



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

Date: Monday, 19 January 2026

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

**Date:** Tuesday, 27 January 2026

**Time:** 2.00 pm

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

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

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

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

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

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

Tim Collard  
Service Director – Legal, Governance and Planning

**Members of the Committee**

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 Feifer  
Gary Groves  
Kate Halliday  
Christopher Lemon  
Mark Owen  
Rosie Radford  
Carl Rowley  
Colin Stanford

Your Committee Officer is:

**Tim Ward** Committee Officer  
Tel: 01743 257713  
Email: [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Minutes (Pages 1 - 4)

To confirm the minutes of the Southern Planning Committee meeting held on 16 December 2025

Contact Tim Ward (01743) 257713.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 12 noon on Wednesday 21 January 2026

## 4 Disclosable Pecuniary Interests

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

## 5 National Trust Attingham Park Atcham Shropshire (24/04831/FUL) (Pages 5 - 34)

Outdoor hub building with visitor welcome area, cafe, food/beverage kiosks, kitchen, toilets, staff welfare facilities, bike hire/maintenance. Car park with electric vehicle charging, associated infrastructure, overflow parking. Interpretation and refurbishment of former WWII runway and aerodrome. New and restored site routes, 13km of trails, wildlife viewing and childrens play areas, cycle skills tracks. New green corridors, orchard/wildflower planting, wetland habitat. Foul water and sustainable drainage systems.

## 6 Land north of Little Brampton, Clunbury, Shropshire (25/03645/OUT) (Pages 35 - 48)

Erection of affordable dwelling and detached garage, formation of replacement vehicular access, and installation of package (sewage) treatment plant (outline application to include means of access but with matters of appearance, landscaping, layout and scale reserved)

## 7 Footpath Outside 75 High Street Bridgnorth Shropshire (25/03856/ADV, & 25/03855/FUL) (Pages 49 - 54)

Installation of BT Street Hub Unit with advertisement panels

## 8 Schedule of Appeals and Appeal Decisions (Pages 55 - 124)

## 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 24 February 2026 at the Guildhall



## Committee and Date

Southern Planning Committee

INSERT NEXT MEETING DATE

## **SOUTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 16 December 2025**

**2.30 - 3.45 pm in the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ**

**Responsible Officer:** Tim Ward

Email: [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk) Tel: 01743 257713

### **Present**

Councillor Andy Boddington (Chairman)

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

### **39 Apologies for Absence**

Apologies for absence were received from Councillor Elizabeth Barker

Councillor Carl Rowley substituted for Councillor Barker

### **40 Minutes**

#### **RESOLVED:**

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

### **41 Public Question Time**

There were no public questions

### **42 Disclosable Pecuniary Interests**

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

Councillor Nigel Lumby advised the committee that with regard to agenda item 5, he was the local member and that he would make a statement and then leave the table and take no part in the debate or vote

### **43 Proposed Residential Development Patshull Road Albrighton Shropshire (24/02108/OUT)**

The Principal Planning Officer introduced the application which was an outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage and with reference to the drawings and photographs displayed, she drew Members' attention to the location and layout.

The Principal Planning Officer drew Members attention to the information contained in the schedule of late representation which had been circulated by email.

Millie Dodd spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Matt Lakin spoke on behalf of the Albrighton Development Action Group against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Colin Noakes spoke on behalf of Albrighton and Donington Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

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

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

Members commented that they felt that the application site did not meet the criteria to be described as "grey belt" and that the development did not meet the criteria for development on the greenbelt. They also had concerns about the scale and sustainability of the application and the impact on the local community. They acknowledged the large amount of opposition from the local community as evidenced by the large number of objections on the planning portal and the number of signatures on the petition that had been submitted.

## **RESOLVED**

That in accordance with the Officer recommendation the application be refused for the following reasons: -

### Policy

The proposed development site is wholly located in Green Belt countryside outside of any settlement development boundary which is not safeguarded or allocated land and is not regarded as being grey belt. Development in this location would be incompatible with the principles of sustainable development in that it would undermine the development strategy set out in the adopted Shropshire Council Core Strategy and Site Allocations and Management of Development (SAMDev) Plan which seek to facilitate residential development within a sustainable settlement

hierarchy. In addition to the proposal being inappropriate development in the Green Belt, it would result in harm to the character and appearance of the area. The wider benefits of this BMV land have not been recognised, nor has it been demonstrated that development of this site is necessary in preference to poorer quality land or land outside the Green Belt, therefore effective use of the land has not been made in accordance with NPPF paragraph 187b), and Sections 11 and 13. Less than substantial harm to the significance of the Boningale Conservation Area and Grade II Listed Lea Hall and Barn has been identified, and whilst it is acknowledged that the proposal offers a number of wider local community benefits beyond the site itself, these have not been identified as responding to a local need. The adverse impacts of this unsuitable location would significantly and demonstrably outweigh the benefits of the proposed development contrary to the presumption in favour of sustainable development set out in the NPPF. The proposed development will conflict with Policies CS1, CS3, CS5, CS6 and CS17 of the adopted Shropshire Council Core Strategy, and MD1, MD3, MD6, MD7a and S1 of the SAMDev Plan, in addition to the policies within the NPPF taken as a whole. Even in the context of the presumption in favour of sustainable development and associated tilted balance, it is not considered that the benefits of the scheme warrant a departure from the Development Plan.

