too is an Allocated Site under the current Development Plan (S3.1e). The potential cumulative impacts of these sites together with further Housing Allocations BRID001, 020a and 020b across the A458 to the north-east have already been taken into account within the 'Evidence Base' for the Draft Local Plan. The timely realisation of these developments is additionally reliant to some extent upon each other and would benefit the local economy.

7.0 CONCLUSION

7.1 The proposed extension of Morville Quarry is an important development in the sustainable extraction of essential mineral resources in Shropshire. As established above, Morville Quarry has been a significant contributor to the Shropshire economy since 1958, ensuring a stable supply of sand and gravel crucial for regional infrastructure and housing projects. The continuity of operations at the quarry, through the proposed extensions into adjacent land parcels, aligns with both national and local policies aimed at sustaining materials supply and supporting economic growth.

7.2 This extension is particularly vital given the current forecast for the existing quarry up to the end of 2025. The proposal to further operations into these areas ensures that the necessary resources remain available, thus facilitating continued development in Shropshire and contributing to the Government's housing targets. The extensions fall within designated areas, including the Minerals Allocation S3.1e and the Minerals Safeguarding Area, which further reinforces their strategic importance.

7.3 The economic benefits of this proposal are underscored by the support it provides to the local economy, maintaining existing employment and supporting new development. This aligns with the National Planning Policy Framework (NPPF) which emphasises the importance of mineral extraction in facilitating sustainable economic growth. The Development Plan, particularly Policies CS20 and MD5, supports the extension of existing quarries as a means to ensure a steady and adequate supply of minerals, making the proposed development both logical and necessary.

-	Morville Quarry
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- 7.4 Environmental considerations have been rigorously evaluated, with assessments and mitigation measures put in place to minimise impacts on water resources, soil quality, air quality, and noise levels. These measures ensure the safeguarding of ecological features and compliance with environmental regulations, demonstrating the proposed development's commitment to sustainable practices. The restoration strategy post-extraction promises significant ecological benefits, including the creation of additional woodland, hedgerows, and species-rich grasslands, contributing positively to biodiversity and climate change adaptation. This not only mitigates the environmental impact but enhances the natural assets of the area.
- 7.5 Overall, the proposal for extending Morville Quarry is well-founded, balancing the economic necessity of mineral extraction with stringent environmental safeguards. The strategic location, economic benefits, and comprehensive mitigation measures would ensure that the development supports both local and national objectives in a sustainable and responsible manner. The recommendation is therefore for Approval with delegated powers to refine and set the text for the conditions set out in Appendix 1, and subject to the completion of a S106 Agreement to secure the provision of a Habitat Management and Monitoring Plan and Biodiversity Gain Land Monitoring contribution.
- 8.0 Artificial Intelligence (AI)
- 8.1 AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.
- 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.

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

9.2 Human Rights

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

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

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

9.3 Equalities

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

10.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

- CS1 Strategic Approach
- CS5 Countryside And Green Belt
- CS6 Sustainable Design And Development Principles
- CS13 Economic Development, Enterprise And Employment
- CS17 Environmental Networks
- CS18 Sustainable Water Management
- CS19 Waste Management Infrastructure
- CS20 Strategic Planning For Minerals

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

- MD1 Scale and Distribution of development
- MD2 Sustainable Design
- MD4 Managing Employment Development
- MD5 Sites For Sand And Gravel Working
- MD7b General Management Of Development In The Countryside
- MD12 Natural Environment
- MD13 Historic Environment
- MD16 Mineral Safeguarding
- MD17 Managing The Development And Operation of Mineral Sites
- S3 Bridgnorth

RELEVANT PLANNING HISTORY:

24/01156/SCO Environmental Impact Assessment Scoping Opinion. OPINION ISSUED 25th June 2024

19/04461/DIS - Discharge of conditions 7c (Noise monitoring scheme) 13 (Mitigation measures Phase 4) 17 (Wheel bath facility) 18 (Stockpiling areas) 19 (Details/type and location of quarry processing plant) 26a (Ecology - Great Crested Newt Survey), 27b (Mitigation for loss of nesting opportunities) 29 (Site Investigation Scheme) and 42 (Restoration of habitat creation areas) associated with planning application number 11/01890/EIA. APPROVED 20th November 2019.

11/01890/EIA - Recovery of remaining mineral reserves using the existing site access and infrastructure with restoration to agriculture and nature conservation GRANTED 22nd February 2017.

SC/MB1990/0509/BR - Extension to sand and gravel working & erect processing plant. GRANTED 21st May 1993

SC/MB1962/3070/BR - Winning of sand and gravel. GRANTED 5th June 1963.

SC/MB58/16985/BR - Winning of sand. GRANTED 22nd December 1958.

11. Additional Information

View details online: [25/01164/EIA](#)

-	Morville Quarry
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List of Background Papers:

