

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

Date: Monday, 17 November 2025

Committee:
Southern Planning Committee

Date: Tuesday, 25 November 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
Service Director – Legal, Governance and Planning

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 (Pages 1 - 4)

To confirm the minutes of the Southern Planning Committee meeting held on 26 August 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 the deadline for this meeting is no later than 12 noon on Wednesday 19 November 2025

4 Disclosable Pecuniary Interests

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

5 Proposed Residential Development Land To The North Of Watts Drive Shifnal Shropshire (25/02776/FUL) (Pages 5 - 40)

Development of the site for 34 dwellings, associated car parking and the provision of public open space

6 Proposed Residential Development Land To The North Of The Old Hare And Hounds Cruckton Shropshire (25/02795/FUL) (Pages 41 - 72)

Erection of 5No. open market and 5No. affordable dwellings, garages and a new access road [Revised Description]

7 SpArC Bishop Castle Leisure Centre Brampton Road Bishops Castle Shropshire SY9 5AY (25/03271/FUL) (Pages 73 - 80)

The replacement of roof weathering to swimming pool roof and provision of new insulated render system to the external walls of the swimming pool. Provision of external air source heat pumps and provision of new electrical sub-station

8 Schedule of Appeals and Appeal Decisions (Pages 81 - 180)

9 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, 16 December 2025 at The Guildhall

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Committee and Date

Southern Planning Committee

INSERT NEXT MEETING DATE

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 26 August 2025

2.00 - 3.05 pm in the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ

Responsible Officer: Tim Ward

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

Present

Councillor Andy Boddington (Chairman)

Councillors Nick Hignett (Vice Chairman), Caroline Bagnall, Elizabeth Barker, Rachel Connolly, George Hollyhead, Colin Taylor, Beverley Waite, Sam Walmsley and Ed Potter (Substitute) (substitute for Nigel Lumby)

22 Apologies for Absence

Apologies for absence were received from Councillor Nigel Lumby.

Councillor Ed Potter substituted for Councillor Lumby

23 Minutes

RESOLVED:

That the Minutes of the meeting of the Southern Planning Committee held on 22 July 2025 be approved as a correct record and signed by the Chairman.

24 Public Question Time

There were no public questions

25 Disclosable Pecuniary Interests

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

With regard to application 25/02112/FUL, Councillor Hignett declared a pecuniary interest.

26 Proposed Development Land South Of A458 Off Oldbury Road Bridgnorth Shropshire (25/01257/FUL)

The Senior Planning Officer introduced the application which was for full planning permission for a Cross Subsidy Housing Scheme comprising of 4 No. affordable

houses, 6 No open market dwellings all with garages, construction of new access road and alterations to existing field access and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout.

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

Members welcomed the amount of affordable housing and the general layout of the site but expressed concerns regarding the sustainability of the site, the effect on the conservation area and the effect on the environment.

RESOLVED:

That in accordance with the Officer recommendation planning permission be refused for the following reasons:

1. The proposed development would be sited in an unsustainable location contrary to the principles set out in the National Planning Policy Framework (NPPF). Although a footpath connects Oldbury to Bridgnorth and the site appears proximate on plan, existing physical barriers—including distance, the nature of the route, and lack of public transport—make it insufficiently accessible. Prospective occupants would be heavily reliant on private motor vehicles for day-to-day activities, undermining the aim of promoting sustainable development, contrary to SC Core Strategy policies CS5, CS6 and CS17, SAMDev Plan Policy MD2 as well as the NPPF.
2. The proposed layout fails to demonstrate an effective or efficient use of land. Areas designated for public open space and biodiversity net gain (BNG) are inaccessible and may lead to encroachment by occupants. Contrary to SC Core Strategy policy CS9 and the NPPF.
3. The proposed development fails to demonstrate a well-designed place. While the architectural detailing of individual dwellings reflects local character, disproportionately large garage heights and design, the street frontage dominated by hard standing, and the parking provision is excessive for the scale of the development. Open spaces are poorly integrated, often inaccessible, and lack natural surveillance, failing to provide safe, healthy living conditions. Contrary to planning policy CS6 of the Shropshire Core Strategy and MD2 of the SAMDev and NPPF.
4. Notwithstanding the applicant's claim that this is a cross subsidy proposal, The provision of affordable housing at 40%, and open market dwellings, is not the mix of development required to meet this definition to benefit from being a cross subsidy scheme. Accordingly, the proposal is considered contrary to the relevant development plan policies MD7a of the SAMDev, policy CS5 of the Core Strategy and The Affordable Housing SPD.
5. The proposed development due to its siting and design would result in an unacceptable level of harm upon the setting of Oldbury Conservation Area contrary to policy MD13 of the SAMDev and the NPPF.

27 Spring Lea, Plealey Road Lea Cross Shrewsbury Shropshire (25/02112/FUL)

In accordance with his declaration Councillor Hignett left the table and took no part in the discussion and voting on this application

The Senior Planning Officer introduced the application which was for full planning permission for the use of land to site 40No additional caravans and associated works, including creation of new access road and repositioning of amenity block and parking area, and with reference to the drawings and photographs displayed, she drew Members' attention to the location and layout.

Councillor Allan Hodges spoke on behalf of Pontesbury Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Roger Evans, local Ward Councillor spoke against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members welcomed the formation of a new access road but expressed concern regard the speed traffic travelled on the A488 and asked whether a speed limit could be imposed. Officers advised the meeting that this would be considered as part of the highways approval process.

RESOLVED

That in accordance with the Officer Recommendation planning permission be approved subject to the conditions set out in appendix 1 of the report

28 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 26 August 2025 be noted.

29 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 23 September 2025 at the Guildhall, Frankwell Quay, Shrewsbury.

Signed (Chairman)

Date:

AGENDA ITEM



Committee and date
Southern Planning Committee
Tuesday 25th November 2025

Development Management Report

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

Summary of Application

Application Number: 25/02776/FUL	Parish:	Shifnal
Proposal: Development of the site for 34 dwellings, associated car parking and the provision of public open space		
Site Address: Proposed Residential Development Land To The North Of Watts Drive Shifnal Shropshire		
Applicant: Mr Andrew Timbrell		
Case Officer: Jenny Powell		email: jennifer.powell@shropshire.gov.uk

Grid Ref: 374902 - 308959
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Recommendation:- Refuse for the reasons set out below:

1. Whilst it is recognised that the site is within Shifnal's development boundary, where the principle of residential development would not be inappropriate, the proposal exhibits fundamental flaws in respect of its design, layout, access and parking arrangements, pedestrian permeability, connectivity and noise amenity. As such the proposed development would not result in a sufficiently high-quality design as to be considered acceptable. Whilst the 'tilted balance' is applicable, due to Shropshire Council's current lack of five year housing land supply (and where local plan policies are therefore considered to be out of date and are attributed less weight), it remains that Paragraph 11d (ii) of the NPPF requires new developments to result in well-designed places, and the proposed development would not adequately meet this requirement. The housing mix proposed is not policy compliant, and as such the proposal would not accord with policy HG1 or HG2 of the Shifnal Neighbourhood Plan or with Core Strategy Policy CS6 of CS11, SAMDev Plan policies MD2 and S15, the draft Design of New Dwellings SPD and Section 12 of the NPPF (2024).
2. A holding objection has been lodged by National Highways preventing approval of the development until such time as further information has been provided to the satisfaction of National Highways or a period of three months from 15th September 2025 has elapsed. As such, Shropshire Council is obliged to make its determination in line with the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, where insufficient information in terms of local air quality and the impact of proposed acoustic fencing has been submitted to demonstrate that the development would be acceptable in respect of the National Highways asset (M54 boundary fence and land) and its effective operation, contrary to SC Core Strategy policies CS6 and CS7, SAMDev Plan policies MD2, and the NPPF (2024).
3. Insufficient information has been provided in respect of:
 - provision of community facilities on this site, given it is clear that the intent of the approved development under 12/04646/OUT for this part of that site to be used for the benefit of the local community. The site is currently well used as public open space. An expectation remains on the part of the community and Shifnal Town Council that sufficient community benefit should be secured as part of the proposal through the provision of allotment land, parking and services, and secured through a suitably worded legal agreement.
 - highways safety, where no transport statement or access strategy has been provided, and it has not been demonstrated that the proposed site accesses, visibility splays, carriageway layout and parking arrangements would not negatively impact highways safety or prioritise pedestrian and cycle movements.
 - confirmation that a 10% biodiversity net gain could result as a consequence of the proposed development. There is also a lack of clarity in terms of what mechanism for achieving the 10% BNG might otherwise be used.
 - the impact of the development on the existing trees forming part of the landscape buffer between the site and the M54, where revised plans now propose a

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pedestrian footpath as well as potential tree planting that may conflict with existing trees.

- sustainable urban drainage systems (SUDS).
- noise mitigation methods to safeguard the amenities of future occupiers.

The lack of clarity means that the proposal fails to accord with Core Strategy policies CS6, CS8, CS17 SAMDev Plan policies MD2, MD8, MD12 and S15 and the NPPF.

REPORT

1.0 THE PROPOSAL

- 1.1 This full planning application relates to the erection of thirty-four detached, semi-detached and terraced dwellings in Shifnal. Seven units of affordable housing are proposed on the site, these being four two-bedroom units (one a bungalow) and three three-bedroom units. Of the open market housing proposed, there would be thirteen three-bedroom units and fourteen two-bedroom units (three of which would be bungalows).
- 1.2 Two accesses are proposed from Watts Drive, one in the southwest corner of the site, and one roughly midway along the southern boundary. These would not join up to form a circulatory route for vehicles, but would instead form a 'false crescent', where each access would end in two private driveways running parallel to plots 16-26. Additionally, the easternmost access point would spur off at its most northerly point in an easterly direction and would form the access to plots 31-33, with plots 29 and 30 being accessed off a further private drive beyond. A further area for parking has also been proposed beyond plot 31 in later revised plans.
- 1.3 Two SUDS attenuation ponds are proposed adjacent to each new accesses off Watts drive, whilst an area of 0.23 ha designated as 'potential allotments/ BNG area' is located at the far east of the site, accessed through a gate across the adopted carriageway to the north east of Plot 31. An area of Public Open Space is shown in the western part of the site.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a roughly rectangular parcel of land of around 1.5ha positioned between the M54 to the north and the existing residential dwellings of Watts Drive and other residential development to the south of it. The land is used as public open space by local residents. There is a dense landscape buffer and raised bank between the site and the M54, and mature hedging along the eastern boundary, beyond which is the B4379 Newport Road. The western boundary of the site abuts existing public open space associated with the residential development to the south and southwest of the site.

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- 2.2 The site's existing southern boundary is defined by 1m high timber post and rail fencing separating it from the pavement along the north side of Watts Drive. To the south of Watts Drive there is further recent residential development with two residential sites to the south forming a regular block pattern that is divided by a linear area of public open space running north/south and containing balancing ponds.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application was discussed between the Area Planning and Development Manager and the Chair of the Southern Planning Committee on 23rd October 2025 where it was resolved to present this application to the Southern Planning Committee. The local member objects to the development, whilst the Town Council has adopted a neutral stance but raises material considerations, and there have been a considerable number of public objections to the scheme. It was therefore deemed appropriate to bring the application to committee for determination.

4.0 Community Representations

Consultee Comments:

A summary of comments is provided for this report, the full details of each response is available in the public file.

SC Highways DC

Further work required and there is insufficient information:

- No transport statement
- No access strategy
- It is likely that a transport statement will be able to identify genuine choice for all modes with travel towards Shifnal centre by sustainable modes being a priority.
- The premise of fronted development onto Watts Drive is feasible but not in combination with tandem parking.
- The provision of two access points and a false crescent is not supported and otherwise has no justification. A single point of access will suffice and there is more support for the western access. The access point to the east does not resolve how Watts Drive proceeds around a corner.
- Noting the crescent is not shown as possible to drive across, the idea of refuse collection or deliveries having to go back around again is not fully concluded by the design.
- The long bank of parking to the rear of the site is not understood and there are concerns how EV infrastructure can support this arrangement.

Green Infrastructure Advisor: There is concern that the current plans may offer

reduced allotment space compared to previous submissions, and emphasises the need for adequate infrastructure, including parking and utility access. The Shropshire Green Infrastructure Strategy highlights Shifnal's deficiency in allotment and open space provision, making retention of the earlier levels of allotment a positive aspect. Regarding POS, there is uncertainty about how much of the proposed area is genuinely usable for recreation, as some may include drainage and site edges. It is important that the development demonstrates functional recreational spaces that meet local needs, such as the need for formal play areas, within acceptable walking distances. There are further concerns about the level of tree cover and integration with the wider development, permeability and design details.

SC ESP Ltd - Landscape Consultant

There is a need for a comprehensive approach to landscaping, arboriculture, and biodiversity. Key points include:

- An arboricultural survey in accordance with BS 5837:2012 is missing; all relevant tree information, including removals and root protection areas, should be included in updated plans.
- Soft landscaping proposals are generally adequate, but hard landscaping plans (covering surfaces, play areas, furnishings, and accessibility) are not provided and are required.
- Street trees along the southern boundary are limited by visibility requirements, but their inclusion elsewhere on the site is welcomed.
- There is uncertainty over how Biodiversity Net Gain (BNG) will be achieved, particularly regarding the eastern boundary and whether on-site or off-site mitigation will be used; plans should be updated to clarify this.
- A Landscape Management Plan has not been submitted but may be required by condition.
- The selection of street tree species should avoid fruiting trees in parking areas to prevent conflicts, as recommended by the County Arboricultural Officer.
- Native wild fruiting trees are supported within public open spaces, with recommendations to use species more local to Shropshire.
- Connectivity and pedestrian access within and into the site need improvement, with a call for usable, accessible public open space and designated play areas.
- Sustainable Urban Drainage Systems (SUDS) are supported for their amenity and biodiversity value, but child safety around these features must be carefully considered as the scheme progresses.
- Overall, landscape strategy drawings should be revised to address these points, incorporating tree surveys, clarified BNG and POS plans, and detailed hard landscape proposals.

SC Trees

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The site is devoid of significant tree cover and there is no objection to this application on arboricultural grounds. However, we have two comments with regard to the proposed landscaping in relation to further details needed on tree planting to protect hard surfaces and concerns over the types of species proposed in the mix of trees, where some should be changed to be acceptable.

SC Ecologist

The information submitted for Ecology and BNG includes two metrics. Confirmation is required on which proposal will be going forward. It is also noted that sufficient justification as to why the mandatory 10% net gain cannot be achieved on site has not been provided. This is required to satisfy the Biodiversity Gain Hierarchy. Further information is required.

SUDS

The submitted flood risk assessment and proposed drainage strategy are acknowledged. SC asset mapping indicates the site is suitable for infiltration, therefore, it must be demonstrated that soakaways are not feasible for this site. As also stated in the FRA, infiltration testing should be completed and results, including calculation of rates, submitted for approval. Appropriate information will need to be forwarded to Severn Trent to demonstrate progress through the drainage hierarchy before they will accept surface water flows from this development into their sewers. Further technical information needed for assessment at this stage to agree a suitable drainage solution.

SC Regulatory Services (Contaminated Land)

The submitted report concludes a Phase II Site Investigation is recommended. Environmental Protection does not disagree with this conclusion and proposes a pre-commencement condition to accompany any approval to ensure this information is forthcoming.

SC Regulatory Services (Environmental Health):

Concern that there is adequate information with regards to noise mitigation for the development to account for impacts of the M54 and other road traffic, as this is a dominant noise across the site.

National Highways

Referring to the consultation on a planning application dated 15th September 2025 referenced above, in the vicinity of the M54 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we: c) recommend that planning permission not be granted for a specified period (see reasons at Annex A) (summarised below):

Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of

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State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The Strategic Road Network SRN in the vicinity of the proposed development is the M54 motorway

Air Quality Assessment

Detailed concerns have been raised in relation to the extent of the survey, in terms of the items covered and the potential mitigation strategy. More information is required.

Noise Impact Assessment

The noise assessment does not include any assessment of the impact of additional traffic generated by the operation of the development on noise levels along existing roads, including the M54. No transport assessment is available with the application, however, given the small size of the development (34 dwellings), it is considered unlikely to generate traffic flows sufficient to affect noise levels of the M54 and associated slip roads, given the high existing flows on the roads.

National Highways will require that a detailed noise assessment is completed to demonstrate that the final design will achieve acceptable indoor ambient noise levels at the dwellings in terms of the sound insulation provided by the façade, glazing system and ventilation, including consideration of overheating conditions.

Acoustic Fencing could be a mitigation for noise impacts matters, but whilst included in the planning statement it is not in the noise report and further details are required.

Construction Impact

National Highways will require consulting on a Construction Traffic Management Plan (CTMP), which should include measures for ensuring that there is no mud or detritus is tracked or dropped onto the SRN. It will also need to include measures to

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manage the traffic impact of workers and construction vehicles (including abnormal loads) to avoid the busiest times on the SRN this includes peak hours.

SC Affordable Houses

The number of affordable homes being proposed fractionally exceeds the policy requirement of 20%. The proposed mix, tenure, siting and size of the affordable dwellings is acceptable. We would appreciate receiving assurance that the affordable dwellings would be accessed off an adopted highway and not unadopted as this results in unacceptable additional cost to the Registered Provider and tenant.

SC Learning & Skills

Current forecasts indicate the need for additional school place capacity for both primary and secondary level within the local area. Local schools are full (or will be full) once occupation of this and other proposed developments are complete.

It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places or facilities considered necessary to meet pupil requirements.

Due to the scale of development and the number of pupils not only this development but also numbers that other developments in the area will generate it is recommended that contributions for both primary and secondary education provision are secured via CIL

SC Conservation (Historic Environment)

Officers have no comments to make in relation to conservation or heritage matters.

SC Archaeology (Historic Environment)

Archaeological investigations undertaken on the land to the south during 2015 recorded previously unknown evidence for two phases of activity comprising two clusters of shallow Neolithic pits and Iron Age pits and post-built structures, indicating long-term activity on the site.

Several designated heritage assets lie within 2.5km of the site including Roman fort 300m east of Drayton Lodge (National Ref: 1020283) thought to pre-date the building of Watling Street. Portable Antiquities Scheme data records prehistoric and Roman finds in the wider landscape. The site is therefore deemed to have archaeological potential.

In view of the above and with regard to Paragraph 218 of the NPPF (December 2025) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise monitoring / watching brief during all

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groundworks associated with the development, beginning with the initial topsoil stripping.

SC Waste Management

Concern that the layout of the plots and accesses give due consideration to the storage of bins on plot, turning of refuse vehicles and creation of adequate bin collection points.

West Mercia Constabulary

Does not wish to formally object to the proposal at this time but would welcome the opportunity for consultation with the developer should they wish to achieve the Secured by Design award status for this development.

During the build the developer has a responsibility for site security. They should aim to keep any compound, machinery and tools as secure as possible whilst on site. Offenders will visit such sites to test security measures that are or are not in place and if they are not up to standard then they will be attacked causing an increase in crime in the locality. Every effort should be made to keep property safe and secure. The Design Out Crime Officer can offer professional advice if requested to do so.

Shifnal Town Council

1. The north street scene presents a rather bland and uniform elevation to the road. A more varied frontage, in particular breaking up the roofline (chimneys?) would provide a more attractive and quality design.

2. The application site includes an area for allotments. It is considered essential that the allotments be included as part of the description of development in the application and any permission granted must include the granting of the allotments as part of the permission.

3. The Town Council had pre-application discussions with the developer over the transfer of the allotments site to the Town Council. The discussions included the provision by the developer of access, water, parking and fencing for the allotments site. The provision of these should be included as part of any permission through conditions attached to the permission.

4. In view of the poorly worded S 106 Obligation attached to the permission for the adjoining housing in relation to the provision of a swimming pool, it is considered essential that a clear and unambiguous S106 is attached to any permission here for the provision of and the transfer of the allotment site to the Town Council as previously discussed with the developer. In particular the S106 should make provision for the transfer of the land specifically to the Town Council, and within a specified timescale (e.g. upon commencement of development).

5. The Town Council would be willing to be party to any discussions with the Planning Authority and the developer to progress the transfer of the allotment site to the Town Council and to ensure an appropriately worded S106 and planning conditions are included to avoid any future legal complications.

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Public Comments

Forty objection representations have been received from members of the public with no representations of support. These comments can be viewed on Public Access, with the material themes raised being summarised as:

- Existing roads (Watts Drive, Haughton Road, Hodgson Road) are already congested and unsafe and may not be adopted.
- Increased vehicle movements from 34 new homes would worsen traffic and parking issues.
- Concerns about access for emergency vehicles and safety for children and pedestrians.
- Local schools, GP surgeries, and dentists are already at or over capacity and cannot meet the need anticipated.
- No evidence of infrastructure improvements to support additional residents.
- The site is the only accessible green space for recreation, dog walking, and children's play.
- Loss of Green Space and Public Amenity would negatively affect residents' mental health and wellbeing.
- No equivalent replacement POS or justification provided.
- The site supports wildlife including birds, bats, hedgehogs and frogs, where the development would destroy habitats and reduce biodiversity.
- Lack of evidence provided for required 10% biodiversity net gain.
- Residents were told the land would be used for a leisure centre, swimming pool, or allotments.
- Section 106 funds were collected for community facilities that were never delivered.
- No meaningful engagement took place with residents before the application.
- Proposal amounts to overdevelopment and would be out of character with the area.
- Loss of privacy and light for existing homes.
- Change in the estate's character and sense of openness.
- Concerns about surface water runoff and sewer capacity.
- Inadequate drainage strategy and reliance on unadopted infrastructure.
- Risk of flooding and damage to existing systems.
- Proximity to the M54 raises concerns about noise levels for future residents.
- Increased construction and traffic would worsen air and noise pollution.
- Increased maintenance costs for shared estate infrastructure.

5.0 THE MAIN ISSUES

Background

Policy & Principle of development

Allotment Provision

National Highways Holding Objection and Noise Amenity
Biodiversity Net Gain
Highways
Trees
SUDS

6.0 OFFICER APPRAISAL

6.1 Background

- 6.1.1 The parcel of land which forms this site is part of a wider area that was designated as Safeguarded Land under the Bridgnorth District Local Plan 1996-2011 (i.e. land on which development can be permitted where it would not prejudice the future use of the land to meet the settlement's long term expansion needs). When the current Site Allocations and Management of Development (SAMDev) Plan was adopted in December 2015, the wider site was included within the Shifnal development boundary and whilst not specifically designated, reference to the site's use for potential community facilities including a swimming pool was made in SAMDev policy S15 at Paragraph 4.149. A further reference to *'opportunities to improve the village hall and provide better allotments will be pursued where feasible'* was also included within the policy detail of S15 at Paragraph 4.150.
- 6.1.2 Outline planning permission was granted in 2013 under 12/04646/OUT for land that included the current application site as part of a wider area of land proposed for residential development. The description of the approved development was *'Outline application (including access) for residential development, the erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works'*. The site that is now being proposed for residential dwellings had been the intended location for the community swimming pool and allotments and this part of the site was set aside as community land.
- 6.1.3 These requirements were included in the outline proposal as a result of feedback received at consultation events, and the community swimming pool was a sufficiently serious proposal to be included as an obligation within the S106 agreement accompanying the outline planning permission. The obligation required that following the occupation of the 200th dwelling within the wider site, the community land should be made available for a five year period to allow a third party community group to construct a public swimming baths. A community contribution was to be paid within 90 days of the transfer of the community land.
- 6.1.4 Shifnal Town Council's intention to construct the community swimming pool was demonstrated through the submission of Planning Ref: 16/01206/REM for the construction of a community swimming pool and leisure building with provision of area for community allotments to include access, appearance, landscaping, layout

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and scale. However no further action has been forthcoming since that permission was granted on 23rd December 2016 and it is understood the swimming pool proposal was not a viable proposition in practice. The five year period since the occupation of the 200th dwelling approved under 12/04616/OUT has now elapsed with no transfer to a community group having occurred, and the obligation was confirmed as being discharged by Shropshire Council by email to the landowners and the Town Council sent on 11th March 2024.

- 6.1.5 Despite the obligation having been discharged, there is considerable ambiguity in the submission now presented as to whether the proposal is intended to provide land for transfer to the Town Council for community allotments as an appropriate alternative community use to the swimming pool proposition (where the easternmost part of the site has been labelled 'BNG/ potential allotment land' on the submitted plans) or whether this part of the site is intended to be used for the provision of biodiversity net gain and would therefore remain unavailable for community use.
- 6.1.6 The Town Council is unambiguous in its submitted representation that the proposal should provide allotment land, in line with the community ambitions of the now-discharged S106 agreement and that outlined in policy S15 of the SAMDev Plan. However, two differing BNG metrics have been provided for this part of the site, based on differing scenarios, and whilst the applicant advises that discussions are being held with Shifnal Town Council on the matter of allotment land, for the purposes of the planning application the intended function of this part of the site remains unresolved.
- 6.1.7 Shifnal Neighbourhood Plan 2014-2016 is a material consideration in the determination of this application and acknowledges at paragraph 8.8 the local demand for allotments, noting that an outline permission that was granted for an additional site adjoining the M54 motorway (this being 12/04646/OUT). Policy LE1 of the Neighbourhood Plan relates to existing leisure uses, and states that proposals that would result in the loss of leisure facilities will only be permitted if alternative and equivalent leisure facilities are provided, where alternative leisure provision will be required to meet the following criteria: the scale of the alternative provision must be at least of an equivalent scale to the existing provision; and the alternative site must be at least of equivalent standard in terms of layout to the existing provision; and the location of the alternative provision must be generally accessible by foot and within or adjacent to the settlement boundary of Shifnal Town.
- 6.2 **Policy & Principle of Development**
- 6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan (local planning policy) unless other material considerations

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indicate otherwise.

Adopted Local Plan Policy

6.2.2 The starting point for decision making is the adopted local plan. At this point in time the development plan consists of the Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. The Shifnal Neighbourhood Plan is also a constituent part of the adopted local plan.

6.2.3 Under the SAMDev Plan the proposed site is within the Shifnal Development Boundary, a Key Centre in eastern Shropshire. LDF Core Strategy Policy CS3 states that for the Market Towns and other Key Centres, balanced housing and employment development of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure, will take place within the town's development boundaries. Core Strategy policy CS11 seeks to achieve housing developments which help to balance the size, type and tenure of the local housing stock, whilst SAMDev Plan Policy S15 refers to the proposed site as follows, with no specific residential housing allocation:

“4.149 A swimming pool and potentially other community uses are planned to be located on the Haughton Road site, utilising a mix of funding streams including a substantial developer contribution from the S106 legal agreement attached to the planning consent for the Haughton Road development.

4.150 Opportunities to improve the village hall and provide better allotments will be pursued where feasible.”

6.2.4 The Shifnal Neighbourhood Plan 2014 – 2026 specifies that any new housing development should be restricted to infill development within the settlement boundary of the town (paragraph 5.1). Paragraph 3.3 identifies that new housing should meet the needs of Shifnal, particularly in respect of providing more smaller dwellings for first time buyers and older people, whilst policy HG2 includes a specific policy with regards to housing mix which states:

“All housing proposals of five or more units will be expected to deliver at least 20% of these units as one- or two-bed properties. To reflect the need for a mix of one- and two-bed properties, all schemes which are required, by virtue of their size, to deliver at least five one- and two-bed properties should provide a minimum of 40% of these units as one-bed properties. An alternative dwelling mix will only be permitted where new evidence is brought forward which clearly demonstrates the need for a different mix.”

6.2.5 The housing mix proposed is made up of two and three bed properties, and whilst it provides at least 20% of the 34 dwellings proposed as two bed units it doesn't include the required number of one bed properties to accord with policy in this

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regard, and no evidence has been brought forward to clearly demonstrate the need for the different mix.

- 6.2.6 The proposed site is within the Shifnal Development Boundary where infill residential development is potentially acceptable as sustainable development within a Key Centre. As such, the principle of new housing here is acceptable, however the housing mix proposed is not.

Draft Local Plan

- 6.2.7 The Draft Shropshire Local Plan (2016-2038) has been withdrawn and no further work on it is being undertaken. After its submission to the Planning Inspectorate and following two stages of public hearing sessions, Inspectors' letters received in January (ID47) and March 2025 (ID48) raised concerns regarding the soundness and timetable of the plan. At the full Council meeting on 17th July 2025, the Council formally resolved to withdraw the draft local plan in accordance with Section 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.2.8 Early work to progress the Next Local Plan (2025-2045) has begun with a refreshed 'call for sites'. This process began on 10th July 2025 and seeks to understand the pool of potential site options available to the Council to consider as part of the new plan making process. This would have been necessary regardless of the outcome of the examination of the draft Local Plan, due to the significant changes (particularly within transitional arrangements in the National Planning Policy Framework (NPPF)) nationally.
- 6.2.9 The Cabinet decision of 12th February 2025 resolved to allow material weight to be given to the evidence base supporting the withdrawn draft local plan. It is important to note this decision does not introduce new planning policy, rather seeks to provide a positive and pragmatic approach for the delivery of sustainable development in Shropshire in the period before the Council has a newly adopted Local Plan. All planning decisions will continue to be made in accordance with national planning legislation and guidance.
- 6.2.10 In this instance the proposed site is currently within the Shifnal Development Boundary, and was to continue to remain within it under the withdrawn draft Local Plan, where the land was regarded as a sustainable location for development.

NPPF & Five Year Land Supply

- 6.2.11 Following the publication of the revised NPPF in December 2024, a new standard method for calculating housing need has been adopted, the purpose of which is to significantly boost housing delivery across England. The new standard methodology for Shropshire has resulted in an increased requirement of 1,994 dwellings per annum which for the five year period 2024/25 to 2028/29 equates to

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a local housing need of 9,970 dwellings. With an additional 5% buffer of 499 the total requirement is 10,469.

- 6.2.12 The deliverable housing land supply on the 1st April 2024 was 9,902 and there is therefore a shortfall of dwellings. As such, Shropshire Council cannot currently demonstrate a five year supply of deliverable dwellings. The Council's position is that a 4.73 years supply of deliverable housing land existed at 31st March 2024.
- 6.2.13 Footnote 8 and Paragraph 11(d) of the NPPF detail the implications of not having a five year housing land supply for decision making in the context of the application of the presumption in favour of sustainable development. Footnote 8 indicates that where a Council cannot demonstrate a five year supply of deliverable housing sites, it means planning policies most important to the decision will be considered out of date.
- 6.2.14 The effect of this is that the tilted balance, as set out in Paragraph 11 (d) of the NPPF, is engaged. This states:
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*
- 6.2.15 This does not change the legal principle in Section 38(6) of the Planning and Compulsory Purchase Act (2004) that decisions on planning applications are governed by the adopted Development Plan read as a whole unless material considerations indicate otherwise. Paragraph 11(d) of the NPPF requires the decision maker to apply less weight to policies in the adopted Development Plan and more weight to the presumption in favour of sustainable development as a significant material consideration, described as the tilted balance.
- 6.2.16 Paragraph 11d (ii) highlights several important considerations to determine if a proposal is genuinely sustainable. Notably it:

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

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

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

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

6.2.19 The extent of the housing land supply shortfall is a further material consideration for the decision maker. Shropshire currently has 4.46 years supply of deliverable housing land and therefore, whilst a shortfall of 0.54 exists, this is relatively small in the context of the total required supply.

6.2.20 The key planning issues to consider in determining whether the proposed development is acceptable is whether it represents sustainable development and whether there are any other material considerations, benefits, or adverse impacts arising from the proposal that should be weighed in the planning balance. These are considered below.

Sustainable Location

6.2.21 Shifnal is a sustainable town and provides a wide range of local facilities and services for its residents. The proposed site is enclosed with built form in three directions and pedestrian access into the town centre. The proposed site would not extend development into the open countryside and would represent infill development, whilst development of this site would provide additional housing in accordance with the Government's aim to significantly increase the supply of housing. The proposed development would also provide social and economic benefits through the increased number of residents in the settlement. As such the proposal's location would be sustainable in terms of the requirements of Paragraph 11d.

Efficient use of land

- 6.2.22 The proposed site covers an area of c.1.5ha and the submitted site plan proposes thirty-four dwellings of a variety of house types. This is a relatively low-density development which would provide an increase in the number of dwellings to assist in the Council's lack of housing supply, and whilst the land area could at face value accommodate more dwellings, officers consider that the proposed development would represent an efficient use of the land having regard to the sites' proximity to existing residential development and the expectation that a substantial part of the site should accommodate community facilities, such as allotments.

Well Designed Places

- 6.2.23 The NPPF at Section 12 outlines the requirements for achieving well designed places, and Paragraphs 131, 135 and 139 are particularly pertinent to the determination of this application. The NPPF is categorical that the creation of high quality, beautiful and sustainable places are fundamental to planning, setting out the matters that developments must ensure, and emphasising that development that is not well designed should be refused.
- 6.2.24 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect locally distinctive or valued character and existing amenity value.
- 6.2.25 Policy HG1 of the Shifnal Neighbourhood Plan, which is a material consideration in the determination of the application, sets out that the following design criteria that should be met, where residential development must:
- Demonstrate high quality design that is in keeping with the scale and character of buildings and layout in the area;
 - Complement the existing external materials in the town;
 - Provide variety in house design and elevation treatment;
 - Provide high quality boundary treatment;
 - Provides good pedestrian and cycle connections to the town and countryside;
 - Provide adequate storage for bins and recycling;
 - Not result in an unacceptable loss of amenity for neighbouring uses through loss of privacy, loss of light or visual intrusion; and
 - Traffic generation and parking does not adversely affect road and pedestrian safety.

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- 6.2.26 The layout plan has twice been amended as a consequence of officer feedback on the poor design and layout of the original submission, and the various iterations can be viewed on Public Access. However, it is not considered that the most recent revised site layout proposal would result in the sufficiently high-quality development required by the adopted development plan, Shifnal Neighbourhood Plan and by the NPPF at Paragraphs 131, 135 and 139 in particular. The reasons for this are considered below.
- 6.2.27 Along the southern boundary of the site, single and two storey detached and semi detached dwellings are proposed, fronting Watts Drive. These dwellings feature overly long access drives, with tandem parking arrangements that the highways officer has indicated they would not support, given that these would lead to occasions when occupants would need to park directly on Watts Drive on occasion to allow for the movement of vehicles. Furthermore, the scale and appearance of these dwellings do not reflect or respond appropriately to the existing character and grain of the adjacent residential development to the south, being at odds with them and not forming a cohesive street scene in respect of the various housing typologies, building heights and their position on this frontage. The front doors of the single storey dwellings do not face the street and they lack an active frontage. The front gardens of the dwellings are not well defined with appropriate high quality boundary treatments, whilst the opportunity to introduce tree planting to create tree-lined streets and soften the appearance of the development could have benefitted the proposal in this location but has been overlooked.
- 6.2.28 The southern row of dwellings is juxtaposed with the far denser, linear run of sixteen terraced and semi-detached dwellings behind them to the north. These dwellings are sited in much closer proximity to the M54, where the majority of the affordable housing would also be located and where no acoustic fencing is proposed. The design and appearance of Plots 13-28 in this part of the development are considered to be lacking in elevational variety, resulting in an overly uniform and bleak stretch of development whose design is primarily focussed on providing a physical barrier to mitigate the impact of noise from the M54 to the north on the dwellings and rear gardens to the south of them, rather than focussing on creating a visually appealing and attractive development.
- 6.2.29 The design and appearance of these dwellings is poor, and their layout and siting would in turn necessitate the need for four narrow rear access paths (three of them lengthy, with ninety degree turns) to facilitate access to the rear gardens of plots 14-27. Secured by Design guidance recommends avoiding the use of footpaths such as these, given 85% of burglaries occur at the back of a dwelling, and where they are deemed essential to provide access, advises they should be gated, with gates being placed at the entrance to the footpath as close to the front building line as possible. Whilst there are gates proposed to these alleys, they are not located close to the front building line.