#### Green Belt

The Local Planning Authority has accorded substantial weight to the high level of harm which would result from the loss of this 48 hectare section of the West Midlands Metropolitan Green Belt through the proposed development. The proposed development site is within a parcel of Green Belt characterised by agriculture, tree lines and cover, and an absence of urbanising influences which make a strong contribution to checking the unrestricted sprawl of large built-up areas and to assisting in safeguarding the countryside from encroachment. The proposed development site is not regarded as grey belt and consequently the proposed development is inappropriate development in the Green Belt. It is therefore, by definition, harmful to the Green Belt and prejudicial to the reasons for including land within it. It does not constitute any of the exceptions to inappropriate development identified in paragraphs 154 or 155 of the National Planning Policy Framework and the circumstances advanced in the application are not considered to amount to the very special circumstances required to overcome an objection to the high level of harm identified. The proposed development is therefore contrary to Shropshire Council Core Strategy Policy CS5, SAMDev Plan Policy MD6 and the guidance set out in Section 13 of the National Planning Policy Framework.

#### 44 Schedule of Appeals and Appeal Decisions

##### **RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 16 December 2025 be noted.

#### 45 Date of the Next Meeting

##### **RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 27 January 2026 at the Guildhall

Signed ..... (Chairman)

Date: .....

## Agenda Item 5

## AGENDA ITEM



### Committee and date

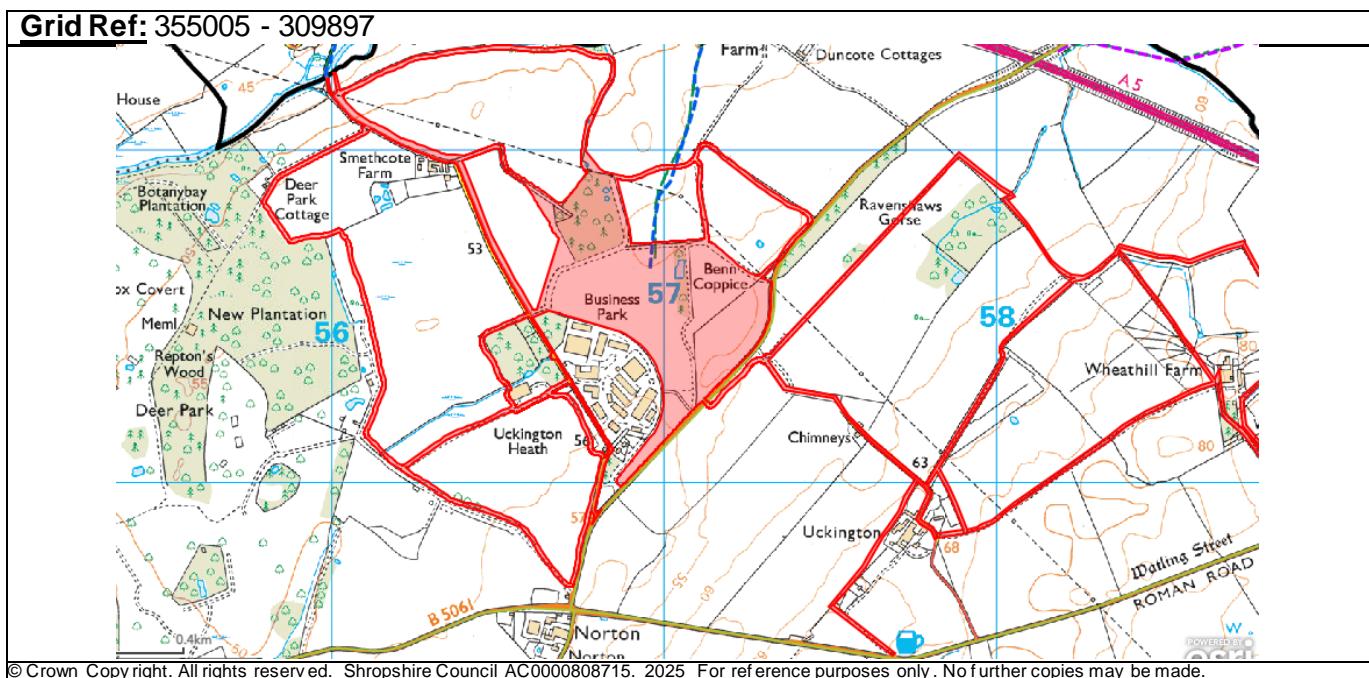
27th January 2026

## Development Management Report

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

## Summary of Application

<u>Application Number:</u> 24/04831/FUL	<u>Parish:</u>	Atcham
<b>Proposal:</b> Outdoor hub building with visitor welcome area, cafe, food/beverage kiosks, kitchen, toilets, staff welfare facilities, bike hire/maintenance. Car park with electric vehicle charging, associated infrastructure, overflow parking. Interpretation and refurbishment of former WWII runway and aerodrome. New and restored site routes, 13km of trails, wildlife viewing and childrens play areas, cycle skills tracks. New green corridors, orchard/wildflower planting, wetland habitat. Foul water and sustainable drainage systems.		
<b>Site Address:</b> National Trust Attingham Park Atcham Shrewsbury Shropshire		
<b>Applicant:</b> Ms Helen Royall		
<b>Case Officer:</b> Lynn Parker	<b>email:</b> lynn.parker@shropshire.gov.uk	



**Recommendation:- Approval** with delegated powers to refine and set the text for the conditions set out in Appendix 2, and subject to the completion of a S106 Agreement to secure the provision of a Habitat Management and Monitoring Plan and Biodiversity Gain Land Monitoring contribution (and S106 Monitoring fee).