- Planning Statement (Kedd Ltd, March 2025).
- Environmental Statement (Kedd Ltd, March 2025).
- Non-Technical Summary (Kedd Ltd, March 2025) (For the ES).
- Geophysical Survey Report (Fluxgate Magnetometer – Archaeology) (TigerGeo Ltd, 7th November 2024) Ref: MQS241 TIGERGE01-528372 VERSION 1.0.
- Hydrological and Hydrogeological Impact Assessment (Hydrogeo, October 2024) Ref: HYG1322 R 241028 CB Revision 1.
- Flood Risk Assessment (Hydrogeo, October 2024) Ref: HYG1322 R 241028 CB Revision 1.
- Soil Resources and Agricultural Quality of Land Adjacent to Morville Quarry (Land Research Associates, 18th November 2024) Ref: 2432/1.
- Landscape & Visual Impact Assessment (LVIA) (Kedd Ltd, March 2025).
- Landscape & Visual Impact Assessment – Additional Information (Kedd Ltd, 24th June 2025)
- Assessment of Air Quality for Proposed Southern and Northern Extensions and Progressive Restoration (Vibroek, 6th November 2024) Ref: R24.12172/2/AG Issue 2.
- Noise Assessment (Vibroek, 6th November 2024) Ref: R24.12171/2/RS Issue 2.
- Transport Statement (The Hurlstone Partnership, March 2025) Ref: JPH/231105/D5 (5th Draft).
- Preliminary Ecological Appraisal (Kedd Ltd, October 2024) Ref: KD.MOR.ER.001 V1.
- Great Crested Newt Environmental DNA Report (Kedd Ltd, October 2024) Ref: KD.MOR.ER.003 V1.
- Reptile Survey Report (Kedd Ltd, October 2024) Ref: KD.MOR.ER.001 V1.
- Breeding Bird Report (Kedd Ltd, October 2024) Ref: KD.MOR.ER.005 V1.
- Bat Survey Report (Kedd Ltd, October 2024) Ref: KD.MOR.ER.006 V1.
- Dormouse Survey Report (Kedd Ltd, October 2024) Ref: KD.MOR.ER.007 V1.
- Biodiversity Net Gain Assessment (Kedd Ltd, October 2024) Ref: KD.MOR.ER.002.
- BNG Spreadsheet.
- Archaeological Desk Based Assessment (Worcester Archaeology, 24th October 2024) Ref: P6725 3269 Version 2.
- Written Scheme Of Investigation Archaeological Watching Brief (Worcestershire Archaeology, 29th May 2025) Ref: P6725 Version 1.

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member - Cllr George Hollyhead

Appendices

APPENDIX 1 – Section 106 Provisions and List of Suggested Conditions

APPENDIX 1 – Section 106 Agreement provisions and suggested conditions

Section 106 Provisions

Biodiversity Net Gain - Habitat Management and Monitoring Plan and Biodiversity Gain Land Monitoring contribution.

List of Suggested Conditions

Commencement timescale – 3 years
Commencement – notifications to Mineral Planning Authority
Timescale – Duration 20 years. Restoration within 2 years of completion.
Development in accordance with approved plans and documents.
Hours of operation
Restriction on tonnage export
Works in accordance with approved Written Scheme of Investigation.
Drainage from adjoining areas not impaired
Responsibility of the developer to prevent soil-borne or animal diseases.
Soil handling procedures
Soil stripping and storage procedures
Soil replacement procedures
Highway operations – Hangmans Lane access points.
Highway operations – Management of Hangmans Lane Crossing
Hydrology – Monitoring Scheme
Hydrology – Extraction to cease if deterioration to groundwater.
Fuel and oil storage – expected provisions
Construction Environmental Management Plan
Habitat Management Plan
Lighting Plan
Updated Ecological Survey
Wildlife Pond Details
Revised Restoration Scheme
Aftercare Scheme
Return of Hangmans Lane to former state and removal of traffic controls
Removal of plant and structures.

AGENDA ITEM

-	Morville Quarry
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SCHEDULE OF APPEALS AS AT COMMITTEE (22.07.25)

LPA reference	25/00743/VAR
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr S Donovan
Proposal	Variation of Condition No. 2 attached to permission 24/03617/LBC dated 21 November 2024
Location	The Green Farm Middlehope Craven Arms Shropshire SY7 9JT
Date of appeal	01/07/2025
Appeal method	Householder Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/00766/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Kieron Dobson
Proposal	Proposed side and rear extensions and rear dormer window
Location	34 Dunval Road Bridgnorth Shropshire WV16 4NB
Date of appeal	03/07/2025
Appeal method	Fast Track Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/04514/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	James Cumiskey
Proposal	Erection of walls and entrance gates to drive
Location	Malins Cottage 69 Alveley Bridgnorth Shropshire WV15 6HG
Date of appeal	17.04.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	04.07.2025
Costs awarded	
Appeal decision	Allowed

LPA reference	24/04864/DSA106
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Simon Angell
Proposal	Removal of Section 106 Agreement (provision of affordable housing) pursuant of 11/05428/FUL
Location	Orchard Cottage Ashford Carbonell Ludlow SY8 4BX
Date of appeal	23.04.25
Appeal method	Written Representations
Date site visit	04.07.25
Date of appeal decision	08.07.25
Costs awarded	Refused
Appeal decision	Dismissed

LPA reference	25/00801/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Fennell
Proposal	Erection of a two storey side extension
Location	Wrekin View Eaton Constantine Shrewsbury Shropshire SY5 6RH
Date of appeal	10/07/2025
Appeal method	Fast Track Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/02529/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr J Hamer
Proposal	Erection of 1No dwelling with detached double garage
Location	Proposed Dwelling Adjacent To No. 2 New Farm Cottages Arscott Pontesbury Shropshire
Date of appeal	02.04.25
Appeal method	Written Reps
Date site visit	13.06.25
Date of appeal decision	11.07.25
Costs awarded	Refused
Appeal decision	Dismissed

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Appeal Decision

Site visit made on 18 June 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal Ref: APP/L3245/D/25/3364170

Spring Cottage, 69 Vicarage Bank, Alveley, Bridgnorth, WV15 6HG

- 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 James Cumiskey against the decision of Shropshire Council.
 - The application Ref is 24/04514/FUL.
 - The development proposed is the erection of walls and entrance gates to drive.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of walls and entrance gates to drive at Spring Cottage, 69 Vicarage Bank, Alveley, Bridgnorth, WV15 6HG in accordance with the terms of the application, Ref 24/04514/FUL, subject to the conditions set out in the accompanying Schedule.