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- 6.2.30 The dwellings making up this northern part of the development would be surrounded on three sides by wide areas of tarmac, and the northern carriageways of the two private driveways would be further reinforced by wide expanses of parking associated with plots 13-26 adjacent. These parking areas were originally proposed to be sited on the opposite site of the carriageway, closer to the M54 and separated from the dwellings they would serve, and where officers consider they would not have adequately provided for the charging of EV vehicles, as is required for all new developments. Whilst the revised layout plan has brought these parking spaces closer to the dwellings and to the south of the carriageway, they still propose a wide and unremitting expanse of hardstanding that does nothing to improve the appearance of this part of the site, and it is still unclear how EV charging is envisaged in this location given that no EV charging points are shown on the plans.
- 6.2.31 The Highways officer does not support the layout of the carriageways proposed within the development, drawing particular attention to the ‘false crescent’ arrangement that the two private driveways in this part of the site would create, noting the crescent could not be driven across. This layout would require emergency vehicles, refuse collection vehicles and delivery drivers to drive back to Watts Drive and make two right turns to access the other part of the false crescent from the westernmost access. Furthermore, due to the length of the private driveway serving Plots 21 and 22, bin drag distances would not meet the requirements of Part H of the building regulations. A hammerhead turn has been provided to the immediate east of the Local Area of Play (LAP), to facilitate turning as a consequence of the false crescent, but this is likewise not representative of good design, and the maximisation of dwelling numbers appears to have been prioritised over a higher quality design that would facilitate a more appropriate highways layout.
- 6.2.32 Additionally, officers have concerns that four of the seven affordable dwellings proposed would be sited on one of the private driveways of the false crescent, and this has implications in terms of additional maintenance costs being imposed upon the Registered Provider of the affordable housing, and the tenants. Officers are further concerned that the affordable dwellings are largely sited together in one part of the site, when these dwellings should instead be thoughtfully located (pepper-potted) around the development such that they are fully integrated within the development and indiscernible from other open market homes. Being amongst the dwellings closest to the source of noise from the M54, the siting of the majority of the affordable homes in this location does little to prevent the perpetuation of health and other inequalities through the site’s design.
- 6.2.33 The central part of the site, adjacent to the allotment/ BNG land to the east of it, proposes a further juxtaposition with the northern and southernmost dwellings to the west. This part of the site has a more loosely laid out area of six detached and semi-detached dwellings which would be more consistent in density with the

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existing residential development to the south of the site. Dwellings 31-33 would nonetheless be in close proximity to the M54, and like plots 13-28, would not benefit from the acoustic fencing that has only been proposed in the easternmost part of the site, around the allotment/ BNG land.

- 6.2.34 Across the site as a whole, front garden boundaries are not clearly defined and it is unclear what the status of the areas of land adjacent to Plots 1 and 28, 29, 31, 33 and 34 would be, as well as adjacent to Plots 9 and 13, and who would have responsibility for the maintenance of these areas. 1m high post and rail fencing is proposed in some areas of the site, although this has now been removed from the boundary of the dwellings fronting Watts Drive following officer feedback, and this is welcomed.
- 6.2.35 Concerns are raised that across the development a number of dwellings (plots 1, 9, 13, 31 and 33) do not benefit from allocated parking that could be readily overlooked by the dwelling's occupier, and in some cases the parking is entirely remote from its associated dwelling, located beyond a 1.8m high screen wall /close board fence, which also represents poor design.
- 6.2.36 In this regard the lengthy expanse of blank screen walls fronting the street in this central part of site is also not indicative of good design and does not contribute to a cohesive sense of place, particularly where a 22 metre long expanse of blank wall would be positioned opposite an 11m length of blank wall forming a 'tunnel' between plots 1 and 28 and opposite Plot 33. A further 18m length of screening wall is also proposed between Plots 29 and 34, adjacent to the easternmost SUDS attenuation pond, which is not well overlooked.
- 6.2.37 It is encouraging that the revised layout plan now proposes a LAP (Local Area of Play) in the north western part of the site, which would be expected for a development of this scale, although it is noted space has not been provided for informal play and recreation that could connect to the western POS affiliated with the existing development and which would be a positive design feature. Furthermore, the LAP would not be particularly well overlooked as would be desirable (with only Plot 13 directly facing it), whilst access to both it and to the public open space would be via a single point of entry opposite the visitor parking or via a proposed footpath to the north of the carriageway that currently leads to a dead end at the point of entry into the allotment. Rationale has not been provided for the length of the post and rail fencing proposed adjacent to the SUDS pond and LAP which partially encloses the Public Open Space and tapers out opposite Plots 9 and 10 and opposite Plot 15, serving no apparent purpose.
- 6.2.38 When considering the layout as a whole, pedestrian and cycle permeability through the site is confused, halting and lacking in edge to edge connectivity, without an obvious and clearly defined route to follow. There would be no right for any pedestrians or cyclists not accessing the served dwellings to use the shared private

drives as a through-route, and pedestrian transit as a whole would entail the repeated crossing of carriageways. Parts of the northernmost pedestrian route that has been shown on the most recent revised plan, conflicts with the existing and proposed landscaping shown, appearing impassable and not providing an appropriate alternative permeable route through the site. Allied to this, the existing pedestrian footpath adjacent to the south eastern corner of the site remains unresolved and does not connect with any pedestrian routes elsewhere within the site layout, such that an opportunity to provide a circular route circumnavigating site and linking to the wider area of adjacent development to the south has been missed.

Affordable Housing

- 6.2.39 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index.
- 6.2.40 As the application is for 34 dwellings it constitutes a major development and therefore Policy CS11 applies, which aligns with Paragraph 65 of the NPPF and requires the development to provide affordable dwellings which would be secured through a S106 legal agreement. The existing prevailing target rate in this part of Shropshire is 20% which currently equates to a requirement to 6.8 affordable dwellings of the 34 dwellings proposed. Seven affordable dwellings are proposed which fractionally exceeds this requirement and is a benefit of the proposal. These would be secured as affordable in perpetuity for local people through the legal agreement if the development was approved.

Conclusion on the Tilted Balance

- 6.2.41 The draft local plan has been withdrawn and as the Council cannot demonstrate a five-year housing land supply. As such, Paragraph 11d of the NPPF is engaged. Under current adopted planning policy, Shifnal is deemed to be a sustainable location for new housing development, with access to a range of local facilities and services for its residents. It is considered that the requirements of the tilted balance can be demonstrated for three of the four main criteria outlined at Paragraph 11d (ii) (these being a sustainable location, making efficient use of land and providing affordable housing). However, the proposal would not result in a well designed place as also required by the titled balance, and likewise would not fulfil the requirements of Paragraphs 131, 135 and 139 of the NPPF, having a negative impact on the amenity of future occupiers and other users of the development

Allotment Provision

- 6.2.42 The purpose of the land proposed as a potential allotment /BNG area remains

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unclear. Core Strategy policy CS6 resists the loss of existing facilities, services or amenities unless equivalent or improved provision is made, or it can be demonstrated that the existing facility, service or amenity is not viable over the long term. Policy CS8, (bolstered by MD8) is specifically concerned with facilities, services and infrastructure provision and explains that the development of sustainable places will be assisted by the protection and enhancement of existing facilities, services and amenities that contribute to the quality of life of residents and visitors; by preserving and improving access to facilities and services wherever possible, and by facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs, (whether arising from new developments or existing community need) in locations that are appropriate and accessible.

6.2.43 Recently submitted revised plans now depict an area of 'allotment car parking' on part this land where none was previously shown. It is assumed this is because officers had raised concerns that were this part of the site is to be used for allotments, rather than BNG, future allotment users would be forced to park directly on the surrounding streets, impacting both the amenity of existing residents and highways safety, where only three on street visitor parking bays are proposed within the site (two opposite Plot 3 and one directly opposite the pedestrian access to the public open space in the western part of the site).

6.2.44 The plans do not indicate any visibility splays, vehicle tracking or turning associated with the allotment parking, whilst this area of hardstanding also significantly eats into the remaining available land in this part of this site. This in turn would impact both the sets of BNG data submitted, which do not account for the area of additional hardstanding now proposed regardless of whether this part of the site would be dedicated to BNG or to allotments. If the land is proposed for allotments, the area available for such a use would be significantly diminished as a consequence of the amended parking proposal and it is uncertain what the view of the Town Council would take on this revised arrangement, given that the requirements of Core Strategy policy CS8 and Neighbourhood Plan policy LE1 would not be met by the original or revised proposal.

6.2.45 Paragraph 98 of the NPPF requires that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services,*

particularly where this would reduce the community's ability to meet its day-to-day needs;

- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

6.2.46 In their submitted representation, members of Shifnal Town Council are clear that they would expect part of the site to make provision for community use, in line with the intent of the original S106 agreement, and the planning approval it accompanied. The site is currently used as public open space serving the development to the south of site, and despite a previous planning approval in respect of a proposed community swimming pool, no community facility has even been constructed, as was anticipated.

6.2.47 There is considerable strength of feeling about this matter as demonstrated in the public representations objecting to the proposal, where it does not appear that the requirements of Paragraph 137 of the NPPF have been adequately met in considering the needs of the community in respect of the scheme. Paragraph 137 places emphasis on design quality being considered throughout the evolution and assessment of individual proposals and where early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Paragraph 137 goes on to explain that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community, where applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

National Highways' Holding Objection and Noise Amenity

6.2.48 National Highways has issued a holding objection to Shropshire Council that planning permission must not be granted for the proposed development for a period of 3 months from 15th September 2025 as it considers that the applicants have not provided satisfactory information in respect of air quality or the proposed acoustic fence to the east of the site. The objection finds that the purpose of the acoustic fencing appears unclear and is not referenced or justified in the initial noise assessment. Concerns are raised over the fence's location close to the foot of the existing M54 embankment, and that further details are requested to demonstrate that the fence structure, including foundations and means of access for maintenance, are sufficiently clear of the existing M54 boundary fence and land. The National Highways response also refers to the need for a detailed noise assessment to be provided to demonstrate that the site's final design will achieve acceptable ambient noise levels in the dwellings in terms of the sound insulation provided by the façade, glazing system and ventilation, including consideration of

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overheating conditions, and which could be secured by condition.

- 6.2.49 The holding objection currently remains in place. Because of this, any resolution by the committee to grant consent for the development against officer advice would also have to be contingent on National Highways withdrawing their objection or receiving further information from the applicant and then raising no objection to the proposal (with any conditions/measures they may require being incorporated within planning conditions or Section 106 Agreement if an approval was recommended).
- 6.2.50 The applicant's agent has advised that they are engaging with National Highways on the concerns raised but no additional information has been received by the case officer from either party in respect of the holding objection, which remains extant. Given that the objection cannot be removed unless the LPA consults the Secretary of State for Transport as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, it is considered this holding objection currently forms an insurmountable reason for refusal of the scheme, as that the application's determination deadline would be reached before the expiration of three months of the date of the objection, aside from any other reasons for the scheme's refusal.
- 6.2.51 Core Strategy policy CS6 requires new development to contribute to the health and wellbeing of communities, including safeguarding residential and local amenity, as well as being designed to a high quality, consistent with national good practice standards that includes appropriate landscaping takes account of site characteristics, whilst the draft Design of New Dwellings SPD (currently under consultation and therefore given only limited weight) also covers noise impacts at Section 8 (paras 8.108-8.128) and concludes that proposals that cannot be practically designed to prevent an unacceptable adverse effect or to avoid a significant observed effect will not be considered to represent a high-quality design and as such will not be permitted. The noise section of the Planning Practice Guidance (the PPG) explains the need to consider whether it is likely development would be subject to a significant adverse noise effect. This requires identifying whether the overall effect of noise exposure would be above or below the significant observed adverse effect level (SOAEL). The PPG goes on to explain that effects do not have to be defined in terms of a single value of noise exposure but that other factors may be relevant.
- 6.2.52 It is readily apparent that noise from traffic travelling along the M54 has a noticeable and relentless effect on the local area as demonstrated by the responses from the National Highways and Environmental Health consultee, and in this case, a significant consideration is that the development would likely be constantly affected by traffic noise from the M54, both during the day and night. The agent advises the design of plots 13-28 is intended to provide some noise mitigation to the dwellings to the south of them, although the rationale for the siting of the acoustic fence is not explained, given it is proposed to the north and east of

the area allocated for allotments / BNG (and not in the vicinity of the proposed dwellings). The Environmental Health team regard the noise levels across the site to be suboptimal, such that dwellings closest to the source of noise would need to keep their windows shut and would require mechanical heat recovery and ventilation in mitigation, reflecting the comments made by the National Highways consultee.

6.2.53 An updated noise assessment has been submitted since the consultation responses were gathered, although no further consultation has taken place. There remains a lack of clarity with regard to noise levels across the site and the justification for the positioning of an acoustic fence at the eastern part of the site, as well as the impact of any fencing or maintenance on the trees and vegetation of the existing landscape buffer adjacent to the M54. No further comments have been provided by National Highways that indicate the holding objection can be lifted as previously mentioned.

6.2.54 The most recent layout plan received suggests that some garden areas, particularly those associated with plots 1, 28, and 29-34 would not benefit from any sound protection from the M54 due to an absence of any buildings (and therefore some potential noise attenuation), between them and the motorway. Officers consider that the siting of the development therefore has potential to spoil residents' enjoyment of their properties, and in some cases the layout may dissuade people from using their gardens, notwithstanding the fact that potential occupants of the open market plots would to a certain degree likely be aware of this fact prior to purchase. It is noted that the occupants of the affordable rented dwellings would have less choice in this regard, where the draft SPD recommends at paragraph 8.127 that where a site can only achieve a good level of noise amenity for some of the proposed dwelling plots but is still considered acceptable, it is these plots that should be prioritised for affordable housing in line with the objectives of health and wellbeing documentation, such as the Public Health Outcomes Framework, which has an overarching objective of reducing health inequalities.

BNG

6.2.55 There is ambiguity over the BNG status of the site, as well as whether the proposal can deliver the statutory 10% biodiversity net gain required, owing in large part to the lack of clarity over the intended use of the eastern part of the site (i.e whether this is intended to be used as allotment land or given over to the provision of BNG) and the recent addition of proposed allotment parking in this area. Two separate BNG metrics for the two different options have been submitted and offer differing results, although neither demonstrates that the statutory 10% BNG would be provided on site by the development. Additionally, insufficient justification has been provided with regard to delivering offsite BNG, or the mechanism for it. Given that it remains unclear what the purpose of the land is, and what area of habitat would be impacted by the development, the information submitted is wholly unclear and

ambiguous. A determination on the provision of BNG therefore cannot be made due to a lack of information.

Highways

- 6.2.56 Paragraph 96 of the NPPF requires that planning decisions should aim to achieve healthy, inclusive and safe places, and specifically refers to the need for street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages. It also refers to the need for planning decisions to enable and support healthy lives, for example through the provision of safe and accessible green infrastructure, allotments and layouts that encourage walking and cycling. and this is reflected in Core Strategy policy CS6 and SAMDev Plan policy MD2 which jointly advise that developments must be designed so they do not result in an unacceptable adverse impact on local infrastructure by providing adequate onsite car parking to ensure cars do not overspill onto surrounding roads and negatively impact on the local road network.
- 6.2.57 Paragraph 109 requires that transport issues should be considered from the earliest stages of development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places, ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. It also requires proposals to understand and address the potential impacts of development on transport networks as well as identifying and pursuing opportunities to promote walking, cycling and public transport use.
- 6.2.58 Allied to this, Paragraph 115 states that development proposals must ensure safe and suitable access to a site can be achieved for all users, ensuring the design of streets, parking areas, and other transport elements reflects current national guidance; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 6.2.59 Paragraph 117 is also pertinent to the proposed development. This requires proposals to give priority first to pedestrian and cycle movements, create places that are safe, secure and attractive (minimise the scope for conflicts between pedestrians, cyclists and vehicles), allowing for the efficient delivery of goods, and access by service and emergency vehicles and to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.2.60 The Highways officer advises that a transport statement and access strategy is required for a development of this size (especially when considered alongside the existing residential development to the south of the site) although neither has been provided. They have also raised design concerns as well as to the inadequacy of

pedestrian and cycle routes across the site. In addition to this, it is noted that the road layout does not show any road markings or indicate how the junction would operate at the point where Watts drive currently turns to the west and the new access would join it from the north, whilst the visibility splays for the junction of the western access with Watts Drive are shown to be obstructed by trees. No visibility or turning information has been provided in respect of the newly added allotment parking shown on the most recent revised plan in the eastern part of the site.

Trees

- 6.2.61 The impact of the development has not been raised by the Tree team in their consultation response, but is however raised by the Landscape consultee and National Highways. The revised site layout plan appears to show a new public footpath that would impact existing trees to the site's northern boundary. No supporting information has been provided in respect of these trees and vegetated areas, however.

SUDS

- 6.2.62 The Suds consultee has advised that additional information is required as part of the application in respect of infiltration test results (including calculation rates), a gully catchment plan including contours and drained areas, exceedance flows, summary network simulation results for the 1 in 2, 3 and 100 year scenarios, including the appropriate allowance for urban creep and climate change, developer enquiry information in respect to Severn Trent mains surface water sewer. This information has not been provided.

7.0 Planning Balance

The material harms of the proposed development found to be contrary to policy are:

- Harm 1 - Poor design and site layout that would negatively impact on amenity of prospective occupiers and users of the site
- Harm 2 - Inadequate information in respect of the provision of community facilities
- Harm 3 - Inadequate information in relation to highways safety
- Harm 4 - Inadequate information in relation to trees
- Harm 5 - Inadequate information in relation to BNG
- Harm 6 - Inadequate information in relation to drainage

The harms identified would result in significant negative impacts on the character and amenity of the local environment, contrary to the adopted Development Plan Policy and the National Planning Policy Framework. Identified harms are given specific weight in the 'Planning Balance', with the hierarchy of weight ascribed to any harm in this case being:

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Very Substantial
Substantial
Great
Moderate
Limited

There would be combined visual, physical and amenity harm that would impact on future occupiers and users of the site as a consequence of the poor design and layout of the proposed development, in close proximity to the M54. This represents Harm 1, to which substantial weight is given.

The loss of land that had been anticipated to provide community facilities, and whose future purpose is not wholly or adequately clarified through the information submitted represents Harm 2, which attracts great weight.

Harm 3 is the impact of the development on highways safety, where the unacceptable access arrangements and road layout proposed cannot be supported by the highways authority and where insufficient information has been provided in respect of a transport statement and access strategy. Substantial weight is therefore given to this harm.

Harms 4, 5 and 6 relate to the inadequacy of the information provided in relation to trees, BNG and drainage, where the impact of the proposal on these material considerations remains unclear and therefore unresolved. These harms are attributed moderate weight (Harm 4), great weight (Harm 5) and moderate weight (Harm 6) respectively.

The benefits of the proposed development are identified as the provision of twenty-seven open market dwellings and seven affordable dwellings which would contribute towards the provision of housing in the absence of Shropshire Council currently being able to demonstrate a five year housing land supply, as well as contributing to the community vitality of Shifnal. This benefit is attributed moderate weight. The provision of a LAP would also be a benefit of the proposal and is likewise attributed moderate weight, whilst the construction phase of the dwellings would provide a short-lived economic benefit which would have some limited weight.

In terms of the overall planning balance, officers have identified three benefits which have been ascribed moderate and limited weight in favour of the development. Conversely six harms have been identified and have been given weight ranging from substantial to moderate. On this basis there are no benefits which individually or cumulatively clearly outweigh the multiple harms identified that are found to conflict with local and national policy, and other legislation. No special circumstances exist which justify the unacceptable development proposed at this location, where the requirements of the tilted balance at Paragraph 11d of the

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NPPF are not met in respect of a well-designed place. Therefore the weight in overall planning balance lies significantly in favour of refusing the scheme.

The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated conflict with national and local planning policy.

8.0 Conclusion

While the scheme would deliver 34 dwellings, including seven affordable homes, and would contribute to addressing the Council's current housing land supply shortfall, these benefits are not considered sufficient to outweigh the significant and demonstrable harms identified.

The proposal fails to achieve the high standard of design required by both local and national policy, resulting in a poor-quality layout that would adversely affect the amenity of future occupiers and the character of the area. Furthermore, the application lacks clarity and sufficient detail in key areas, including the provision of community facilities, biodiversity net gain, highways safety, drainage, and the impact on existing trees. The unresolved holding objection from National Highways and the suboptimal noise environment further compound concerns regarding the site's suitability for residential development in its current form.

The cumulative effect of these deficiencies results in a scheme that does not meet the requirements of the adopted Development Plan or the National Planning Policy Framework, particularly in relation to achieving sustainable, well-designed places. The proposal does not satisfy the criteria of the tilted balance under Paragraph 11(d) of the NPPF, as the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Accordingly, it is recommended that planning permission be refused.

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

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irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

9.2 Human Rights

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

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

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

9.3 Equalities

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

10.0 Financial Implications

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

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they are material to the application. The weight given to this issue is a matter for the decision maker.

11.0 Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework 2024
National Planning Practice Guidance

Core Strategy and Saved Policies:
LDF Core Strategy Policies:
CS1 Strategic Approach
CS3 The Market Towns And Other Key Centres
CS6 Sustainable Design And Development Principles
CS8 Facilities, Services and Infrastructure Provision
CS11 Type And Affordability Of Housing
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD3 Delivery Of Housing Development
MD8 Infrastructure provision
MD12 Natural Environment
S15 Shifnal area

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing
Design of New Dwellings (Draft SPD – currently under consultation)

Shifnal Neighbourhood Plan 2014-2026

RELEVANT PLANNING HISTORY:

PREAPM/24/00278 Residential development of the land to provide circa 34 dwellings, together with the provision of allotments and associated car parking on the balance of the site PREAMD 25th February 2025
PREAPP/12/00249 Erection of 400 dwellings, a medical centre and a swimming pool 15th April 2013
12/04646/OUT Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated

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parking, public open space, including balancing pond, and associated earthworks and other ancillary works GRANT 22nd March 2013

13/00273/OUT Outline planning application (all matters reserved) for the development of 3,000sqm office floorspace, with associated parking, earthworks and other ancillary works REFUSE 5th June 2013

14/00691/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 83 properties; associated highway works; ancillary works (Phase 1 of residential development) GRANT 23rd December 2014

14/00692/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 101 properties; associated highway works; ancillary works (Phase 2 of residential development) GRANT 23rd December 2014

14/01299/DIS Discharge of conditions 7 (Drainage), 9 (Affordable Housing), 11 (Visibility Splays), 12 (Roundabouts and Crossing) and 14 Traffic Management) on outline application 12/04646/OUT (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works NPW 13th October 2016

14/01519/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 97 properties; associated highway works; ancillary works (Phase 3 of residential development) GRANT 23rd December 2014

14/01520/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 119 properties; associated highway works; ancillary works (Phase 4 of residential development) GRANT 23rd December 2014

BR/77/0442/OUT The erection of dwellings, the construction of roads and the formation of vehicular accesses REFUSE 6th September 1977

BR/76/0378/OUT The erection of dwellings, construction of roads and formation of vehicular accesses REFUSE 2nd November 1976

PREAPP/15/00126 Residential development PREAIP 1st July 2015

15/01390/REM Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to 12/04646/OUT for the mixed residential development of 184 dwellings GRANT 15th July 2015

15/01399/DIS Discharge of conditions 7 (Drainage), 8 (Phasing Plan), 9 (Location of Affordable Housing), 11 (Visibility splays), 13 (Travel Plan), 16 (On-site Construction), 17 (Ecology), 19 (Nests), 20 (Archaeology), 21 (Open Space) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works. DISAPP 2nd October 2015

15/01418/FUL REC

15/01741/REM Reserved matters application for the erection of 216 dwellings pursuant to outline permission reference 12/04646/OUT GRANT 17th August 2015

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15/01899/DIS Discharge of Condition 8 (Phasing Plan) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 2nd October 2015

15/02017/ADV Erection of non-illuminated freestanding Land Acquired promotional board GRANT 21st July 2015

15/02833/DIS Discharge of conditions 9 (Affordable Housing Layout), 17 (Ecology) and 19 (Nests) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 17th August 2015

15/02836/DIS Discharge of Condition 11 (Access) and 12 (Roundabout Detail) relating to planning permission 12/04646/OUT -Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 24th May 2018

15/03263/DIS Discharge of Condition 13 (Travel Plan) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 18th December 2015

15/03264/DIS Discharge of condition 7 (Drainage) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 18th December 2015

15/03265/DIS Discharge of Condition 16 (On site Construction) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 27th July 2016

15/03426/FUL Installation of temporary construction access GRANT 13th October 2015

15/03601/DIS Discharge of Condition 21 (landscaping) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 2nd October 2015

15/03603/DIS Discharge of Condition 14 (traffic) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISPAR 27th July 2016

15/03918/DIS Discharge of Condition 20 (Archaeology) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a

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community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 29th October 2015

15/03920/DIS Discharge of Condition 2 (road construction) relating to planning permission 15/01741/REM - Reserved matters application for the erection of 216 dwellings pursuant to outline permission reference 12/04646/OUT DISAPP 27th July 2016

16/00557/DIS Discharge of Condition 18 (lighting plan) relating to planning permission 12/04646/OUT - Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works DISAPP 27th April 2016

16/01206/REM Reserved matters pursuant to outline permission reference 12/04646/OUT dated 22nd March 2013 for construction of a community swimming pool and leisure building with provision of area for community allotments to include access, appearance, landscaping, layout and scale GRANT 23rd December 2016

16/01436/AMP Non material amendment relating to planning permission 15/01390/REM - Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to 12/04646/OUT for the mixed residential development of 184 dwellings GRANT 10th May 2016

18/02355/AMP Non material amendment relating to planning permission 15/01390/REM - Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to 12/04646/OUT for the mixed residential development of 184 dwellings GRANT 11th June 2018

18/05199/FUL Erection of 61 dwellings (re-plan of northern 2 parcels of development previously approved under planning consent 15/01741/REM dated 15th April 2015) GRANT 29th January 2019

19/01580/DIS Discharge of Condition 4 (landscaping) relating to planning permission 18/05199/FUL - Erection of 61 dwellings (re-plan of northern 2 parcels of development previously approved under planning consent 15/01741/REM dated 15th April 2015) DISAPP 3rd July 2019

19/02905/AMP Amendments to planning permission 15/01741/REM - Seeking plot substitution of plot 129 approved under reserved matters application 15/01741/REM from P501 5 bedroom 2 storey housetype to a X518 also a 5 bedroom 2 storey housetype. GRANT 3rd July 2019

22/02397/DIS Discharge of condition 4 (highways) on planning permission 21/04072/FUL DISAPP 8th July 2022

22/02399/DIS Discharge of condition 11 (landscaping) on planning permission 21/04072/FUL DISAPP 8th July 2022

22/02400/DIS Discharge of condition 3 (materials) on planning permission 21/04072/FUL DISAPP 8th July 2022

22/02410/DIS Discharge of condition 4 (highways) on planning permission 21/04072/FUL DISAPP 18th July 2022

23/03744/AMP Non-Material Amendment to planning consent 21/04072/FUL GRANT 6th September 2023

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12.0 Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T04G0HTDJM900>

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

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member

Cllr Thomas Clayton

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Committee and date

Southern Planning Committee

Tuesday 25th November 2025

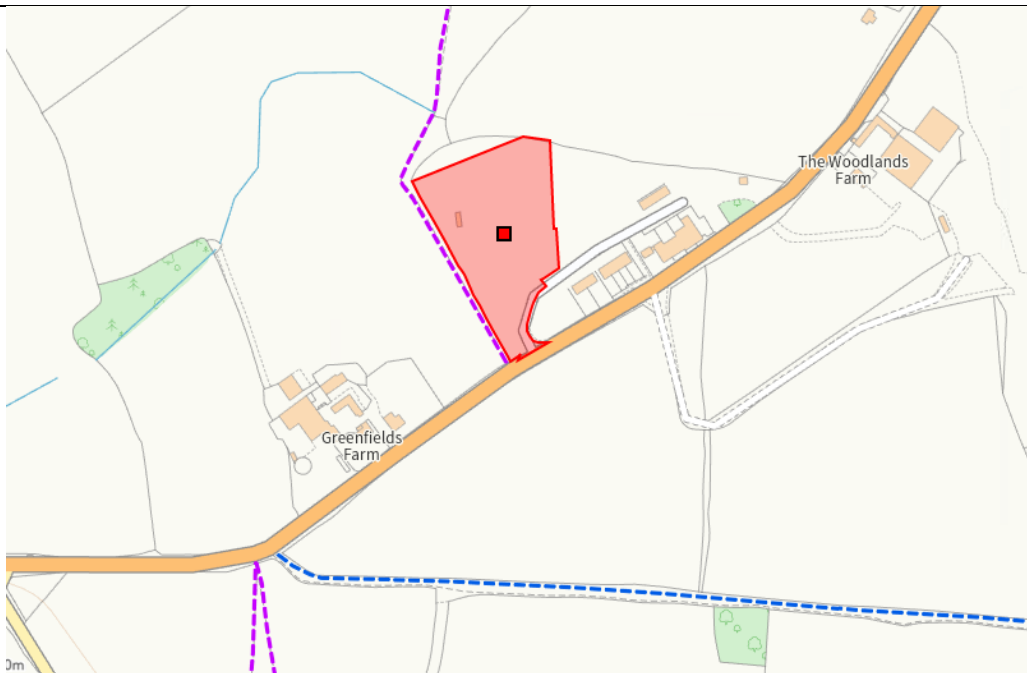
Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/02795/FUL	<u>Parish:</u>	Pontesbury
<u>Proposal:</u> Erection of 5No. open market and 5No. affordable dwellings, garages and a new access road [Revised Description]		
<u>Site Address:</u> Proposed Residential Development Land To The North Of The Old Hare And Hounds Cruckton Shropshire		
<u>Applicant:</u> Mr Andy Rutter		
<u>Case Officer:</u> Jennifer Powell	<u>email:</u> jennifer.powell@shropshire.gov.uk	

Grid Ref: 343126 - 310775



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Recommendation:- Refuse, for the reasons provided below

1. Whilst it is acknowledged that Shropshire Council is currently unable to demonstrate five year housing land supply, and the 'Tilted Balance' expressed at Paragraph 11d of the NPPF would apply (given the development plan is considered out of date, with less weight required to be applied to its policies), the site is not an allocated site for residential development and its development would be contrary to the policies of the Core Strategy and the Council's SAMDev Plan as a whole, as well as to the policies of the Pontesbury Neighbourhood Plan. No material considerations have been identified that would overcome this conflict with local planning policy or would otherwise meet the requirements of the Tilted Balance in respect of sustainability, efficient use of land, well designed places, affordable housing and with regard to other NPPF policies relevant to the sustainability of proposals. The site is in the open countryside, and is neither located within the settlement of Cruckton, nor in an otherwise sustainable location, whilst the development would have an urbanising impact that would harm the visual amenity and rural character of the area. The proposal does not make efficient use of land and would not create a well-designed place in terms of the site layout, design of the garages, the fact several house types do not meet nationally described space standards, landscaping proposals and the lack of provision of public open space. The scheme has been put forward as an affordable housing exception site on the grounds of it being a cross-subsidy scheme, however no financial information has been provided to justify this, whilst the proposal does not otherwise meet the guidelines as set out in the Councils adopted Type and Affordability of Housing SPD in respect of tenure and cross-subsidy. The public benefits of boosting of the supply of housing, the provision of discounted sale open market dwellings and the employment associated with the construction phase of the dwellings would be modest, and insufficient to outweigh the adverse impact of the development on the character and appearance of the rural area. The proposal is therefore contrary to Local Development Plan policies CS1, CS3, CS4, CS5, CS6, CS11, CS17, Site Allocations and Management of Development (SAMDev) Policies MD1, MD2, MD3, MD7a and MD13, Shropshire Council's Type and Affordability of Housing SPD, and the NPPF (2024).
2. Insufficient information has been provided in respect of highways, where no transport statement has been provided, it has not been demonstrated that there is an adequate safe pedestrian route to and from the development such that public transport may be safely accessed and where the access arrangements proposed are not adequately justified and therefore cannot be supported. The proposal therefore fails to accord with Core Strategy Policy CS6, SAMDev Policy MD2 and the NPPF (2024).

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks permission for the erection of 10 dwellings on land in the

open countryside northwest of the converted former public house known as the Hare & Hounds. This land is adjacent to, and would share an access with a site where an application for eight new dwellings was approved by the Elected Members of the then Southern Planning Committee in 2023 under 23/04167/FUL, contrary to officer recommendation

- 1.2 The current application proposes what has been termed as a “cross-subsidy” housing scheme in the same manner as was proposed under 23/04167/FUL. The approval of that earlier application at committee represented a departure from both the approved development plan and national planning policy, contrary to the case officer’s recommendation to refuse it on the basis that the site was in an unsustainable location.
- 1.3 The “cross subsidy scheme” now proposed comprises the erection of five detached, two storey, open market houses, and three detached and two semi-detached, discounted sale “affordable” bungalows, all with garages. Dormer bungalows do not form part of the development, although Plots 1, 4, 5, 6 and 7 have been described and labelled as such on the accompanying application form and plans. Rather these five dwellings would in fact be two storey houses. The description of the development has therefore been revised to prevent any misinterpretation of what is being proposed. Each dwelling has been described as having three bedrooms although again it is considered that the two storey dwellings would actually have four bedrooms and that an upstairs ‘study’ has been inaccurately labelled.
- 1.4 The five “affordable” dwellings proposed would be discounted market sale homes. Affordable dwellings are defined in the NPPF at Annex 2: Glossary (c): as being *“sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households”*. The “affordable houses” would be discounted against their market value in perpetuity, with this arrangement being secured via a Section 106 agreement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies in the open countryside to the northeast of and adjacent to the former Hare and Hounds public house which is situated on the northern side of the B4386. The former Hare and Hounds pub is not listed but has been identified as being of heritage value. The site is c.150m north of the route of a Roman Road and is adjacent to 18th century road which marked by an historic milestone close to the proposed site access.
- 2.2 The ten dwellings proposed would be sited on c.0.9ha of agricultural land, some distance north of the highway and projecting into the countryside. The dwellings would be laid out in a roughly triangular formation around a central area of land

which would be encircled by new carriageway. The development would be accessed off the right hand bend of the existing access into the previously approved development to the south east of the site. An area of land for onsite BNG is proposed in the northern part of the site, with access to it provided between plots 5 and 6.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 A representation of support based on material planning reasons was received from the Parish Council although this was received after the agreed 31 day timescale had expired. No comments were received from the Local Member.
- 3.2 This notwithstanding, the application was discussed between the Interim Planning and Development Services Manager and the Chair of the Southern Planning Committee on 25th September 2025 and it was resolved that this application should be determined by committee.