## REPORT

### 1.0 THE PROPOSAL

1.1 This is a Full Planning Application on behalf of the National Trust (NT) for an Outdoor Hub development at the Attingham Park Estate, Atcham. The proposed development site (the 'Site') comprises leased agricultural land formed over a former World War II RAF airfield. The intention for the proposed development is to create a new distinct visitor attraction, different from the existing experience at Attingham Park, providing a new base from which to explore the wider Estate and accommodate ~350,000 visitors per year by 2035. The aim is to establish a landscape that appeals to individuals who are interested in visiting the countryside, but may feel apprehensive about leaving the control of an urban environment. As a 'gateway' to the countryside, the Outdoor Hub would offer a diverse range of attractions whilst celebrating and refurbishing heritage and World War II features present on site at a reduced scale within the expanse of the wider landscape. To provide visitors with a place to immerse themselves in the countryside and nature, and engage with it on their own terms, sustainable design principles and renewable energy solutions would be showcased, green corridors created, woodland and trees planted, habitats constructed and restored, and walking/cycling trails and outdoor play areas designed. The facility will centre around a core area containing a new Outdoor Hub building with associated parking.

1.2 The development proposal includes:

1.2.1 An Outdoor Hub building containing a café with up to 100 seating spaces, kitchen, a bike hire/maintenance facility, community space, viewing tower, visitor welcome area, toilets and staff welfare facilities. The position of the Hub building located centrally on a former runway has been selected to best celebrate the Site's history, to provide optimum views of the surrounding countryside, and relate well to the existing built environment directly to the south of the site. The Hub design is contemporary and fully accessible, drawing reference from prefab, functional and utilitarian former RAF Structures. The building layout is proposed as a group of single storey structures, apart from the viewing tower, arranged around a central courtyard. Materials are proposed which reflect both the contemporary style of the building and its countryside setting, with a timber frame, part timber cladding and elements of glazing. The proposed roofs would provide shelter and shade linking the various buildings without enclosing the central space.

- 27th January 2026

National Trust

- 1.2.2 Car parking located to the south-east side of the Hub building comprising 440 surfaced parking spaces leading to an overflow area of approximately 350 spaces adjacent to the B4394. Electric vehicle charging points, blue badge parking (25 spaces) and a bus/coach drop-off layby are included. 50 cycle parking spaces would be accommodated close to the Hub building.
- 1.2.3 Interpretation and refurbishment of former WWII runway alignment, which remains visible as a stretch of compacted hardcore and gravel, with pathways and planting. To prevent the removal of tons of material from the site, the hardcore would be broken up in-situ to create pockets to receive a thin layer of low fertility topsoil. This would then be planted as a heathland style landscape including gorse, heather, bilberry and multi-stemmed trees to appear as if the runway has been reclaimed by nature.
- 1.2.4 Facilities across the Site including children's play and wildlife viewing areas, and stand-alone shelters. The aim is to provide features unique to the Site which are not present at Attingham Park and would provide structured and adventurous activity, and explorative play equipment such as a zip wire experience, timber tower play feature, agricultural play, activity trail, woodland adventure play and a barefoot experience, in addition to a primary equipped play area.
- 1.2.5 Cycle skills tracks. Dedicated cycling tracks are proposed to be integrated into the landscape of the site to offer safe and scenic routes for cyclists of different proficiency levels. These would be clearly marked and separated from pedestrian areas to ensure safety. Bicycle parking facilities would be located near to the Hub building café and at strategic locations around the site.
- 1.2.6 Approximately 13km of trails to be created with habitat creation and restoration. The walking and hiking trails would cater to different fitness levels and interests and designed to be accessible. Additional habitat creation is proposed such as woodland planting adjacent to existing woodland blocks to enhance biodiversity and improve wildlife and habitat connectivity. Ecologically valuable habitats at the site would be retained wherever possible, such as bluebells and badger setts within the woodlands. Trails would be located around valuable habitats to avoid damage and disturbance to them, however, to still allow access to nature.
- 1.2.7 The creation of an orchard, wildflower planting, a Village Green feature and green corridors. The Village Green would be located to the north side of the Outdoor Hub buildings and act as an open space to increase visitation to the Site through the provision and promotion of events and activities in an outdoor environment. Mown pathways through wildflower areas are intended for seasonal interest and can be changed yearly. Green corridors would be created to provide links between existing fragmented habitats, allowing wildlife to move freely across the site and to expand the habitat available for various species.

- 27th January 2026

National Trust

- 1.2.8 The provision of sustainable drainage features including swales where appropriate to ensure adequate drainage is provided to the car parking and access road. A new wetland would additionally be formed at the eastern end of the former runway and planted with native aquatic species. A timber deck is indicated to protrude over the wetland to help immerse site users in nature.
- 1.2.9 Comprehensive wayfinding and signage would be implemented throughout the site to assist visitors in navigation. These would include welcome and directional signs, trail name signs, information and map boards in strategic locations.
- 1.2.10 The opportunity to link outside the site to the National Cycle Network connecting to Telford and Shrewsbury, or to the Wrekin and Haughmond Hill.
- 1.3 It is intended that the Site would be open to everyone 364 days a year with walkers, cyclists and horse riders having access 24 hours a day. However, the facilities, buildings and car park would have opening times restricted to between 8:00 and 19:00 in the summer, 8:00 to 17:00 in winter. Hours of operation for events would be determined as part of an Events Management Plan, however would generally be within the core operating hours of the Site. The operational aim is to sustainably spread visitors across the year with events used to attract people during quieter periods.
- 1.4 The principal vehicular access point is proposed off the B4394 via the Atcham Business Park road to the south-east side of the Site where the give-way priority junction with the B4394 would be retained. A junction bellmouth would be created for the Site off the business park access road approximately 90m from the junction, where a two-way road would take visitors into the Outdoor Hub car park. An existing speed hump on the business park access road would be relocated to south.
- 1.5 A comprehensive suite of supporting documents have been submitted at the outset and throughout the course of the application. These can be viewed within the online planning file and are listed under Section 11 of this Report.