Preliminary matters

2. The Council has not produced an officer report but relies solely on its reasons for refusal.
3. The appellant's surname is spelt with an 'o' in the application form, but with a 'u' in the appeal form. I have used the latter and apologise if I got it wrong.

The proposed development

4. The appeal site is in countryside designated as Green Belt (GB), being set apart from the village of Alveley alongside what is best described as a rural lane.
5. Planning permission was granted¹ for the erection of a replacement dwelling on the site in December 2021, and this, externally, appeared virtually complete at the time of my visit, although some works remain to be done outside.
6. It appears that reliance was placed on the then existing access provisions, when permission was first granted. The appellant wishes to construct a more robust means of enclosure and access arrangements at the front for security reasons. I noted that work has already begun on the scheme, but appeared to have stopped.
7. The appellant proposes the creation of an entrance gate set well back from the carriageway to enable a vehicle to turn off and park off the narrow highway whilst the gate is opened. A separate pedestrian gate is also proposed. These would be supported by what are best described as decorative pillars, and side walls would extend from the gates to within 2.5m or so of the highway. Alongside the access

¹ Ref 21/04632/FUL

point a fence would be erected along the remainder of the site frontage running in parallel to the highway. In the appeal documentation the appellant confirms that the verge between the fence and the highway, which is around 2.5 m wide, would be landscaped. No details of the fence or landscaping have been provided.

8. The Council regards the proposal as being more consistent with an urban rather a rural setting and considers that the proposal would irreparably harm the open, tranquil and simple nature of this part of the GB by introducing inappropriate design elements. The reasons for refusal imply that the proposals seem too ostentatious for a cottage of its type set in countryside and a simpler more rustic scheme, empathetic to its setting and location should be pursued.

Main Issue

9. The main issue is whether the proposed development would be inappropriate development in the GB and, if so, whether other considerations clearly outweigh the harm to the GB so as to amount to very special circumstances.

Reasons

Whether inappropriate development

10. The Framework² establishes that the construction of new buildings in the GB should be regarded as inappropriate unless one of the specified exceptions applies. The proposals fall to be considered as a building, being a structure or erection. This building does not fit any of the cited exceptions in the Framework and should therefore be considered inappropriate development in the GB.
11. Policy CS5 of the Shropshire Core Strategy (CS) provides that new development in the countryside and GB will be strictly controlled in accordance with national planning policies.
12. I therefore conclude that the proposal comprises inappropriate development in the GB, which, by definition, is harmful, and this carries substantial weight against the development.

Other considerations

13. Since there is no officer report I have no way of knowing whether the Council took into account other similar development it permitted in the GB. The appellant provided photographs of many examples, although their contexts were not fully explained. However, I saw one such example at the entrance to Applecross Farm a short distance to the east of the appeal site, alongside the same rural lane and within the GB. On the basis of this and some of the other examples provided, some of which are in the GB, the Council, it seems to me, has shown little consistency.
14. When planning permission for the replacement dwelling was granted, a condition was imposed removing some permitted development (PD) rights. However, this did not extend to the erection of means of enclosure, walls, fences or gates. The appellant, by reference to another appeal decision³, argues that the appellant could implement a broadly similar scheme to that subject of this appeal utilising his permitted development entitlements.

² The National Planning Policy Framework

³ Ref APP/K3605/X/21/3279391 dated 4 April 2022

15. Although no Certificate of Lawfulness for a proposed development has been applied for, I share the appellant's view, from my own understanding of the Order⁴, that a scheme sharing many characteristics with the appeal scheme could be built without a formal planning permission.
16. Accordingly, I regard the availability of PD rights as a material consideration in the determination of this appeal. In the absence of an officer report, I have no way of knowing whether or not the Council considered the issue of the appellant's permitted development rights when making its decision.
17. The appellant refers to case law, but it seems to me that the later Mansell case⁵ reviews the current state of the law as to the status of a fallback development as a material consideration in a planning decision. The case highlighted that the relevant law as to a 'real prospect' of a fallback development being implemented was applied in the Court of Appeal in Sullivan LJ's judgement in the Samuel Smith Old Brewery case⁶. The basic principle is "*... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice*".
18. The appellant could carry out a similar scheme under his permitted development entitlements. This could be implemented out without any agreement on matters such as the submission of details in respect of materials or landscaping; indeed, there would be no requirement to undertake any landscaping were permitted development rights exercised.
19. As a matter of planning judgment, I consider it a distinct possibility, if not a likelihood, and therefore a real prospect that the appellant's PD entitlement to create a development on broadly similar lines as the appeal proposal would be implemented were this appeal dismissed. It follows that I attach significant weight as a material consideration to the appellant's PD rights.
20. A planning permission would enable conditions to be imposed, particularly in respect of landscaping, and in this respect, I would envisage any landscaping scheme to be largely comprised of planting at the site's frontage, to the front of the proposed fence replicating the hedges present either side of the appeal site in the verge alongside the highway. The hedge, when matured, would assist in supplementing extant rural greenery and in screening the means of enclosure and gates when approaching the site from both directions.
21. Thus, the effect of the proposal on the character and appearance of its surroundings would be no worse than that effected by the construction of a similar scheme to that subject of appeal under PD rights. I thus consider that this is a case where the material considerations indicate to me that the design provisions of the development plan policies set out in the reasons for refusal need not be strictly adhered to.

Planning balance and overall conclusions

22. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It

⁴ *The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*.

⁵ *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 (The Mansell case)

⁶ *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government* [2009] JPL 1326

goes on to advise 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.

23. The other considerations put forward in my judgment show a material benefit in granting planning permission, otherwise a scheme bereft of landscaping could in all possibility take place utilising PD entitlements. Additionally, the Council is required to demonstrate consistency in its decision-making, and on the evidence available to me this has not been demonstrated. The other considerations clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development exist, and the appeal succeeds.