4.0 Community Representations

No community representations have been received.

4.1 Consultee Comments (Summarised)

SC Affordable Houses

Unable to support this application for the following reasons:-

- The proposed site fails to meet the spatial requirements set out in CS5 and CS11, given the site is in open countryside and is not adjoining any recognisable named settlement.
- The proposal is not compliant with policy guidance, in this instance seeks to provide 5 full open market dwellings and 5 discounted sale dwellings (80% of the open market value). The cross-subsidy mechanism supports affordable rented tenure and not discounted sale tenure as currently proposed. Additionally, the cross-subsidy mechanism does not allow full market value properties.
- The guidance also states that the properties for rental on the exception site will normally be owned and managed by a Registered Provider and be intended to meet local housing needs. They will be subject to occupancy restrictions and will be let in accordance with the Councils Housing Allocations Policy and Scheme using our preferred Choice Based Lettings system. The proposed affordable housing (5 discounted sale dwellings) does not comprise the required rented tenure.
- Paragraph 82 of the National Planning Policy Statement (NPPF) states 'Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help facilitate this', in other words, the market housing subsidising the

affordable provision. The submission does not include any financial information to support cross-subsidy or evidence to support the need for 5 detached dwellings to subsidise 5 discounted market affordable 3 bed dwellings.

- The agent suggests at '2.11 *The public benefits delivered by the scheme in the form of good quality affordable housing including bungalows, are considered to outweigh the harm of the site being outside the settlement boundary as identified in the Local Plan.*' However, there is nothing within this submission to suggest that the affordable provision is indeed 'affordable' or that there is local affordable need for 5 x 3 bedroomed affordable dwellings.
- At 2.12 the agent referenced the NPPF 2023 Annex 2: Glossary c) Discounted market sales housing: Is that sold at a discount of 20% below market value in perpetuity. However, what has been omitted from the definition is '*eligibility is determined with regard to local incomes and local house prices*'. The medium household income for the Parish is £41,000 (CACI paycheck data). When considering a mortgage multiplier of 4.5 would generate a maximum of mortgage of £184,500 (with a deposit of between £18,450 and £36,900). The previous discounted sale dwellings were marketed at £200K for a two-bed dwelling. The SPD states that the Discounted Market Sale dwellings should be sold at 60% of the open market value. The discounted sale price 80% is unaffordable. Again, no information has been provided to demonstrate affordability.
- The S106 attached to the previous development reference 23/04167/FUL required the discounted sale dwellings (80% of the open market value) to be sold to a 'Qualifying Purchaser' defined as 'means a person who is resident within or employed within or has family connections with the Local Area who intends to purchase a Discounted Sale Dwelling and: 1.lacks his/her own housing or lives in housing which is agreed by the Council in its absolute discretion to be inadequate or unsuitable to meet his/her existing or future requirements whether because of its tenure, size, type, design, amenity, location, condition security, or costs and 2. is unlikely to be able to meet his/her housing needs at the development without access to an Affordable Housing Dwelling. Local Area within the S106 is defined as the administrative area of the Parish of Pontesbury. Should permission be granted, any interested purchaser would need to demonstrate a local connection and be in need to satisfy the affordable 'need' criteria 1. above, which is a property type typically sought by an older cohort who, from experience, seek to move to sustainable locations and close to service provision.
- The proposal is effectively a market development in the open countryside in an unsustainable location. The proposal is contrary to National Planning Policy, Local Policy and guidance embedded in the Supplementary Planning Document. The submission is confused in so much as it refers to cross-subsidy but does not provide any financial information to demonstrate how

the provision of 5 detached properties is needed to subsidise 5 detached bungalows.

SC Highways DC

Comments received on 27/08/25 indicated that the proposal represented unsustainable development (in transport terms) in a location that provided no genuine choice for mode of travel other than via a private vehicle. Advised that the 10 dwellings proposed were not accompanied by a supporting transport statement and that insufficient information had been provided in this regard. Noted that the bus stop referred to - Route 558 – was at a 400m distance where no walking facilities were provided along B4568, and where there were no safe walking opportunities for escorted or unescorted school trips. Also noted in terms of access to B4386 that it would need to be demonstrated that the previous permission adjacent captured the site access by plan or condition. Further advised that ten dwellings in this isolated location would be significant in transport terms, where under NPPF Para 110 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes', and that this site would neither limit the need to travel, by proposing to create household family lifestyles that would be reliant on access to facilities (including education) that would have no genuine transport choices, given the relationship with the B4386. Advised that in terms of a new access there was no information provided to support 20mph design speeds or the visibility for those speeds, whilst placing access on the outside of a bend whether technically achievable or not is a more complicated arrangement than visibility on a straight section. Whilst it may be acceptable to do this in engineering terms, the proposal appears not to take into consideration whether such matters are otherwise avoidable. Advised that vehicle access matters may potentially be agreeable subject to further work.

Reconsultation comments received on 24/09/25 stated that the highway authority had carried out a desktop review of the location as no supporting documentation had been provided by the applicant, where the position of the highway authority remained as follows:

- Para 110 of the NPPF states that 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, 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'. It is for the decision maker to determine if the scale of development proposed is significant. The proposal does not maximise or make any intent to maximise sustainable transport solutions in this location. There are no viable footway routes to local facilities that could support future pedestrian trips from the site. There is

no evidence to suggest that the B4386 is suitably laid out to support cycling as a genuine travel choice for all future residents - taking Figure 4.1 from LTN 1/20 on cycle infrastructure. The additional comments provided by the applicant have recognised an existing bus service but have taken no opportunity to ensure that future residents find this service to be accessible and a genuine choice. Despite the comments added that Shropshire is a rural county and that manual for streets design principles are primarily aimed at urban areas, there is nothing that states that the outcome of rurality should be an absence of choice with a reliance on the private car.

- I am mindful, in the absence of any other consultee responses to adjust my position, that all education needs would require escort by car or that each and every future young person would require school travel arrangements to be accommodated. A lack of genuine choice is an issue in this location and the additional development proposed will generate a disproportionately high level of car trips compared to any location where genuine choice exists. If there is a scale of development, based on car reliance that is acceptable in a location such as this, then it must be viewed as being permitted with that awareness. Without a position on sustainability being made there would be no reason to consider the limited scale of development that could be supported in transport terms in a location such as this.
- Having reviewed the additional comments provided, there is nothing to dissuade me from the previous recommendation that the site lacks genuine choice and does not meet the requirements of Para 110 of the NPPF.
- Looking to the planning statement and the house types I can see that the affordable three bedroom bungalows and the market housing three bedroom bungalows are provided with different levels of parking. On what basis? Car ownership isn't any more or less necessary in this location due to individual circumstances. We can establish that affordable premises are less likely to be car owners or multiple car owners. This reinforces the concern that those affordable families' reliance on school transport will be even greater due circumstance.
- Policy CS6 of the core strategy states 'Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced'. In this location the significance is of a development proposal that lacks safe and suitable facilities for trips by any mode other than the private car. It is difficult to establish where exactly a pedestrian should stand on the B4386 to wave down a bus or compel it stop when passing the other way. The site is unsafe and unsuitable for onward travel by any mode other than the private car as a genuine choice to support essential living needs.
- The technical matters relating to access, internal arrangement including streets and parking would be private areas that would not be supported for adoption by the local authority.

The highway authority has a responsibility to the safe and suitable opportunity to access facilities by all modes regardless of whether a location is rural or urban. This site only seeks to rely on vehicle movements to and from it and that is not considered to be sustainable in transport terms.

SC Green Infrastructure Advisor -

Initial comments received on 20/08/25 queried discrepancies between plans indicating locations of BNG area and Public Open Space, and raised concerns that:

- the application is not fully clear whether the appropriate extent of Public Open Space has been provided for the site as per SAMDev policy MD2.
- Lack of clarity on what the landscape details for the site will be (advises this could however be controlled by condition).
- Lack of clarity as to how the proposed BNG will be implemented via a landscape masterplan.
- No arboricultural information submitted to provide clarity on how existing landscape features have been retained, enhanced, extended, and integrated into the new development. Arboricultural information is also required to better understand what the boundary vegetation is given that any hedgerow that consists of at least 80% native woody shrubs, and measures at least 20m in length, qualifies as 'priority habitat', and would therefore be classified as a core area of the environmental network.
- Further concerns that the existing boundary vegetation appears to be placed within private plots which does not necessarily guarantee its retention once residents move in. Notes that placing key existing landscape features into POS ensures their retention and appropriate future management (recognising that the site is identified as being within an area that is below the recommended target of 20% tree canopy cover)
- The accompanying design and access statement provides no narrative on the landscape design. The conceptual visuals include some landscape rendering but without any description.

Reconsultation comments received 25/09/25 noted the red line boundary had been amended to include the BNG area, but advises the previous comments of 20/08/25 provided had not been addressed and all of them remained relevant.

Further reconsultation comments received 03/10/25 found that insufficient information had been submitted in respect of providing a sufficiently detailed landscape plan, and where inconsistencies were noted with planning drawings in respect of the location of trees to be planted and the extent of back gardens.

Tree Team

Comments received 11/09/25 noted there are a number of significant trees present on or adjacent to this site, where the development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or

exert an influence over the proposed development in the longer term. Added that because no arboricultural information has been submitted it was not possible to provide meaningful comments on the proposed site layout in relation to existing trees. The status, condition, and value of trees on or adjacent to the site have not been assessed, and there is currently no evidence to demonstrate that arboricultural constraints have informed the design process and therefore advises an arboricultural assessment must be submitted to properly evaluate the implications of the proposal, together with a landscaping information and a tree planting plan

Commented that the integration of trees and green infrastructure is essential to achieving sustainable development, climate resilience, and high-quality placemaking. The approach to tree protection and landscape design must align with relevant national and local planning policies and established best practice, including:

- NPPF Paragraphs 131 and 174 stress the importance of trees in improving environmental quality, contributing to biodiversity, and enhancing local character. The NPPF also requires development to avoid significant harm to important natural features and to deliver measurable environmental gains where loss is unavoidable.
- BS 5837:2012 ' Provides guidance for the assessment, retention, and protection of trees during design, demolition, and construction, requiring early integration of arboricultural constraints into the site layout process.
- BS 8545:2014 ' Establishes standards for successful establishment of new trees in the landscape, from selection and planting through to independence in the environment.
- Shropshire Council Local Plan Policy MD12 ' Requires the protection and enhancement of the natural environment, including the retention of trees of landscape, ecological, or amenity value, and encourages the delivery of green infrastructure and biodiversity net gain.

Concluded that whilst there was no objection in principle to the proposed development of this site, it must be demonstrated through a compliant AIA that the scheme has been informed by the presence of trees, hedgerows and arboricultural features of value, and that adequate measures will be put in place to protect them during and after construction. Where tree loss is unavoidable, this must be clearly justified, and an appropriate level of mitigation and compensatory planting provided to avoid net loss of canopy cover, biodiversity, or visual amenity.

The submitted layout and landscape proposals must show how retained trees can be sustainably integrated within the development, and how new planting will contribute positively to site character, ecological value, and long-term environmental function.

Advised that if this information was not forthcoming it must be considered that the

proposed development would have a substantial negative impact on the adjacent trees and the wider amenity and it would be recommended that the application be refused as it would be contrary principals of sustainable development outlined in the NPPF and the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 and policies MD2 & MD12 of the adopted SAMDev plan.

Reconsultation comments received on 28/10/25 raised objection to the submitted arboricultural impact assessment and tree planting scheme. Conditions recommended should an approval be issued.

SC Ecology

Initial comments received 27/08/25 raised no objection, with conditions and informatives recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17. Advised biodiversity net gains would be required at the site in accordance with the NPPF and CS17.

Further comments were received on 09/09/25 in response to amended BNG plans. These found the amended plans to be consistent with the proposed map attached to the BNG metric but flagged that the plans submitted Ecological Appraisal & BNG document (Figure 5.1), did not reflect the revisions and required updating to reflect the proposed plans and negate any confusion amongst proposals.

SC Archaeology (Historic Environment)

Comments received on 22/08/25 reported that the site is considered to have untested archaeological potential and noted that contrary to Paragraph 207 of the NPPF (December 2024) and Policy MD13 of the Local Plan no desk-based assessment had been submitted.

Reconsultation comments received on 24/10/25 acknowledged the submission of an acceptable archaeological desk based assessment, and advised of wording of a condition if the application were approved in line with Paragraph 218 of the NPPF (December 2024).

SC Conservation (Historic Environment)

Initial comments received on 25/08/25 noted that the red lined site and proposed further housing development would be further beyond the former public house, previously confirmed to be a non-designated heritage asset and that the current proposal would continue the 'estate vernacular' design introduced with the previously approved new build scheme. Advised that there appears to be no map based evidence of existing or former historic buildings in the red-lined site, and whilst Conservation had no specific comments relevant to the current proposal per se, they highlighted the comments submitted from SC Archaeology and the lack of a heritage desk-based assessment in support of the proposed development. Advised conditions if the application were to be supported by planning officers.

Reconsultation comments received on 16/09/25 noted that the agent had advised they had commissioned a desk based heritage assessment but that this had not been received and no comments would be provided until this was made available.

SC Waste Management

Commented on 06/08/25 and repeated the same on 27/08/25 (following reconsultation) that it is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). An option for residents to have wheelie bins for recycling has been added to the service in 2022, therefore space for three wheelie bins per property could be required. Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. It was recommended that the developer look at the guidance that waste management have produced, which gives examples of best practice as well as details of the vehicle size and turning circles. Advised particular concern would be given to any plots which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase. Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

SC Regulatory Services

Commented on 17/09/25 that the site is within a Coal Mining Reporting Area (as defined by the Coal Authority). Advised that the presence of a development over coal workings or areas of non-coal mining does not necessarily mean that there are risks due to gas emissions, but given that there are specific circumstances when mine gas can pose a significant risk (acute or chronic) to development it is therefore important that these risks are assessed by undertaking a Mine Gas Risk Assessment. A precommencement condition was therefore advised, should the application be approved.

West Mercia Constabulary

Comments received 06/08/25 raised no formal objection to the proposal's design.

Environment Agency (Midlands Region)

A 'no comment' response was received on 07/08/25, referring to foul drainage standing advice and need to submit form FDA1.

SUDS

Commented on 06/08/25 that a surface and foul water drainage pre-commencement condition would be required if the application was approved, to

include infiltration test results with rate calculations, as well as foul water calculations and FDA1 form

Public Comments

Pontesbury Parish Council (support comment received 09/09/25)

Pontesbury Parish Council supported the application advising that:

- It considered the proposal to be a sustainable development in line with relevant policies in the NPPF and Shropshire Local Plan, including Pontesbury Neighbourhood Plan.
- Considered the site to be within the 'T-shaped' settlement of Cruckton and part of the wider site of the former Hare & Hounds pub and that it would restore vitality to a once busy focus of the Cruckton community.
- Felt that the dwellings would make an important contribution to the housing need of the area and would provide some benefit to the local pub and shops in Hanwood and Copthorne as well as the use of village hall by means of a car, bus and footpaths and that it would satisfy the economic objective of sustainability.
- Advised that the emphasis of the proposal on single storey houses would begin to address the failure of recent housing to do so where housing surveys in the approved Neighbourhood Plan highlighted the need for affordable and single storey housing.
- Considered the proposal to be very well designed with architectural features are in line with the local vernacular, low elevations that would not intrude into countryside views, and where there would be new hedges for plot boundaries, with a central green area respecting the prevalence of greenery along the Montgomery Road, as well as mirroring the character of the rest of Cruckton, near the Hall and former church.
- Found that the adjacent PRoW had potential to link up with Thieves Lane bridleway.
- Noted the bus service timetable enables shopping visit to Copthorne, access to Shrewsbury workplace and stops at Shrewsbury Hospital, and whilst conceding the nearest bus stop is via a wide roadside verge, felt that it should be a relatively easy matter to have an additional bus stop at the Hare and Hounds which would improve the viability of the bus services.
- Noted a 20-minute walk via country road or across fields via PROW would give access to a more extensive bus service at Cruckmeole/Hanwood and that this indicated the proposed development would achieve the social objective of sustainability and would meet the design requirements of NPPF Paragraph 135.
- Commented that it considered the agricultural site to be disused and of low ecological value and regarded that an acceptable density of housing on the site would constitute effective use of land.
- Considered that the proposal would increase biodiversity and the existing and proposed hedges, trees and green will provide good screening in line

with the existing greenery nearby, thus maintaining local character.

- Added that EV charging points, solar panels and ASHP technology will assist the move to a low carbon economy and would meet the environmental objectives of sustainability.
- Advised that there was identified housing need in Pontesbury Neighbourhood Plan and that given then intention was to provide affordable housing by means of open market properties there would be no conflict with Neighbourhood Plan policies MOV1, GRE2, LAN2 and parts of LAN1. Felt that these also lent their support to NPPF policies 82 and 83.
- Concluded that the proposal constituted a sustainable development that would result in no harm that might significantly outweigh the benefits of a high quality design delivering much needed affordable housing, making good use of land, maintaining local character, supporting community vitality and boosting housing supply, when there is limited land available within Pontesbury development boundary.

5.0 THE MAIN ISSUES

Principle of development and consideration of the tilted balance
Conflict with Pontesbury Neighbourhood Plan
Other outstanding matters
The Planning balance

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

6.2.1 Adopted Local Plan Policy

At this point in time the development plan in Shropshire consists of the Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. Policy CS4 of the Core Strategy indicates that development in the rural area will be focused in Community Hubs and Community Clusters, and states that development outside of these hubs and clusters will not be allowed unless it complies with the requirements of Policy CS5 of the Core Strategy.

6.2.2 To provide for sustainable patterns of development Policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan strictly control development in the countryside such that only limited types of residential development, such as conversion of buildings of architectural or heritage merit, accommodation for essential countryside workers, and other affordable housing, is permitted. Policy

MD3 of the SAMDev recognises that windfall residential development, including on sites within the countryside, will play an important part in meeting Shropshire's housing needs. However, Policy MD3 requires proposals to comply with other relevant development plan policies, such as Policies CS4, CS5 and MD7a.

- 6.2.3 Together these policies seek to direct development to the most accessible locations, protect the character of the countryside, and support the well-being and vitality of rural communities. Cruckton has not been identified as a Community Hub or Community Cluster within the adopted development plan and was not proposed to become one in the now withdrawn draft local plan. In policy terms, Cruckton is therefore considered solely to be a recognised named settlement in the open countryside. As such, the proposal for new market housing would conflict with the development plan policies outlined above.
- 6.2.4 The settlement of Cruckton does not have a development boundary and is deemed to be open countryside for planning purposes. Whilst both the applicant and the Parish Council have suggested that the site is part of the settlement of Cruckton (with the Parish Council describing the settlement as T-shaped) officers are of a contrary opinion, finding Cruckton to be tightknit settlement located around half a mile south of the site. Officers find the site to be physically and visually separated from Cruckton by the intervening field and road network, noting it would take around 15 minutes to walk into Cruckton from it along unrestricted country roads which lack pavements and street lighting, or by using public rights of way across fields. Given the site's existing agricultural use and location, officers find that it is therefore more closely associated with the surrounding open countryside than with the existing built form of Cruckton.
- 6.2.5 Given that proposal is not for a development type that would be permitted in the countryside under policies CS5 and MD7a, and is not within a Community Cluster, where policy CS4 might otherwise apply, the development of this site for the "cross-subsidy" housing scheme proposed would not be supported under the current adopted local plan. The cross subsidy element will be discussed in further detail in due course.
- 6.3 Draft Local Plan
- 6.3.1 Under the draft local plan Cruckton was not identified to become a Community Hub or Community Cluster and therefore in policy terms was considered to remain countryside where new open market development would be resisted.
- 6.3.2 Comments from the Inspectors on the local plan examination were received on the 17th February 2025 indicating that modifications required to make the Plan sound were significant and would require a significant amount of further supporting evidence and testing as part of the examination process. Unfortunately, the Inspectors considered that the timetable to undertake the work was unrealistic and recommended that the local plan examination was withdrawn. The Council has

confirmed it will not be continuing with the current draft Local Plan which has now been withdrawn.

6.3.3 Despite the decision to withdraw the draft Local Plan, the Council's Cabinet resolved that the Evidence Base behind the draft local plan would remain a material planning consideration in the determination of planning applications. The Hierarchy of Settlements (2020) document forms part of the Evidence Base and will continue to be used to inform decisions on a settlement's potential to accommodate new development in terms of its size and the availability of services and facilities within it. Within the document, Cruckton was identified as a recognised named settlement with a settlement population estimate of only 88 individuals and a dwelling estimate of 36 dwellings. As part of the screening process to identify appropriate locations for new housing development in the county, recognised named settlements in Shropshire were ranked and categorised according to population size and number of households, alongside the extent to which the settlement had the potential to provide a range services and facilities, high speed broadband, employment opportunities and public transport links. Cruckton was screened out as lacking the necessary potential in this regard and was therefore not deemed to be capable of supporting new residential development. The Hierarchy of Settlements document can be viewed via the following link: <https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-library/evidence-base-documents/>

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

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

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

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

6.4.4 The effect of this is that the 'tilted balance' is engaged, as set out in paragraph 11

(d) of the NPPF. This states:

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

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

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

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

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

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

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

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

6.4.9 The extent of the housing land supply shortfall is a further material consideration for the decision maker. Shropshire currently has 4.68 years' supply of deliverable housing land and therefore, whilst a shortfall of 0.32 exists, this is relatively small in the context of the total required supply.

6.4.10 The key planning issue to consider in determining whether the principle of development is acceptable in this open countryside location is therefore whether the proposal under consideration represent sustainable development and whether there are any other material considerations or benefits of the proposal that are sufficient to outweigh the conflict with the development plan with regards to the location of housing and any other adverse impacts arising from the proposal. These are considered in turn below.

6.5 Sustainable location

6.5.1 Officers do not consider the site to be within the settlement of Cruckton. Cruckton has no demonstrable sphere of influence over the development site and lacks any essential day to day services that would deem it to be a sustainable location. It has no state schools or local shop, no pub, limited employment opportunities and no bus service that can be reached from the heart of the settlement where access to a regular bus service (the 558 service between Montgomery and Shrewsbury) is only achieved via a bus stop on the B4386 around half a kilometre to the north of the settlement (this bus stop is also the nearest one that potential occupants of the development could access if travelling by bus, being around 450m west of the site and similarly inaccessible on foot). There are no pedestrian footways or street lights that might facilitate safe pedestrian transit around and beyond Cruckton, whilst the nearest shops and facilities available to the local population are those in Hanwood (over 2 kilometres away from the site).

6.5.2 There is no pedestrian footway leading to or from the development site in any direction. There is an adjacent public right of way to the west of the site (leading north across fields towards Sascott), however existing physical barriers such as stiles, uneven terrain, and physical distance would not render the site readily accessible by this route, given the ROW does not lead to any identified services or facilities. This route would also presumably be of limited use to the older target group of occupants of the development who might benefit from the five single storey affordable dwellings proposed, as the applicant has suggested. There are other public rights of way in the vicinity that lead south towards Cruckton and Hanwood beyond (for example the Thieves Lane bridleway), but accessing them would require pedestrians to walk west directly on the carriageway of the 60mph B4368, or on its verge, for approximately 300m first. The nearest bus stop that potential occupants could utilise would then be even further beyond that point, requiring them to walk an additional c.150m. In turn, upon leaving the bus a reverse journey of 450m along the 60mph road which has no street lighting of pavement would be required to return to the proposed development site.

6.5.3 Given there is no readily accessible public transport to and from the site or safe pedestrian access or to and from the bus stop and ROW to the south west, officers consider that there would be a strong need for potential occupiers of the development to rely on a motor vehicle on a day-to-day basis, and in turn that this would not result in sustainable development. This aligns with the comments provided by the Highways team who find the proposal lacks safe and suitable opportunities for trips to be by any mode other than the private car and who consider that this lack of genuine choice will generate a disproportionately high level of car trips compared to any location where genuine choice exists. As such the proposal would also be contrary to Policy CS6 of the core strategy which requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

6.5.4 In terms of sustainability, therefore, the site is not in Cruckton and has no ready or safely accessible means of reaching on foot, cycle or by public transport access to services and facilities. Even if officers did consider it to be in Cruckton, the settlement is not a community hub or cluster and has screened out of the Hierarchy of Settlements document of the Local Plan Evidence Base on the basis of its lack of sustainability. Any potential occupiers of the development in this isolated open countryside location would need to rely on a motor vehicle to travel to neighbouring settlements and towns for shopping, education and work and the development would not therefore represent sustainable development. Any approval of the proposal would therefore be at odds with the tilted balance outlined in NPPF Paragraph 11(d) (ii) as it would not direct development to a sustainable location. It would also be contrary to Paragraph 84 of the NPPF which seeks to avoid the development of isolated homes in the countryside.

6.6 Efficient Use of Land

6.6.1 Turning to the next requirement of Paragraph 11(d) (ii), the proposed site covers an area of approximately 0.9ha and would provide ten dwellings made up of three house types and two tenures. The number of dwellings and housing mix accommodated within the site is considered to represent an under provision of housing on the land in this regard. The site is relatively large and the design and layout proposed could be arranged more efficiently. As such the quantum of development proposed would not be acceptable for this site and would not provide the efficient use of land required by the tilted balance.

6.7 Well Designed Places

6.7.1 Despite plots 1,4,5, 6 and 7 being inaccurately presently as 'dormer bungalows', the materiality and general appearance of these two storey dwellings and the other single storey dwellings proposed would be acceptable, noting that they appear to be sensitively designed and draw reference from adjacent dwellings and the converted former pub in an 'estate vernacular' style.

- 6.7.2 However, the proposed dwellings do not meet the Technical Housing Standards – nationally described space standard (published 27th March 2015). These require a three bedroom / five person single storey dwelling to have a minimum gross internal area of at least 86m², whereas the detached affordable dwellings proposed will have a GIA of only 79m², resulting in unacceptably cramped living accommodation. Likewise, the semi-detached affordable bungalows proposed (three bedroom / six person single storey dwellings) also lack the required minimum GIA (95m²) and are instead proposed to have a GIA of 78m².
- 6.7.3 By the same token, officers are concerned that the first floor ‘Study’ shown on the plans for the five x two-storey dwellings (inaccurately labelled as ‘dormer bungalows’) both reads as, and could readily be used as a double bedroom measuring 14.5 x 14.5m. This strongly suggests that these dwellings are actually four bedroom / eight person units rather than the three bedroom / six person units presented on the plans. The gross internal area of these two storey units is 121m² which is below the minimum requirement of 124m² for a dwelling of this size, and, as with the other units on the site, would also result in unacceptably cramped living accommodation that would not comply with the statutory standards.
- 6.7.4 The proposed development provides no visitor parking, whilst concerns are raised with regard to the proportions of the garages proposed, which are needlessly tall in stature, yet possess no upper storey to justify their height. The single garages are particularly disproportionate and overly tall in relation to their width, whilst also being disproportionate and incongruous when compared to the proposed single storey dwellings they would sit alongside.
- 6.7.5 Shropshire Highways Authority’s standing advice has not been met in respect of the internal widths of any of the garages, which are not sufficiently wide enough to accommodate a vehicle. The car parking spaces shown in single garages are only 2.5m wide and should be a minimum of 3.3m in width, whilst the double garages are only 5.3m wide internally when these should be a minimum of 5.8m. This would result in the single storey dwellings effectively having only a single parking space (in front of each unusable garage) which would be unacceptable for a development of this size and area and could result in occupants needing to park directly on the carriageway serving the development.
- 6.7.6 Officers are concerned that given the single garages adjacent to the ‘affordable’ are effectively redundant for the purpose of parking a vehicle, the siting of the garages associated with those plots have potential to become incorporated as additional living accommodation in future (through enlargement of / linkage to the affordable dwellings) and such a resultant increase in built form would further drive up the price of these dwellings making them even less affordable for any potential occupants in identified housing need who might otherwise accord with the purchasing criteria. These ‘affordable’ dwellings therefore would be better served

by a provision of two parking spaces in tandem, with no redundant garage.

6.7.7 The amount of public open space (POS) provided by the development is unclear and this aspect of the proposal is deficient with regard to SAMDev policy MD2 which requires that 30m² of public open space per person (at a rate of one person per bedroom) should be provided as part of the development. The POS requirement for this site would therefore be 1050m² (based on the five two-storey dwellings each having four bedrooms rather than three labelled - such that the POS is calculated at a rate of 35 persons in total, rather than 30). The central 'green' area of the development is less than 400m² in area, so even if this were included as POS, the requirements of the policy would still not be met and the proposal fails to accord with policy MD2.

6.7.8 MD2 also requires the development's landscaping and open space to be considered holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set. No landscape masterplan has been provided to better elucidate the development in landscape and public open space terms, and no information has been provided in terms of any maintenance regime and responsibility for the central, undefined 'green' area of the development. This is similarly contrary to the requirements of MD2 which requires that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.

6.7.9 For the several reasons above, the proposed development as a whole would not result in a well-designed place as required by the tilted balance outlined in NPPF Paragraph 11(d) (ii)

6.8 Affordable Housing

6.8.1 The agent has advised the scheme would be a "cross subsidy scheme" that will provide 50% "affordable homes" as defined in the NPPF under Annex 2 Glossary. Cross subsidy can be used as a mechanism to develop affordable housing where there is no public funding available; and in such schemes, the market housing effectively funds the affordable homes. However, in this case there appears to be some confusion and lack of understanding as what constitutes cross subsidy. In Shropshire, the cross-subsidy mechanism only supports affordable rented tenure, and not the discounted sale tenure proposed. Furthermore, Paragraph 82 of the NPPF states that "local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this". However, Paragraph 82 cannot apply to this site because its location does not satisfy the spatial requirements for exception sites, being in open countryside. This is confirmed by the agent at Paragraph 2.14 of the submitted planning statement: *"it is readily accepted that the site is situated in the countryside for policy purposes and in the current local plan Cruckton is not*

identified as a community hub settlement or a settlement which is part of a community cluster within the adopted development plan”.

- 6.8.2 Notwithstanding the above, the agent has advised that the discounted market sales housing proposed would be sold at a discount of 20% below local market value. They have however provided no rationale for this minimum level of discount being offered (where officers note the NPPF advises that this type of housing should be sold with at least a 20% discount).
- 6.8.3 Eligibility is determined with regard to local incomes and local house prices. However, no financial information has been provided by the agent to justify the need for five detached dwellings to subsidise five discounted ‘affordable’ bungalows, despite calculations having been requested by officers to elucidate this position. It is therefore uncertain how the cross-subsidy nature of the proposal could work in practice, particularly when the anticipated house prices of the ‘affordable’ bungalows have not been provided, and when the median household income in the parish is known to be £44,423 p.a. and the median house price in Pontesbury parish is £352,500 (source: Land Registry Price Paid Data 2024 and CACI Household Income Data 2024). Based on these averages, a selling price at 80% of the median market rate the ‘affordable’ dwellings might reasonably be expected to be c. £282,000. However, when a mortgage multiplier of 4.5 is applied to the current average median household income figure, a maximum of mortgage of only £199,904 could be generated (a 10-20% deposit of between £19,990 and £39,980), meaning the dwellings would still be out of reach for local people in Pontesbury Parish. In these circumstances the ‘affordable’ bungalows would not be genuinely affordable for the majority of local people, who would in any case need to demonstrate both a local connection and demonstrable, verified need for housing in order to purchase one of the dwellings.
- 6.8.4 It is the view of officers that the agent has failed to demonstrate the affordability of the proposed dwellings for local people in housing need within the parish, whilst it remains unclear, based on the insufficient information provided, whether there would be eligible individuals who would actually seek to move to this unsustainable location on this basis. The lack of the demonstrable affordability of the proposed bungalows and their unsustainable location could in turn lead to the very real prospect of the developer struggling to dispose of the dwellings if approved given a s106 agreement would be required to accompany a planning approval. This in turn risks the possibility of the developer needing to discharge any S106 agreement on the basis of a lack of suitable applicants with a local connection coming forward to purchase the “affordable dwellings” and in the eventuality that a s106 agreement were discharged (i.e. be removed from a planning approval) then the development would at that point become entirely open market in nature and able to be sold at full price. This not unlikely scenario would have the effect that (if the development were approved) the council would have a demonstrably unacceptable development in an unsustainable location in the open countryside where other developments would

not typically be approved (given they would be contrary to local and national planning policy – as this one is).

- 6.8.5 In correspondence with the case officer, seeking to justify the proposal, the agent has additionally sought to expound the concept that the development would result in a 150% 'overprovision' of affordable housing (where the prevailing target rate for affordable dwellings in this locality is 20%). The agent goes on to suggest this 'overprovision' would represent social sustainability and would be a material planning consideration in the determination of the application. However, overprovision of affordable housing as a concept can only be considered as a material consideration for open market schemes not within a development boundary in otherwise sustainable locations to justify the market housing being sought. In contrast, the current development proposed has been definitively presented to the LPA as an exception site. Given cross subsidy provision can only apply to exception sites, and overprovision to open market developments, the proposal cannot fulfil both scenarios simultaneously (i.e. it cannot be both compliant with policy and an exception to policy at the same time). For the reasons outlined above, and due to the absence of reasoning provided for the part-open market, part-'affordable' scheme proposed, officers find that the proposal does not meet the affordable housing provision of the Tilted Balance under Paragraph 11d (ii), where such provision would be better directed to other developments in genuinely sustainable locations where the needs of local people in housing need could be far more appropriately met.

6.9 Other NPPF policies relevant to determining sustainability

- 6.9.1 In consideration of the principle of development at this site, weight should also be given to other NPPF policies relevant to determining sustainability. In this regard, the proposal would fail to fully satisfy all three of the economic, social and environmental dimensions to sustainable development outlined in Paragraph 8. Additionally, Paragraph 84 seeks to avoid the development of isolated homes in countryside locations such as this one, whilst Paragraph 110 states that 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, 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'. The significant development proposed in this location, resulting in a disproportionate reliance on car use in this rural area, would be contrary to Paragraph 110.

- 6.9.2 Furthermore, Paragraph 83 of the NPPF advises that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one

village may support services in a village nearby'. Notwithstanding the minor and short-lived economic benefit that would arise during the construction phase of the development, it is not considered that the development of this site would otherwise enhance or maintain the vitality of the wider rural community in any way. The site is not within a settlement, and even if Members did consider the site to be within Cruckton (a recognised named settlement), Cruckton has been screened out of the Hierarchy of Settlements document as not being an appropriate location to support future settlement growth due to its unsustainability. This remains a material consideration.