2.0 SITE LOCATION/DESCRIPTION

2.1 The proposed ~27.5 hectare Site is located approximately 8km to the east of Shrewsbury Town Centre, and 5km from the A5 on its outskirts. It falls within the eastern extent of the NT Attingham Park Estate, although is not included in the EH Historic Park and Garden designation which contains the Grade I Listed main house. The Atcham Business Park is sited adjacent to the south-west side of the Site with a privately owned access road extending from its south-east side to the B4394. The business park was formed on land sold off by the Estate in the 1960s. Vehicular access into the Site is currently gained from the west via a gated agricultural track which runs north from the B4394 past dwellings at 'Rural Cottages' and the western side of the business park. The River Tern lies to the north and the B4394 along the eastern boundary of the Site. The various

- 27th January 2026

National Trust

settlements in the vicinity include Atcham to the south-west from which the existing NT attraction is accessed, Uckington to the south-east, and Norton to the south where the B4394 meets the B5061 which extends between Shrewsbury and Wellington and is known at this point as the 'Norton Crossroads'.

2.2 The Site is currently underutilised agricultural land which has previously been in crop production, and which contains an existing informal network of paths. Historically it was heathland and opened as active airfield RAF Atcham in 1940 during WWII, operating as such until being de-commissioned in 1957 when it was released back into NT ownership. Following this the former airfield technical site became the business park. Scars of the runways are still visible across the land, with the west section of the east/west runway being the only hardstanding remains. Other heritage assets close by include Wroxeter Roman Town to the south of Norton, and multiple Listed Buildings, the closest of these to the Site being Grade II Listed Smethcote Farm to the north-west.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Complex or Major applications which in the view of the Planning Services Manager in consultation with the Chairman or Vice Chairman should be determined by the relevant Planning Committee.

## 4.0 Community Representations

### 4.1 Consultee Comments

As there are multiple responses from the majority of consultees, the most recent submissions have been reported below as these constitute material considerations.

4.1.1 SC Highways (LHA) (01/09/25) - No objection subject to a S278 Agreement for access, wayfinding strategy, and financial contribution of £40,000 towards the improvement of safety at Norton Crossroads.

Overall, there do not appear to be any areas where a fundamental highways objection on the grounds of highway safety or capacity could be raised. The local junction at Norton Crossroads has demonstrated a worsening safety record, however this appears to be a matter of highway surface quality that is due for remediation. Given the limited opportunities in this area, any development should contribute towards local lining and signing enhancements with a focus on the attraction that a site of this nature will result in. Conditions recommended for detailed access, construction management, car parking management, events management, a wayfinding strategy and a lining and signing scheme for Norton Crossroads.

The LHA comments are provided in full in Appendix 1.

4.1.2 Telford And Wrekin Council (10/02/25) - Ecology, Conservation and Drainage Team have no comments on the proposals.

- 27th January 2026

National Trust

TWC Highways have identified two critical junctions/locations maintained by them likely to be impacted by the proposed development:

- B5061 Holyhead Road/Roman Road junction (adjacent to J7 M54). TWC request £35,387.24 towards an improvement scheme for this junction.
- Narrow bridge over the railway line on the B4394 at Walcot (~1km to the north east of the Site). TWC request that further road link analysis based on both a weekday and weekend, rather than just peak periods, to allow a full evaluation of the potential highway safety risk.

TWC additionally recommend further consideration of cycle trips and routes and associated signage.

4.1.3 Active Travel England (21/01/25) - On the basis of the information available, Active Travel England is content with the development proposed.

4.1.4 SC Drainage (23/06/25) - The proposed drainage strategy is acceptable in principle and the LLFA welcomes the use of swales to convey surface water. Pre-commencement conditions recommended in relation to a scheme of foul and surface water drainage, and finalisation of the drainage strategy.

4.1.5 SC Regulatory Services (23/01/25) - Concur with the recommendation of the Phase II Site Investigation Report. Pre-commencement condition recommended in relation to an assessment of the risks posed by any contamination.

Environmental Health (22/01/25) - No objection in principle to the application.

4.1.6 SC Waste Management (30/01/25) - No comments needed due to there being no new residential properties being built.

4.1.7 SC Ecology (16/07/25) - No objection.

The habitat creation includes modified grassland, other neutral grassland, broadleaved woodland, various scrub, rural trees and ponds. Due to their size and technical difficulty, these proposed habitats are considered to be significant, therefore an estimated monitoring fee of £29,448.25 is required to be secured through a S106 Agreement.

As per the SC Green Infrastructure comments, green roofs are encouraged as habitats to be included in the proposal's design, although these features are not required to achieve the mandatory 10% BNG.

Conditions recommended in relation to:

- An Ecological Clerk of Works Report to the LPA demonstrating implementation of the bluebell, great crested newts, badgers and hedgehogs Reasonable Avoidance

- 27th January 2026

National Trust

Measures Method Statement (RAMMS) on the outbuilding present at the site a set out in the submitted Protected Species Survey Report.

- A badger site walkover survey report supporting a mitigation strategy if required.
- A Construction Environmental Management Plan (CEMP).
- Provision of wildlife enhancements.
- Provision of an external lighting plan.

4.1.8 SC Landscape (09/06/25) - Following the enhancement of the landscape character study, added viewpoints, a revised viewpoint photograph and further annotation of the viewpoint photography, the LVA demonstrates good practice and is sufficiently compliant with GLVIA3 and related technical guidance documents to be relied upon to inform planning judgement.