Conditions

24. As mentioned earlier, a start has been made on the scheme, and the conditions to be imposed reflect this.
25. In the interests of certainty, it is important that the development is completed in accordance with the approved plans, and a condition to this effect is imposed.
26. In the absence of detail as to the proposed fencing and landscaping and in the interests of visual amenity, relevant conditions are imposed.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be completed in accordance with the following approved plans: the location and site plans; and the unreferenced plan showing wall elevations, gates and access layout.
- 2) No further works shall be undertaken on the development hereby permitted until details of landscaping and of the proposed fencing at the front of the site have been submitted to and approved by the local planning authority. The proposed fencing shall be installed and the landscaping carried out in accordance with the approved details. All plants/trees comprised in the landscaping scheme shall be planted during the first planting season following the Council's approval of the scheme and any plants that die, become diseased, damaged or are removed shall be replaced immediately with similar plants to those originally approved.

Appeal Decision

Site visit made on 4 June 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/L3245/Q/25/3363603

Orchard Cottage, Ashford Carbonell, Ludlow SY8 4BX

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 (as amended) against a refusal to discharge a planning obligation.
 - The appeal is made by Mr Simon Angell against the decision of Shropshire Council.
 - The development to which the planning obligation relates is erection of an affordable dwelling and garage/store, alteration to existing vehicular and pedestrian access and siting of a temporary caravan.
 - The obligation, dated 20 June 2012, was made between Shropshire Council and Mr Simon Angell.
 - The application Ref 24/04864/DSA106, was refused by notice dated 5 March 2025.
 - The application sought to have the planning obligation discharged.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the planning obligation relating to the affordable housing restriction continues to serve a useful planning purpose.

Reasons

3. The powers under S106A and S106B are to modify or discharge planning obligations. In this case, the dwelling subject of the S106, described as an affordable dwelling in the description of the development, was granted permission in 2012. The obligations require the appellant to occupy the dwelling as his primary residence, but if he should wish to let or sell it, then to do so in the terms specified that require a reduction from open market rental values or sale prices and to person/s that qualify with a local connection.
4. The dwelling was granted under the exceptions policy approach outlined in Policy CS11 of the *Core Strategy* (adopted 2011). The appellant entered into the S106 on this basis and has constructed a dwelling on the appeal site¹. At the time that permission was granted, the village of Ashford Carbonell was not identified as a Community Cluster or Community Hub under the then adopted development plan. The Council's case outlines that the status of Ashford Carbonell remains similar under the current adopted development plan, also now comprising the *Site Allocations and Management of Development Plan* (adopted 2015). Essentially, the subject site would still be classed as countryside where new dwellings are not permitted unless under the exceptions policy approach, though the engagement of

¹ Albeit whether it has ever been occupied or built to accord with the approved plans are not matters addressed in the evidence or strictly relevant to my consideration of the appeal

paragraph 11 d) of the National Planning Policy Framework (the Framework) can affect the weight attributed to the development plan in some cases.

5. The appellant's position now is that Ashford Carbonell should be considered a sustainable settlement and that the development represents an infilling within the built limits of the village. The other points advanced by the appellant are that the Council is not now able to demonstrate a five year supply of housing land as required under the Framework, and that its development plan is out of date, leading to a different balance of considerations such that the permission would be granted without a S106. It is also suggested that permission was granted for another dwelling in Ashford Carbonell in 2014² which was not subject to the same requirement for a S106.
6. Though the submitted Planning Statement and Appeal Statement suggest that the consideration of this matter should be in the context of the development plan and other material considerations, my consideration under the TCPA is clear as set out in Section 106A (6) (b), *'if the obligation no longer serves a useful purpose, that it shall be discharged'*. An alternative consideration is if an altered obligation is proposed, whether the obligation would continue to serve that purpose equally well. No such modification has been proposed in this case. As such, my consideration of the matter under S106B is not a comparison of the planning merits and policies between the 2012 and present day scenario. The relevant question is whether the obligations contained within the S106 continue to serve a useful purpose.
7. The Council's case includes details that as of February 2025, there were 7,925 households on the housing register maintained and operated by Shropshire Homepoint and no available affordable homes in Ashford Carbonell. The thrust of the Council's evidence is that as rural house prices increase, the issue of affordability worsens. The purpose of the S106 is to maintain the available stock of affordable housing that could address these needs should the house come to be sold or let in the future.
8. The appellant's evidence does not detail a lack of need for affordable housing generally, or an inability to secure any tenants or purchasers that could either rent or purchase it under the specific terms of the S106. Therefore, at a basic level, the S106 continues to serve a useful purpose by prioritising the accommodation needs of those that require affordable housing in the context of a demonstrable need for such.
9. The Council not determining cases in a like manner, such as the appeal scheme and the other dwelling in Ashford Carbonell, appears to be explained by the absence of a five year housing supply at the time of consideration of the latter. In this regard, the circumstances appear to differentiate the balance of considerations relevant to each case at the time of their respective determination. In any event, as the dwelling has been constructed, the discharge of the S106 would not yield any greater contribution to the housing supply than the one dwelling that was permitted.

² Planning reference: 13/04981/FUL at New House Farm

Other Matters

10. Whilst I note from the evidence that an officer of the Council previously advised that the S106 would be discharged on the basis that the Council could not demonstrate a 5 year housing land supply, that did not occur and appears to have been a position adopted erroneously. In any event, any advice given by others of that nature does not constrain my consideration of this appeal under S106B of the TCPA.

Conclusion

11. Having regard to the evidence and points advanced by the appellant, I consider that the S106 continues to serve a useful purpose.
12. Accordingly, the appeal should be dismissed.