- 6.9.3 Paragraph 73 supports the development of windfall sites in existing settlements, however this site is categorically not in a settlement and therefore cannot be considered such a windfall site, where many other speculative sites are coming forward at the present time and where several windfall sites are being considered within the settlement of Pontesbury, which, as a community hub and as recognised in the Neighbourhood Plan, is a far more appropriate location for new housing development.
- 6.9.4 Paragraph 135 of the NPPF sets out requirements for achieving well-designed places, where, amongst other considerations, these should function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development. This paragraph also requires developments to be sympathetic to local character and history, support local facilities and transport networks and create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. With respect to the design inadequacies of the proposed development, alongside its open countryside location, and inaccessibility to services and transport services, the proposal would not comply with the provisions of Paragraph 135.
- 6.9.5 In terms of other NPPF policies relevant to determining sustainability, therefore, the proposed development fails to accord with them. The proposal would not deliver genuinely affordable housing through the purported policy non-compliant and unevidenced "cross-subsidy" mechanism proposed, and does not propose an efficient use of land or a well-designed scheme, failing to accord with any of the provisions of the tilted balance at Paragraph 11d (ii) of the NPPF. It would conflict with the relevant objectives in national and local policies regarding sustainable development and the provision of housing outlined under CS1, CS3, CS4, CS5, CS6, CS11, MD2, MD7a and the Type and Affordability of Housing SPD. As such the development it is unacceptable in principle and should be refused.
- 6.10 Conflict with Pontesbury Neighbourhood Plan
- 6.10.1 Pontesbury Neighbourhood Plan is a material consideration in the determination of the proposal. It is noted that a representation of support, submitted after the deadline, has been made by Pontesbury Parish Council, which finds the proposal to be in accordance with its own Neighbourhood Plan policies. However, the case

officer's opinion differs to this, and is not aligned with the position taken up by the Parish Council. Concerns are also raised about the consistency and objectivity of the Parish Council's representations on development proposals within the parish, given that three weeks prior to submitting their representation of support for this proposal, the Parish Council submitted an objection response (on the grounds of a lack of sustainable location) to another proposed housing development located c. 800m east of the site along the same stretch of the B4386, in an open countryside location that is closer to the services and facilities of Shrewsbury. This can be viewed under 25/02789/PIP – refused in September 2025, and this is pertinent because it is now the subject of an appeal against its refusal.

- 6.10.2 It is of course the responsibility of the Parish Council to agree its own view on a proposed development and submit a representation accordingly, but the stark contrast between these two representations from the same body is somewhat difficult to reconcile. From the LPA's perspective, a risk exists that if the current application is determined by Members to be acceptable - against officer advice, as has occurred in the past on this site - this could result in costs being awarded against Shropshire Council for unreasonable behaviour in the appeal currently underway for the refused application 25/02789/PIP, north east of the proposed site, given the schemes both share clear commonalities in proposing new residential development in unsustainable locations in the open countryside. For that reason, consistency is of the utmost importance in the determination of applications.
- 6.10.3 The Parish Council's representation of support for the scheme, was received after the agreed deadline of 31 days and cannot therefore not be given any weight in favour of the proposal. Furthermore, the proposal does not accord with several policies of the Pontesbury Neighbourhood Plan 2016-2038. Policy LAN1 of the PNP (Landscape Character) states that development outside of Pontesbury's development boundary will be supported where the landscape character of the parish will be maintained or where possible enhanced. However, unsustainable urbanising development in the open countryside would not to maintain or enhance landscape character. LAN1 goes on to state that development proposals likely to have a significant impact on the rural character of the neighbourhood area should demonstrate how this has been taken into account by the proposal. However nothing in the application submission suggests this has been undertaken as required by LAN1.
- 6.10.4 Policy LAN2 (Conservation of the Parish's Historic Heritage) states development will be supported which "involves development in or adjacent to Cruckton village which respects the historic environment associated with Cruckton Hall, including: – the existing Home Farm boundary walls, trees and road alignment – the linear shape of the village and pattern of the footpaths and, where appropriate, uses designs which draw inspiration from the six County Council small holdings set up after the break-up of the Cruckton Hall Estate." It is evident that the proposed development is not in Cruckton, and indeed LAN2 categorically describes the

settlement as linear, and not T-shaped, as the Parish Council has suggested.

6.10.5 The Parish Council refers to Neighbourhood Plan policy MOV1 (Public Rights of Way and Links) and to the 'potential to link up with Thieves Lane bridleway'. However it misapplies this policy which solely relates to developments that seek to enhance / improve Public Rights of Way (PROW) including pedestrian and cycle links, and the proposal under consideration does not propose any of these things. The site is merely located next to a PROW and as previously referenced, there is no safe pedestrian linkage available to access Thieves Lane bridleway.

6.10.6 The Parish Council also refers to the emphasis the scheme has on single storey houses which it considers will begin to address the failure of recent local housing to do. However, the scheme only proposes five single storey dwellings, alongside a further five standard two storey houses, despite the application form and plans and wording of the original description of development suggesting the entire scheme would be single storey in nature. The Parish Council also refers to the identified housing need of some of its parishioners, and describes the proposal as delivering 'much needed affordable housing' whilst not appearing to recognise that the proposed scheme is not at all affordable for its parishioners, and that the submission lacks any evidence that might demonstrate it could be.

6.11 Other outstanding matters

6.11.1 Highways matters

Highways officers advise that insufficient information has been submitted in respect of a required transport statement for a development of this size especially when considered alongside the development previously approved under 23/04167/FUL. Paragraph 96 of the NPPF requires that planning decisions should aim to achieve healthy, inclusive and safe places which is reflected in Core Strategy policy CS6 and SAMDev Plan policy MD2. Paragraph 109 requires that transport issues should be considered from the earliest stages of development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places, ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places; understanding and addressing the potential impacts of development on transport networks; identifying and pursuing opportunities to promote walking, cycling and public transport use; and identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Allied to this, Paragraph 110 requires that the planning system should actively manage patterns of growth in support of these objectives, with significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, whilst Paragraph 115 states that development proposals must ensure safe and suitable access to the site can be

achieved for all users.

6.11.2 It has not been demonstrated that there is an adequate safe pedestrian access to and from the development such that public transport may be safely or sustainably accessed, whilst in terms of the proposed site access, located on the outside bend of another access, highways officers advise that technical matters relating to access, internal arrangement including streets and parking would be private areas and would not be supported for adoption by the local authority in their current form. Were the development to be approved this would likely lead to further expense for the occupants of the 'affordable' dwellings in particular in terms of a future maintenance regime, where it is recognised the provision of affordable dwellings on private drives is a practice which should be avoided wherever it is possible to do so to alleviate the need for additional expense on be borne by those occupiers.

6.11.3 S106 legal agreement

Members are advised that should they resolve to grant planning permission for the development a legal obligation to secure the affordable units to be discounted against market value in perpetuity and retained for local need would be required in advance of any decision being issued.

6.11.4 BNG

Biodiversity net gain has been clarified as being located within the red line boundary with a narrow unmade access to it provided between plots 5 and 6. However, the ecology team has noted the submitted Ecological Appraisal & BNG prepared by Ben Jones Ecology (July 2025) shows a different proposed plan at Figure 5.1, which encompasses the blue line boundary into the BNG Offset area, and this requires updating should the development be approved.

7.0 Planning Balance

7.1.1 The material harms of the proposed development found to be contrary to policy are:

- Harm 1 - Siting in an unsustainable location in the open countryside
- Harm 2 – Negative impact on local amenity
- Harm 3 – Inadequate information in relation to Highways safety
- Harm 4 – Negative impact on amenity of future occupiers

7.1.2 The harms identified would result in significant negative impacts on the character and amenity of the local environment, contrary to the adopted Development Plan Policy and the National Planning Policy Framework. Identified harms are given specific weight in the 'Planning Balance', with the hierarchy of weight ascribed to any harm in this case being:

Very Substantial
Substantial

Great
Moderate
Limited

- 7.1.3 There would be definitional harm caused by the siting of the proposed development in an open countryside location that has not been proven to be sustainable, thereby eroding the natural character of this rural location. This would also be contrary to the policies of Pontesbury Neighbourhood Plan. This represents Harm 1, to which very substantial weight is given.
- 7.1.4 Harm 2 would be the combined visual and physical impact of the proposed development on the existing amenity value of the site, where it is not sited on previously developed land and would project into the wider open countryside. This is also ascribed substantial weight.
- 7.1.5 Harm 3 is the impact of the development on highways safety, where the unacceptable access and layout proposed cannot be supported and where insufficient information has been provided in respect of a Transport Statement. Occupants of the development would be compelled to travel along an unrestricted length of carriageway for a considerable distance to access local bus services and no safe pedestrian access to and from the site has been demonstrated to be achievable. Substantial weight is therefore given to this harm.
- 7.1.6 Harm 4 is the negative impact of the development on the amenity of future occupiers, where the bedroom sizes would not all meet the minimum requirements set out in nationally described spatial standards and where the garages are not of sufficient dimensions to accommodate a vehicle. This harm is ascribed moderate weight.
- 7.1.7 The benefits of the proposed development are identified as the provision of five open market dwellings and five dwellings offered at a discounted price which would contribute towards the provision of housing in Shropshire in the absence of Council currently being able to demonstrate a five year housing land supply. This is attributed moderate weight in the planning balance.
- 7.1.8 Whilst there is an acknowledged need for more affordable homes, these should be demonstrably affordable and evidenced as such where they are proposed as cross-subsidy. They should be sited in appropriate locations and not in sites which lack a close relationship with a settlement or in those which are judged to harm the open countryside. The provision of the so-called 'affordable' dwellings would not achieve these aims and whilst they would have some public benefit due to their contribution the housing supply they would be attract no weight in the planning balance in terms of affordable housing. The construction phase of the dwellings would provide a short-lived economic benefit which would have some limited weight, however.

7.1.9 In terms of the overall planning balance, officers have identified two benefits which have been ascribed moderate and limited weight in favour of the development. Conversely four harms have been identified and have been given weight ranging from very substantial to moderate. On this basis there are no benefits which individually or cumulatively clearly outweigh the multiple harms identified that are found to conflict with local and national policy, and other legislation. No special circumstances exist which justify the inappropriate development proposed at this location, where the requirements of the tilted balance at Paragraph 11d of the NPPF are not met, therefore the weight in overall planning balance lies significantly in favour of refusing the scheme.

7.1.10 The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated conflict with national and local planning policy.

8.0 Conclusion

Having considered the application against the adopted Development Plan, the National Planning Policy Framework (NPPF), and other material planning considerations, it is concluded that the proposed development fails to meet the requirements for sustainable development. The site is located in open countryside, outside any recognised settlement boundary, and lacks the necessary infrastructure, services, and connectivity to be considered a sustainable location. The proposal conflicts with key local policies including CS4, CS5, CS6, CS11, MD2, MD7a, and the Type and Affordability of Housing SPD, as well as several provisions of the NPPF, notably Paragraphs 8, 11(d), 84, 110, and 135.

The scheme does not demonstrate an efficient use of land, fails to meet national space standards, and lacks adequate provision for public open space and parking. The purported cross-subsidy model for affordable housing is inadequately evidenced and does not guarantee genuine affordability for local people. Furthermore, the absence of a heritage impact assessment and transport statement raises significant concerns in highways terms.

Whilst the proposal would deliver a modest number of dwellings, including discounted units, these benefits are limited and do not outweigh the multiple and substantial harms identified. The development is also contrary to the Pontesbury Neighbourhood Plan and does not align with its objectives for landscape character, heritage conservation, and sustainable growth.

In light of the above, and given the failure to satisfy the requirements of the tilted balance under Paragraph 11(d) of the NPPF, the application is recommended for refusal.

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework 2024
National Planning Practice Guidance

Core Strategy and Saved Policies:
LDF Core Strategy Policies:
CS1 Strategic Approach
CS3 The Market Towns And Other Key Centres
CS4 Community Hubs And Clusters
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD3 Delivery Of Housing Development
MD7a Managing Housing Development In The Countryside
MD12 Natural Environment
MD13 Historic Environment

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

Pontesbury Neighbourhood Plan 2016-2038

RELEVANT PLANNING HISTORY:

PREAPP/10/02247 Erection of holiday chalets REC
PREAPP/13/00326 Conversion and reuse of existing buildings for residential use to include an element of new build PREAMD 23rd August 2013
14/02888/OUT Outline application for the erection of 6 residential dwellings to include access (existing public house to be retained and restored) WDN 17th December 2015

21/01756/FUL Alterations and extensions in association with the proposed conversion of redundant fire damaged public house to provide four dwellings, construction of new access and driveway with parking area and provision of associated drainage treatment facilities. GRANT 9th November 2021

22/02734/DIS Discharge of Conditions 7 (Historic Survey) and 12 (External Lighting) on Planning Permission 21/01756/FUL for the alterations and extensions in association with the proposed conversion of redundant fire damaged public house to provide four dwellings, construction of new access and driveway with parking area and provision of associated drainage treatment facilities. DISAPP 14th October 2022

22/03036/FUL Revised access and driveway arrangements (to adoptable standard) in relation to previous application ref 21/01756/FUL GRANT 21st October 2022

22/03783/VAR Variation of Condition No. 2 attached to planning permission 21/01756/FUL dated 15 October 2021 GRANT 31st October 2022

22/04000/DIS Discharge of condition 5 (drainage) on planning permission 21/01756/FUL DISAPP 19th October 2022

22/04674/DIS Discharge of Conditions 7 (external joinery) and 8 (roof windows) associated with planning permission number 22/03783/VAR (amended description) DISAPP 4th December 2022

PREAPP/23/00085 Erection of 6 affordable and 4 open market dwellings PREUDV 21st March 2023

23/02751/DIS Partial discharge of condition 11 (bat boxes) on planning permission

22/03783/VAR DISPAR 20th July 2023

23/02864/DIS Discharge of conditions 5 (landscaping), 11 (bat boxes) and 12 (bird boxes) on planning permission 22/03783/VAR DISPAR 29th August 2023

23/02944/DIS Discharge of conditions 6 (external materials) and 9 (exterior services) on planning permission 22/03783/VAR DISAPP 27th September 2023

23/04167/FUL Cross Subsidy Housing Scheme comprising of 4 No terraced affordable dwellings, a pair of semi-detached affordable dwellings, and 4 No detached open market dwellings with double garages. GRANT 11th March 2024

23/04274/FUL Erection of 4 No. detached double garages to serve dwellings approved under reference 21/ 01756/FUL and 22/03783/VAR, dated 15th October 2021 WDN 11th January 2024

23/04336/DIS Discharge of condition 3 (EPS Licence) on planning permission 22/03783/VAR DISAPP 7th November 2023

23/04875/DIS Discharge of Condition 10 (ECW) attached to planning consent 22/03783/VAR DISAPP 30th November 2023

23/05332/DIS Discharge of Condition 13 (Existing Access) attached to planning consent 22/03783/VAR REFDIS 5th January 2024

23/05339/DIS Discharge of Conditions 5 (a-h) attached to planning consent 22/03783/VAR DISAPP 22nd May 2024

24/01361/DIS Discharge of Condition 13 (Closure of Existing Access) on Planning Permission 22/03783/VAR DISAPP 9th April 2024

24/01386/DIS Discharge of Conditions 5 (Materials), 6 (Construction Method Statement) and 7b (Tree Protection Measures) attached to planning consent 23/04167/FUL DISAPP 30th April 2024

AGENDA ITEM

Proposed Residential Development Land To The North Of The Old Hare and Hounds

24/01530/FUL Erection of a garage block comprising of 4 No. double garages GRANT 17th June 2024

24/01814/DIS Discharge of Condition 9 (Surface and Foul Water Drainage) associated with planning application number 23/04167/FUL DISAPP 23rd May 2024

24/02883/DIS Discharge of conditions 8 (landscape plan) and 11 (boundary treatments) on planning permission 23/04167/FUL DISAPP 29th August 2024

24/02911/DIS Discharge of condition 10 (Details of domestic waste arrangements) for planning application number 23/04167/FUL DISAPP 29th August 2024

25/00266/DIS Discharge of Condition 13 and 14 (External Lighting) on Planning Permission 23/04167/FUL DISAPP 6th March 2025

25/00289/DIS Discharge of Condition 12 (Ecological Clerk of Works) on Planning Permission 23/04167/FUL DISAPP 13th February 2025

SA/82/0560 Alterations and additions of a flat roof rear extension to provide catering kitchen and use outbuildings and disused store as a functions room. PERCON 10th August 1982

SA/99/0159 Erection of single storey extension to provide new dining room and internal alterations to provide 5 bedrooms each with en-suite bathroom. PERCON 6th May 1999

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T06A6JTDJN800>

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

Local Member

Cllr Roger Evans

AGENDA ITEM



Committee and date
Southern Planning Committee
25th November 2025

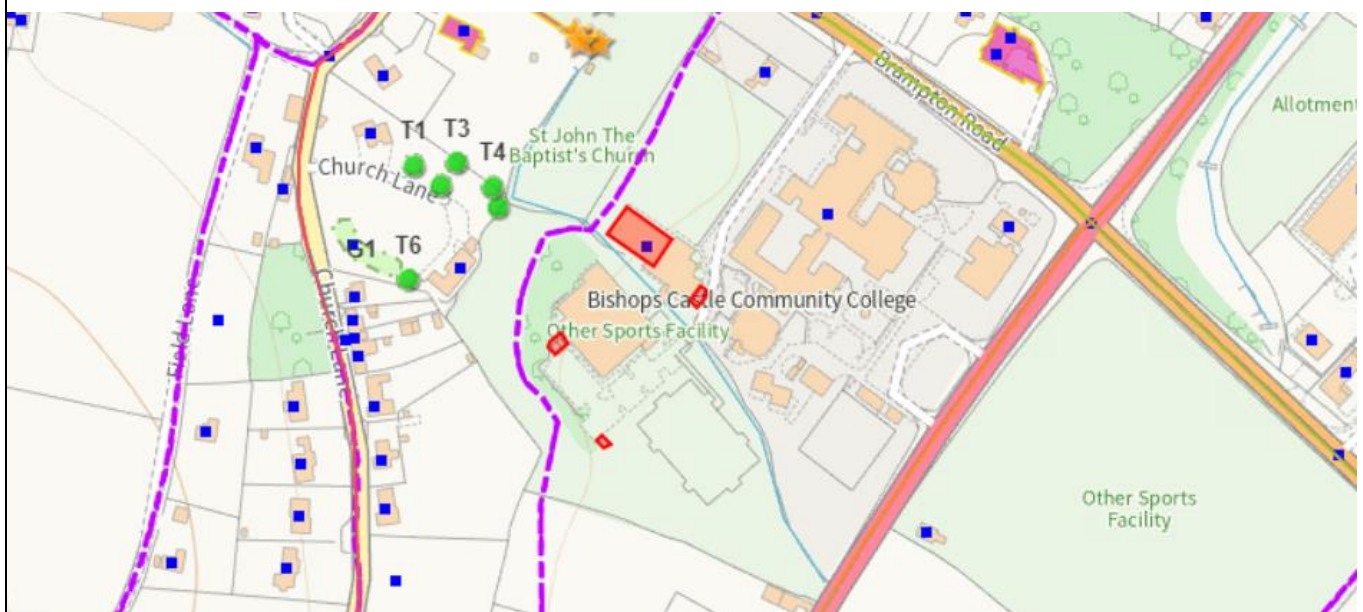
Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/03271/FUL	<u>Parish:</u>	Bishops Castle
<u>Proposal:</u> The replacement of roof weathering to swimming pool roof and provision of new insulated render system to the external walls of the swimming pool. Provision of external air source heat pumps and provision of new electrical sub-station		
<u>Site Address:</u> SpArC Bishop Castle Leisure Centre Brampton Road Bishops Castle Shropshire SY9 5AY		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Alison Tichford	<u>email:</u> alison.tichford@shropshire.gov.uk	

Grid Ref: 332363 - 288289



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application proposes the replacement of the roof weathering (and the addition of solar panels) to the swimming pool roof of the SpArC Bishop's Castle Leisure Centre and the provision of a new insulated render system to the external walls of the swimming pool. The application also includes the provision of two new external air source heat pumps and a new electrical sub-station on existing hard standing areas.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The leisure facility is located on Shropshire Council land to the south west of the town adjacent the Community College. A public footpath runs across the site to the north of the leisure building and swimming pool, and there is some further open space south of the nearest residential dwelling, Haining Croft, to the north-west, and the Conservation Area and various designated and non-designated heritage assets more generally to the north, where a band of tree cover provides effective screening from the leisure buildings. The site falls within the Clun Watershed area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comment

- 4.1.1 SC Public Protection have no objection to the proposed works and are satisfied that a hit and miss fencing compound will offer sufficient residual noise mitigation, following the provision of additional information including an acoustic report.
- 4.1.2 SC Flood and Water Management and SC Ecology have no objection to the proposed works.
- 4.1.3 Shropshire Fire and Rescue Service have provided a standard response with regard to consideration of their "Fire Safety Guidance for Commercial and Domestic Planning Applications".

4.2 Public Comments

- 4.2.1 A site notice has been posted as required. No public comments have been received with regard to this application.

5.0 THE MAIN ISSUES

- 5.1 Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Residential Amenity
Biodiversity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The development boundary for Bishop's Castle runs through the middle of the leisure facility with the swimming pool within the town and the sports facility just outside.
- 6.1.2 CS3 indicates that market towns and other key centres should maintain and enhance their roles in providing facilities and services to their rural hinterlands, while specifically Bishop's Castle should have development that balances environmental constraints with meeting local needs..
- 6.1.3 CS5 and MD11 support leisure development proposals in the countryside which relate to required community uses and infrastructure
- 6.1.4 CS8 (and CS16) indicate that existing facilities, services and amenities that contribute to the quality of life of residents and visitors will be protected and enhanced while encouraging infrastructure that mitigates and adapts to climate change.
- 6.1.5 The proposed works will offer improved insulation to the swimming pool building and cleaner energy to the leisure facility and thereby enable improved sustainability to the provision of leisure facilities to the residents of Bishop's Castle and neighbouring rural areas and is acceptable in principle.

6.2 Siting, scale and design of structure

- 6.2.1 The roofing will be replaced with a bituminous felt weathering of similar appearance to the existing but with additional insulation, and a new solar hot water array will be installed.
- 6.2.2 The existing clay facing brickwork to the swimming pool will be replaced with a cement render of similar colour to the surrounding buildings and which will offer improved thermal performance to the existing building envelope.
- 6.2.3 The two air source heat pumps will be provided with hit and miss fencing compounds appropriate to their function, while the new electricity substation is of standard design and will not require a fencing compound. These will be viewed within the overall context of the site and its facilities and will not be prominent.
- 6.2.4 The installation of the new solar thermal water heaters to the roof of the swimming pool has not been included within the proposed works but the applicant's agent has indicated that it falls within the criteria of Class J of Schedule 2, Part 14 of the General Permitted Development Order 2015 and is therefore considered as permitted development.

- 6.2.5 There are adequate access and facilities for the fire services as necessary, and the proposed works will not increase flood risk

6.3 Visual impact and landscaping

- 6.3.1 There will be little alteration to the appearance of the site or individual buildings and the site is well screened from the Conservation Area so there will be no impact in heritage terms.
- 6.3.2 The introduction of the new substation and ASHPs as well as the fencing compounds will be seen in the context of the existing hard landscaping and will not be prominent.

6.4 Local and Residential Amenity

- 6.4.1 The applicants have submitted an environmental noise impact assessment which concludes that the total aggregate environmental noise impact arising from the operation of the proposed plant, results in a “low” noise impact at the worst affected noise sensitive receptors and meets the noise criteria for the college and playing fields as set out in “Acoustics of Schools: a design guide (AOS).
- 6.4.2 The ASHP units analysed were low noise units with a sound pressure level of 42dB(A) at 10m, where standard noise ASHPs were previously analysed and did not meet the noise criteria.
- 6.4.3 There is a distance of approx 45m between the ASHP to the south west and the nearest residential properties, and approx 80m between the eastern most ASHP and the nearest residential property to the north east.
- 6.4.4 Public protection consultees are satisfied that the proposed hit and miss fencing compounds will offer sufficient mitigation for any residual noise, where the report indicates that at receptor locations, the noise will be below the representational lowest 10% of average noise.

6.5 Biodiversity

- 6.5.1 SC Ecology consultees have not identified any potential effect pathway by which the proposed project might impact upon the River Clun SAC and have recommended informative advice only. The development does not impact a priority habitat and affects less than 25 square metres of on-site habitat and is therefore exempt from Biodiversity Net Gain (BNG) requirements.

7.0 CONCLUSION

The proposed works are appropriate to the existing buildings and will maintain and enable the continuing and improved sustainable functioning of a leisure facility without detrimental impact on local visual amenity, residential amenity, drainage, or biodiversity in accordance with policies CS3, CS5, CS6, CS8, CS16, CS17, CS18, MD2, MD11, MD12 and MD13 subject to conditions requiring implementation in accordance with the submitted details. Recommend permission is granted subject to the conditions in appendix 1.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

12/02153/ADV Erect and display two non-illuminated fascia signs GRANT 28th June 2012
15/05293/FUL Installation of a 50kWp roof mounted Solar PV Array GRANT 4th February 2016
16/00537/FUL Provision of a self contained bio mass boiler GRANT 3rd June 2016
25/03271/FUL The replacement of roof weathering to swimming pool roof and provision of new insulated render system to the external walls of the swimming pool. Provision of external air source heat pumps and provision of new electrical sub-station PCO
SS/1/7368/P/ Erection of an extension to include new squash courts, reception and alterations to swimming pool changing rooms PERCON 12th December 1996
SS/1/7899/P/ Erection of an extension to include new squash courts, fitness suite and reception and alterations to the swimming pool changing rooms. PERCON 3rd July 1997

AGENDA ITEM

Southern Planning Committee - 25th November 2025

SpArC Bishop Castle Leisure
Centre

SS/1981/40/P/ Erection of a single storey mobile classroom. NOOBJ 14th July 1981
SS/1974/841/P/ Demountable Classroom. UNKNOW 9th September 1999
SS/1974/841/P/CC Demountable Classroom. UNKNOW 6th June 1974
SS/1974/850/P/CC Demountable Classrooms. NOOBJ 28th June 1974
SS/1988/34/P/CC Extension and alterations. PERCON 22nd July 1988
SS/1984/55/P/CC Erection of a permanent extension and provision of an additional demountable classroom. NOOBJ 14th September 1984
SS/1977/54/P/CC Erection of mobile classroom and agricultural workshop. NOOBJ 12th January 1977

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T1X8X6TDKFW00>

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

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member

Cllr Ruth Houghton

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. The external materials and their colour shall be provided strictly in accordance with the details indicated in the submitted application form and on the approved plans.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area in accordance with Local Plan policies CS5, CS6, CS17, MD2, MD12 and MD13.

4. The new substation, air source heat pumps and hit and miss fencing compounds to enclose the air source heat pumps shall be provided on site strictly in accordance with the approved details and drawings and retained in perpetuity of the development.

Reason: To ensure there is no unacceptable noise impact on nearby properties and that the new equipment is appropriate to its operational context in accordance with Local Plan policy CS6.

SCHEDULE OF APPEALS AS AT COMMITTEE 25 November 2025

LPA reference	25/00657/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Ian Stanton
Proposal	Erection of 2No bungalows with associated landscaping and external works
Location	Proposed Residential Development Land South Of 16 Meadow Close Bridgnorth
Date of appeal	02.06.2025
Appeal method	Written representations
Date site visit	29.07.2025
Date of appeal decision	18.08.2025
Costs awarded	No
Appeal decision	Dismissed

LPA reference	25/00247/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Paul & Kath Lewis
Proposal	Erection of a dwelling and residential annex/triple garage (revised description)
Location	Proposed Dwelling And Annexe North Of Station Road Woofferton
Date of appeal	23.04.2025
Appeal method	Written representations
Date site visit	10.07.2025
Date of appeal decision	19.08.2025
Costs awarded	
Appeal decision	Dismissed

LPA reference	24/04428/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	D Sturman
Proposal	Proposed car park
Location	Proposed Car Park South Of B4380 Atcham Shrewsbury
Date of appeal	19.08.2025
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/00827/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr C Bearley
Proposal	Erection of a replacement dwelling
Location	29 Sycamore Road Broseley
Date of appeal	27.01.2025
Appeal method	Written Reps
Date site visit	08.07.2025
Date of appeal decision	21.08.2025
Costs awarded	N/A
Appeal decision	Allowed

LPA reference	24/03669/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Claire Stokes
Proposal	Conversion of existing manege building to provide a five bed house and six stables.
Location	Proposed Conversion Of Manege Building Cosford Grange Cosford Shropshire
Date of appeal	30.04.2025
Appeal method	Written representations
Date site visit	29.07.2025
Date of appeal decision	28.08.2025
Costs awarded	Yes
Appeal decision	Allowed

LPA reference	25/02243/FUL
Appeal against	Refusal
Committee or Del. Decision	
Appellant	Tina Mantle
Proposal	Roof extension to front elevation
Location	23 Green Acres Ludlow Shropshire SY8 1LU
Date of appeal	01.09.2025
Appeal method	Fast Track Appeal
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/00801/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Fennell
Proposal	Erection of a two storey extension
Location	Wrekin View Eaton Constantine Shrewsbury Shropshire SY5 6RH
Date of appeal	10.07.2025
Appeal method	Fast Track Appeal
Date site visit	20.08.2025
Date of appeal decision	02.09.2025
Costs awarded	N/A
Appeal decision	Allowed

LPA reference	25/01986/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr B Brown
Proposal	Erection of single storey side link extension and conversion of garage to residential
Location	Fox House Quatford Bridgnorth Shropshire WV15 6QJ
Date of appeal	08/09/2025
Appeal method	Fast Track Appeal
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/08162/ENF
Appeal against	Enforcement Notice
Committee or Del. Decision	Delegated
Appellant	E Quinn
Proposal	Appeal against material change of use of land to a mixed use of Agriculture and a Residential Gypsy and Traveller Caravan Site including the importation and laying of hardcore material to form a hardstanding area in the approximate location identified with a hatch symbol on the attached plan and formation of concrete pads all in connection and to facilitate the unauthorised use of land as a residential Gypsy and Traveller Caravan Site.
Location	Land To The South Of Tong Forge Shifnal
Date of appeal	08.04.2025
Appeal method	Hearing
Date site visit	
Date of appeal decision	08.09.2025
Costs awarded	
Appeal decision	Allowed

LPA reference	24/01534/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	E Quinn
Proposal	Change of use of land to Gypsy / Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning a
Location	35 The Caravan Tong Forge Shifnal Shropshire TF11 8QD
Date of appeal	08.04.2025
Appeal method	Hearing
Date site visit	
Date of appeal decision	08.09.2025
Costs awarded	
Appeal decision	Allowed

LPA reference	25/02296/ADV
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Careless
Proposal	Signage
Location	Katrinass 1A - 1B Cheapside Shifnal TF11 8BN
Date of appeal	25.09.25
Appeal method	Commercial Appeals Service
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/00082/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr P Hinsley
Proposal	Retrospective application for retention of two storey building with ground floor garage and storage and first floor annex accommodation
Location	Saltmoor Railway Cottage Ashford Carbonell Ludlow Shropshire SY8 4BU
Date of appeal	12.05.2025
Appeal method	Fast Track Householder
Date site visit	
Date of appeal decision	29.09.2025
Costs awarded	
Appeal decision	Dismissed

LPA reference	25/00264/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Cooper
Proposal	Construction of a detached 3-bay garage with annex above
Location	Top Barn Abdon Craven Arms Shropshire SY7 9HZ
Date of appeal	09.05.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	01.10.2025
Costs awarded	
Appeal decision	Dismissed

LPA reference	25/01602/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Messers Fern and Purkis
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to one dwellinghouse
Location	Proposed Residential Conversion Of Agricultural Barn Middleton Priors Bridgnorth Shropshire
Date of appeal	02.10.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/02799/TDC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	D McGindley
Proposal	Technical matters application for the construction of 3 dwellings (PIP 23/05119/PIP)
Location	15B High Street Cleobury Mortimer
Date of appeal	10.10.2025
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/01576/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr J Corbo
Proposal	Change of use of C3 dwelling to storage associated with service station and use of rear amenity to form parking area with EV chargers
Location	17 St Marys Road And Wheatland Garage Much Wenlock Shropshire TF13 6HN
Date of appeal	10/10/2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/00645/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr J Gough
Proposal	Outline application for a single self-build dwelling to include access
Location	Proposed Residential Development To The East Of Woodlands Close Broseley Shropshire
Date of appeal	13.10.2025
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/09746/ENF
Appeal against	Enforcement Notice
Committee or Del. Decision	Delegated
Appellant	Mrs Sarah Odell
Proposal	Appeal against a material change of use of agricultural land to a mixed use site of agriculture and residential, with associated erection of a building and siting of static caravan occupied for residential purposes.
Location	Proposed Temporary Agricultural Workers Dwelling North Of B4364 Wheathill Shropshire
Date of appeal	31.01.2025
Appeal method	Written representations
Date site visit	No Site Visit
Date of appeal decision	20.10.2025
Costs awarded	
Appeal decision	Part allowed Part dismissed

LPA reference	25/01371/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Harris
Proposal	Proposed side extension at first floor
Location	Snowdon Cottage 3 Snowdon Road Burnhill Green Wolverhampton
Date of appeal	29.07.25
Appeal method	Fast Track
Date site visit	09/10/25
Date of appeal decision	21.10.25
Costs awarded	N/A
Appeal decision	Dismissed

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	Written representations
Date site visit	20.10.2025
Date of appeal decision	22.10.2025
Costs awarded	n/a
Appeal decision	Dismissed

LPA reference	25/02789/PIP
Appeal against	Refusal
Committee or Del. Decision	Delegate
Appellant	Mr T Carron
Proposal	Permission in Principle for construction of between two and four dwellings
Location	Land West Of The Chestnuts Cruckton Shrewsbury
Date of appeal	24.10.25
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/01333/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Ms S Odell
Proposal	Erection of permanent agricultural worker's dwellinghouse, new access and farm track, and all associated works
Location	Proposed Temporary Agricultural Workers Dwelling North Of B4364 Wheathill Shropshire
Date of appeal	15.07.25
Appeal method	Hearing
Date site visit	24.09.25
Date of appeal decision	31.10.25
Costs awarded	N/A
Appeal decision	Dismissed

LPA reference	24/03427/DSA106
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Harris
Proposal	Discharge of S106 agreement attached to planning application 13/04651/FUL
Location	The Grange Berrington Shrewsbury Shropshire SY5 6HB
Date of appeal	07.05.2025
Appeal method	Written representations
Date site visit	16.10.2025
Date of appeal decision	03.11.2025
Costs awarded	n/a
Appeal decision	Dismissed

LPA reference	25/00864/DIS106
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr K Sitt
Proposal	Discharge of S106 agreement attached to planning application 11/04074/FUL
Location	The Laurels Beamish Lane Albrighton
Date of appeal	01.08.25
Appeal method	Written Reps
Date site visit	15 th October 2025
Date of appeal decision	7 th November 2025
Costs awarded	N/A
Appeal decision	Dismissed

LPA reference	
Appeal against	
Committee or Del. Decision	
Appellant	
Proposal	
Location	
Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 29 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/L3245/W/25/3366740

16 Meadow Close, Bridgnorth, Shropshire WV16 5HY

- 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 Ian Stanton, of IJS Installations Limited, against the decision of Shropshire Council.
 - The application Ref is 25/00657/FUL.
 - The development proposed is erection of two accessible retirement bungalows on the side garden of the host building with associated landscaping and external works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's second and third reasons for refusal were with respect to the impact of the proposed development on adjacent trees. The appellant has provided an Arboricultural Impact Assessment, reference WTSL-AIA-4818 (the tree report), in order to address these two reasons for refusal. I acknowledge that the Council did not have the information with the original planning application, but the tree report does not materially alter the proposal, and it was submitted with the appeal submission in a timely manner. Therefore, I am satisfied that no party, including the Council who have viewed the additional information, would be prejudiced by my assessing the scheme with regard to it.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - the effect of the proposed development on existing trees, and
 - whether the proposed development provides an acceptable standard of living conditions for future occupants, with regard to outdoor amenity space.