The proposals are considered acceptable in landscape and visual terms. Pre-commencement conditions are recommended in respect of hard and soft landscaping schemes, and a landscape management and maintenance plan.

4.1.9 SC Trees (05/02/25) - The proposed loss of trees and sections of hedgerows will have limited impact on the visual amenity and arboreal nature of the location. It can be compensated by planting new trees, hedges and shrubs as part of a high quality landscaping scheme. Pre-commencement conditions recommended relating to tree protection and final landscaping details.

4.1.10 SC Green Infrastructure (07/07/25) - It is acceptable for the detail design of the play spaces to be dealt with through a condition. Previously provided comments regarding the play provision should be reflected in the future design development particularly regarding inclusivity and accessibility in support of the masterplan's intention for the development to be a gateway for a new audience. The play provision should differ from that provided within the main Attingham Park site.

Whilst the NT have advised that the inclusion of a green roof is unviable, this seems a missed opportunity.

4.1.11 Natural England (25/02/25) - No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites including the Attingham Park Site of Special Scientific Interest.

4.1.12 SC Conservation (04/02/25) - Concur with the findings of the Heritage Impact Assessment and do not raise a heritage objection to the proposal. The building materials indicated in the visuals and drawings are noted and no particular issues are raised on building design, appearance and detailing.

4.1.13 SC Archaeology (05/02/25) - The site is considered to have high to very high archaeological potential. Officers agree with the potential for archaeological remains within the proposed development site (WWII runways), but consider they

- 27th January 2026

National Trust

could be of up to national significance based on their possible contribution to the significance of a scheduled monument (Wroxeter Roman Town). A pre-commencement condition requiring a programme of archaeological work is recommended.

- 4.1.14 Historic England (31/01/25) - Have concerns regarding the application on heritage grounds. Recommend a closely targeted programme of pre-determination trial trenching across the mapped lines of the footpath and parish boundary shown in the 1<sup>st</sup> edition OS to test for survival and associated remains (Roman) and thereby also provide a better degree of assurance to the geophysical survey results overall.
- 4.1.15 British Horse Society (21/02/25) - Pleased to see that horse riders will be able to use certain tracks on the wider site. This will be very limited in the absence of provision for parking of horse boxes or trailers. Disappointed that more emphasis has not been placed on the needs of horse riders and no mention of carriage driving. The Outdoor Hub would be an excellent safe space for equestrian activities if parking were provided.
- 4.1.16 Shropshire Fire and Rescue (28/01/25) - Signpost the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications.
- 4.1.17 Severn Trent Water - No comments received to date.
- 4.1.18 SC PROW - No comments received to date.

4.2 Public Comments

- 4.2.1 Confirmation of site notice display was received on 18th January 2025. The proposal was advertised in the Shropshire Star as a Major Development and affecting a public right of way on 4th February 2025.
- 4.2.2 37 public representations have been received including from three Parish Councils, the Local Member, and solicitors representing Hereford Storage Ltd and Royal Mail Group Ltd who operate from Atcham Business Park. The twenty-six majority comments are in favour of the idea of the proposed development, however object to the access location and the impact on the business park. There are seven letters of support and three neutral comments. All comments are available to view online and are summarised below:
- 4.2.3 The Site is within the Wroxeter and Uppington Parish Council area, whilst the main house at Attingham Park falls under Atcham Parish Council. Leighton and Eaton Constantine Parish Council is neighbouring.
- 4.2.4 Wroxeter and Uppington Parish Council (21-07-25) - Continues to object as the objections raised previously have not been addressed:

- 27th January 2026

National Trust

- The response from Arup on behalf of the NT does not adequately deal with the traffic speed and volume issues or set out a timetable for further consultation with Parish Councils, local businesses and residents.
- The NTs lack of consultation and meaningful dialogue with the PC and residents is concerning given the impact the development of the Hub will have on local people.
- The PC are aware that Norton Crossroads is included in the SC high priority accident cluster group, and any development of the Outdoor Hub needs to consider road safety.
- In the event of Approval, a specific condition is requested to obtain financial support from the Applicant for a scheme to address the safety concerns at Norton Junction.

Wroxeter and Uppington Parish Council (03/03/25) - Broadly welcomes the proposal to develop an Outdoor Hub, but cannot support the application in its current form and therefore objects on the following grounds:

- The amount of traffic from the large numbers of visitors to Attingham Park already puts pressure on roads in the surrounding area worsening the congestion issues which already exist at junctions.
- Meetings have taken place between West Mercia Police, SC Highways, the Ward Councillor and the PC to discuss what needs to be done to make the junction at Norton crossroads safer including reducing the speed limit on the approach to the junction. However, if the volume of traffic is to increase, physical changes are needed at the junction to ensure that the traffic is controlled.
- Request that the application is Withdrawn to allow a significant level of consultation with local communities to address or at least moderate the issues the PC believe the development will create.

4.2.5 Atcham Parish Council (12/07/25) - Do not find that the concerns previously raised have been addressed in any meaningful way by the amendments and therefore stand by their original objections registered on 27/02/25.

Atcham Parish Council (27/02/25) - Supports the creation of the Outdoor Hub in principle believing it would bring many benefits to the wider community and to the preservation of the natural environment. However, objects on behalf of residents on the following grounds:

- The significant congestion problems in the centre of Atcham caused during peak visitor days to the main house site could reasonably be expected to worsen with the predicted visitor numbers to the Outdoor Hub. The vast majority of visits in cars will add to highway risks, congestion and pollution all affecting local residents. With existing concerns about visitor traffic unresolved, the PC feels it cannot support the access to the Outdoor Hub.