H Nicholls

INSPECTOR

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Costs Decision

Site visit made on 4 June 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Costs application in relation to Appeal Ref: APP/L3245/Q/25/3363603 Orchard Cottage, Ashford Carbonnel, Ludlow SY8 4BX

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Simon Angell for a full award of costs against Shropshire Council.
 - The appeal was against the refusal to discharge a planning obligation.
 - The obligation, dated 20 June 2012, was made between Shropshire Council and Mr Simon Angell.
 - The development to which the planning obligation relates is erection of an affordable dwelling and garage/store, alteration to existing vehicular and pedestrian access and siting of a temporary caravan.
 - The application Ref 24/04864/DSA106, dated 21 January 2025, was refused by notice dated 5 March 2025.
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has failed to give proper consideration to the submitted evidence and the requirements of the National Planning Policy Framework, thus leading to the submission of an unnecessary appeal and associated wasted expense. The costs application is therefore made in relation to the substantive considerations of the case.
4. The Council has fully explained its decision in the context of the key considerations for applications made under Sections 106A/B of the Town and Country Planning Act 1990, as amended. That the Council did not reach the same conclusions as the appellant is not evidence of unreasonable behaviour. For the reasons outlined in my separate decision, I do not reach in favour of the appellant on the merits of the case before me.
5. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Nicholls

INSPECTOR

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Appeal Decision

Site visit made on 13 June 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/L3245/W/25/3361427

Land adjacent to No.2 Farm Cottages, Arscott SY5 0XP

- 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 Joseph Hamer against the decision of Shropshire Council.
 - The application Ref is 24/02529/FUL.
 - The development proposed is 4-bedroom dwelling with detached double garage.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the Council against the appellant. This is the subject of a separate decision.

Preliminary Matters

3. As part of the appeal, the appellant reaffirmed that the application subject to this appeal is not for a rural workers' dwelling. This is because he considers this type of dwelling would be restricted to a size that would not meet the needs of his family. The Council determined the application and consulted on it on the basis that the proposed dwelling was an open market dwelling. I have determined this appeal on the same basis.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would be suitably located having regard to the Council's spatial strategy for the area and its accessibility to services and facilities; and
 - the effect of the proposal on protected species, with specific regard to Great Crested Newts.

Reasons

Spatial strategy

5. Policy CS1 of the Shropshire Local Development Plan Adopted Core Strategy (2011) (Core Strategy) sets out the strategic approach for growth in Shropshire. It states that, in rural areas, development and investment will be located predominantly in community hubs and community clusters and will contribute to social and economic vitality. Outside these settlements, development will primarily

be for economic diversification and to meet the needs of the local communities for affordable housing.

6. This approach is supported by Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) (SAMDev), which specifically supports sustainable development in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1.
7. The appeal site is not located within a Community Hub or Community Cluster identified in Schedule MD1.1 of the SAMDev. For the purposes of the Council's strategic approach the appeal site would therefore be located in the open countryside. Given this, Policy CS4 of the Core Strategy, which deals with development within Community Hubs and Community Clusters, would appear not to be directly relevant in this case.
8. In terms of new development in the countryside, Policy CS5 of the Core Strategy permits development proposals on appropriate sites which maintain and enhance countryside vitality and character and where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy provides examples of certain types of development that it particularly relates to. However, it does not explicitly restrict market housing in the open countryside.
9. Although located within the open countryside for the purposes of the Council's strategic approach, there is no dispute between the parties that the proposal would be located within Arscott and would therefore not result in the development of an isolated home in the countryside.
10. Arscott is a small hamlet without significant services and facilities. It has an organic pattern of development derived from farmsteads, which follows Pound Lane and is surrounded by open fields. While there are several houses and buildings not far from the appeal site, the immediate area surrounding the site, especially the side of Pound Lane where the site is located, is not very built-up.
11. I saw on my visit that the appeal site is positioned between a parking area and barn that form part of Arscott Farm and an open paddock. The site backs onto open fields and has a strong visual connection with the wider landscape setting of Arscott. On the opposite side of Pound Lane is a generous garden space serving the Granary. It has been brought to my attention that a 4-bay carport was permitted in 2007¹ on the site opposite. Nonetheless, this has not been implemented and therefore I afford it limited weight in my decision.
12. I appreciate that further along Pound Lane, adjacent to the paddock to the north, and Arscott Farm to the south, there are houses. Nevertheless, the gap between these houses is significant and the barn at Arscott Farm is set back quite a distance from the highway. From my observations on the ground, I am therefore of the view that the proposal would not constitute infilling.
13. In coming to this view, I have had regard to an appeal decision² brought to my attention by the appellant where the Inspector found the site to relate to a single infill plot. However, while I have limited details before me regarding this appeal decision, the site in that case related to another settlement and was positioned

¹ Planning Reference: SA/07/0835/F

² Appeal References: APP/L3245/W/17/3188617, APP/L3245/W/17/3189268, APP/L3245/W/18/3194193

between two roads, which would not be the case for the appeal site. Therefore, I can only afford it limited weight in my decision. In any event, I have determined the appeal on its own planning merits.