Reasons

Character and appearance

4. The appeal site forms the side garden of 16 Meadow Close, a two-storey detached house, at the end of a cul-de-sac of residential properties. The street comprises a mix of detached and semi-detached two storey dwellings and bungalows. There is a similar mix of properties within the surrounding area.

5. Residential dwellings in the locality are largely set within uniform plot sizes, set back from the road behind front gardens and with sizeable rear gardens. Houses located at the end of streets, such as the appeal site, or those occupying corner plot positions are set within larger plots, with spacious, landscaped gardens and frontage hedges. Overall, this gives the area a pleasant, spacious, and formal character and appearance.
6. In contrast, the proposed dwellings, which would be built up close to each side boundary, with a limited amount of space to the front and rear, would be cramped within the plot. In particular, the rear gardens would be small, with a shallow depth that would be uncharacteristic for the area and would exacerbate the cramped appearance of the development. As a result, the proposed development would sit uncomfortably within the plot and would not be in keeping with the pattern of development in the area.
7. Furthermore, the frontage of the site would be dominated by hardstandings and vehicle parking, which would be incongruous within the context of the open and verdant appearance of the street scene. There would also be no opportunity for meaningful planting to soften the appearance of the proposal within the street scene. In addition, one of the plots would have three parking spaces to the front, with one of the car parking spaces of the adjoining plot being parked directly in front of bedroom 2 of the other plot. This would be an unusual layout, which would not be an appropriate design solution.
8. For the reasons outlined above, I conclude that the proposed development would be harmful to the character and appearance of the area. Therefore, it would not accord with the design aims of Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan, December 2015 (SAMDev), which together and amongst other things, seek high design quality and development which respects and enhances local distinctiveness, and provides appropriate car parking provision.

Trees

9. A belt of visually significant trees is located at the end of the street beyond the side boundary. The trees have a high amenity value and provide a buffer between the residential area and the busy A458. A number of the trees overhang the site boundary, but the tree report demonstrates that the proposed development would be outside the Root Protection Area (RPA) of the trees.
10. A tree shadow plan, included in the tree report, suggests that the trees would shade a large section of the rear garden of the plot closest to the trees. The appellant has also submitted three-dimensional form models of the proposed development to illustrate the extent of overshadowing at the spring and autumn equinoxes and the summer solstice.
11. While I acknowledge that the three-dimensional form models appear to show a reduced level of overshadowing of the plot closest to the belt of trees, compared to the tree shadow plan, I am not satisfied that the information is robust. In addition, the models contradict the tree shadow plan. As such, on the evidence before me, I am not persuaded that the information can be relied upon and that the trees would not cause significant harm to the living conditions of future occupiers.

12. Consequently, due to the juxtaposition of one of the proposed bungalows with the belt of trees, as well as its orientation, I cannot be satisfied that the proposed development would not lead to future pressure on the removal of the adjacent belt of trees to improve the living conditions of future occupiers.
13. For the above reasons, I conclude that the evidence before me fails to demonstrate that the proposed development would not cause significant harm to existing trees. As such, the proposal conflicts with Policies CS6 and CS17 of the CS and Policies MD2 and MD12 of the SAMDev, which together and amongst other things, seek developments of high design quality that contributes to health and wellbeing, and avoid harm to natural assets, including trees.

Living conditions

14. The proposed bungalows would be a modest size. Each would have a private rear garden, which would provide an outdoor space for activities such as sitting out, drying clothes, and for children to play. However, the gardens are small, with a shallow depth, even for bungalows with only two bedrooms.
15. Furthermore, due to the juxtaposition and orientation of the garden closest to the adjacent belt of trees, the garden would be in shade for much of the day. Therefore, future occupiers would be deterred from using the space. On this basis, the available space would provide an unsatisfactory standard of outdoor amenity space for future occupiers.
16. For the above reasons and on the evidence before me, I conclude that an acceptable standard of living conditions for future occupants would not be provided, with regard to outdoor amenity space. Therefore, the proposal would not be in accordance with Policy CS6 of the CS and Policy MD2 of the SAMDev, which together and amongst other things, seek high design quality that contributes to health and wellbeing.

Other Matters

17. Two smaller, accessible bungalows, aimed at retired and people wishing to downsize, would contribute to boosting the supply of new housing, as referenced in the National Planning Policy Framework. There would also be social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding two dwellings to the housing supply in the area.
18. Taking all of the above matters into consideration, the benefits of the proposed development would not outweigh the identified harm that would be caused to the character and appearance of the area, existing trees and the living conditions of future occupants.
19. I acknowledge the appellants frustrations with regard to the Council's handling of the planning application. Nevertheless, I have considered the proposed development on its planning merits.

Conclusion

20. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined

otherwise than in accordance with it. For these reasons, the appeal should be dismissed.

N Bromley

INSPECTOR



Appeal Decision

Site visit made on 10 July 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/L3245/W/25/3363781

Land north of Station Road, Woofferton, Herefordshire SY8 4AW

- 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 & Mrs Paul & Kath Lewis against the decision of Shropshire Council.
 - The application Ref is 25/00247/FUL.
 - The proposed development is described as: 'Erection of a dwelling and residential annex'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site would be a suitable location for the proposal, having regard to its accessibility to services and facilities;
 - whether the proposed development would provide suitable living conditions for the occupiers of the proposal, with particular regard to noise and air pollution from the adjacent properties;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the biodiversity; and
 - whether the proposed development would provide suitable living conditions for the occupiers of the proposal, by way of disturbance and privacy within the appeal site.

Reasons

Location

3. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (Core Strategy) states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Policy MD7a (2) of the Shropshire Council Site Allocations and Management of Development Plan Adopted Plan (2015) (SAMDev) states that dwellings to house essential rural workers will be permitted if: (a) there are no other existing suitable and available affordable dwellings or other buildings which could meet the need; and (b) in the case of a primary dwelling to serve a business without existing permanent residential accommodation, subject to relevant financial and functional

tests are met; or (c) in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the enterprise for the majority of the time, subject to functional test being met.

4. The appeal site is situated on the northern side of Station Road, outside the settlement development boundary of Woofferton and within the open countryside. Woofferton is a small settlement located at the junction of A49 to Leominster to the south and Shrewsbury / Ludlow to the north, the junction of A456 to Kidderminster and Tenbury, and B4362 (also known as Station Road) to Comberton.
5. Notwithstanding that, Woofferton is not a strategic site as suggested by the appellants. Although there are hotels, a small food shop, a coffee shop, a petrol station and bus stops on A49, the settlement offers only limited facilities and services. Although the appellants already live nearby and make use of facilities and services available in the wider area, the appeal site is located at a considerable distance from many essential services and facilities required for day-to-day living. Such circumstances are not sufficient to justify the appeal site as a suitable location for a new dwelling, in the context of the above development plan policies.
6. A footpath runs along the northern side of Station Road; however, the footpath is narrow and lacks adequate street lighting. Given these constraints, occupiers of the appeal proposal would be unlikely to use the footpath regularly, even for visiting the nearby food store, particularly during the winter months when conditions are likely to be less accommodating. Furthermore, although it is claimed that Brimfield is physically contiguous with Woofferton, Brimfield is a settlement some distance from the appeal site. Consequently, the occupiers would be reliant on private vehicles rather than more sustainable modes of transport.
7. One appellant asserts that his established local business meets the border definition of a rural worker. There is a lack of detailed evidence to support this claim, and there is very little information before me to show that there are no other existing suitable and affordable dwellings or other buildings which could meet any need for him to live in this area.
8. I also appreciate that the other appellant is a practising doctor and a recognised key worker. Whilst the National Planning Policy Framework (the Framework) and the development plan policies acknowledge the importance of housing for essential local workers, it has not been shown that the appeal proposal would comprise an affordable or key worker housing unit.
9. Overall, I conclude that the appeal site would not be a suitable location for the proposed development, having regard to the Council's spatial strategy and its accessibility to services and facilities. The proposal would, therefore, be contrary to Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev. These policies seek, amongst other matters, to limit development in the open countryside and to direct the majority of new development to the settlements where services and facilities can be easily accessed.

Living Conditions – noise and disturbance from the adjacent properties

10. The appeal site is bounded by industrial and commercial uses to the west and north. At my site visit, I observed that the majority of the western boundary comprises of mesh security fencing, with some timber fencing located near the site

entrance. The appellants contend that the proposal would not be subject to noise or air pollution, based on their own observations and the absence of complaints from local residents. Whilst that may be the case, there is little evidence to support this claim, particularly given the open nature of the boundary treatment, the proximity and the nature of these industrial and commercial units.

11. I note that there are some hedges along the northern and southern boundary of the appeal site, however, they would only mitigate the noise and air pollution arising from these units to a limited extent. There is no detailed evidence to show they would likely be sufficient to adequately protect the living conditions of occupiers of the proposal.
12. The appellants contend that the appeal site lies within a setting of mixed-use compatibility. On the contrary, the appeal site serves a key purpose in maintaining the spatial separation necessary between commercial and residential development. As a result, the appeal proposal would undermine the site's essential role in separating incompatible land uses and protecting residential amenity.
13. There is no legal agreement before me to tie the proposed dwelling to operation of an adjacent business. I do not see how this could be required by any reasonable and enforceable condition. I do not therefore accept that as an adjacent business is currently operated by one of the appellants, there would be limited opportunities for noise and disturbance from that adjacent use to harm the living conditions of any future occupiers of the proposal.
14. Overall, I conclude that the proposed development would not provide suitable living conditions for the occupiers of the proposal, with particular regard to noise and air pollution from the adjacent properties. Therefore, in this regard, it would conflict with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev, which require new development to comprise high quality sustainable design which respects existing amenity value and responds appropriately to the layout of existing development and the way it functions, including mixture of uses, amongst other things.

Character and Appearance

15. The appeal site is undeveloped land. Its open nature and rural character offer a pleasant visual break between the existing industrial and commercial units to the west and the settlement boundary of Woofferton to the east. As such, it makes a positive contribution to the character and appearance of the countryside.
16. There are some mature hedges along Station Road and the proposed buildings would be positioned set back from the edge of the road. However, the proposed buildings would be visible from public vantage points due to their substantial scale. Whilst the buildings would be adjacent to the existing commercial sites, it would not be an infill plot or natural rural extension as suggested by the appellant given that there would be a small open field to the east of the appeal site.
17. Given the open nature of the site, the proposal would result in an incongruous feature that would undermine the positive contribution of this valuable visual break between the industrial and commercial sites and the settlement boundary of Woofferton. The adverse effect would be exacerbated by the substantial scale of

the proposed buildings and their set-back position relative to other nearby residential properties.

18. Overall, I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area. This would be contrary to Policies CS6 and CS17 of the Core Strategy and Policies MD2, MD7a and MD12 of the SAMDev. Taken together, these seek to ensure that development is designed to a high standard and to respect the character of the area.

Biodiversity

19. Policy CS17 of the Core Strategy requires development to identify, protect, enhance, expand and connect Shropshire's environmental assets to create a multifunctional network of natural and historic resources.
20. An Ecological Impact Assessment was provided; however it primarily relates to the parcel of the land located to the west of the appeal site. The assessment also provides limited information specific to the appeal site itself. Furthermore, the assessment makes no reference to the environmental network corridor that runs adjacent to the northern boundary of the site or the proposal.
21. Whilst the appeal proposal is not subject to the Biodiversity Net Gain requirement, Policy CS17 requires all development to protect and enhance the diversity of Shropshire's natural environment. In this context, the absence of a site-specific assessment is contrary to Policy CS17 of the Core Strategy, which seeks to achieve the aims I have identified above.

Living Conditions – within the appeal site

22. The appeal proposal consists of a detached dwelling and single-storey annex with garage, and the layout creates a vehicle courtyard between the two buildings. In this instance, given that the volume of vehicle movements associated with domestic use would be relatively low, it is unlikely to result in an unacceptable level of disturbance to the occupiers of the proposed annex.
23. With regard to the potential intervisibility between the two buildings, there would be a reasonable separation distance between the two buildings. In addition, the proposed annex would be positioned at an angle to the main dwelling. As such, the proposal would not result in unacceptable loss of privacy for the occupiers, especially considering the inherent relationship between those living in the two buildings proposed.
24. Whilst the proposal would include a sizeable hardstanding area within the site, the plot is of a size that could accommodate grassed area and a robust soft landscape scheme. It could also provide an acceptable level of amenity space for both the proposed dwelling and the annex.
25. Overall, I conclude that the layout of the proposed dwelling, garage and annex will not create unacceptable living conditions for future occupiers on account of their orientations, proximity to each other, and positions of windows. Therefore, in this regard, it would comply with CS6 of the Core Strategy and Policy MD2 of the SAMDev.

Planning Balance

26. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Material considerations include the Framework. I have found that the proposal would conflict with the spatial strategy of the development plan and with policies that seek to protect the distinctive rural character and appearance of the area, living conditions of the occupiers of the proposal and the biodiversity of the site and the area, and I find the cumulative magnitude of those harms to be significant. The proposal would, therefore, conflict with the development plan as a whole.
27. However, it is not disputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The Council's evidence indicates that the supply is 4.73 years. In these circumstances, Paragraph 11d)ii of the Framework advises that permission should be granted unless any adverse impacts of doing so 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.
28. The Core Strategy was adopted in 2011, but the weight to be attached does not hinge on its age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality and sustainable buildings and places is fundamental to what the planning development process should achieve. It also seeks that developments are sympathetic to local character. Therefore, the conflict between the proposal and Policies CS5, CS6, and CS17 of the Core Strategy and Policies MD2, MD7, MD7a and MD12 of the SAMDev should be given significant weight in this appeal.
29. There would be temporary and ongoing economic benefits due to the construction of the proposal and ongoing domestic expenditure in the area from its occupants. The land has been managed for a number of years with the planting of native species, which continue to support the biodiversity of the site. However, the combination of these benefits would be limited due to their modest scale. I therefore attach modest weight to them.
30. The appeal proposal would provide what is claimed to be a self-build family dwelling, although there is no legal agreement before to secure it as a self-build dwelling and I do not see how this could be required by condition. I appreciate that the appeal proposal would enable the appellants to live close to their workplaces and their family in the area. However, these are private benefits that carry very limited weight.
31. Consequently, the adverse effects of the proposal, taking into account, the site location and the rural character of the area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

32. The proposal conflicts with the development plan as a whole and there are no material considerations to indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

O Tresise

INSPECTOR



Appeal Decision

Site visit made on 8 July 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2025

Appeal Ref: APP/L3245/W/24/3358093

29 Sycamore Road, Broseley TF12 5QG

- 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 Craig Bearley against the decision of Shropshire Council.
 - The application Ref is 24/00827/FUL.
 - The development proposed is erection of a single replacement dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a single replacement dwelling at 29 Sycamore Road, Broseley TF12 5QG in accordance with the terms of the application, Ref 24/00827/FUL, subject to the conditions in the attached schedule.

Preliminary Matters and Background

2. I have taken the description of development, as set out above, from the planning application form but have omitted the text 'following the demolition of a fire, damaged bungalow at 29 Sycamore Road, Broseley Wood, Shropshire, TF12 5QG' as it is not a description of development.
3. Planning permission, reference 17/01239/FUL, was granted for a two-storey dwelling on the appeal site which would have its ground floor significantly below the level of a public footpath known as Pugh's Jitty (the Jitty) that directly adjoins the site. Works to progress its construction were commenced in 2018, involving excavations into an embankment on top of which the Jitty is located. Whilst temporary support was provided to retain the land, it subsequently failed, resulting in the formation of tension cracks and disruption along the Jitty and within the garden of 7B The Hollows (7B).
4. The Council and developer agreed that such tension cracks and disruption were indications of slope movement/failure and, subsequently, construction works ceased. The construction of a stone filled gabion earth retaining wall (Stabilisation Works) was undertaken to prevent further ground movement, and the Jitty was reinstated. The main parties agree that the Stabilisation Works have restored the land of the Jitty and 7B to its condition of stability prior to the excavations and there is nothing before me to conclude otherwise.
5. The Council received a memo (the Memo) from its advisors, WSP, dated 8 November 2019, relating to the stability of the appeal site, the Jitty, and 7B. Following on from this in 2020, Approval in Principle was given by the Highway Authority for a more permanent solution that would retain the Jitty and would allow construction of the permitted dwelling to continue.

6. A resubmitted planning application for a revised development on the site, comprising a single storey dwelling with a finished floor level said to be set above the level of the Jitty, was lodged in 2024. That application was supported by a 'Review of Stability of Remediated Slope Following Failure' report (the Review), dated January 2024. The Review set out conclusions and recommendations in respect of ground stability and the method of construction of the proposed dwelling. Such conclusions and recommendations included that the development should not involve the removal or alteration of the existing slope arrangement, that the Stabilisation Works would not provide an acceptable foundation bearing strata for the appeal proposal so piled foundations should be employed, and any fill material excavated should be retained and placed directly on the slope below or immediately adjacent to the excavations.
7. The resubmitted application was subsequently refused by the Council, due to its continued concerns about ground stability, and is now the subject of this appeal.

Main Issue

8. The effect of the appeal proposal on land stability, with particular regard to the Jitty and 7B.

Reasons

9. The concerns of the Council set out in its reason for refusal follows the response of WSP advising that its stance remains that presented within the Memo, based on the assumption that the site has not been through any changes. However, it is noteworthy that key conclusions of the Memo, namely the requirement to construct a contiguous bored pile retaining wall to support the adjoining ground, and the need to undertake further ground investigations to a greater depth to allow the design of such stabilisation works, relate to the permitted dwelling.
10. As referenced above, the dwelling which was assessed within the Memo materially differs from the appeal proposal in respect of its scale and its finished floor level. Therefore, whilst the appeal proposal does not incorporate the measures set out in the key conclusions of the Memo, it does not necessarily follow that it is unacceptable.
11. The Review, which the evidence before me suggests has been carried out by a competent person, assesses whether the site is suitable for the appeal proposal, taking account of ground conditions and any risks arising from land instability associated with that development. Consequently, it accords with paragraph 196 of the National Planning Policy Framework (the Framework).
12. The Review agrees with the Council that the Stabilisation Works would not provide an acceptable foundation bearing strata for the appeal proposal. It goes on to recommend that the Stabilisation Works should remain unaltered and that bored piles, to a load bearing depth below, should be utilised in its construction. The Council, nonetheless, has provided no objective analysis to contradict such recommendations, nor has it presented an alternative assessment of the specific appeal proposal. Thus, there is nothing before me that supports the Council's position that the Review is an insufficient basis upon which to assess the land stability implications of the appeal proposal.

13. The slope movement/failure that previously occurred emphasises the land stability issues associated with the development of the site. However, the information before me strongly suggests that rather than a lack of appropriate technical and environmental advice in support of the permitted dwelling, the problems arose due to the construction works not being carried out in accordance with details approved pursuant to a condition of the planning permission. Whilst there is a clear need for the full details of the method of construction of the appeal proposal to be approved, I am satisfied, in the absence of any evidence to the contrary, that this could be secured through the imposition of a pre-commencement condition.
14. In conclusion, the appeal proposal would not have an unacceptable effect on land stability and would not adversely affect the Jitty or 7B. It would not conflict with Policy C6 of the Core Strategy, dated March 2011, and Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan, dated December 2015, which require high quality development that, amongst other things, take account of site characteristics such as land stability. It would also accord with Part 12 of the Framework.

Other Matters

15. The site lies in Broseley Conservation Area (CA). I consider the significance of the CA is largely derived from its surviving historic settlement pattern. The diverse styles and architectural detailing of its housing, the irregular building and plot sizes, and the absence of a strong building line also contribute to the significance and historic character of the town.
16. The contemporary design of the appeal proposal, which incorporates traditional design elements and materials, would not appear as a discordant feature within its surrounding. Consequently, I agree with the Council that it would not be harmful to the character and appearance of the CA as a whole.
17. I note the concerns expressed by interested parties about the works undertaken pursuant to the previous planning permission, reference 17/01239/FUL, not being carried out in accordance with the approved details, including the retaining wall, and the problems that ensued. Nevertheless, I have no reason to consider that similar issues would arise during the construction of the appeal proposal before me, and if that did happen, it would be open to the Council to consider the expediency of appropriate enforcement action.
18. Requests have been made for a party wall agreement. However, that is not within the scope of this appeal, it is a matter for the respective parties.
19. I have had regard to the other matters raised by interested parties, which include issues associated with the construction phase of the development, possible contamination on site, impact of the development on users of the Jitty and drainage. However, I have been presented with no substantive evidence that would lead me to disagree with the Council's conclusions on these matters and determine that the appeal proposal would result in material harm sufficient to justify its dismissal.

Conditions

20. The Council has suggested several conditions which the appellant broadly agrees to. I have considered those conditions, and the comments received, against the

Framework and Planning Practice Guidance. As a result, I have made some amendments to the wording for clarity and consistency.

21. I have, in the interests of certainty, attached conditions specifying that the development is carried out in accordance with approved plans.
22. In consideration of the ground conditions and the known risks arising from land instability, I have imposed a condition that requires the submission and approval of a Ground Investigation Report and a scheme of permanent stabilisation works. I have added a clause requiring the implementation of the approved stabilisation works. It is a pre-commencement condition to ensure that such works are approved by the Council before any further development takes place.
23. In recognition of the risks of surface water flooding and pollution, I have imposed a condition to secure a scheme of foul and surface water drainage. It is a pre-commencement condition because the satisfactory delivery of suitable site drainage could be prejudiced if resolved later.
24. To minimise risks to the occupants of the site, neighbouring occupiers and the environment, conditions are required to ensure that contamination is appropriately addressed. I also impose conditions to ensure that the construction process is suitably controlled and its effects on the surroundings are minimised. These are pre-commencement conditions to ensure that appropriate measures are agreed and in place before development commences. I have, however, omitted reference to demolition works, as none are proposed.
25. To ensure the satisfactory appearance of the appeal proposal, I have attached conditions relating to facing materials and the roof windows. Whilst I don't consider that it is necessary for the details to be submitted prior to commencement of development, I have, for the same reason, attached a condition relating to landscaping and boundary treatments.
26. In the interests of nature conservation, a lighting plan and the installation of bird and bat accommodation are required.
27. I have imposed conditions relating to provision of parking to ensure that the development does not adversely impact on highway safety or the living conditions of future and existing occupiers.

Conclusion

28. For the reasons given above I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0000.6 Location Plan and Block Plan, 0000.7 Rev B Proposed Site Plan, 0000.8 Rev A Elevation 01, 0000.9 Rev A Elevation 0.2, 0001.0 Rev A Elevation 03, 0001.1 Rev A Elevation 04, and 0001.2 Rev A Proposed Floor Plan.
- 3) No development shall take place until a Ground Investigation Report, detailing ground investigation to a greater depth than has previously been carried out at the site, and a scheme of permanent stabilisation works, have been submitted to and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the approved scheme.
- 4) No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner)
- 5)
 - a) No development shall take place until a Site Investigation Report (Report) has been undertaken to assess the nature and extent of any contamination on the site. This shall include a separate mine gas risk assessment having regard to CL:AIRE 'Good Practice for Risk Assessment for Coal Gas Emissions; ISBN 978-1-905046-93-3, October 2021'. The Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance – Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the local planning authority before development commences.
 - b) In the event of the Report finding the site to be contaminated a further report detailing a Remediation Strategy (Strategy) shall be submitted to and approved in writing by the local planning authority. The Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Strategy.
 - d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the local planning authority.
 - e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the local planning authority that demonstrates that contamination has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 6) No development shall take place until a Construction Method Statement (Statement) has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - Wheel washing facilities.
 - Measures to control the emission of dust and dirt during construction.
 - A scheme for recycling/disposing of waste resulting from construction works.
 - A Traffic Management Plan.
- 7) Construction works shall not take place outside 8am to 5pm Mondays to Fridays, and 9am to 1pm on Saturdays, and at no time on Sundays or Bank Holidays.
- 8) Details and samples of all the materials to be used externally on the dwelling hereby permitted and on hard surfaced areas, shall have been first submitted to and approved by the local planning authority in writing before being used in the development. The development shall be carried out in accordance with the approved details.
- 9) Prior to commencement of above ground works, a scheme providing full details of both hard and soft landscaping and boundary treatments to be implemented on the site shall have been submitted to and approved in writing by the local planning authority. The scheme shall include a Planting Plan and specification (including cultivation and other operations associated with plant establishment) providing schedules for all new planting and seeding, noting species, mixes, planting sizes and proposed numbers/densities where appropriate, and a timetable for implementation. All new planting shall be implemented in accordance with the approved details and implementation programme. If within a period of 5 years from the date of planting, any tree, shrub or hedgerow or any replacement planting is removed, uprooted or dies or becomes seriously damaged or diseased, replacement planting of the same species and size shall be planted in the same location in the next planting season.
- 10) Prior to their installation, full details of the roof windows shall be submitted to and approved in writing by the local planning authority. The installation of the windows shall be carried out in complete accordance with the approved details.
- 11) Prior to first occupation/use of the dwelling and garage hereby approved, the makes, models and locations of the following bat and bird boxes shall be submitted to and approved in writing by the local planning authority:
- A minimum of 1 external bat box or integrated bat brick suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 2 artificial nest of either integrated brick or external brick design, suitable for swifts (swift bricks or boxes).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall be installed prior to first occupation/use of the dwelling and shall thereafter be maintained for the lifetime of the development.

- 12) Prior to the erection of any external lighting on the site, a Lighting Plan shall be submitted to and approved in writing by the local planning authority. The Lighting Plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
- 13) The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designed use.

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Appeal Decision

Site visit made on 29 July 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/L3245/W/25/3364715

Existing manège building, Cosford Grange, Cosford, Albrighton TF11 9JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Claire Stokes against the decision of Shropshire Council.
 - The application Ref is 24/03669/FUL.
 - The development proposed is conversion of existing manège building to provide a five-bed house and six stables.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing manège building to provide a five-bed house and six stables at Existing manège building, Cosford Grange, Cosford, Albrighton TF11 9JB in accordance with the terms of the application, Ref 24/03669/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Ms Claire Stokes against the decision of Shropshire Council. This application is the subject of a separate decision.

Preliminary Matter

3. The Council's reason for refusal clearly relates to the conversion of the existing manège building to a five-bed house (the proposal) and no concerns are raised with the part of the appeal scheme for six stables. I have no reason to come to a different conclusion on that element of the scheme and have determined the appeal on that basis.

Main Issue

4. Whether or not the proposal would be a suitable location for residential development having regard to the spatial strategy of the development plan.

Reasons

5. The appeal site is occupied by a large barn, previously in use as an indoor manège. Access to the building is via the surrounding horse paddocks, which are adjacent to the access drive to Cosford Grange, a large country house, which includes estate buildings and associated land.
6. Despite clusters of buildings nearby, including Cosford Grange and other large houses, the wider surrounding area is relatively remote and rural in character. Indeed, the appeal site is physically detached from nearby settlements and

functionally separate from other development. Given such, and with due regard to the cited judgment¹, the site is within an isolated countryside location.

7. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (CS), allows for certain new development in the open countryside, where it maintains and enhances the countryside's vitality and character and improves the sustainability of rural communities. A list of suitable development types is provided by the policy. Amongst other things, this includes open market residential conversions where they involve a heritage asset.
8. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan, adopted 2015 (the SAMDev) relates specifically to managing housing development in the countryside and provides further criteria to Policy CS5 of the CS. The policy establishes that new market housing will be strictly controlled in the open countryside, but it does support open market residential conversions in the countryside where the building is of a design and form which is of merit for its heritage value.
9. Although there are limited details about the design concept of the development, including the demolition and construction works necessary to complete the proposed development, the appeal scheme is described as the conversion and re-use of the barn for open market housing. However, it is not a heritage asset and as such, the proposed development would fail to satisfy Policy CS5 of the CS and Policy MD7a of the SAMDev.
10. There is limited evidence before me regarding the level of services and amenities nearby and whether future occupiers would have access to a bus service. As such, future occupants would be highly dependent on the use of private cars for their day-to-day needs, and it is not clear how the proposal would enhance or maintain the vitality of the nearby community.
11. For the above reasons, I conclude that the proposal would not be a suitable location for residential development having regard to the spatial strategy of the development plan. It would thereby conflict with Policies CS4 and CS5 of the CS and Policies MD3, MD7a and MD7b of the SAMDev, which together and amongst other things seek to direct new housing development to sustainable locations.

Other Considerations

12. The appeal building comprises previously developed land within the Green Belt. The proposed development would re-use a building that is of a permanent and substantial construction. It would also result in a noticeable reduction in the size of the existing building and would comprise the partial or complete redevelopment of previously developed land. Even with domestic paraphernalia associated with a dwelling, the appeal scheme would not cause substantial harm to the openness of the Green Belt. Therefore, despite the concerns of Albrighton Parish Council about the loss of openness, I agree with the main parties that the proposal would comply with paragraph 154 of the Framework, and it would not constitute inappropriate development in the Green Belt.
13. The proposed stable building and new dwelling would also have an acceptable appearance, appropriate for the rural setting. In addition, the appearance of the

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

buildings and the external areas around them would be supplemented by an extensive soft landscaping scheme. Collectively, the proposals would result in an enhancement to the landscape, albeit these enhancements would be localised.

14. The Council accept that they cannot demonstrate a five-year supply of housing land, albeit at 4.73 years the short fall is modest. Nonetheless, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, Paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The appeal scheme would constitute the development of an isolated home in the countryside. Paragraph 84 of the Framework seeks to avoid new isolated homes in the countryside unless one or more circumstances apply, including where the development would re-use redundant or disused buildings and enhance its immediate setting.
16. During my site visit I observed that the building is no longer in use as a manège. Instead, it appeared to be primarily used for the storage of tractors, trailers and a caravan. While some facing materials were missing and the fabric of the building has a rustic appearance, there is otherwise limited substantive evidence before me to adequately demonstrate that the appeal building is indeed redundant or disused. Consequently, it does not meet paragraph 84c of the Framework.
17. By their nature, residential conversions allowed under Policy CS5 of the CS and Policy MD7a of the SAMDev are likely to be in isolated locations and there is no specific requirement for the converted building to be in a sustainable location. Likewise, this is the case for paragraph 84c of the Framework. Therefore, even though the building is not redundant or disused, or a heritage asset, the proposal would re-use an existing building and there would be visual enhancements to the landscape. Accordingly, the weight to be afforded to the conflict with the development strategy, as well as paragraph 84c of the Framework, in light of the land supply shortfall, is reduced. I attach modest weight to the conflict in these circumstances.
18. The proposed stables and the new dwelling would make efficient and effective use of previously developed land, re-purposing the existing building and providing visual enhancements to create a development that would function well and add to the overall quality of the area, as supported by the Framework. A new dwelling would also contribute to boosting the supply of new housing, as referenced in the Framework. There would also be social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. In combination, and in the context of the shortfall in housing land, the benefits attract considerable positive weight in my determination and attract moderate weight overall.
19. In the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Accordingly, while the proposal would conflict with the development plan as a whole, material considerations, including the Framework, outweigh that conflict and indicate that

planning permission should be granted for development which is not in accordance with it.

Conditions

20. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.
21. Notwithstanding the external materials listed on the original planning application form, in order to ensure that the appearance of the development is satisfactory, a condition is imposed to require samples of the external materials to be approved. A condition to secure the implementation of the approved soft landscaping scheme is reasonable and necessary in the context of the approved development and to provide the landscape enhancements.
22. The Council has suggested conditions preventing commencement of the development until three bat emergence and re-entry surveys have taken place between the active bat season. However, the application was accompanied by a Preliminary Ecological Appraisal and Preliminary Roost Assessment (ecology report), and subsequent Bat Emergence and Re-Entry Surveys (the survey). These confirm that bats are present within the building and that a Natural England Bat Mitigation License will be required. As such, it would not be reasonable or necessary to impose conditions preventing development until further surveys are carried out or details of the license have been provided. Indeed, the recommendations set out in the survey set out that a European Protected Species Licence application to Natural England will be required to legally permit the proposed works.
23. Conditions to secure the creation of two roosting opportunities and a minimum of two bird boxes, prior to the occupation of the development, are reasonable and necessary, in accordance with the survey, in the interest of wildlife protection. Likewise, the prior approval of external lighting is necessary. Also, a condition requiring confirmation that all of the recommendations of the ecology report have been carried out is necessary to mitigate the impact of the development and provide biodiversity enhancements. This is required to be submitted to the Council prior to the occupation of the buildings.

Conclusion

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

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered: 2120-049-sk1; 1871D-01; 1871D-05; 1871D-07; and BEA-25-023-01 Rev P01.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of external walls and roofs of the buildings hereby permitted, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) Prior to the installation of external lighting, full details, including height, design, location and intensity, shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 5) All proposed planting, as shown on the Detailed Soft Landscape Proposals Plan Dwg No. BEA-25-023-01 Rev P01, shall be implemented no later than the end of the first planting season following the first use of the development hereby permitted. Any approved planting which is removed, dies or becomes seriously damaged or diseased within a period of five years from first planting, shall be replaced with other planting of similar size, species and maturity in the first available planting season.
- 6) Prior to the occupation of the development hereby permitted, a minimum of two roosting opportunities for bats shall be created in accordance with the Bat Emergence and Re-Entry Surveys (Arbtech, 25 June 2024). The roosting opportunities shall thereafter be maintained for the lifetime of the development.
- 7) Prior to the occupation of the development hereby permitted, a minimum of two bird boxes shall be installed on the site in accordance with the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, 08 August 2024). The bird boxes shall thereafter be maintained for the lifetime of the development.
- 8) Prior to the first occupation of the development hereby permitted, a statement, demonstrating that all works to the site have been undertaken in accordance with the Bat Emergence and Re-Entry Surveys (Arbtech, 25 June 2024) and with the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, 08 August 2024), shall be submitted to and approved in writing by the local planning authority. The statement shall include photographs of installed bat and bird boxes at the site and evidence of pre-commencement checks undertaken.