- 27th January 2026

National Trust

- Parishioners are also concerned about the safety of Norton Crossroads which is already the site of regular vehicular near-misses.
- Concerns for the safety of pedestrians and cyclists attempting to access the new Outdoor Hub. Improving Sustrans routes and bus services remain theoretical.
- The PC wish to point out that there was no consultation with residents of Atcham Parish prior to this application being submitted.

4.2.6 Leighton and Eaton Constantine Parish Council (23/03/25) - Despite there being merit in the proposal, are unable to support the application in its present form. The basis of the objection is that the proposal demonstrates no consideration regarding the significant impact it would have on current road users, local residents, and prospective visitors to the site in terms of highway safety. Grave concerns around traffic volumes and speeds are shared by other parish councils in the area.

#### 4.2.7 Public Objections

##### Highway/Traffic Concerns:

- Potentially large increase in traffic through Atcham village, particularly at the dangerous 6-way junction.
- Increased danger to pedestrians crossing the road to and from the bus stop.
- Hereford Storage Ltd, as the owner of the proposed access from the development to the B4394 is not willing to allow use of over this road.
- There will be likely delays in accessing and leaving the business park and disruption to its operations, undermining its success.
- The entrance/exit to the proposed site is off a minor road, leading to difficult junctions and is not a safe and suitable means of access.
- There is a lack of raw survey data for daily traffic flows, making it difficult to assess the most suitable junction type.
- Increased vehicle movements are indicated without improvements to pedestrian and cycle infrastructure.
- No traffic management is proposed on the B4394 and Norton crossroads, known for serious accidents, where the risk would be increased.
- Potential increase in road casualties due to the development.
- Increased traffic along the B4380, a dangerous road.
- There is a need for traffic calming measures to reduce speeding vehicles.
- No safe route for cyclists from Shrewsbury or Telford to the site.
- Apprehension over night-time motorcyclists/cyclists using cycle tracks.
- Lack of adequate road safety measures funded by the National Trust.
- Increased traffic on the roads will require additional road maintenance.
- Potential hazards to tractor drivers and farmers from the additional traffic.

##### Business and Operational Concerns:

- Potential impact on existing businesses and their legal rights of access.

- 27th January 2026

National Trust

- Apprehension over the mix of HGV movements and public visitor traffic resulting in potential congestion, parking and safety issues due to the shared access with the business park.
- The proposed development could significantly impact on business operations at Parcelforce and other businesses within the Atcham Business Park.
- Security for the existing businesses could be put at risk.

#### Environmental and Community Impact:

- Concerns about the impact on wildlife and the environment.
- Lack of communication and consultation with local residents, the community, parish councils, Shropshire Councillor or tenants. No commitment to community engagement shown by the National Trust.
- Potential noise and environmental impact from events on the site.
- Concerns about the impact on the local community and their properties from additional visitor number and a potential increase in crime rates.
- The freedom and safety of local residents, their mental health and wellbeing could be impacted upon.

#### Other Concerns:

- Impact on the historical bridleway.
- There is no pedestrian link into Attingham Park from the proposed Outdoor Hub.
- The term 'Outdoor Hub' is vague, and the nature, frequency and timing of events to be held is not clear.

#### 4.2.8 Public Support

##### Broadening Opportunities:

- The application is supported for its potential to broaden opportunities for many more people to be active in the green and open spaces at Attingham.
- Plans to work collaboratively with local voluntary and community groups to ensure access for people who would not normally get these opportunities are welcomed.
- The initiative is seen as beneficial for those with long-term health conditions and mobility issues.

##### Outdoor Hub:

- The creation of a community hub at Attingham Park is fully supported as it offers a wonderful opportunity for people from all walks of life to enjoy the green space and take part in a variety of activities.
- The hub will make the park more accessible and affordable for families, providing a welcoming place for everyone to come together.

- 27th January 2026

National Trust

- It will strengthen the connection between the park and the local community, creating a sense of belonging and shared space.
- The idea of creating an outdoor space that will bring families and friends together, especially with the inclusion of electric charging points, is supported.
- The utilisation of the outdoor space is seen as a fantastic initiative.
- The hub is viewed as a wonderful idea, especially for charities that support people in getting outdoors.
- The application is fully supported for providing much-needed outdoor recreational and educational spaces for the people of Shropshire.

### Mental Health and Well-being:

- With mental health being at record low levels across the county, more access to green space and community projects that work in conjunction with nature should be encouraged and supported by all, including the local authority.
- Green space is beneficial for people's mental health if they can access it.

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design
- Visual impact and landscaping
- Impact on the natural environment.
- Impact on the historic environment
- Access and parking
- Drainage
- Other matters

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development which for decision-taking means approving proposals that accord with an up-to-date development plan without delay. Whilst the Council's lack of housing land supply results in the adopted Development Plan being out-of-date in relation to policies relevant to new housing proposals, policies relating to employment, tourism and leisure uses are considered to remain generally in conformity with the NPPF. Therefore, the adopted Development Plan is up to date for determination of the proposed NT Outdoor Hub development alongside the provisions of the NPPF.

6.1.2 Paragraph 88 of the NPPF requires that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed, beautiful buildings (a), and sustainable rural tourism and leisure developments which respect the character of the countryside (c). NPPF, paragraph 89 continues by advising that LPAs should recognise that such developments may need to be located outside

existing settlements where they are not well served by public transport. In these locations there should not be an unacceptable impact on local roads, the development should be sensitive to its surroundings and exploit opportunities to make the site more sustainable.