14. Notwithstanding the above, the appeal site would follow the broad linear pattern of development on this side of Pound Lane. It would be set back from the highway a similar distance to No. 1 and 2 New Farm Cottages and would not noticeably extend the built form of the hamlet any further into the open countryside. While the proposal would erode the openness of the appeal site and the proposed dwelling would urbanise the rural landscape to a degree, I am of the view that, subject to a condition requiring a landscaping scheme, the proposal could be successfully integrated with its surroundings. Given this, the proposal would maintain the character of the countryside.
15. Nevertheless, the strategic approach for growth in Shropshire and Policy CS5 of the Core Strategy are centred on sustainability and a rural rebalance. They seek to improve the sustainability of communities in rural areas by providing employment opportunities, affordable housing or services and facilities for local needs. As a single open market dwelling, the proposal's contribution to the sustainability of the rural communities would be very limited, as would any economic and community benefits arising from it. Overall, the proposal would not enhance the vitality of the countryside or broader social and economic well-being of the rural communities to any appreciable degree.
16. I note that the proposed dwelling is intended for the appellant and his family so they can be located close to his agricultural business, and I appreciate that the continued management of this business would maintain and enhance the rural community by providing produce to residents and businesses and through rural tourism. Nonetheless, as an open market dwelling, there would be no tie between the proposed dwelling and the appellant's agricultural business. The Council would have no control over who occupied the dwelling, and the house could be sold at any time. Given this, the benefits arising from the appellant's farming business in terms of it enhancing the well-being of the rural farming community of Arscott would not be secured in this case.
17. In addition, the accessibility of the appeal site to local facilities and services is limited. While the future occupants of the proposed dwelling would likely use some of the facilities and services in the nearby villages, the closest villages, Hanwood and Longden, are over a mile away. Moreover, I saw on my visit that the routes to these villages comprise narrow country lanes with no footways or streetlights. Given this, despite there being a low number of vehicles using the lanes, which generally travel at low speeds, pedestrians and cyclist would likely feel vulnerable and unsafe, especially those with children and those who are less mobile.
18. Overall, these routes do not provide an appealing environment for pedestrians or cyclists and, as such, future occupants of the proposed dwelling would not be encouraged to walk or cycle to the nearest villages, especially outside of daylight hours. This includes access to bus stops and would be the same for nearer services and facilities such as Arscott Golf Club. Consequently, future occupants of the proposed dwellings would be heavily reliant on the private car to access day-to-day services and facilities, rather than more sustainable forms of transport.

19. I have had regard to the appeal decisions³ referred to by the appellant as examples of where a site within walking distance of local service and facilities was found to be sustainable. However, I have limited details before me regarding these appeal decisions. Neither of the examples provided are within Arscott, or even within Shropshire, meaning that their accessibility to local services and facilities will likely differ to the appeal site. In addition, one of the examples relates to a gypsy pitch and, as such, was considered in the context of Planning Policy for Traveller Sites (PPTS), which is not the case for the appeal proposal. I have therefore afforded these examples limited weight in my decision. In any event, I have determined the appeal on its own planning merits.
20. Despite reaffirming that the application subject to this appeal is not for a rural workers' dwelling, the appellant contends that the proposed dwelling would be a local needs dwelling for an agricultural worker, just larger than the guidance set out in the Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document (2012) (SPD). He considers the proposed dwelling would provide a necessary but conservative home for him and his family, enabling the running and management of the farm.
21. To support this, the appellant is willing to have it conditioned as part of a grant of planning permission that the proposed dwelling is to be secured as an agricultural worker's dwelling in association with Arscott Farm, thus removing the ability to sell and profit from the property as an independent market dwelling.
22. Policy CS5 of the Core Strategy supports dwellings to house agricultural, forestry or other essential countryside workers subject to the need and benefit for the proposed development being demonstrated. Development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.
23. Policy MD7a of the SAMDev builds on this, permitting dwellings to house essential rural workers where (a) there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and (b) in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling.
24. In this case, Arscott is a named settlement, and the proposed dwelling would be linked to the appellant's agricultural business. It is set out in the Council's pre-application advice⁴ that the principle of an affordable dwelling in Arscott is deemed acceptable in planning terms and the proposed erection of a dwelling on the appeal site, is likely to be supported, if the applicant satisfies the affordable housing criteria. The appellant would need to demonstrate that his family are in housing need and either cannot afford to purchase a suitable home currently available in the local area or cannot identify a suitable home in that area that

³ Appeal References: APP/H3510/A/13/2193875 & APP/E0915/A/12/2182881

⁴ Letter dated 19th July 2023, Ref: PREAPP/23/00497.

meets their needs to rent or buy; that they have a strong local connection to the area and that their housing need should be met in the local area e.g. they need to live in the local area for employment reasons, or there is a requirement for support from/to a close relative etc.

25. Based on the evidence before me, the appellant's agricultural business includes the breeding of pigs, cows and shire horses. These types of activities can warrant an on-site presence, and the appellant has referred me to an appeal decision⁵ relating to a farm manager's dwelling (Keppel Gate Farm appeal) where the Inspector found there to be a need for someone to be on-site 24 hours a day.
26. It has been put to me that the livestock enterprise in the Keppel Gate Farm appeal is considered highly reflective of the appellant's work. Nonetheless, it is unclear, from the evidence before me, how many breeding animals the appellant's farming business includes or how often they farrow/calf/foal throughout the year. It is therefore difficult to compare the businesses and consequently the need for a rural worker to live permanently on the site. I can therefore only afford this limited weight in my decision.
27. Furthermore, while I note the unsocial hours associated with the appellant's strawberry picking enterprise, this, in itself, would not require on-site living, neither would the threat of inclement weather.
28. In terms of security, there are a range of mechanisms that could be put in place to provide effective surveillance. There are also several houses and buildings not too far from the appellant's farming business, which would help deter crime. Although I appreciate that crime, especially theft is a growing concern in rural communities, there is no substantive evidence before me that the appellant's farm business has been a victim of any crime or is particularly vulnerable to it. I note that in the Keppel Gate Farm appeal the Inspector gave weight to the natural surveillance provided by an on-site worker as effective security. Nonetheless, in that case, the site was considered isolated, which is not the case for the appeal site.
29. Furthermore, there is no substantive evidence before me that the agricultural or rural parts of the business would remain viable in the foreseeable future. I appreciate that the appellant's family have farmed in the immediate area for many years as livestock and arable farmers and the appellant himself has been farming here for 15 years. Nonetheless, the appellant has recently diversified the business, as it had been difficult to make the more traditional elements of the business, livestock and arable crops, sufficiently profitable. The business now includes a variety of other activities, including the sale of other local foods and produce not sourced from the business itself.
30. Overall, from the evidence before me, it has not been demonstrated that there is an essential need for a rural worker to live permanently at or near to the agricultural business to ensure its effective operation. Also, I am not confident that the business will remain viable for the foreseeable future. While the principle of a rural workers' dwelling is supported by the Council, achieving a similar permission by imposing a restrictive condition on an open market dwelling would circumvent the requirements of Policies CS5 and MD7a with regards to demonstrating that there is a need for the development.