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Costs Decision

Site visit made on 29 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Costs application in relation to Appeal Ref: APP/L3245/W/25/3364715

Existing manège building, Cosford Grange, Cosford, Albrighton TF11 9JB

- 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 Ms Claire Stokes for a full award of costs against Shropshire Council
 - The appeal was against the refusal to grant planning permission for conversion of existing manège building to provide a five-bed house and six stables.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Preliminary Matter

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

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. Amongst other things, the PPG sets out that a local planning authority is at risk of an award of costs for the withdrawal of any reason for refusal or preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The applicant has set out that the appeal was entirely unnecessary, and the original application should have been allowed. The applicant also suggests that the Council were given an opportunity to reconsider their position and avoid the need for an appeal but that they failed to do so.
6. In response, the Council identify that following the determination of the application and the submission of the appeal, a new iteration of the National Planning Policy Framework (the Framework) was issued which amended the standard methodology for calculating five-year housing land supply. As a result, the Council's housing land supply position changed which had implications for decision making. Furthermore, the Council suggest that the wording of paragraph 154g) of the Framework was amended, and had the application being considered against paragraph 154g) today, it would not have been refused, as the development would no longer be

considered inappropriate and would not cause substantial harm to the openness of the Green Belt.

7. The applicant approached the Council in February 2025, following the publication of the Framework and the revised housing land supply position. In essence giving them an opportunity to reconsider their position. However, the Council, via the planning case officer, did not change their stance on the scheme. Therefore, although the Council suggest that the applicant could have submitted a new planning application, in light of the Council's comments, it is likely that the outcome, at that time, would have been the same. As a consequence, the applicant submitted the appeal, rather than a new planning application.
8. Following the submission of the appeal, the Council concedes that it is unable to defend the sole reason for refusal. However, it is not clear for what reasons. Indeed, the Council are clear in their submissions that the change to the five-year housing land supply does not change their position on the proposed development. Also, although Green Belt is cited in the reason for refusal, the Council's delegated officer report states that 'there is no specific Green Belt refusal reason for this application in relation to its principal acceptance'. The officer report also states that the 'principle reason for refusal is derived from the housing strategy for development in the open countryside'. This position is reflected in the Council's reason for refusal.
9. All in all, the Council's explanation for the change in position is vague and somewhat contradictory. Particularly in relation to Green Belt and the amended wording at paragraph 154g) of the Framework. As such, in the context of the above circumstances, I find that an appeal could have been avoided had the Council properly reconsidered their position when approached by the applicant in February 2025. Instead, they waited until the appeal had been lodged. In this situation, I agree that the Council has behaved unreasonably by withdrawing their refusal reason during the appeal.
10. Accordingly, unreasonable behaviour resulting in wasted expense, as described in the PPG, has been demonstrated, and the application for a full award of costs is allowed.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Ms Claire Stokes, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

N Bromley

INSPECTOR



Appeal Decision

Site visit made on 20 August 2025

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/L3245/D/25/3368938

Wrekin View Eaton Constantine Shrewsbury Shropshire SY5 6RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Fennell against the decision of Shropshire Council.
 - The application Ref is 25/00801/FUL.
 - The development proposed is Erection of a two storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for Erection of a two storey side extension at Wrekin View Eaton Constantine Shrewsbury Shropshire SY5 6RH in accordance with the terms of the application, Ref 25/00801/FUL and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: AX054-P.02
 - 3) Notwithstanding what appears on the plan hereby approved, the development shall be completed with external facing materials that match the existing building.

Preliminary Matter

2. Whilst I have determined this appeal on the basis of the evidence before me, including a site visit and viewing the site from the adjacent house as the Council suggested, I note that, other than what appears in the Decision Notice, the Council have not provided any explanation or reasoning for their decision.
3. Although the appellant refers to personal reasons for the extension, this was not material to the decision of the Council and not a factor in the determination to be made.

Main Issue

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

Reasons

5. Wrekin View is a detached two-storey dwelling dating from the later decades of the twentieth century, which sits in a large plot at the entrance to a small development of nine pairs of semi-detached houses dating from the middle decades of the twentieth century, named 'Rural Cottages'. The proposed extension would replace an existing attached single garage and infill the space to the boundary with No.18 Rural Cottages (No.18) which, although recently extended at the side, retains a significant width of plot which contains one attached and one detached single garage with some smaller incidental structures behind, along the boundary with the appeal site. The proposal would neither overbear the main garden area of No.18 nor be visually intrusive.
6. The large gap between the recently extended No.18 and Wrekin View emphasises the vertical proportions of No.18 in comparison with the horizontal format of the wider semi-detached pairs. Moreover, the mature oak tree which stands at the eastern edge of the Wrekin View garden where it fronts the main road, tends to prominently associate the appeal site with the main road and the approach into the village, rather than the street view within the Rural Cottages cul-de-sac.
7. It has not been explained why the proposed extension would be 'incongruous with the rural streetscape' or 'disrupt the visual continuity and character of surrounding dwellings' when Wrekin View has little in common with the houses adjacent or others nearby, which include examples of post-war industrialised housing. Although the introduction of render would be inappropriate in this location¹, and the extension would significantly change the form of the host dwelling, nor would it present as a subordinate side extension, the proposed form would address the visually awkward gap which is currently occupied by garages and sheds or similar buildings that are prominent in the village approach view from the north. I consider the result, subject to the use of suitable materials being used, would be a distinctive building that would make a positive contribution to the northern approach view at the entrance to the village.
8. The Council's Decision Notice refers to Policies CS5 and CS6 of the Shropshire Core Strategy 2011 (SCS). Policy CS5 makes no reference to extensions to existing dwellings and Policy CS6 sets out broad aspirations for high quality design and the enhancement of local distinctiveness. As my reasoning explains I find little conflict with Policy MD02 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015 which requires development to contribute to and respect locally distinctive or valued character and existing amenity. Consequently, taking all matters raised into account the appeal succeeds subject to the usual plans and timing conditions with a further condition reflecting my observations as to materials.

Andrew Boughton

INSPECTOR

¹ A matter which can be addressed by condition



Appeal Decision

No Site visit

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 OCTOBER 2025

Appeal Ref: APP/L3245/C/24/3354893

Land Northwest of B4364, Wheathill, Shropshire WV16 6QU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Sarah Odell against an enforcement notice issued by Shropshire Council.
- The notice was issued on 24 September 2024.
- The breach of planning control as alleged in the notice is without planning permission: i. A material change of use of agricultural land to a mixed use site of agriculture and residential, with associated erection of a building and siting of static caravan occupied for residential purposes.
- The requirements of the notice are to:
 - (i) Cease the use of the Land for residential purposes.
 - (ii) Remove entirely from the Land Northwest of B4364, Wheathill Land Registry Title Number SL 64393 marked 'X' on the attached plan the residential timber building incorporating a static caravan marked 'Y' on the attached plan and all residential paraphernalia.
 - (iii) Return the Land to its former condition as agricultural land.
- The periods for compliance with the requirements are: 24 weeks for requirement (i); 32 weeks for points (ii) and (iii).
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal succeeds in part, and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Matters Concerning the Enforcement Notice

1. Before considering the grounds of appeal, I have a duty to put the notice in order, if necessary. The powers transferred to Inspectors under section 176(1)(a) of The Town and Country Planning Act 1990 as amended (the 1990 Act) include to correct any defect, error or misdescription in the enforcement notice or, under section 176(1)(b), to vary the terms of the enforcement notice. In each case, the only test is whether the correction or variation would not cause any injustice to the appellant or the local planning authority.
2. It is noted that the allegation in the Enforcement Notice (Notice) refers to the material change of use from agriculture to a mixed use of agriculture and residential. Although it is appreciated that the residential activities are the unlawful element of the mixed use, as the allegation has referred to a mixed use, it is necessary to require it to cease. In light of this, the words set out in requirement (i) can be deleted and substituted with the words 'Cease the mixed use, by discontinuing the residential activities on the Land.'
3. This variation does not change the nature of the breach or make the requirements more onerous. As such, the variation to the requirement would not cause injustice to the appellant or the Council's cases.

Preliminary Matters

4. Having considered the evidence submitted, the main considerations in this case and the particular matters in dispute, I am satisfied that I am able to determine the appeal without a site visit. The views of the main parties were sought on this matter before my determination of the appeal, and no objection was raised.
5. The address on the Notice does not include a postcode; however, the appellant confirmed the postcode on the Appeal Form. This postcode matches the address of the land in question, so for clarity, I have included it in the banner heading.

The Appeal on Ground (f)

6. For the appeal to succeed on this ground, I must be satisfied that the steps required to comply with the Notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by the breach.
7. Section 173 of the 1990 Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first is section 173(4)(a) of the 1990 Act, which is to remedy the breach of planning control that has occurred. The second, section 173(4)(b) of the 1990 Act, is to remedy any injury to amenity which has been caused by the breach.
8. In this case, the corrected Notice alleges an unauthorised mixed use of the land and requires it to cease, as well as the removal of the residential timber building and attached static caravan. Therefore, the purpose of the Notice is clearly to remedy the breach of planning control and return the land to its former condition. This is consistent with the purpose of remedying the breach of planning control in accordance with section 173(4)(a) of the 1990 Act.
9. In cases where the Notice targets a material change of use, it is permissible to require the removal of works integral to facilitating the unauthorised use, even if these details are not explicitly outlined in the allegation. This is to ensure that the land is restored to its condition before the breach took place. However, established case law also dictates that the requirements of the Notice must not infringe upon the exercise of lawful rights pertaining to the use and development of land. Therefore, the Notice should not compel the removal of items from the site historically associated with its lawful use, to which it can revert.
10. The appellant asserts that the static caravan is mobile, being positioned on wheels, and contends that the timber extension attached to it can be easily removed. They argue that the caravan should remain to facilitate the ongoing operation of the business and its connection to the lawful agricultural use of the land. Specifically, to store medicines, equipment and animal records. Therefore, the suggested lesser steps to rectify the breach include ceasing the residential activities on the Land, decoupling the timber building from the static caravan and removing the timber building.
11. In pleading ground (f), the onus is on the appellant to state the precise details of any lesser steps, otherwise it is not possible to judge whether the Council's requirements are excessive or not. If I were to allow the appeal on ground (f) then I would need to vary the requirements of the notice in a way that unambiguously sets out what needs to be done.

12. Despite consideration of the lesser steps proposed, in my judgement the requirement to remove the static caravan and attached timber building is justified, as both are fundamentally linked to enabling the unauthorised mixed-use and residential activities on site. While the Council does not oppose the request for a static caravan to remain, the appellant's evidence is limited in detail and falls short of establishing whether the modified static caravan would be defined as a caravan after detaching it from the timber building¹. Furthermore, it has not been adequately demonstrated that the static caravan was previously on-site and used in connection with the lawful agricultural use before being repurposed for a residential use.
13. Given the above, I am not satisfied that the lesser steps proposed would sufficiently address the breach of planning control. The requirement to remove the timber building and static caravan is not an excessive demand; it is a necessary measure to cease the unauthorised residential activities of the mixed-use and restore the land to its condition before the breach took place.
14. Accordingly, the appeal on ground (f) fails.

The Appeal on Ground (g)

15. An appeal on ground (g) is that the period specified in the Notice falls short of what should reasonably be allowed.
16. The appellant has requested an additional 6 months to requirement (i) and an additional 4 months to requirement (ii) and (iii). This would give the appellant 12 months or 52 weeks to cease the mixed use, remove the timber building and attached static caravan as well as other residential paraphernalia to return the land to its previous condition. The additional time requested is based on the need for the appellant to find alternative ways and arrangements of managing her business without being on site at all times.
17. Having regard to the loss of the appellant's home and the impact on the operations of her business, I consider that a period of time more than 24 weeks (6 months) and 32 weeks (8 months) can be justified. However, it is considered that a 10-month period to cease the use, and 12 months for requirements (ii) and (iii) would be sufficient. This time frame would strike an appropriate balance between having to minimise the conflict with the Council's development plan policies on rural enterprise dwellings and the impact on the character and appearance of the area, with the changes to how the business may operate without a 24 hour on-site presence. It also allows sufficient time for the appellant to find suitable alternative living accommodation.
18. To this limited extent, the appeal on ground (g) succeeds. I shall vary the terms of the Notice accordingly.

Conclusion

19. For the reasons given above, I conclude that the requirements of the Notice are not excessive to remedy the breach of planning control, but the period for compliance with the Notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (f) fails, but the ground (g) succeeds to that limited extent.

¹ A caravan is defined in section 29 Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 as amended

Formal Decision

20. It is directed that the Notice is varied by:

In paragraph 5, step (i), delete the words 'Cease the use of the Land for residential purposes' and substitute with the words 'Cease the mixed use, by discontinuing the residential activities on the Land.'

In paragraph 6 (1) delete the words and number 'twenty four (24) weeks' and substitute with the words and number 'ten (10) months.'

In paragraph 6 (2) delete the number and words 'thirty two (32) weeks' and substitute with the words and number 'twelve (12) months'

21. Subject to the variations, the enforcement notice is upheld.

M. P. Howell

INSPECTOR



Appeal Decisions

Hearing and site visit held on 22 July 2025

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal A Ref: APP/L3245/C/25/3363600

Land south of Tong Forge, Shifnal, Telford, Shropshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mrs E Quinn against an enforcement notice issued by Shropshire Council.
 - The notice was issued on 3 March 2025.
 - The breach of planning control as alleged in the notice is "Without planning permission:
 - i. Material change of use of land to a mixed use of Agriculture and a Residential Gypsy and Traveller Caravan Site including the importation and laying of hardcore material to form a hardstanding area in the approximate location identified with a hatch symbol on the attached plan and formation of concrete pads all in connection and to facilitate the unauthorised use of land as a residential Gypsy and Traveller Caravan Site."
 - The requirements of the notice are:
 - 1) Cease the use of the Land as a residential gypsy and traveller caravan site (to remedy the breach of planning control).
 - 2) Remove from the Land all caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) brought onto the land in connection with the unauthorised use of the land as a residential gypsy and traveller caravan site (to remedy the injury to amenity).
 - 3) Remove from the Land all hardstanding material including (in the approximate location identified with a hatched symbol on the hatched plan) and concrete pads brought onto the land in connection with the unauthorised residential use and restore the Land to a condition before the breach took place (to remedy the injury to amenity).
 - 4) Remove from the Land including but not limited to; amenity blocks, structures, septic tank and associated drainage pipes, materials, equipment, post and rail boundary fencing defining the residential area brought onto the Land in connection with the unauthorised use as a residential gypsy and traveller caravan site (to remedy the injury to amenity).
 - 5) Remove from the Land all domestic paraphernalia and vehicles brought onto the Land in connection with the unauthorised use as residential gypsy and traveller caravan site (to remedy the injury to amenity).
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in sections 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Appeal B Ref: APP/L3245/W/25/3363263

35 The Caravan, Tong Forge, Shifnal, Telford, Shropshire, TF11 8QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs E Quinn against the decision of Shropshire Council.
 - The application Ref is 24/01534/FUL.
 - The development proposed is change of use of land to Gypsy/Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area.
-

Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by:

- *In section 2: the deletion of the words “Land to the south of Tong Forge, Shifnal, Shropshire” and the substitution of the words “35 The Caravan, Shifnal, Telford TF11 8QD”; and*
- *In section 3, the deletion of all the words and their substitution with the words “Without planning permission, the material change of use of the land to a Residential Gypsy and Traveller Caravan Site including the importation and laying of hardcore to form a hardstanding area and the laying of two concrete pads to facilitate the unauthorised use in the area shown hatched on the attached plan.”*

And varied by:

- *In section 5. 1), delete the words “of the Land as a residential gypsy and traveller caravan site (to remedy the breach of planning control)”;*
 - *In section 5. 2), delete the words “(as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) brought onto the land in connection with the unauthorised use of the Land as a residential gypsy and traveller caravan site (to remedy the injury to amenity)”;*
 - *In section 5. 3), delete all the words after “hardstanding material” and substitute the words “and concrete pads, and restore the Land to its condition prior to the unauthorised development took place”;*
 - *Delete section 5. 4); and*
 - *Renumber section “5. 5)” as “5. 4)”, and after the words “domestic paraphernalia” insert the word “, structures”, and delete the words “as residential gypsy and traveller site (to remedy the injury to amenity)”.*
2. Subject to the corrections and variations, Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the land to a Residential Gypsy and Traveller Caravan Site including the importation and laying of hardcore to form a hardstanding area and the laying of two concrete pads to facilitate the use at 35 The Caravan, Shifnal, Telford TF11 8QD as shown on the plan attached to the notice and subject to the conditions in the attached Schedule 1.

Appeal B

3. The appeal is allowed and planning permission is granted for the change of use of land to Gypsy/Traveller Site consisting of four family pitches to include 4No. static caravans, 4No. touring caravans, 4No. amenity blocks with gravel drive and turning area at 35 The Caravan, Shifnal, Telford TF11 8QD in accordance with the

terms of the application, Ref 24/01534/FUL, the plans submitted with it, and subject to the conditions in the attached Schedule 2.

Matters concerning the notice

4. Where a material change of use is alleged, it can be helpful to identify the extent of the planning unit. The land affected is edged red on the plan attached to the notice ("the EN Plan"). This land encompasses an area of hardstanding used for the stationing of residential caravans and a field. There is no dispute that the appellant owns and occupies all the land edged red on the EN Plan. While post and rail fences divide the land, it is all used for purposes physically and functionally ancillary and incidental to one another. I therefore agree with the main appeal parties that there is one planning unit.
5. The land affected by the notice is described differently to the land for which the planning application was made. This was discussed at the Hearing, and while it has no material effect on matters, for consistency, the description of the land affected by the notice shall be varied to reflect that set out in the application form, namely *"35 The Caravan, Shifnal, Telford TF11 8QD"*.
6. The notice alleges a material change of use to a mixed use of agriculture and a residential gypsy and traveller caravan site. There is no dispute that the residential gypsy and traveller caravan site occupies the hard surfaced part of the land. Mr Quinn (senior) told the Hearing that no agricultural activities are undertaken on the unsurfaced part of the land (the field). He also advised that while his family own 6 horses, they are grazed and housed away from the appeal site as the land is not secure.
7. I saw the land to be overgrown, and it clearly had not been used for grazing for some considerable time, corroborating Mr Quinn's version of events. There is no evidence that horses have been kept on the land, i.e. there are no stables or field shelters present. I also saw that there are a disused touring caravan and a disused pick-up type vehicle in the field along with a dog kennel. Also, the historic aerial imagery provided does not show any crops, livestock, agricultural buildings or structures to be present on the land.
8. From the discussion at the Hearing, along with what I saw during my site visit, in my judgement, the appellant's horses are kept for purposes incidental to the residential gypsy and traveller caravan site use. The intermittent grazing of horses on the land does not therefore amount to a primary agricultural purpose as defined in s336 of the 1990 Act. As such, while there has been a material change of use of the land, it has not been changed to a mixed use of agriculture and residential gypsy and traveller caravan site use. It is used solely for the purpose of a residential gypsy and traveller caravan site.
9. The allegation also includes reference to facilitating development. The wording of which refers to hardstanding being in the approximate location *"identified with a hatched symbol"*. The EN Plan however shows the hardstanding as a hatched area. The wording goes on to refer to *"formation of concrete pads"*, however concrete is normally laid. The words *"all in connection and to facilitate the unauthorised use of the land as a residential Gypsy and Traveller Caravan Site"* are superfluous. I shall replace them with *"to facilitate the unauthorised use"*.

10. S176(1)(a) of the 1990 Act provides for me to correct any defect, error or misdescription in the notice, provided no injustice will be caused to the appellant or Council. The Council has previously granted a temporary planning permission for the use of land to a Gypsy/Traveller Site consisting of four family pitches, to include 4No. static caravans, 4No touring caravans, 4No. amenity blocks with gravel drive and turning area. As that temporary planning permission has lapsed, the appellant knows that the notice is directed at ceasing the now unauthorised caravan site use. I am satisfied that no injustice would arise from my correction of the allegation by deleting the reference to a mixed use including agriculture and its substitution with the use of the land as a residential gypsy and traveller caravan site, along with the other deletions and substitutions set out above.
11. Turning to the requirements, the Council confirmed that the purpose of the notice is to remedy the breach of planning control. There is no need for step 1) to include the words “(to remedy the breach of planning control)” or steps 2), 3), 4) and 5) to include the words “(to remedy the injury to amenity)” and they shall be deleted.
12. In the steps required to be taken, it is sufficient for step 1 to state “Cease the use.” In step 2, it is sufficient to state “Remove from the Land all the caravans.”
13. In step 3, the concrete pads were not “brought” onto the land, the concrete was laid. Also, restoring the land “to a condition before the breach took place” lacks precision. Step 3 shall be varied to require the Land to be restored to its condition before the breach took place.
14. Step 4 includes a list of additional operational developments that may or may not exist or have been carried out to facilitate the material change of use. They also include things that have not been identified in the allegation. From the Hearing discussion it transpired that the septic tank referred to predates the development, the amenity blocks have not been erected, and the Council conceded that the post and rail fencing dividing the hardstanding area from the field need not be removed as it causes no demonstrable harm. While there remains a need to ensure any structures are removed, they can be incorporated in to step 5. Step 4 shall therefore be deleted. Step 5 shall be renumbered and varied to include the word “structures”.
15. I shall proceed to determine Appeal A on the basis of the notice as corrected and varied.

Preliminary Matters

16. Since the Council refused to grant planning permission for the application the subject of Appeal B, the National Planning Policy Framework (“the Framework”) has been revised. The appeal timetables have provided for the main appeal parties to have regard to the revised Framework.
17. There is no dispute that the appellant and their family meet the definition of travellers set out in Annex 1 of the Planning Policy for Traveller Sites 2024 (“the PPTS”). Furthermore, it is a matter of common ground that the Quinn family have close family connections to Shifnal and Telford.
18. It is also a matter of common ground that the appeal site is within a reasonable distance of Shifnal, which provides access to services and facilities. It is therefore

agreed that the matter alleged and the development proposed constitute sustainable development, and I see no reason to disagree.

19. A new Gypsy and Traveller Accommodation Assessment was published by the Council in July 2025 (“the GTAA 2025”). This was prepared to form part of the evidence base to the emerging local plan. The appellant has had an opportunity to comment on this document. However, it has not been the subject of public consultation, which I was told is not likely to occur before October 2026, as part of the emerging local plan consultation.

The ground (a) appeal and the applications for planning permission

20. The ground (a) appeal, and the deemed planning application, is that planning permission should be granted for the corrected matter alleged, hereafter referred to as the “EN scheme”. Appeal B is for the material change of use of land for use as a residential gypsy and traveller caravan site, with associated facilitating development, hereafter referred to as the “2024 PA”. The amount of facilitating development differs between the two appeals; in addition to the existing hardstanding and two concrete bases included in the EN scheme, the 2024 PA includes the laying of two additional concrete bases and the erection of 4No. amenity buildings.
21. The **main issues** are:
- Whether the development carried out or proposed is inappropriate in the Green Belt;
 - If the developments are inappropriate in the Green Belt, their effect on openness;
 - The developments’ effect on the character and appearance of the rural landscape of the countryside; and
 - If necessary, whether any harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations so as to amount to the necessary very special circumstances required to justify inappropriate development in the Green Belt.

Reasons

Relevant development plan policy

22. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (“the CS”) confirms new development will be strictly controlled in accordance with national Green Belt policy. Policy CS5 goes on to set out various forms of development that, subject to further controls, will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The list includes “*dwelling to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and Policies CS11 and CS12.*” The Council confirmed that “*other affordable housing/accommodation*” in this policy context includes caravans for gypsies and travellers.

23. Policy CS12 addresses Gypsy and Traveller provision within the county. It provides a criteria basis to secure the provision of appropriate sites to meet their accommodation needs. Having regard to policy CS12's criteria:
- the Council has failed to allocate sites to meet identified needs;
 - the appeal site is close to Shifnal, an identified Key Centre;
 - the development of 4 pitches falls within the recognised threshold to comply with policy CS5, and the appellant's strong local connection has previously been demonstrated and remains agreed; and
 - the appeal site is reasonably accessible to services and facilities, can incorporate suitable design and screening, has suitable access and areas for manoeuvring and parking for all essential uses, no business use is proposed, and provision exists for recreational facilities.
24. The Council confirms that the EN scheme and the 2024 PA comply with policy CS12 of the CS. Their contention is that no mechanism is in place to ensure that the pitches provided would remain an affordable form of accommodation to meet a local need in accordance with policy CS5 of the CS. The development plan does not however define what would constitute "affordable" traveller accommodation and the Council could offer no further incite on this matter at the Hearing.
25. Paragraph 15 of the PPTS suggests that where there is a lack of affordable land to meet traveller needs, local planning authorities can allocate and release land solely for affordable traveller sites. There would however have to be a corresponding rural exception site policy for traveller sites in the relevant development plan, which would be used to manage applications for this purpose.
26. Neither policy CS5 nor CS12 of the CS are rural exception policies. Further, as already set out above, the Council has not allocated any land to provide for travellers, affordable or otherwise. I am satisfied the development plan does not provide for the provision of traveller sites in accordance with paragraph 15 of the PPTS.
27. It is generally accepted that private traveller sites will be in the countryside, beyond defined settlement boundaries. It is also generally accepted that land prices within settlement boundaries tend to be beyond the financial reach of travellers. Countryside sites, such as the appeal site, would therefore be 'affordable' to the travelling community in its widest sense.
28. I am satisfied that the appeal site's continued affordability to the travelling community can be secured through the imposition of a condition restricting occupation to those people that meet the Annex 1 PPTS definition. Furthermore, ensuring occupants of the Land continue to have a strong local connection to the area can be secured through the imposition of a personal condition.
29. For these reasons, subject to the imposition of conditions, I find that the EN scheme and the 2024 PA accord with policy CS5 of the CS.
30. Policy MD6: Green Belt of the Site Allocations and Management of Development Plan (December 2015) ("the SAMDev") sets out that, as well as meeting the requirements of policy CS5, development must demonstrate that it does not conflict with the purposes of the Green Belt. This type of development would not

assist the purpose of urban regeneration through recycling derelict or other urban land. The Council conceded at the Hearing that the appeal site makes no contribution to checking the unrestricted sprawl of Telford, to preventing neighbouring towns merging into one another or to preserving the setting and special character of historic towns.

31. The development does encroach into the countryside. However, the site is small and well-screened from public and private vantage points. The encroachment is therefore very minor. Furthermore, the Council conceded that the development does not fundamentally undermine the purposes (taken together) of the Green Belt across the area of the plan. I therefore find that the development does not conflict with the purposes of Green Belt and accords with policy MD6 in this regard.
32. Subject to meeting the criteria of policy CS5 of the CS and there being no conflict with the purposes of Green Belt, policy MD6 of the SAMDev confirms that affordable housing on previously developed sites [my emphasis], which would not have a greater impact on openness, and enhances the site's contribution to landscape setting, will be supported.
33. There is limited evidence to show that the appeal site meets the definition of previously developed land ("PDL") set out in Annex 2 of the Framework. The historic aerial images show that an area of hardstanding leading from the lane into the land has existed for some considerable time. This hardstanding area is shown to have expanded and contracted over the years. It could not however be described as 'large' at any point in time. These images do not show that there have been any permanent structures on the land, lawful or otherwise.
34. The daughter of the former landowner claims the land was used in connection with her father's business. Several of the aerial images show that a variety of lorry bodies or similar structures have been sited on the land at various times. There is however no evidence of planning permission ever being granted to develop the land for such purpose and there is insufficient evidence to show that such a use has become lawful due to the passage of time.
35. For these reasons, I find, on the balance of probabilities, that the appeal site is not PDL. The EN scheme and the 2024PA therefore conflict with policy MD6 of the SAMdev to this extent.

Whether the development is inappropriate in the Green Belt

36. Paragraph 142 of the Framework attaches great importance to Green Belts. It states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belt are their openness and their permanence.
37. When considering any planning application, substantial weight should be given to any harm to the Green Belt, including harm to its openness, other than in the case of development on PDL or grey belt land, where development is not inappropriate¹. Paragraphs 154 and 155 of the Framework go on to identify the forms of development that are not inappropriate in the Green Belt.
38. The provision of "*limited affordable housing for local community needs under policies set out in the development plan (including rural exception sites)*" are

¹ Footnote 55 of the Framework

confirmed at paragraph 154 (f) as not being inappropriate in the Green Belt. I have already established above that the development complies with policy CS5 of the CS, which seeks to provide for the limited affordable housing/accommodation needs of the local community.

39. While policy MD6 requires sites for affordable housing/accommodation development in the Green Belt to be PDL, there is no such provision in paragraph 154(f). As the CS was adopted in 2011, I find policy MD6 is not in accordance with the Framework, the latest iteration of which was adopted in December 2024. Taking these factors together, I find the development is not inappropriate development in the Green Belt as it falls within exception 154(f) of the Framework.
40. In the alternative, if the PDL requirement of policy MD6 remains effective, paragraph 154(f) would not apply. The development would therefore need to be assessed in relation to paragraph 155. This provides that *“The development of homes, commercial or other development in Green Belt should also not be regarded as inappropriate...”* and goes on to list criteria that such development would need to meet.
41. There is no dispute that the development is *“other development in the Green Belt”*. Grey belt land is defined as *“...other land that...does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143...”*, providing the application of policies relating to areas or assets in footnote 7 (other than Green Belt) would not provide a strong reason for refusing or restricting development.
42. It is the Council’s contention that defining the appeal site as grey belt land in advance of their completion of a grey belt land assessment would undermine that process. However, such a stance does not follow advice set out in the Planning Practice Guidance. It is therefore for me to determine whether the Land is grey belt land.
43. It is a matter of common ground that the areas and assets set out in footnote 7 of the Framework do not provide any reasons for refusing or restricting the EN scheme or 2024 PA. As already confirmed above, the appeal site does not strongly contribute to any of the Green Belt purposes (a), (b) or (d). The appeal site is therefore grey belt land.
44. The development does represent an encroachment into the countryside. However, even the scale of the 2024 PA is such that it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
45. Prior to publication of the GTAA 2025, the Council confirmed that there was a demonstrable unmet need for this type of development. The GTAA 2025 concludes that there is a demonstrable need for 20 pitches in the first 5 years of the emerging local plan, which includes the 4No. pitches needed to accommodate the appellant and their family. The appellant’s need would be an immediate need if planning permission were to be refused and the enforcement notice upheld.
46. It is the GTAA 2025’s contention that a five-year supply of sites can be demonstrated. The supply identified as providing a five-year supply of pitches includes:

- *16 pitches at Craven Arms*: This is a local authority site that is currently closed for refurbishment. The Council could provide no details of when that refurbishment is scheduled to be carried out or how it is to be funded.
 - *5 pitches arising from household dissolution*: There is no guarantee that any pitches will become available in the next five years as they are dependent upon the death of existing pitch residents. Furthermore, the location of these '5 pitches' is undeterminable.
 - *3 pitches granted planning permission since September 2024 (the GTAA site baseline date)*: the Council confirmed that 1 of these pitches represents an extension of an existing authorised site and it would, more than likely, be occupied by an additional household arising from the existing authorised site. In respect of the other 2 pitches, the Council could only confirm that they were not the subject of personal conditions.
47. The Framework requires local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years supply to meet their identified need. The 16 pitches at Craven Arms are not available now and, while the GTAA 2025 says they will come forward within the next 5 years, there is insufficient evidence to show that to be the case. In my judgement, household dissolution should not form part of the 5-year supply of pitches as it is not specific and delivery cannot be guaranteed. Of the 3 pitches granted planning permission, 1 is not available as it has an occupier.
48. Even without assessing the accuracy of the identified need in the GTAA 2025, taking the above factors together 22 of the pitches identified do not represent a supply of specific deliverable sites. Furthermore, in my judgement only 2 pitches could meet the immediate needs of travellers. I therefore find that the Council has failed to demonstrate a five-year supply of deliverable sites to meet the accommodation needs of gypsy and travellers. There is therefore a demonstrable unmet need for this type of development and that need would be immediate if planning permission were to be withheld for the developments the subject of the appeals.
49. It is a matter of common ground that the appeal site is in a sustainable location. In accordance with paragraph 18 of the PPTS, the golden rules do not apply to this type of development.
50. For these reasons, the EN scheme and 2024 PA comply with paragraph 155 of the Framework. They are not inappropriate development in the Green Belt and they do not therefore harm openness. Further, there is no need for very special circumstances to be demonstrated.

Character and appearance

51. The countryside surrounding the appeal site is a predominantly agricultural landscape used for arable purposes. Large fields are divided by native species hedgerows and are interspersed with pockets of built development. The wider landscape is also bisected by busy transport corridors.
52. The reasons for issuing the notice and for refusing planning permission claim the development is or would be visible from the adjacent road network and public right

of way. As such, they are an incongruous, visually unsympathetic form of development that are out of keeping with their surroundings.

53. Caravans are not however uncommon features in rural landscapes. The site is well screened by native species hedgerows. The appeal site also sits above the adjacent Stanton Road, further reducing opportunities for it to be seen in public vistas. The amount of development currently on site and that proposed under the 2024 PA is not dissimilar in scale to other existing developments in the surrounding countryside.
54. The hedgerow along the boundary with the access lane incorporates gaps, and glimpses of the site are available. It was agreed at the Hearing that any negligible harm to character and appearance arising from these glimpses of the site can be addressed by the provision of additional landscaping and a suitable maintenance scheme.
55. For these reasons, I find that the EN scheme and 2024 PA are not incongruous or visually unsympathetic and do not cause significant harm to the character and appearance of the rural landscape of the countryside. The developments therefore comply with policy CS12 of the CS, which requires sites to incorporate suitable screening, amongst other things.

Other Matters

Intentional Unauthorised Development

56. A Written Ministerial Statement (WMS) dating from August 2015 establishes that Intentional Unauthorised Development (IUD) is a material consideration to be weighed in the determination of planning applications and appeals. The WMS relates to all forms of development not just that relating to traveller sites. It places particular emphasis on IUD in the Green Belt.
57. Part of the underlying reason for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of development by using planning conditions. It is the Council's contention that the development constituted IUD prior to the temporary planning permission being granted in April 2023.
58. Planning permission, albeit a temporary permission, was granted and a further application has been submitted to retain the development beyond the expiry of that temporary permission. Opportunities to impose conditions to mitigate any effects of the development have therefore been provided.
59. I am also mindful that the 1990 Act as amended makes provision for retrospective planning permission, and that planning enforcement is remedial rather than punitive. In the light of these provisions, and having regard to the planning history, I find the harm arising from IUD to be negligible.

Vehicular access

60. I am told the lane from which the appeal site takes access is a By-way for non-motorised vehicles. There is no evidence before me to show that the appellant has no legal right to access their land by motorised vehicle via the lane.
61. The appeal site is served by a vehicular access taken from Stanton Road. Visibility for emerging drivers is to an acceptable standard. The lane can accommodate

two-way traffic between the appeal site and the junction with Stanton Road. The site provides adequate facilities for vehicle parking and manoeuvring. The developments are therefore acceptable in highway safety terms.

Drainage

62. The site does not lie in a flood zone, and it is surrounded by fields. While part of the site has been laid to hardstanding there is no evidence to show the development has caused flooding elsewhere. The development is served by a pre-existing septic tank and there is no evidence to show that it is inadequate to serve the EN scheme.
63. There is also no evidence to show that the existing septic tank has sufficient capacity to serve the amenity blocks that are proposed under the 2024 PA. Mr Quinn told the hearing that he intends to install a second septic tank. While I do not doubt that a suitable foul water drainage scheme for the proposed development can be achieved, the specific details of such a scheme should be submitted for approval before being implemented.