6.1.3 As the location for the proposed Outdoor Hub is outside any settlement boundary and located within countryside, LDF Core Strategy Policy CS5 is relevant. CS5 sets out that some forms of development in the countryside are permissible, provided they are on appropriate sites which maintain and enhance countryside vitality and character. Potentially acceptable development includes the retention and appropriate expansion of an existing established business unless relocation to a suitable site within a settlement would be more appropriate, and sustainable rural tourism, leisure and recreation proposals which require a countryside location in accordance with Policies CS16 and CS17. At paragraph 4.72, CS5, it is noted that the operation of this policy recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. There will be a significant emphasis on achieving quality and sustainability of design, particularly locally appropriate design and use of materials. More generally, Policy CS13 plans positively to develop and diversify the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and prosperous communities.

6.1.4 Specifically LDF Core Strategy Policy CS16 and SAMDev Plan Policy MD11 relate to tourism, culture and leisure development. Through these policies, emphasis is placed on delivering high quality sustainable tourism, cultural and leisure development which enhances the vital role these sectors play for the local economy, benefits local communities and visitors and is sensitive to Shropshire's intrinsic natural and built environment qualities, including:

- Supporting new and extended tourism development, and cultural and leisure facilities, that are appropriate to their location, and enhance and protect the existing offer within Shropshire.
- Promoting connections between visitors and Shropshire's natural, cultural and historic environment, including through active recreation, access to heritage trails and parkland.
- Supporting development that promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including rights-of-way networks.

6.1.5 The existing established attraction at Attingham Park is one of the National Trust's most popular, for example 518,863 people visited between 2020 and 2021. With the attraction frequently at capacity, the NT have identified an expansion of the offer to appeal to a new type of visitor to the Estate, one that perhaps is not a NT member already and would not necessarily visit traditional NT properties. The Outdoor Hub is therefore proposed to provide an alternative experience at the Attingham Park Estate, one which would encourage visitor engagement with the

natural, cultural and historic environment there through active recreation. The Site has been carefully selected within the Estate as the best location to promote opportunities for accessing, understanding and engaging with the landscape as it contains both heritage and natural features that can be appropriately enhanced, plus has the scope for providing multiple types and levels of trails and outdoor play. Furthermore, the proposed development requires a countryside location where the intended use would complement the character and qualities of the Site's immediate surroundings. The principle of the proposed development is therefore in accordance with LDF Core Strategy Policies CS5, CS13 and CS16, SAMDev Plan Policy MD11 and Chapter 6 of the NPPF, all of which relate to building a strong, competitive economy.

- 6.1.5 Whilst the principle of the proposed development is acceptable, consideration must additionally be given in the application's determination to those policies which relate to design, drainage and highways, and to the natural and historic environment, to ensure that the Outdoor Hub visitor attraction would result in a sustainable form of development.
- 6.2 Siting, scale and design
- 6.2.1 The proposed development would comply with the requirements of LDF Core Strategy Policy CS6 and SAMDev Policy MD2 in that it is designed to a high standard, makes the most effective use of land, would function well in its location and respects the character of the surrounding rural environment.
- 6.2.2 The layout of the site has been formulated following consideration of multiple other options to avoid adverse effects on the landscape and to provide optimum and logical functioning. The Outdoor Hub building, service yard and the car park are shown positioned around the northern and north-eastern sides of the Attingham Business Park where they would be adjacent to the existing built environment rather than creating visually isolated buildings/hard landscaping. The service yard would be positioned between the Outdoor Hub building and the business park boundary where it would not be prominent nor detract from the other attractions at the Site. This proposed plan also allows enough space within the site for other activities to span out towards the countryside in a more interactive form without disconnection. The location of the Outdoor Hub building in the centre of the runway would grant views out from it, accentuated by its long east/west linear extent and alignment of architectural features to maximise views of the building itself. Furthermore, this positioning would provide an opportunity to celebrate the history of the runway through encouraging interaction with it and acknowledgement of it. The position of the existing woodland areas creates an enclosure to the primary recreational space with the Village Green in the centre directly adjacent to the north side of Outdoor Hub building to reduce disorientation. The distance of the Outdoor Hub building from the B4394 would minimise its visual impact on the wider environment and provide some tranquillity within the site.

6.2.3 The design of the Outdoor Hub proposes a compact, but versatile group of interconnected buildings around a central courtyard, with features to provide architectural interest such as covered walkways, columns, external beams, louvred screening, areas of glazing and spaces for views outwards. Reference is directly drawn from prefab, functional and utilitarian former RAF structures, particularly in relation to the proposed viewing tower as its appearance is taken from existing photographs of the original at RAF Atcham. The proposed materials have been selected to reference the site's RAF history in combination with its rural location to include an aluminium standing seam roof, vertical timber cladding, specialist render, a concrete plinth, aluminium window/door frames and bronze cladding. The proposed form and materials of the Outdoor Hub building would respond positively to the function and appearance of the Estate by creating a unique and interesting structure that nevertheless respects the natural and historic character of the Site.

6.3 Visual impact and landscaping

6.3.1 A Landscape and Visual Appraisal (LVA) has been submitted with the application and updated during the course of the application. This has been used to inform the layout of the Site and to eliminate or minimise adverse landscape and visual effects from the development as far as is practicable. Key views from the receptors identified in the Appraisal were considered and resulted in the following design features:

- Siting the Outdoor Hub building to retain visitor experience, particularly for visitors to Attingham Park's differing historic setting.
- Use of muted and naturalistic colours for pathways and hard surfacing which better reflect existing tracks in the wider landscape.
- Planting to break up areas of hard surfacing such as in the car park to soften the visual impact.
- Bolstering existing woodland through additional planting to create a sense of enclosure for the Hub and car parking and to screen potential views of the buildings and hard landscaping from the surrounding landscape.
- Ensuring that visitor experience for future users of the Site was also available through sight lines to important landmark features such as Haughmond Hill and The Wrekin.