⁵ Appeal Reference: APP/L3245/W/22/3293953.

31. For the reasons above, in this case, it would not be necessary or reasonable for me to impose a condition securing the proposed dwelling as an agricultural worker's dwelling in association with Arscott Farm. As such, there is no need for me to consider the potential future removal of this condition.
32. In conclusion, for the reasons above, the proposal would conflict with Policy CS5 of the Core Strategy and Policies MD1 and MD7a of the SAMDev. Thus, the appeal site would not be a suitable location for the appeal proposal when applying the Council's spatial strategy set out in the development plan. The appeal site is in a less sustainable part of Shropshire in terms of accessibility and, as a single open market dwelling, the proposal would not maintain or enhance the sustainability of the countryside or the broader social and economic well-being of the rural communities. In addition, the conflict with the Council's spatial strategy would also harm the public interest of having a genuinely plan-led system that provides consistency and direction.
33. In the absence of an appropriate contribution to the provisions of local need affordable housing, the proposal would also conflict with Policy CS11 of the Core Strategy which seeks to ensure that all open market housing development provides this.

Protected species

34. As part of the appeal, a Preliminary Ecological Appraisal⁶ (PEA) has been submitted to support the proposal. The PEA notes that there are three ponds within 250m of the proposed development boundary. However, two of the ponds were not accessible on the day of the survey. As two of the three ponds could not be surveyed and a HSI could therefore not be calculated, it recommends a precautionary method during the construction of the dwelling to avoid an offence to great crested newts (GCN) being caused and sets out the necessary avoidance measures and method to achieve this.
35. The appellant considers that securing the avoidance measures and method set out in the PEA, prior to construction, through a pre-commencement condition would ensure the proposal would cause no harm in terms of ecology, including GCN.
36. Nevertheless, Paragraph 99 of Circular 06/2005⁷ advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Surveys should be required where there is a reasonable likelihood of the species being present and affected by the development.
37. Natural England's standing advice for GCN is that a survey should be requested if there's a suitable water body such as a pond or ditch within 500 metres, although it explains that surveys of water bodies within 250m of the development are usually sufficient. Therefore, while I note the PEA found the appeal site to be a sub-optimal terrestrial habitat for GCN, in the absence of a presence or absence survey for the two ponds that were not accessible on the day of the survey, I

⁶ Preliminary Ecological Appraisal, Land at Pound Lane, Arscott, Pontesford, SY5 0XP for Ashton Planning and Development, prepared by Zoe Adlington-Munro Msc, MArborA, Arborist & Ecological Services Ltd, dated 16th October 2024, Updated 20th October 2024.

⁷ Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, dated 16 August 2005.

cannot rule out a reasonable likelihood of GCN being present and affected by the development.

38. Accordingly, it has not been demonstrated that the proposal would not harm European protected species. The proposal would therefore conflict with Policy CS17 of the Core Strategy and Policy MD12 of the SAMDev. These policies seek to protect the quality of Shropshire's environment, including biodiversity, by ensuring that proposals which are likely to have a significant adverse effect on priority species are only permitted in certain circumstances.

Other Matters

39. In terms of benefits, the proposal would provide an additional open market dwelling on a brownfield site. The Council does not currently have a five-year supply of deliverable housing sites. The latest land supply position was 4.73 years.
40. The appellant considers that both the lack of a five-year supply of deliverable housing sites and the failure of the Council to provide up-to-date policy should be afforded significant weight in the same way that the PPTS requires this for decisions relating to traveller sites. However, there is no policy requirement for this in terms of open market dwellings. The weight afforded to the lack of a five-year supply of deliverable housing sites, including whether there is any mechanism or strategy in place to address it, is a matter of planning judgement.
41. In this case, the shortfall in supply is reasonably modest. Nonetheless, the Council's emerging local plan has been at examination for some time, and there is nothing before me to suggest that the shortfall will be addressed any time soon. The additional dwelling would therefore make a meaningful contribution to the Council's housing supply. However, as a single dwelling, with limited accessibility, I afford it moderate weight. The proposal would also provide some modest economic and social benefits arising from the spending associated with its construction and subsequent occupation.
42. The proposal is for an open market dwelling and, as such, I can only afford very limited weight to the benefits resulting from its proximity to the appellant's agricultural business, including the continued management of the business and its contribution to the vitality of the rural communities.
43. I acknowledge the personal circumstances of the appellant, whereby the proposal would provide his two children with separate bedrooms. Also, that the appellant's eldest child suffers from asthma, which is aggravated by the lack of central heating in their current home. I am therefore mindful of the requirement under the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010 to have regard to eliminate discrimination and promote equality for those who have disabilities.
44. I note that the appellant has attempted to extend his current home, but to date has not been successful in obtaining planning permission due to potential heritage impacts.
45. The appellant refers to his human rights to live with his family. I have therefore had due regard to the rights of the family under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, including the

best interests of the children. Article 8 affords the right to respect for private and family life and home.