Ecology

64. The statement of common ground confirms that the development does not affect areas or assets referred to in footnote 7 of the Framework, which includes habitat sites and Sites of Special Scientific Interests. The Council also confirmed that no protected species are affected by the developments. There is no evidence before me to suggest otherwise.

The planning balance

65. Intentional unauthorised development carries negligible weight against the development. As the appeal site is not PDL, there is some conflict with Policy MD6 of the SAMdev. However, paragraphs 154(f) and 155 of the Framework make provision for the development of land in the Green Belt that is not PDL. I therefore afford the conflict with policy MD6 negligible weight.
66. The limited harm arising to the character and appearance of the rural landscape of the countryside can be mitigated by condition. This factor therefore carries neutral weight.
67. The EN scheme and the 2024 PA are not inappropriate development in the Green Belt and they also comply with policies CS5 and C12 of the CS, to which I afford significant weight. I also afford significant weight to the immediate lack of suitable alternative sites that could accommodate the appellant and their family.
68. I have balanced the harm arising from the EN scheme and the 2024 PA scheme against the supporting factors set out above. Having regard to relevant planning policies, other considerations, the Framework and the PPTS, I find the supporting factors clearly outweigh the harm identified. I therefore find the EN scheme and 2024 PA accord with the development plan as a whole.

Conditions

69. A condition confirming that planning permission is restricted for residential use by Gypsies and Travellers (as defined in the PPTS) is required to safeguard the site for this purpose. A condition restricting the occupation of the site to the appellant

and their family is also necessary to ensure that the caravan site continues to provide accommodation to meet a local need in accordance with policy CS5 of the CS.

70. Conditions limiting the number of caravans stationed on the Land and preventing commercial activity are needed to control the development in detail in the interests of residential amenity.
71. The Ecological Assessment that accompanies the 2024 PA scheme requires works on the site to accord with the specified mitigation and enhancement measures relating to protected species and birds. These mitigation and enhancement measures are necessary in the interests of biodiversity and to comply with policies MD12 of the SAMdev and CS17 of the CS.
72. A condition confirming the loss of the planning permission granted by the deemed application in respect of the EN scheme unless details are submitted for approval (including a timetable for implementation) concerning the site layout, boundary treatments, drainage details, external lighting arrangements, biodiversity enhancements and soft landscaping works, including their replacement, if necessary, is required in order to help safeguard the character and appearance of the area. This will take the form of a 'Site Development Scheme' (SDS).
73. The form of the SDS condition is imposed to ensure that the required details are submitted, approved and implemented to make the development already carried out acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
74. In respect of the 2024 PA scheme, conditions requiring the development to be completed in accordance with the submitted details and approved plans are required in the interests of residential amenity. Furthermore, conditions requiring the submission of foul and surface water disposal schemes, landscaping and lighting schemes and their respective implementation and maintenance programmes, are required in the interests of amenity.
75. Permitted development rights set out Part 1 of Schedule 2 of the GPDO² do not apply to this type of development. Imposing a condition removing Class F, Part 1 rights would not therefore meet the relevance test. Class B, Part 2 of schedule 2 of the GPDO permits works relating to the means of access to a highway, where it is required in connection with development permitted by any class in Schedule 2. It is unclear what purpose removing this permitted development right would serve. Imposing a condition to that effect would not therefore meet the necessity test.
76. While I saw that there are a variety of fences around the perimeter of the appeal site and there are gates at the entrance, exercising control over any replacement boundary features would be necessary and relevant to the development given the

² Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

rural location. A condition removing permitted development rights for the provision of fences, gates and walls along site boundaries adjacent to a highway is therefore necessary.

Overall Conclusion

77. For the reasons given above, I conclude that Appeal A on ground (a) shall succeed. I shall grant planning permission for the development as described in the notice as corrected. The enforcement notice will be corrected and quashed. Appeal B shall be allowed.
78. In these circumstances Appeal A on ground (g) does not fall to be considered.

M Madge

INSPECTOR

APPEAL A: SCHEDULE 1

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
2. The use hereby permitted shall be carried on only by the following persons: Micheal and Emily Quinn and their dependents (Pitch 1); Margaret Kyle (Pitch 2); Patrick and Katelyn Quinn (Pitch 3); and Michael and Bridget Quinn (Pitch 4).
3. There shall be no more than eight (8) caravans, of which no more than four (4) shall be static caravans, on the site at any time and they shall only be stationed within the hatched area on the plan attached to the notice.
4. No commercial activities shall take place on the land, including the storage of materials.
5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the proposed and existing means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; proposed and existing boundary treatments; biodiversity enhancements including a minimum of 2 bat boxes and 4 bird boxes or their equivalent; the internal layout of the site, including the siting of caravans, plots, hardstanding, access roads, parking and amenity areas; and tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities shall have been submitted for the written approval of the local planning authority and the scheme (hereafter referred to as the site development scheme) shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined, and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable. Upon completion of the approved site development scheme specified in this condition, it shall thereafter be maintained/retained/remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

6. At the same time as the site development scheme required by condition 5 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of 5 years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.
7. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts and birds as provided in Section 4.5 of the Ecological Assessment (Camlad Ecology, July 2022).
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected on any site boundary fronting a highway.

- - - END - - -

APPEAL B: SCHEDULE 2

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
2. The use hereby permitted shall be carried on only by the following persons: Micheal and Emily Quinn and their dependents (Pitch 1); Margaret Kyle (Pitch 2); Patrick and Katelyn Quinn (Pitch 3); and Michael and Bridget Quinn (Pitch 4).
3. The development hereby permitted shall be carried out in accordance with the following plans:

Location Plan – Quinn/71349

Site Layout Plan Scale 1:500

Single Amenity Building Scale 1:100 (Plots 1 & 2)

Proposed Amenity Building Scale 1:100 (Plots 3 & 4)

4. There shall be no more than eight (8) caravans, of which no more than four (4) shall be static caravans, on the site at any time and they shall only be stationed within the hatched area on the plan attached to the notice.
5. No commercial activities shall take place on the land, including the storage of materials.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected on any site boundary fronting a highway.
7. Within 3 months of the date of this permission, full details, including a plan of the location and size of the existing and proposed septic tanks, shall be submitted for the written approval of the local planning authority. This should include previously undertaken percolation tests to ensure that it can adequately cater for the development, and an implementation programme. The approved scheme shall be carried out in accordance with the implementation programme and maintained for the lifetime of the development.
8. Within 3 months of the date of this permission, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority, which shall include: (i) Existing and proposed levels or contours; (ii) Proposed and existing services above and below ground; (iii) Details of boundary treatments and hard surfaces; (iv) The location, size and species of all trees to be planted; (v) The location, size, species and density of all shrub and ground cover planting; and (vi) Implementation and maintenance details for the approved scheme. The approved scheme shall be carried out in its entirety in accordance with the approved implementation programme. The completed

scheme shall be managed and maintained in accordance with the approved maintenance scheme.

9. Within 3 months of the date of this permission, a scheme for the provision of bat and bird boxes shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) A minimum of 2 external woodcrete bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species;
 - b) A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42 mm hole, starling specific), sparrows (32mm hole, terrace design), and/or small birds (32mm hole, standard design); and
 - c) Details of the makes, models and locations of bat and bird boxes.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The approved scheme shall be implemented in its entirety within 3 months of the date of that approval. The boxes shall thereafter be maintained for the lifetime of the development.

10. With 3 months of the date of this permission, a lighting scheme, including details of all existing and proposed external lighting and an implementation programme, shall be submitted for the written approval of the local planning authority. The approved scheme shall be carried out in accordance with the implementation programme and shall thereafter retained for the lifetime of the development.
11. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts and birds as provided in Section 4.5 of the Ecological Assessment (Camlad Ecology, July 2022).

- - - END - - -

APPEARANCES

FOR THE APPELLANT:

Philip Brown	of Philip Brown Associates Limited
Michael Quinn (Senior)	Appellant's husband

FOR THE LOCAL PLANNING AUTHORITY:

Mike Davies	Consultant Planner, Shrewsbury Council
Eddie West	Policy Manager, Shrewsbury Council
Anna Jones	Policy Officer, Shrewsbury Council

DOCUMENTS

HD1 APP/L3245/W/23/3334142



Appeal Decision

Site visit made on 16 September 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal Ref: APP/L3245/D/25/3364745

Saltmoor Railway Cottage, Ashford Carbone, Shropshire SY8 4BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Hinsley against the decision of Shropshire Council.
 - The application Ref is 25/00082/FUL.
 - The development proposed is described as 'Householder application (retrospective) for retention of two storey building with ground floor garage and storage and first floor annex accommodation at Saltmoor Railway Cottage, Ashford Carbonel, Ludlow Shropshire, SY8 4BU'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, I saw that the building was complete. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the host dwelling and surrounding area; and,
 - whether the development constitutes good functional design, with particular regard to its external stair access.

Reasons

Character and appearance

4. Saltmoor Railway Cottage is a detached 2 storey house constructed of red brick with a clay tiled roof. It is located at the end of a wooded track, which is also a public footpath, where it meets a railway line. The footpath continues across the railway line, where it meets the A49 Trunk Road.
5. The 2 storey building is set back from the track which runs along the side of the curtilage of the house, before it tapers in to where the house is located adjacent to the railway line. The building comprises a log store on the ground floor joined to a double garage. An external wooden staircase leads to a balcony in front of the first floor annex entrance which has a wooden porch canopy above it.

6. The annex has a shallow pitched clay tiled roof and a balcony that extends along the gable end from the steps and wraps around the side to continue along half the length of the building. It appears cluttered and particularly incongruous because it projects substantially beyond the building walls at first floor level and is supported by several wooden legs that encroach beyond the curtilage and into the adjacent field.
7. I appreciate that the house and garage and annex are screened by trees along the footpath until within a few metres of them. Also, trees along the edge of the railway line and A49 restrict views from trains and motor vehicles to transitory glimpses of the buildings. However, as the footpath passes close to the appeal building it dominates views towards the main house, despite its lower ridge height, because it sits on higher ground than the house. The timber cladding, stairs and balcony appear incongruous and out of context with the red brick of the main house. I note that there is a wooden shed next to the building. However, the shed is much smaller than the garage and annex and the materials used in its construction are more appropriate to its size and function.
8. The appellant has referred to the building sitting on the footprint of a previous garage. However, the plans indicate that the original building was a single garage covering a much smaller area and would not have been as dominant and visually harmful as the 2 storey building that has replaced it.
9. Overall, I conclude on this main issue that the development appears dominant, incongruous and out of character with the host property and thus harms the character and appearance of it and the surrounding area and conflicts with Policies CS6 and CS17 of the Shropshire Core Strategy (2011) (CS) and Policy MD2 of the Shropshire Council Site Allocation and Management of Development Plan (2015) (SCAMPD) in so far as they seek good design which is appropriate to the local context and protects and enhances local character.

Design and access

10. The council is concerned that the annex is not well designed because it is accessed by external steps, which are open to the weather and may not be suitable for an aged relative. However, it is not uncommon for annexes to be severed from a main house without any covered connection, nor is it unusual for them to be on upper floors above garages or workshops. The staircase has supporting handrails either side of the steps which seemed evenly spaced and of a suitable depth to be safe.
11. Furthermore, the development provides ancillary accommodation to the main house and would not be restricted to use by elderly relatives. As needs and abilities change over time, support could be provided in the main house, or elsewhere, and the annex occupied by other household members. I am not therefore convinced that the annex would conflict with Policies CS6 and CS17 of the CS, Policy MD2 of the SCAMPD and the Framework in terms of accessibility and design, sufficient to justify with holding planning permission on this issue alone.

Other Matters

12. I sympathise with the appellant's wish to provide accommodation for his mother, close to the family home, to provide her support in the future as needs arise. However, personal circumstances and the occupation of properties change over

time and in this case do not outweigh the harm to the character and appearance of the house and area.

13. The appellant has offered to remove the balcony and add some landscaping in the paddock to the south of the building. Removing the balcony would reduce the building's cluttered appearance but not its visual dominance over the main house or its incongruous appearance in terms of the materials used. Planting would screen the development to some extent when approaching from the south but not from the front of the house and building. In any case, potential screening does not justify allowing harmful development.
14. Given that a planning condition could limit the use of the annex for ancillary accommodation, it would not create a new dwelling on the countryside as suggested by the Parish Council in its representation, which does not, therefore, add to my reason for dismissing the appeal.

Conclusion

15. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR

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Appeal Decision

Site visit made on 11 July 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025.

Appeal Ref: APP/L3245/W/25/3365074

Top Barn, Abdon, Craven Arms SY7 9HZ

- 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 Dave Cooper against the decision of Shropshire Council.
 - The application Ref is 25/00264/FUL.
 - The development proposed is construction of a detached 3-bay garage with annex above.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within the Shropshire Hills National Landscape (SHNL). Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (the CRoW Act) requires me to seek to further to the purpose of conserving and enhancing the natural beauty of National Landscapes.
3. Additional information, in the form of Landscape and Visual Response dated 23 April 2025 LS6343/Doc001A has been submitted with the appeal. The Council has been given the opportunity to comment on this in the appeal process. I have had regard to it insofar as it relates to effects on the landscape, scenic beauty of the SHNL and the heritage asset.

Main Issues

4. The main issues are:
 - whether the proposal would conserve and enhance the landscape and scenic beauty of the Shropshire Hills National Landscape; and
 - the effect of the proposal on the significance of the main building, known as Top Barn, a non-designated heritage asset.

Reasons

National Landscape

5. The appeal site is located north of the junction of Craven Arms and Marshgate, within open countryside and the SHNL. The appellant's Landscape & Visual Response (LVR) dated April 2025 identified a number of viewpoints, which are not disputed by the Council as being of relevance. The figures provided in the LVR show the panoramic views of gentle rolling hills and fields in the area. There are farm buildings and residential properties near the appeal site. I agree with the

adopted methodology and the choice of viewpoints for the visual impact assessment. In addition, the combination of the undulating topography, expansive agricultural fields bordered by hedgerows, and clusters of trees contributes to a strong sense of remoteness and tranquillity, reinforcing the area's rural and landscape character.

6. The National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the National Landscape. I also have a statutory duty in relation to National Landscapes.
7. The appellant's documents demonstrate that thought has been given to the functional use of the building, its relationship to the main building and the choice of materials. In particular, the proposed building would be set into the ground at a lower level. However, the proposal would still result in a bulky, top-heavy appearance, with its ridge sitting above the eaves of the existing main building. As such, it would create an excessively large structure that would diminish the rural character of the site. Its forward position and proximity to the road would exacerbate the adverse effect, creating a visually intrusive feature. Consequently, I find the location, scale and design of the proposed building would cause harm to the prevailing rural character of area, due to its excessive mass and its forward position in relation to the main building.
8. Although mature hedges and trees lining the boundary along the road may obscure part of the proposed building or soften its adverse effect, they would not adequately mitigate the effect, particularly during the winter months. Furthermore, the drawings submitted show that some shrubs within the site may need to be removed to accommodate the proposal. Consequently, the proposal would be harmful to the landscape character of the area.
9. Overall, I conclude that the proposal would not conserve and enhance the landscape and scenic beauty of the SHNL. It would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (Core Strategy), and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan dated 17 December 2015, insofar as these seek high quality design which protect and enhance the diversity, high quality and local character of Shropshire's natural environment.

Non-designated heritage asset

10. Top Barn is an agricultural building located to the north of the Grade II listed Upper House. Whilst it is not listed and is not situated in a conservation area, the property is identified as a non-designated heritage asset. The building is constructed of natural stone and comprises single-storey wings attached to a two-storey central structure. Whilst the submitted LVR has not described the significance of this non-designated heritage, based on the evidence available before me, I consider that its significance is derived from its age, traditional construction and vernacular architectural interest.
11. The appeal proposal would be substantial in scale and positioned in front of the main building. Together with its bulky and top-heavy appearance, it would diminish the vernacular architectural interest of this non-designated heritage asset. Whilst the stonework and roof tiles of the proposed building would match the existing

barn, these matters are not sufficient to overcome the harm arising from the scale of the proposal and its relationship with the heritage asset.

12. The appellant has made reference to a number of examples in the area, including the Old Stables, Upper House, and the Red Barn. I note that the planning applications for a detached garage at the Old Stables. The drawings provided show that the garage is shorter in length, and its eave height is also lower than the appeal proposal and its siting to the barn conversion is different. The garage at Upper House is a taller building, however, part of the scheme was to remove a carport to facilitate the development. The approved 4-bay garage and biomass heating plant room at the Red Barn was to replace a Dutch Barn. The appellant has also drawn my attention the five bay brick and timber agricultural vehicle storage building, which is located to the proximity of the appeal site. Although I have not been provided full details of the building, it is a replacement structure, rather than the construction of a new one, as in this appeal proposal. The appellant also mentioned a retrospective planning permission was recently granted for a three-bay garage with living accommodation as holiday let at Nordey View. However, I have been given limited details of this case, therefore I cannot compare the scheme with the appeal proposal. A number of examples in the wider area are also mentioned, including Morville, Chetton and Aston on Clun, however, they are not seen in the same context. I therefore find that none of these examples are directly comparable to the appeal proposal which I have, in any event, considered on its own planning merits. As such, they do not attract material weight.
13. Accordingly, I find that the proposed building would harm the significance of the non-designated heritage asset. Paragraph 216 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Taking into account the scale and nature of the proposal, I find the harm to the heritage asset would be at the lower end of less than substantial.
14. The proposal would provide storage for equipment and batteries associated with an energy storage system, enabling the property to operate fully off-grid. However, due to its modest scale, this benefit only attracts limited weight. As such, applying the balanced judgement required in Paragraph 216 of the Framework this benefit does not outweigh the harm to the significance of the heritage asset that I have identified and is not a material consideration outweighing the associated conflict with the development plan.
15. Accordingly, the proposal would conflict with Policies CS6 and CS17 of the Core Strategy and Policies MD2 and MD13 of the SAMDev Plan. Taken together, these require that development is designed to the high standard, as well as to protect, restore, conserve and enhance the natural, built and historic environment.

Planning Balance

16. The appellant suggests that the Core Strategy and SAMDev are out of date. However, the weight to be attached does not hinge on their age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the

Framework the creation of high quality and sustainable buildings and places is fundamental to what the planning development process should achieve. It also seeks developments that are sympathetic to local character. Therefore, the proposal is not in accordance with the aforementioned policies of the Core Strategy and the SAMDev, with the associated conflict reflecting harm to the landscape and scenic beauty of the SHNL and the significance of the non-designated heritage asset, Top Barn. For these reasons, the proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.

17. The appellant suggests that the Council has less than five-year housing land supply. However, the appeal proposal is not related to the provision of a new dwelling, therefore, this matter is not relevant in this appeal.

Other Matters

18. I have considered the need for additional accommodation for the appellant's relative, and the amount of support received. Accordingly, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age.
19. In this regard, the proposed development may provide living accommodation for the appellant's family. Notwithstanding this important consideration, it does not follow from the PSED that the appeal should succeed. Whilst I can appreciate the concerns of the appellant, it is not shown that there are no alternative means of providing living accommodation that would avoid the harm identified above, in respect of character and appearance of the SHNL and the heritage asset. Balancing these effects with the appellant's need for the development, I am satisfied dismissing the appeal would be a proportionate response in this case.
20. Upper House including Veranda¹ is a Grade II listed building located directly opposite the appeal site. It is a C18 and early C19 farmhouse, which is used as a residential property. It is finished with rubble stone with coursed stone rubble and brick under a hipped slate roof with deep eaves and one gable. Insofar as it relates to this appeal, the significance of this building stems from its traditional design and materials, and the historic relationship with Top Barn.
21. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
22. With regard to the setting of this listed building, the appeal site and the listed building is separated by Carven Arms and Marshgate. Given the considerable distance, the appeal proposal would not result in any harm to the setting of this listed building. Therefore, I am satisfied that the setting of the listed building would be preserved. Accordingly, in this regard, the proposal would comply with Policies

¹ List entry number - 1383599

CS6 and CS17 of the Core Strategy and Policies MD2 and MD13 of the SAMDev Plan.

23. I acknowledge the appellant's concerns over the Council's handling of the applications. However, this is not a matter that I can consider under this planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, this appeal is dismissed.

O Tresa

INSPECTOR

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Appeal Decision

No Site visit

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 OCTOBER 2025

Appeal Ref: APP/L3245/C/24/3354893

Land Northwest of B4364, Wheathill, Shropshire WV16 6QU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Sarah Odell against an enforcement notice issued by Shropshire Council.
- The notice was issued on 24 September 2024.
- The breach of planning control as alleged in the notice is without planning permission: i. A material change of use of agricultural land to a mixed use site of agriculture and residential, with associated erection of a building and siting of static caravan occupied for residential purposes.
- The requirements of the notice are to:
 - (i) Cease the use of the Land for residential purposes.
 - (ii) Remove entirely from the Land Northwest of B4364, Wheathill Land Registry Title Number SL 64393 marked 'X' on the attached plan the residential timber building incorporating a static caravan marked 'Y' on the attached plan and all residential paraphernalia.
 - (iii) Return the Land to its former condition as agricultural land.
- The periods for compliance with the requirements are: 24 weeks for requirement (i); 32 weeks for points (ii) and (iii).
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal succeeds in part, and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Matters Concerning the Enforcement Notice

1. Before considering the grounds of appeal, I have a duty to put the notice in order, if necessary. The powers transferred to Inspectors under section 176(1)(a) of The Town and Country Planning Act 1990 as amended (the 1990 Act) include to correct any defect, error or misdescription in the enforcement notice or, under section 176(1)(b), to vary the terms of the enforcement notice. In each case, the only test is whether the correction or variation would not cause any injustice to the appellant or the local planning authority.
2. It is noted that the allegation in the Enforcement Notice (Notice) refers to the material change of use from agriculture to a mixed use of agriculture and residential. Although it is appreciated that the residential activities are the unlawful element of the mixed use, as the allegation has referred to a mixed use, it is necessary to require it to cease. In light of this, the words set out in requirement (i) can be deleted and substituted with the words 'Cease the mixed use, by discontinuing the residential activities on the Land.'
3. This variation does not change the nature of the breach or make the requirements more onerous. As such, the variation to the requirement would not cause injustice to the appellant or the Council's cases.

Preliminary Matters

4. Having considered the evidence submitted, the main considerations in this case and the particular matters in dispute, I am satisfied that I am able to determine the appeal without a site visit. The views of the main parties were sought on this matter before my determination of the appeal, and no objection was raised.
5. The address on the Notice does not include a postcode; however, the appellant confirmed the postcode on the Appeal Form. This postcode matches the address of the land in question, so for clarity, I have included it in the banner heading.

The Appeal on Ground (f)

6. For the appeal to succeed on this ground, I must be satisfied that the steps required to comply with the Notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by the breach.
7. Section 173 of the 1990 Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first is section 173(4)(a) of the 1990 Act, which is to remedy the breach of planning control that has occurred. The second, section 173(4)(b) of the 1990 Act, is to remedy any injury to amenity which has been caused by the breach.
8. In this case, the corrected Notice alleges an unauthorised mixed use of the land and requires it to cease, as well as the removal of the residential timber building and attached static caravan. Therefore, the purpose of the Notice is clearly to remedy the breach of planning control and return the land to its former condition. This is consistent with the purpose of remedying the breach of planning control in accordance with section 173(4)(a) of the 1990 Act.
9. In cases where the Notice targets a material change of use, it is permissible to require the removal of works integral to facilitating the unauthorised use, even if these details are not explicitly outlined in the allegation. This is to ensure that the land is restored to its condition before the breach took place. However, established case law also dictates that the requirements of the Notice must not infringe upon the exercise of lawful rights pertaining to the use and development of land. Therefore, the Notice should not compel the removal of items from the site historically associated with its lawful use, to which it can revert.
10. The appellant asserts that the static caravan is mobile, being positioned on wheels, and contends that the timber extension attached to it can be easily removed. They argue that the caravan should remain to facilitate the ongoing operation of the business and its connection to the lawful agricultural use of the land. Specifically, to store medicines, equipment and animal records. Therefore, the suggested lesser steps to rectify the breach include ceasing the residential activities on the Land, decoupling the timber building from the static caravan and removing the timber building.
11. In pleading ground (f), the onus is on the appellant to state the precise details of any lesser steps, otherwise it is not possible to judge whether the Council's requirements are excessive or not. If I were to allow the appeal on ground (f) then I would need to vary the requirements of the notice in a way that unambiguously sets out what needs to be done.

12. Despite consideration of the lesser steps proposed, in my judgement the requirement to remove the static caravan and attached timber building is justified, as both are fundamentally linked to enabling the unauthorised mixed-use and residential activities on site. While the Council does not oppose the request for a static caravan to remain, the appellant's evidence is limited in detail and falls short of establishing whether the modified static caravan would be defined as a caravan after detaching it from the timber building¹. Furthermore, it has not been adequately demonstrated that the static caravan was previously on-site and used in connection with the lawful agricultural use before being repurposed for a residential use.
13. Given the above, I am not satisfied that the lesser steps proposed would sufficiently address the breach of planning control. The requirement to remove the timber building and static caravan is not an excessive demand; it is a necessary measure to cease the unauthorised residential activities of the mixed-use and restore the land to its condition before the breach took place.
14. Accordingly, the appeal on ground (f) fails.

The Appeal on Ground (g)

15. An appeal on ground (g) is that the period specified in the Notice falls short of what should reasonably be allowed.
16. The appellant has requested an additional 6 months to requirement (i) and an additional 4 months to requirement (ii) and (iii). This would give the appellant 12 months or 52 weeks to cease the mixed use, remove the timber building and attached static caravan as well as other residential paraphernalia to return the land to its previous condition. The additional time requested is based on the need for the appellant to find alternative ways and arrangements of managing her business without being on site at all times.
17. Having regard to the loss of the appellant's home and the impact on the operations of her business, I consider that a period of time more than 24 weeks (6 months) and 32 weeks (8 months) can be justified. However, it is considered that a 10-month period to cease the use, and 12 months for requirements (ii) and (iii) would be sufficient. This time frame would strike an appropriate balance between having to minimise the conflict with the Council's development plan policies on rural enterprise dwellings and the impact on the character and appearance of the area, with the changes to how the business may operate without a 24 hour on-site presence. It also allows sufficient time for the appellant to find suitable alternative living accommodation.
18. To this limited extent, the appeal on ground (g) succeeds. I shall vary the terms of the Notice accordingly.

Conclusion

19. For the reasons given above, I conclude that the requirements of the Notice are not excessive to remedy the breach of planning control, but the period for compliance with the Notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (f) fails, but the ground (g) succeeds to that limited extent.

¹ A caravan is defined in section 29 Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 as amended

Formal Decision

20. It is directed that the Notice is varied by:

In paragraph 5, step (i), delete the words 'Cease the use of the Land for residential purposes' and substitute with the words 'Cease the mixed use, by discontinuing the residential activities on the Land.'

In paragraph 6 (1) delete the words and number 'twenty four (24) weeks' and substitute with the words and number 'ten (10) months.'

In paragraph 6 (2) delete the number and words 'thirty two (32) weeks' and substitute with the words and number 'twelve (12) months'

21. Subject to the variations, the enforcement notice is upheld.

M. P. Howell

INSPECTOR



Appeal Decision

Site visit made on 9 October 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/L3245/D/25/3368504

3 Snowdon Cottage Snowdon Road, Beckbury, Shifnal, Shropshire WV6 7HS

- 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 Tim Harris against the decision of Shropshire Council.
 - The application Ref is 25/01371/FUL.
 - The development proposed is side extension at first floor.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on protected species, with specific regard to bats; and
 - on the basis that the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (Core Strategy) permits appropriate development and infilling at certain locations within the designated Green Belt, as well as limited local needs affordable housing on exception sites. In addition to this, Policy MD6 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (SAMDev Plan) permits development on previously developed sites, which would not have a greater impact on the openness of the Green Belt than the existing development, providing it would meet certain criteria.
4. The proposed extension would not meet any of these exceptions and would therefore be at odds with these policies.

5. Notwithstanding this, while the exceptions set out in Policies CS5 of the Core Strategy and MD6 of the SAMDev Plan broadly reflect some of the exceptions set out at paragraph 154 of the Framework, the overall policy approach and totality of the exceptions is somewhat different. Also, unlike the Framework, neither policy permits inappropriate development in the Green Belt in very special circumstances. These development plan policies are therefore not consistent with the provisions of the Framework. As the Framework is more up to date than the Core Strategy and SAMDev Plan, I give greater weight to the policies in the Framework in this regard and have assessed the appeal on this basis.
6. Paragraph 154 of the Framework states development in the Green Belt to be inappropriate unless one of the listed exceptions applies. The exceptions include the extension and alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.
7. The appeal property has been previously extended. The extensions include a two-storey rear extension, single storey rear extension and single storey side extension. All these extensions are an appreciable size and, cumulatively, already significantly larger than the original building. Given this, the proposal would result in disproportionate additions over and above the size of the original building. As such, it would be an inappropriate form of development in the Green Belt.

Openness

8. The proposed extension would be a moderate size and would unavoidably take up space, which is currently open, albeit this would be air space. Therefore, despite being located on top of the existing first-floor extension, the proposal would result in moderate harm to the spatial openness of the Green Belt.
9. The proposed extension would not extend beyond the height, width or depth of the host dwelling. Nonetheless, it would be an obvious addition in the street-scene, with direct views from Snowdon Lane of both its front and side elevations, meaning its overall massing would be readily apparent. This would result in some moderate and localised harm to the visual openness of the Green Belt.
10. Accordingly, the proposed extension would not preserve the openness of the Green Belt contrary to the fundamental aim of the Framework.

Protected species

11. The proposal would involve the modification of existing roof structures. Given this, a survey is required to demonstrate the presence or otherwise of bats. The appellant does not dispute the need for a survey and has indicated that one would be undertaken before any work was carried out.
12. Nevertheless, Circular 06/2005¹ 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 so that the effect on biodiversity is identified as a material consideration. It goes on to advise that the need to ensure that ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. I am not aware of any such circumstances in this case.

¹ Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, dated 16 August 2005

13. Given the above, I find that insufficient information has been provided to demonstrate that the proposal would not have an unacceptable adverse effect on protected species. The proposal would therefore conflict with Policy CS17 of the Core Strategy and Policy MD12 of the SAMDev Plan, which seek to conserve and enhance Shropshire's natural assets, including biodiversity.

Other Considerations

14. The appellant's personal circumstances require him to reside in a house with three bedrooms on the same floor. The appeal property in its current layout does not provide this and the proposal seeks to address this.
15. I have before me a set of plans that supported a previous application² at the appeal site, which show the appeal property, at that time, to have three first-floor bedrooms. While the appeal property has been subsequently altered to provide only two first-floor bedrooms, there is nothing before me to demonstrate that it would not be possible to restore the previous layout, or something similar, that would provide the three first-floor bedrooms required by the appellant. Thus, there are ways to meet the appellant's personal circumstances, which would result in less harm to the Green Belt.
16. Furthermore, there is no mechanism before me to restrict the occupancy of the appeal property. As an open market dwelling any planning permission would run with the appeal property and therefore it could be occupied by others, now and in the future, who do not have the same needs as the appellant. The weight I can afford to these personal circumstances in my decision is therefore limited.

Green Belt Balance

17. Paragraph 153 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
18. The proposal would be an inappropriate form of development within the Green Belt and would also harm its openness. In line with Paragraph 153 of the Framework, I afford this harm substantial weight. I have also found, in the absence of evidence to the contrary, that the proposal would result in significant harm to bats.
19. Accordingly, the limited considerations would not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the proposal have not been demonstrated.

Conclusion

20. For the reasons above, the proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest INSPECTOR

² Application Reference: 20/00107/FUL

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Appeal Decision

Site visit made on 20 October 2025

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Section 78 Appeal Ref: APP/L3245/D/25/3368599

Development: Proposed side and rear extensions and rear dormer window at 34 Dunval Road, Bridgnorth, Shropshire WV16 4NB

Application Ref is 25/00766/FUL

Decision- The appeal is dismissed.

Reasons

Issue – the effect on the living conditions of the occupiers of neighbouring properties

- 1.) 34 Dunval Road is a detached dwelling situated in a street scene comprising semi-detached and detached dwellings, some of which have been extended and altered. To the rear the dwelling backs on to rear gardens of properties on Greenfields Road. At my site visit I observed that the dwellings on Greenfields Road contain window openings facing the appeal site. The proposal seeks permission for side and rear extensions and the erection of a flat roof dormer window to the rear elevation which spans the width of the existing and extended roof slope and projects onto the rear extension. The dormer window incorporates 3 window openings. Alterations to the fenestration to the front and rear elevations are also proposed.
- 2.) There is no evidence before me that the extensions would result in a harmful loss of light to neighbouring properties, noting their siting and orientation within the plot relative to neighbouring properties. However, the proposal would result in the creation of new openings within the dormer window which would overlook neighbouring properties to the rear of the site and their private rear gardens.
- 3.) I have given consideration to the weight to be afforded to development which could be carried out under permitted development (PD) rights. I have limited information about whether there would be an intention to build a PD extension if this appeal were dismissed. However, there would seem a greater than just theoretical possibility that this would take place. The appellant indicates that a PD extension could incorporate side and rear extensions, a flat roof dormer window spanning the existing dwelling and alterations to the fenestration.
- 4.) However, there is no indication that a dormer window projecting beyond the eaves of the dwelling over an extension could be carried out under PD. Given this a dormer window carried out under PD would be located further from the rear site boundary than the appeal proposal, which would project over a rear extension. As the openings would be sited closer to the site boundary and the private gardens and

windows to the properties on Greenfields Road, overlooking resulting from the appeal proposal would be greater than that arising from a PD dormer extension. I thus afford this PD fallback position limited weight.

- 5.) The appellant references an application for the erection of extensions and loft conversion¹. That dwelling bordered a public park and there is no indication that the site characteristics and relationship with neighbouring properties is comparable to the appeal site. I therefore afford this decision limited weight.
- 6.) The proposal would result in overlooking of the gardens and window openings to the properties on Greenfields Road, resulting in an unacceptable loss of privacy for the occupiers of these dwellings which would go beyond existing levels. The proposal would thus be harmful to the living conditions of the occupiers of these properties.

Issue – effect on the character and appearance of the area

- 7.) In street scene views the form, scale and massing of the extended property would appear consistent with dwellings in the surrounding area and would not appear excessive in scale in relation to the size of the plot. The altered fenestration to the front elevation would be proportionate to and consistent with the form of the host dwelling.
- 8.) To the rear elevation the proposal would incorporate a wide and deep flat roof dormer window which, in combination with the number and size of proposed and altered window openings, would comprise a discordant addition to the property, altering the dwelling's appearance to that of an uncharacteristic 3-storey boxy structure. However, given the limited street scene views of the rear elevation, this would not be harmful to the character and appearance of the wider area.

Other Matters

- 9.) I note that the proposal would result in improvements to the appellant's living conditions, improved environmental performance, economic benefits during construction and may result in increased council tax revenue. However, these modest benefits do not outweigh the harm identified. That dormer windows are found within the street scene does not overcome the harm to living conditions.
- 10.) Whilst it is noted that the proposal has been amended following the feedback in earlier applications, these amendments have failed to address the proposal's harmful impact on the living conditions of the occupiers of neighbouring properties.

Conclusion

- 11.) I have found no harm in relation to the effect on the character and appearance of the surrounding area. However, the effect on the living conditions of the occupiers of neighbouring properties is determinative. The proposal conflicts with the development plan as a whole, and nothing outweighs this.

N Robinson

INSPECTOR

¹ 21/05769/FUL

Appeal Decision

Site visit made on 24 September 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/L3245/W/25/3368229

Land lying north of B4364, Bodbury Farm, Wheathill, Bridgnorth WV16 6QU

- 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 & Mrs Odell against the decision of Shropshire Council.
 - The application Ref is 25/01333/FUL.
 - The development proposed is agricultural workers dwellinghouse, new access and farm track and all associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. One of the Council's reasons for refusal stated that the proposed development would necessitate an agreement to be made to ensure that the dwelling remained affordable in perpetuity, and that no such agreement had been made. During the appeal process a duly executed planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 was submitted. I am satisfied that this would ensure that the proposed dwelling would remain affordable in perpetuity, or that an appropriate financial contribution for affordable housing would be provided should the dwelling no longer be required by an agricultural worker, and that it would be reasonably related to the scale and kind of the development. The Council has confirmed that the submitted obligation would address its reason for refusal on this issue, and I find no reason to consider otherwise. I have therefore not addressed this issue in the reasoning below.

Main Issues

3. The main issues are:
 - whether there is an essential need for a rural worker to live at or near their place of work in the countryside, with particular regard to the functional needs and financial viability of the business, and the availability of other suitable existing accommodation in the area;
 - the effect of the proposal on the character and appearance of the area, having regard to its location within the Shropshire Hills National Landscape;
 - the effect of the proposed access track on future large scale farming purposes; and
 - the effect of the proposal on the living conditions of neighbouring occupiers and businesses with regard to noise and odour.

Reasons

Planning policy

4. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) sets out that new development in the countryside will be strictly controlled in accordance with national planning policies protecting the countryside. Among other things the policy permits dwellings to house agriculture, forestry, or other essential countryside workers. Applicants will be required to demonstrate the need and benefit of the development.
5. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev) strictly controls new market housing outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters, unless it is suitably designed and located and meets an evidenced local housing need. This includes dwellings to house essential rural workers, if, 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.
6. Paragraph 84 of the National Planning Policy Framework (the Framework) states planning decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
7. The appeal site is situated close to Wheathill, which forms part of a Community Cluster, as defined in the SAMDev Policy S6.2(iv). At the Hearing it was confirmed that the site lies outside of the settlement in open countryside.
8. Whilst the CS and SAMDev policies set out a number of additional criteria beyond that required by the Framework, these criteria form an appropriate basis for establishing whether or not there is an essential need for a rural worker to live permanently on the site. As such, these policies are consistent with the aims of the Framework.
9. Guidance contained within the Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) sets out that the system of granting occupational dwellings must be based on an accurate assessment of the needs of the enterprise and that applicants will be required to demonstrate that a dwelling is essential by showing a functional need for the occupier to be present at the business for the majority of the time, defined in the SPD as being 24 hours a day, 7 days a week.

Essential need

Functional

10. Bodbury Farm is a relatively new farming enterprise which, at the time of the hearing, had 17 sows, piglets, 4 cows, 2 boars, laying hens and poultry. The farm is around 12.14 ha in total. Sow breeding cycles are managed evenly throughout the year, with each sow producing two litters per year of up to eight to ten piglets each. This provides a continuous supply of meat produce year-round, which is sold on a 'field to fork' basis. Previous applications for a temporary dwelling at the site have been dismissed. The proposal is for a permanent agricultural workers

dwelling at the farm, which would be the primary dwelling for the appellants and their four children.

11. Whilst the free ranging chickens would not require a worker's essential presence on site at all times, and there is no evidence before me regarding the need for onsite supervision of the small number of cattle, there is no dispute between the parties that during periods of pig farrowing, an agricultural workers presence on site would be necessary including throughout the night.
12. At the hearing it was clarified that there is no policy on the size of a farm or the number of animals that would be considered appropriate to justify an agricultural workers dwelling with regard to essential need. The John Nix Pocketbook for Farm Management (the Pocketbook) an accepted industry source, was referenced. The Pocketbook indicates that 2.25 working days is standard for a sow, which based on the number of sows at the farm would not equate to the requirement for a full-time worker.
13. However, pigs reared outdoors require more attention and monitoring than those kept indoors, and the work on the farm entails more than just caring for the sows. The enterprise is operated following regenerative agricultural principles, a form of farming which allows the land to regenerate, rather than be depleted, by its agricultural use.
14. Regenerative farming is dependent upon a significant proportion of work being undertaken by hand and can be time consuming, including the movement of stock and fences as part of rotational grazing methods. Moreover, the theoretical total labour requirement as calculated in the Pocketbook is not the same as demonstrating an essential need for a rural worker to live at or near their place of work. Instead, based on the evidence presented, in this case I find that the essential need for a worker to live at the site hinges upon the husbandry activities associated with the pigs, particularly ensuring that there are no complications during farrowing.
15. The early hours and days after the birth of the piglets is critical, and at the hearing Mr Odell explained that without immediate help and intervention it is possible that there may be piglet deaths. Whilst I have not been made aware of any prescribed industry time as to how fast a worker should attend, nor a specific distance of how close a worker should be to attend in an emergency, there is little doubt that the faster that an emergency can be dealt with the better in order to attend to the pigs' welfare and minimise losses. It was explained at the hearing that as the animals are not kept indoors, an alarm system or cameras to monitor them would not be wholly effective.
16. However, whilst farrowing takes place at all times of the year, it would be very likely that the appellants would know well in advance when farrowing was likely to take place and could plan to remain at the farm during that period, in temporary accommodation. I note the letter of support from the appellants' vet, but given the relatively small numbers of sows currently involved, I am not persuaded that the need to be present at times of farrowing would currently generate a functional need to live permanently on site. I conclude that there is not, therefore, a compelling functional need for a permanent dwelling in the countryside.

Financial

17. The farming enterprise is relatively new. Financial information from the previous 3 years was submitted, which highlighted that in the financial years of 2023 and 2024 the farming enterprise had incurred losses. A healthy profit was shown for 2025. However, in the year where a profit was shown, the business had been awarded a Farming in Protected Landscapes grant of approximately £80 000. Whilst the appellants have indicated that a profit would have been made without the grant funding and grant purchases, from the evidence before me, the profit generated would be reduced.
18. Furthermore, there is limited evidence to demonstrate how the proposed dwelling would be funded. The appellants confirmed at the hearing that a mortgage would be taken out to pay for the proposed dwelling, and Mr Odell would be able to undertake some of the building work to keep costs down. However, there is no mortgage in principle in place at the moment. Moreover, SAMDev Policy MD7a is clear that the business to which a dwelling would be tied must demonstrate that it is able to fund the proposal, and there is no reference to the financing or construction of the proposed dwelling in the appellants' business plan to indicate whether such costs can be funded by the business.
19. The business plan anticipates the farming enterprise growing to having 21 sows in Year 3 of trading, compared to 15 sows in Year 1, and a subsequent increase in income.
20. Whilst the evidence indicates that the Soil Association have no concerns regarding the condition of the soil at present, there appears to be insufficient land available on the farm to accommodate the livestock densities proposed whilst meeting the Soil Association's organic standards for nitrogen loading. In order to comply with these organic standards, the number of pigs proposed by Year 3 would require an area for the pigs of approximately 25 acres, which would be greater than the area of land available for the keeping of pigs on the holding, as shown on the submitted Farming In Protected Landscapes Habitat Plan. Additionally, when the requirements of the cattle and poultry are considered, the land area required to accommodate the livestock in line with the organic standard would rise further.
21. The appeal site is not located in a Nitrate Vulnerable Zone and nonorganic farmers can farm within the higher limit for nitrates applicable across the country. However, to adhere to the Soil Association's organic standards a lower rate for nitrates applies. Whilst the farm could therefore use a higher nitrogen rate, and there are other auditing bodies which may be used in the future, Bodbury Farm has been certified as organic with the Soil Association, and as such the lower nitrogen rates currently apply.
22. The appellants indicated that they could adapt the stocking rate, or rent or buy more land, but these factors are not covered in the business plan. I therefore have doubts as to whether the proposed growth of the enterprise in accordance with the regenerative agricultural practices and organic standards is achievable. As such, I cannot be certain whether the predicted income, the future financial viability of the business, and the financial projections are sound.

Other available accommodation

23. There are no other suitable buildings on the site that could be used for accommodation, and the appellants do not own any other properties within the area.

24. The appellants have four children, and as such would require a four bedroomed property to rent or buy. This limits the availability and affordability of alternative accommodation. At the hearing the appellants stated that they are on the lists of all local estate agents, and ring up the estate agents regularly to discuss the availability of properties, as well as searching on Rightmove.
25. Whilst the availability of alternative accommodation can only ever be a snapshot in time in an ever changing property market, the submitted evidence indicated a number of 4 bedroom properties which are likely to have been suitable for the appellants in recent months, such as a property for rent at £1400 per month in Oreton, approximately 4 miles from the farm, and a property around a 13 minute drive away in Ludlow, for £1100 per month. Although these properties are further than 3 miles from the farm, which it had been suggested would be an appropriate maximum radius, at the hearing it was confirmed that there are no policies which stipulate a specific distance or travel time from farm units for alternative off-site accommodation.
26. Given the proximity of other settlements to the appeal farm, it has therefore not been evidenced that there is no alternative accommodation likely to become available within a relatively short travel distance from the farm. The availability of such accommodation would negate the need for a permanent on-site dwelling. I consider that a property less than 4 miles from the farm, or less than a 15 minute drive, would allow an agricultural worker to respond quickly to events on the farm outside of working hours at times where there would not need to be a permanent presence on the site due to farrowing, thereby meeting the functional needs of the farming enterprise.

Conclusion on essential need

27. The Council, in its first reason for refusal, stated that there was insufficient evidence to justify an essential or functional need for a permanent dwelling accommodating a family of six. However, it was confirmed at the hearing that the scale of the proposed dwelling would be appropriate and that there is no policy which indicates that a family cannot be housed in a temporary or permanent agricultural workers dwelling.
28. The reason for refusal also stated that the siting of the proposed dwelling would not enable the appellants to adequately oversee the livestock, as there would be no view over one of the fields. However, the appellants confirmed that the location of the dwelling would enable them to hear the pigs and that the proposed dwelling would be positioned in between the rotational grazing paddocks to enable immediate access to the pigs at all times. As such, I consider that the proposed dwelling would be appropriately located with regard to overseeing the livestock.
29. Notwithstanding the above, I conclude that insufficient evidence has been provided to justify a functional need for a permanent agricultural workers dwellinghouse at Bodbury Farm. Moreover, it has not been evidenced that the business is sufficiently financially viable, or that there would not be suitable alternative accommodation available to the appellants. As such, there is not an essential need for the proposed dwelling to accommodate a rural worker to live permanently at or near their place of work in the countryside. In the absence of a demonstrable essential need the proposal would conflict with policies which seek to restrict development in the countryside, specifically the terms of CS Policy CS5 and

SAMDev Policy MD7 as set out above. Furthermore, the proposal would conflict with the SPD and Paragraph 84 of the Framework.

30. At the hearing it was confirmed that as Policy CS5 relates to the open countryside, Policies CS1, CS3 and CS4, quoted in the reasons for refusal, were not specifically relevant to the proposal. As such I have not concluded against them.

Character and appearance and National Landscape

31. The appeal site is within the Shropshire Hills National Landscape (NL). I have therefore had regard to my duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the NL. The Framework sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of NLs, which have the highest status of protection in relation to these issues.
32. During the hearing, the Council advised that the special qualities of the NL include its sloping pastoral hills, farmland, woods, tranquillity, scenic quality and views, as set out in the Shropshire Hills AONB Management Plan 2019-2024. The appeal site and the surrounding area, despite some existing built form in the locality, forms part of a scenic and attractive pastoral landscape and reflects the characteristics of the NL. The appeal site therefore makes a positive contribution to the character and appearance of the area and the NL.
33. The proposal would be visible from various viewpoints within the wider landscape, including routes leading to the summit of Brown Clee Hill, and from two nearby public rights of way.
34. It was accepted at the hearing that agricultural workers dwellings are a normal and expected feature within the NL. It was also accepted that neighbouring properties and businesses are visible from viewpoints within the landscape, and that the NL Partnership made no comments regarding the proposal.
35. The proposal would be single storey, of a modest scale and constructed from appropriate materials. It would also be partially screened from certain viewpoints by mature vegetation, reducing its visual prominence. Moreover, in long distance views it would not be unduly conspicuous but would be viewed in the wider context of other built development, such as agricultural structures and neighbouring properties and businesses.
36. Notwithstanding the above, the proposal would nevertheless result in an encroachment into the rural setting and the wider landscape, and would introduce an element of urbanisation, due to associated domestic paraphernalia and lighting. As a consequence, the contribution of the field to the scenic pastoral character of the landscape would be diminished. Further planting and landscaping would not altogether mitigate this loss, particularly during the winter months when vegetation would not be in full leaf.
37. Overall, even though the identified harm of the proposed development would be modest, given that I have found that the proposal does not demonstrate an essential need to justify its location, I conclude that the proposed development would harm the character and appearance of the area and would not further the purpose of conserving and enhancing the natural beauty of the NL. It would not accord with CS Policies CS5, CS6, CS17 and SAMDev Policies MD2 and MD12

which collectively seek to protect and enhance the quality and character of Shropshire's natural environment and the NL. It would also be contrary to the identified objectives of the Framework.

38. While there are concerns regarding the impact on the NL of the farming element of the enterprise, the site could be farmed regardless of the construction of the proposed development. As such, this has had no bearing on my decision on this issue.

Access Track

39. The proposed access track would not be sited at the edge of a field, as may be typical on many farms, but rather would create an opening in a hedge running along the highway, cutting across the southernmost field in the appellants' ownership. This would lead to the creation of two smaller fields.
40. At the hearing it was clarified that there are no Local Plan policies and no paragraphs in the Framework which suggest how farmland must be used. The appellants do not consider that the siting of the proposed access track would harm the future of their farm or limit their farming practices. Animals would, for example, still be able to graze in the field despite the location of the track, and nature connectivity would be provided by the planting of new hedgerows in the field. The field is on a slope, and the proposed track would slant diagonally to mitigate the incline.
41. Although a comment was made at the hearing regarding the suitability of the access to allow vehicles to pull off from the road, there were no concerns raised by Highways regarding the access details or position of the track, and from the evidence before me and my observations on site I see no reason to disagree.
42. The position of the proposed access track would not be of poor design nor an inefficient use of land, nor would it render parts of the field as unsuitable for future largescale farming purposes. As such, the proposal would not conflict with CS Policy CS6 which states that development must make the most effective use of land, nor SAMDev Policy MD2 which indicates that development must respond appropriately to the form, layout and function of existing development. Moreover, there would be no conflict with the Framework which encourages good design and the efficient use of land.

Living conditions

43. Pigs can be noisy animals, particularly at feeding times, and they also have a distinct odour. Whilst there are neighbours and a caravan park within 200m of the farm, it is not unusual nor unexpected to hear animal noises or experience animal odours within the open countryside.
44. Whilst the business plan highlights a proposed increase in the number of pigs which would be at the farm, which would increase the noise and the smell, the appeal relates to an agricultural workers dwellinghouse, access and farm track, rather than for the farming enterprise itself, which is already established. It was agreed at the hearing that the land could be farmed without the construction of the proposed development, and I have not been provided with substantive evidence that intensification of the farm could not occur should the appeal not succeed.

45. It was mentioned at the hearing that planting would help mitigate nitrate emissions, and more frequent rotation of the animals could help to mitigate odours. However, these are aspects of farm management which are outside the remit of this appeal, as is the welfare of the animals with regard to a herd health plan, and the suitability of the site for pig farming.
46. The proposed development of an agricultural workers dwelling, access, track and associated works would not harm the living conditions of neighbouring occupiers and businesses. The proposal would not conflict with CS Policy CS6 which requires development to safeguard residential and local amenity, nor the SPD which requires new developments to not have unacceptable consequences for neighbours. Moreover, it would not conflict with the Framework which seeks to prevent pollution.

Other Matters

47. Applications for firstly a temporary agricultural workers' dwelling, then a permanent agricultural workers' dwelling, which were permitted at Hare Hill Farm¹ in Shropshire have been brought to my attention. Whilst elements of these applications are similar to this appeal, I do not have all the evidence before me regarding the Hare Hill Farm applicants' financial circumstances, business plan, or the suitability of alternative accommodation available to them in order to make direct comparisons. I note, however, that the appellants are reported as having made a small profit for three years when applying for the permanent dwelling. It is also notable that the statutory duty regarding NLs has been strengthened in the period since the Hare Hill applications were approved. As such, there are material differences between the schemes, and I have considered this appeal on its own merits.
48. Concern over the Council's handling of the application, objectors' pecuniary interests and the previous employment of planning agents are not matters that fall under the remit of this appeal and do not alter my findings, in which I have had regard solely to the planning merits of the proposal. Issues relating to enforcement and other structures at the site are likewise outside of the remit of this appeal.
49. I have considered the rights of the appellants under Article 8 as set out under the Human Rights Act 1998, which affords the right to respect for private and family life, home and correspondence. This is a qualified right and interference may be justified in the public interest but requires the application of proportionality to balance the fundamental rights of an individual against the legitimate interest of other individuals and the wider community and public interest.
50. A dismissal of the appeal would lead to the appellants having to move from their current accommodation at the site and would interfere with their rights under Article 8. However, the interference would be in accordance with the law and in pursuance of well-established and legitimate public interest aims of protecting the countryside from isolated development and the protection of the landscape and scenic beauty of the NL. I therefore find the interference would be proportionate and necessary, and it would not amount to a violation of the human rights of the appellants. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

¹ 20/01796/FUL and 23/05226/FUL

Planning Balance and Conclusion

51. I note the many letters of support for the scheme and recognise the appellants obvious dedication and passion for their enterprise, land, animals and their produce. The proposal would support a young family growing a local food business, would help promote local food and supply chains and would support the local rural economy. The proposal would provide a modest contribution to Shropshire's affordable housing supply. A presence on the farm would increase the site's security and limit the likelihood of livestock straying into or out of the farm. However, all these benefits combined are relatively modest.
52. The proposal would not render parts of the appellants' fields as unsuitable for largescale farming practices, and would not harm the living conditions of neighbouring occupiers and businesses with regard to noise and odour. However, an absence of harm is a neutral factor that neither weighs for nor against the proposal.
53. However, I found that the proposed development would harm the character and appearance of the area and would not further the purpose of conserving and enhancing the natural beauty of the NL. Such harm should be afforded great weight.
54. In the absence of a compelling functional or financial case or sufficient evidence regarding alternative accommodation to justify a permanent dwelling on site, along with the harm that would be caused to the NL, in this case the benefits would not outweigh the conflict with the development plan and national policies which seek to protect the countryside and landscape.
55. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.
56. As a result, the appeal should be dismissed.

L C Hughes

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sarah Odell Appellant

Byron Odell Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jenny Powell Senior Planning Officer

Emma Green Area Planning Manager and Enforcement Team Leader

INTERESTED PERSONS:

Dyanne Humphreys Dyanne Humphreys Planning

Phil Plant Mid-West Planning

Ann Sutcliffe

Stephen Sutcliffe

Wilfred Pountney

Fern Chadwick

Jane O'Grady

DOCUMENT SUBMITTED AT THE HEARING

Unredacted financial information, Company Full Accounts.

Appeal Decision

Site visit made on 16 October 2025

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

Appeal Ref: APP/L3245/Q/25/3364874

The Grange, Berrington, Shropshire SY5 6HB

- 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 and Mrs Harris against the decision of Shropshire Council.
- The development to which the planning obligation relates is Erection of an affordable two storey dwelling with detached garage.
- The planning obligation, dated 22 July 2014, was made between Mark William Harris and Amanda Nadine Harris, Lloyds Bank PLC and Shropshire Council.
- The application Ref 24/03427/DSA106, dated 5 September 2024, was refused by notice dated 29 October 2024.
- The application sought to have the planning obligation discharged.

Decision

1. The appeal is dismissed.

Procedural Matters

1. Section 106A(3) of the Town and Country Planning Act 1990 (as amended) sets out that a person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the local planning authority by whom the obligation is enforceable for the obligation— (a) to have effect subject to such modifications as may be specified in the application; or (b) to be discharged.
2. Section 106A(6) of the Act sets out that where an application is made to an authority under subsection (3), the authority may determine— (a) that the planning obligation shall continue to have effect without modification; (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

Main Issue

3. The appeal relates to an application to discharge the section 106 planning obligation (s106 agreement) associated with planning permission Ref 13/04651/FUL. No modifications to it have been proposed. Accordingly, the main issue is whether the planning obligation continues to serve a useful purpose.

Reasons

4. The permission Ref 13/04651/FUL describes the dwelling the subject of the s106 agreement as an affordable two storey dwelling with detached garage. Permission for it was granted under the exceptions approach outlined in Policy CS11 of the Adopted Core Strategy and Policy MD7A of the Site Allocations and Management

of Development Plan. Amongst other aspects, these essentially allow single plot houses in locations that would not normally obtain planning permission on an exception basis that affordable housing for local people is provided.

5. At the time, the appellants met the Council's relevant eligibility criteria, including by having a strong local connection to the area, needing to remain living there and, due to health reasons, having an unmet housing need. Health needs also justified the dwelling's internal floorspace exceeding the 100m² normally allowed by the Council for single plot exception properties, as per its Type and Affordability of Housing Supplementary Planning Document (SPD). That floorspace figure stems from the Council's aim to ensure affordability, since larger properties are generally more expensive and thus are likely to run counter to this. However, whilst the property is likely to be more expensive due to its size, this does not mean it is not a single plot exception dwelling.
6. The s106 agreement requires, amongst other aspects, the Owner (in this case, the appellants) to occupy the dwelling as their sole and/or principal residence unless otherwise agreed in writing by the Council in accordance with the terms specified in the Schedule. This relates to and stems from the above policy requirement; and the s106 agreement sets out that planning permission for the exception dwelling would not have been granted without the s106 agreement having been executed.
7. The relevant clauses in the Schedule include the Owner not letting the dwelling other than to a Qualifying Person and at no more than the Affordable Rent; and not selling it other than in accordance with the agreed Sale Marketing Plan at the Formula Price and to a Qualifying Person (or other such bodies as further specified). The s106 agreement defines these various terms.
8. In essence, the s106 agreement therefore allows the Owner, if they no longer need/wish to remain in the property, to let or sell it at a defined rate below the open market to people who are, broadly speaking, in housing need and have a connection with the local area. However, if it has not sold after a defined number of weeks, the terms in the Schedule allow the Owner to sell the dwelling to any person without restriction as to their eligibility. After a further period without a sale, the Owner can then apply to the Council for the Formula Price and all other provisions of the s106 to be removed. Following any subsequent sale, the Owner would then pay a defined amount to the Council for its use to facilitate the provision of affordable housing elsewhere in the district. As such, the s106 allows the dwelling to be sold on the open market subject to the various steps being taken in accordance with the Schedule.
9. The s106 agreement and the other submitted evidence indicate that the purpose of the obligation is to ensure that the dwelling, once the Owner no longer wishes/needs to reside in it, is made available at a reduced rent/sale price to certain eligible people who are in housing need. In accordance with local policy, this secures the dwelling as an 'affordable home', which the National Planning Policy Framework sets out is housing for sale or rent for those whose needs are not met by the market and which is essentially available at a defined rate below the local market rent/value.
10. Although it has not been confirmed that the location, size and value of the property would be appropriate or acceptable to those on the housing register, the submitted evidence shows that there is a significant need for affordable housing in the

district. There are also several households on the housing register seeking accommodation in the parish of Berrington. The letting of the property for a short period on an affordable basis to a qualifying person, in accordance with the s106 agreement Schedule, supports this; and the marketing process for the rental resulting in applications from six interested parties clearly indicates a demand.

11. Due to its rural location and lack of facilities and access to regular public transport, the suitability of Berrington for households seeking affordable accommodation (particularly this dwelling) has been questioned, especially compared to the settlement of Cross Houses for example. It is also questioned whether the housing register data is accurate and reflects current housing needs following the completion of a substantial residential development, including 12 affordable units, in Cross Houses. Nevertheless, the appellants do not dispute that there is a significant need for affordable housing in Shropshire as a whole or that at a broader level the obligation serves a useful purpose in supporting the provision of affordable housing across the district.
12. Accordingly, even if demand/need for affordable housing in Berrington may be less than other parts of the parish or district, there is little doubt that the planning obligation still serves a useful purpose as a mechanism ensuring the property is available to those in housing need. There having been no other dwellings built in Berrington since 2015 and the appeal property being relatively remote, large and expensive and only being part adapted (having been built without the lift and with conventional door and corridor widths) do not lead me to a different conclusion.
13. In coming to this view, I have taken account of the submitted valuation reports by well-established Shropshire-based firms; that the county is said to attract those looking to retire; and the contention that the property, particularly given its finish and size, would be unaffordable to a qualifying person and for most working people in the county given median salaries in the district and the monthly bills and mortgage costs even at the Formula Price. Nevertheless, these aspects do not mean that it is inevitably not a suitable affordable dwelling with respect to local policy. Whilst the term 'affordable housing' is frequently used and can be confusing, affordability/income is also not the only relevant factor when determining if someone is in housing need.
14. The appellants' circumstances have changed significantly since the original planning application was granted permission. Consequently, it is said that the dwelling, which lies vacant, no longer meets their needs and is not required for its original purpose. The appellants' circumstances at that time were also a significant factor in planning permission being granted, whilst the property's design was based on the appellants' then needs. Nevertheless, since the Obligation secures it as an affordable house for eligible people in housing need and neither relates to nor references the appellants' personal circumstances (as per the submitted Planning Statement, the s106 agreement is also not personal to the appellants), the change does not mean that the Obligation no longer serves a useful purpose.

Other matters

15. The appeal seeks to discharge rather than modify the obligation. Nevertheless, the submitted legal agreement¹ (UU) essentially seeks to cover sub-clause 2.11 in the

¹ Although it is referred to as a deed of variation, it actually appears to be a Unilateral Undertaking and is thus independent of the existing s106 agreement rather than seeking to modify it.

Schedule to the s106 agreement. The UU would in essence provide a financial contribution for the Council to use for other affordable housing; and it has been put to me that the contribution, in line with local policy, could be used more effectively, including by for example delivering affordable housing/purchasing an existing property for use as an affordable home in other priority locations which are more accessible and have more facilities than Berrington.

16. However, it seems to me that without the other prior steps in the Schedule having been gone through to ascertain if there is any eligible person interested and able to acquire the property as an affordable home, then the contribution alone cannot reasonably be considered as serving as useful a purpose as the dwelling being made available to people in housing need. With the clear housing need in the area and the property having been relatively recently rented on an affordable basis, it seems to me that there is also no reason why an eligible person wishing to rent/buy it would not transpire were the appellants to follow the full terms of the s106 agreement. Furthermore, irrespective of whether the UU meets the relevant tests, the weight it attracts is significantly reduced given that the lender has not signed up to it.
17. I recognise that the appellants no longer need to reside in the property and their preference is to dispose of it. However, if the property were to be marketed for sale in accordance with the Schedule to the s106 agreement and no eligible purchasers came forward within the specific period, then there is a route to sell it on the open market. As such, the Obligation remaining in effect does not leave the appellants unable to proceed with disposing of the property.

Conclusion

18. For the above reasons, the appeal is dismissed. The planning obligation detailed in the header above is therefore not discharged and shall continue to have effect.

T Gethin

INSPECTOR



Appeal Decision

Site visit made on 15 October 2025

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 November 2025

Appeal Ref: APP/L3245/Q/25/3369464

The Laurels, Beamish Lane, Albrighton, Wolverhampton WV7 3JJ

- 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 Karl Ian Skitt against the decision of Shropshire Council.
- The development to which the planning obligation relates is Erection of an affordable dwelling and detached garage; formation of vehicular access.
- The planning obligation, dated 2 October 2013, was made between Karl Ian Nicholas Skitt and Shropshire Council.
- The application Ref 25/00864/DSA106, dated 22 February 2025, was refused by notice dated 8 May 2025.
- The application sought to have the planning obligation discharged.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 106A(3) of the Town and Country Planning Act 1990 (as amended) sets out that a person against whom a planning obligation is enforceable may, at any time after the expiry of the relevant period, apply to the local planning authority by whom the obligation is enforceable for the obligation— (a) to have effect subject to such modifications as may be specified in the application; or (b) to be discharged.
3. Section 106A(6) of the Act sets out that where an application is made to an authority under subsection (3), the authority may determine— (a) that the planning obligation shall continue to have effect without modification; (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

Main Issue

4. The appeal relates to an application to discharge the section 106 planning obligation associated with planning permission Ref 11/04074/FUL. No proposed modifications to it have been submitted. Accordingly, the main issue is whether the planning obligation continues to serve a useful purpose.

Reasons

5. Permission Ref 11/04074/FUL describes the dwelling the subject of the planning obligation (s106 agreement) as an affordable dwelling. Permission for it was granted under the exceptions approach outlined in Policies CS5 and CS11 of the Adopted Core Strategy. Amongst other aspects, these essentially allow single plot

houses in locations such as those defined as Green Belt and open countryside that may not normally obtain planning permission on an exception basis that affordable housing for local people is provided.

6. The s106 agreement requires the Owner (the appellant) to occupy the dwelling as their sole and/or principal residence unless otherwise agreed in writing by the Council in accordance with the terms specified in the Schedule. This relates to and stems from the above policy requirement; and the s106 agreement sets out that planning permission for the dwelling would not have been granted without the s106 agreement having been executed.
7. The relevant sub-clauses in the Schedule include the Owner not letting the dwelling other than to a Qualifying Person and at no more than the Affordable Rent; and not selling it other than in accordance with the agreed Sale Marketing Plan at the Formula Price and to a Qualifying Person (or other such bodies as further specified). The s106 agreement defines these various terms.
8. As such, if the owner wishes to move, the s106 agreement allows the property to be let or sold at a defined rate below the open market to people who are, broadly speaking, in housing need and have a connection with the local area. However, if it has not sold after a defined period, the terms in the Schedule allow the Owner to sell the dwelling to any person without restriction as to their eligibility. After a further period without a sale, the Owner can then apply to the Council for the Formula Price and all other provisions of the s106 to be removed. The dwelling can therefore be sold on the open market if it has not been sold to an eligible purchaser within the specified period. Following any subsequent sale, the Owner would pay a defined amount to the Council for its use to facilitate the provision of affordable housing elsewhere in the district.
9. The appellant considers the obligation is now outdated and unjustified due to changes in economic conditions, relevant policies and local housing provision. However, the available evidence indicates that the purpose of the obligation is to ensure that the dwelling is made available, once the Owner no longer wishes to reside in it, at a reduced rent/sale price to certain eligible people who are in housing need. In accordance with local policy, this secures the dwelling as an 'affordable home', which the National Planning Policy Framework (Framework) sets out is housing for sale or rent for those whose needs are not met by the market and which is essentially available at a defined rate below the local market rent/value.
10. The evidence submitted shows that there is a significant need for affordable housing in the district, with several thousand households on the waiting list in Shropshire and 189 of those residing in the parish. Although there are hundreds of new houses planned/recently approved/being built in Albrighton, including the nearby development for some 30 houses, these would not meet the identified need for affordable housing. The submitted evidence also indicates that many of the 28 affordable homes with planning permission in the parish will be for affordable rent rather than ownership and do not have a local connection restriction.
11. Accordingly, even if the Council's waiting list were to include some people from the adjacent authority area, the planning obligation continues to serve a useful purpose by ensuring the property remains available to those in local housing need, of which there is a demonstrable demand. In coming to this view, I have taken

account of the submitted valuation reports; that some people may wish to move to the locality for work; that the maximum chargeable rent under the s106 agreement would, it is said, be an impossible amount for a mortgaged property; there being a substantial number of unrestricted dwellings available in the locality at the same or lower price than the Formula Price; the contention that the property, even with the 40% discount, would not be affordable to those on the Council's housing waiting list and that people needing a mortgage would be penalised with higher interest rates and bigger deposit requirements from fewer available lenders. Be that as it may, whilst the term 'affordable housing' is used, affordability/income is also not the only relevant factor when determining if someone is in local housing need.

12. The local councillor's position on the appeal proposal, the withdrawal of the Shropshire Local Plan from examination and whether the appeal site (situated in a row of properties and adjacent to the development boundary) may now be considered under the Framework as being within grey belt land do not lead me to a different conclusion. In addition, given the dwelling is already constructed, discharging the obligation would not only result in the loss of an affordable home but would also not contribute to the (insufficient) supply of housing in the district.

Other matters

13. It has been put to me that lenders would not allow the property to be rented at the local housing allowance rate and the owners could not afford to do so; and that self-builders (of single plot exception sites with such planning obligations) become mortgage prisoners unable to move, and effectively (unfairly and unreasonably) subsidise national builders. I recognise that the s106 agreement is also relatively complicated, that the appellant may have signed it without taking legal advice, and that they consider the property should have been granted an unfettered planning permission like others on the lane. Furthermore, the Council has modified/discharged other s106 agreements in the past. Nevertheless, these matters do not change my findings above.
14. My attention has been drawn to the restrictions on permitted development rights for the property. However, whilst the s106 agreement requires the development to comply with the approved plans and the conditions of the planning permission, a condition of permission Ref 11/04074/FUL restricts permitted development rights rather than the s106 agreement. Whether such a restriction is fair and reasonable is therefore not a matter for consideration as part of this appeal.
15. The s106 agreement is said to fail to meet the relevant tests in the Framework for planning obligations. However, those tests relate to the determination of planning applications whereas the relevant question in this case is whether the planning obligation continues to serve a useful purpose.
16. The appellant refers to potentially varying the planning obligation (if it is found that it continues to serve a useful purpose) to allow for a contribution for off-site affordable housing provision if such a variation would be considered fair, reasonable and in line with national policy. However, no suggested modifications have been put to me and the appeal seeks to discharge the planning obligation rather than modify it. As such, whether the purpose of the planning obligation would be served equally well subject to modifications is not a matter before me. In addition, if the property were to be marketed for sale in accordance with the Schedule to the s106 agreement and no eligible purchasers came forward within

the specific period, then there is a route for the appellant to sell it on the open market; and were this to occur, the s106 secures a subsequent contribution towards affordable housing provision elsewhere in the council area.

Conclusion

17. For the above reasons, the appeal is dismissed. The planning obligation detailed in the header above is therefore not discharged and shall continue to have effect.

T Gethin

INSPECTOR