46. I recognise that, in this case, the best interests of the children would be to live in a house that benefits from separate bedrooms and central heating. This would be provided by the proposed dwelling and is a primary consideration that weighs in favour of the appeal.
47. Nevertheless, as an open market dwelling any planning permission would run with the proposed dwelling and therefore the house could be occupied by others, now and in the future, who do not have the same needs. Dismissing the appeal would not render the appellant and his family homeless nor require them to live apart. Having regard to legitimate and well-established planning policy aims to direct development to the most sustainable locations, in this case I consider that greater weight should be attached to the public interest. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant.
48. Moreover, there is no substantive evidence before me that the appeal proposal would be the only means of meeting the needs of the children or the minimum necessary to solely meet their needs. The best interests of the children are therefore not a compelling point in this case.
49. The proposal has the support of the Parish Council. However, this support stems from the benefits the proposed dwelling would provide to the appellant's family, the continued management of his agricultural business and its contribution to the vitality of the rural communities, which would not be secured by the proposal.

Planning Balance

50. Given the shortfall in housing supply, paragraph 11d) of the National Planning Policy Framework (the Framework) falls to be considered. Permission should therefore be granted unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 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.
51. I have found that the proposal would conflict with the Council's spatial strategy and would not be well located in relation to accessing day-to-day services and facilities by more sustainable forms of transport. I afford this significant weight. In addition, in the absence of evidence to the contrary, the proposal would harm a European protected species. Consequently, the proposal would conflict with the development plan, read as a whole.
52. Although the Core Strategy and SAMDev were adopted quite some time ago, the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to them, according to their degree of consistency with the Framework
53. The development strategy is broadly consistent with the Framework in terms of supporting housing developments in rural areas that reflect local needs. Like the

Framework, Policy CS5 of the Core Strategy promotes housing in rural areas where it would enhance or maintain the vitality of rural communities.

54. I understand that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making. However, Paragraph 117 of the Framework, seeks to ensure that applications for development give priority first to pedestrian and cycle movements; and second – so far as possible – to facilitating access to high quality public transport with, among other things, appropriate facilities that encourage public transport use. Also, that they address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive – which minimise the scope for conflict between pedestrians, cyclists and vehicles. The proposal's limited accessibility to day-to-day services and facilities in terms of walking and cycling would mean that it would conflict with these aims of the Framework.
55. The appellant refers to the Framework's aims to promote thriving communities and opportunities for growth where appropriate, including the support for a rural worker's needs in countryside locations. Nevertheless, as an open market dwelling the proposal would not fulfil these aims.
56. Overall, I find that the significant adverse impacts of the proposal would significantly and demonstrably outweigh its moderate benefits. Thus, in this case, material considerations do not justify allowing the appeal.

Conclusion

57. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR

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Costs Decision

Site visit made on 13 June 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Costs application in relation to Appeal Ref: APP/L3245/W/25/3361427 Land Adjacent to No.2 Farm Cottages, Arscott, SY5 0XP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Shropshire Council for a full award of costs against Mr Joseph Hamer.
 - The appeal was against the refusal of planning permission for a 4-bedroom dwelling with detached double garage.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG states that appellants are required to behave reasonably in relation to procedural matters on the appeal. Examples of unreasonable behaviour include only supplying relevant information at appeal when it was previously requested, but not provided, at application stage, and introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen.
4. It is the Council's view that the appellant has acted unreasonably by supplying a Great Crested Newt (GCN) survey as part of the appeal, which he was aware was required from a previous application due to the appeal site's proximity to several ponds. Also, that the appellant introduced new information as part of the appeal relating to local need and personal circumstances.
5. There is no substantive evidence before me that the appellant was aware that a Great Crested Newt survey was required to support the application subject to the appeal nor that this information was requested prior to the determination of the application. The emails provided to me by the Council relate to a previous application for planning permission to extend the appellant's home, which was withdrawn some time before the application subject of the appeal was submitted. The emails show that the agent acting on behalf of the appellant at this time was made aware of the need for a GCN survey for that application. The agent, site location and proposal all differ in the current appeal. The Council's assumption that the appellant was aware of the need for a GCN survey is therefore unfounded and the appellant did not behave unreasonably by submitting a Preliminary

Ecological Assessment (PEA) as part of the appeal, which sought to address the Council's second reason for refusal.

6. The appellant's statement included some additional information regarding the appellant's agricultural business, the need for the appellant to live close to the business and the personal circumstances of the family, that was not provided as part of the application. This information was in part provided to support the appellant's willingness to accept a condition to secure the proposed dwelling as an agricultural worker's dwelling in association with Arscott Farm. This was despite the appellant having reaffirmed, as part of the appeal, that the application was for an open market dwelling.
7. I appreciate that this approach was unconventional. Indeed, following consideration of the appeal on its own merits I have found that based on the information provided, the condition would not be necessary or reasonable and would circumvent the requirements of the development plan. Nevertheless, the approach itself was not unreasonable.
8. Moreover, there is no substantive evidence before me to demonstrate that the Council incurred additional expense in the appeal process as a result of the PEA or additional information provided by the appellant. The amount of additional information in this regard was reasonably modest. The Council's response to this information was very brief and did not include any comments on the findings of the PEA. Thus, there is nothing before me to demonstrate that the Council undertook an appreciable amount of additional preparatory work in responding to the appeal.
9. It is unfortunate that the drawings initially submitted to the Council were not those relating to the appeal. The Council has not indicated when it received a copy of the relevant plans. However, its application for costs refers to it having to email the appellant's agent only once to obtain a copy. As such, there is no evidence before me that this was anything more than an oversight. Although it did result in a delay to the Council receiving a copy of the relevant plans, it does not in my view constitute unreasonable behaviour. Furthermore, there is no suggestion that the plans relating to the appeal had been amended in any way from the application plans, a copy of which were already held by the Council.
10. For the reasons above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated and that an award of costs is not justified.

Hannah Guest

INSPECTOR