6.3.2 For the proposed development, the balance of respect shown for the existing landscape whilst promoting connection with it reflects the objectives of Policy CS16 and the avoidance of harm to the natural environment set out in SAMDev Plan MD12. The proposed development would recognise the intrinsic character and beauty of the countryside by enhancing the natural and local environment in accordance with paragraph 187b) of the NPPF.

6.3.3 SC Landscape have confirmed that the proposals are considered acceptable in landscape and visual terms and can be satisfactorily managed by conditions requiring final details of hard and soft landscaping schemes, and a landscape management and maintenance plan.

## 6.4 Impact on the natural environment

6.4.1 As the aim of the proposed development is to provide a gateway to the countryside, significant work has been carried out to secure the Site's appeal in this respect and to provide a balance of accessibility and authenticity, without which, the attraction is unlikely to be successful. LDF Core Strategy Policy CS17 sets out the expectations for proposed development to achieve environmental networks. These expectations include that the visual, ecological, geological and recreational values and functions, the immediate surroundings, or the connecting corridors of Shropshire's natural environment are not adversely affected. The local distinctiveness of Shropshire's environment, including its landscapes and biodiversity should be contributed to.

6.4.2 The planting strategy for the site includes adding structure and seasonal interest, creating a high-quality countryside environment, enhancing existing ecology and contributing towards Biodiversity Net Gain in line with Policy CS17. Existing woodland would be improved by additional planting to enhance biodiversity and improved wildlife corridors, valuable habitats are indicated to be retained where possible and specific and diverse habitats would be enhanced and created to suite the existing landscape, for example the proposed heathland planting of the former runway.

6.4.3 The proposed development substantially surpasses the minimum BNG target achieving 19.86% in habitat units, 37.18% in hedgerow units, and 20.96% in watercourse units through the creation of modified grassland, other neutral grassland, broadleaved woodland, various scrub, native trees and ponds. The proposed habitats are considered to be 'significant' due to their size and technical difficulty and will require a S106 Agreement for monitoring purposes.

## 6.5 Impact on the historic environment

6.5.1 Under Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a duty placed on Local Authorities in exercising their statutory duty to have regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural or historic interest which they possess. At paragraph 210a) the NPPF advises that LPAs should take into account the desirability of sustaining and enhancing the significance of Heritage Assets and putting them to viable uses consistent with their conservation.

6.5.2 The proposed development provides an opportunity to acknowledge the WWII and other historic uses of the Site which have been integrated into the design of the scheme. Whilst Historic England have expressed some concerns in relation to the potential for Roman remains, SC Conservation do not raise objection on heritage grounds, commenting that the building materials indicated in the visuals and drawings are noted and no particular issues are raised on building design, appearance and detailing. The Site is over 2km from the Georgian mansion at

- 27th January 2026

National Trust

Attingham Park and 0.6km from the Historic Park and Garden boundary with Atcham Business Park and mature Estate landscape lying in between.

6.5.2 SC Archaeology have identified that there is a high to very high archaeological potential at the Site, which could be of national significance based on the proximity of Wroxeter Roman Town 1.7km to the south-west, and this reflects the concerns raised by Historic England. An Archaeological Impact Assessment has been submitted in support of the application which identifies a raised portion of ground within the existing woodland where the former Roman Road would have been located, discernible now through its raised profile above the woodland floor. This former Roman Road is proposed to be retained and resurfaced in places to encourage access to the woodland with interpretation and links to other Roman archaeology within the surrounding landscape signposted. The Assessment acknowledges some surveying limitations at the Site, however notes that any requirements for further archaeological mitigation could be safeguarded through an appropriately worded planning condition. SC Archaeology have concurred that a programme of archaeological work is recommended to manage the ground level heritage potential at the Site.

6.5.3 In this case, in line with SAMDev Plan Policy MD13, the proposed development would avoid harm or loss to Designated Heritage Assets in the vicinity, including their settings. In fact, the proposal includes sympathetically enhancing a former WWII RAF site making its historical importance more accessible to the public. Paragraph 210b) requires LPAs to take account of the positive contribution that conservation of Heritage Assets can make to sustainable communities including their economic vitality, and the Outdoor Hub attraction would make such a positive contribution.

6.6 Access and parking

6.6.1 Paragraph 116 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

6.6.2 Substantial concern has been raised through public representation, from Parish Councils and from the Local Member in relation to the potential impact of the proposed development on local highway conditions and the functioning of Atcham Business Park.

6.6.3 Concern is put forward over increased severity of collisions associated with inappropriate speed and junction visibility at the Site access/business park access/B4394 junction. The Applicant's transport consultants, Arup, have advised that the existing B394 junction with the business park meets design requirements for which safety is a key attribute. Whilst the risk of collisions may be raised due to the increase in traffic flows, this does not change the safety attributes of the junction design. The speed hump on the business park access would be relocated

and new turning movements into and out of the proposed Site set out. Arup believe that the new nature and use of the business access road in combination with the Outdoor Hub attraction would create a self-regulating low-speed environment through a change in driver behaviour and slowing vehicular speeds. A recommendation that appropriate forward visibility splays are provided clear of any obstructions such as hedgerows is accepted by Arup. A reduction in speed limit on the B4394 along with an extension to the 20mph zone on the business access is put forward if required.

6.6.4 In this matter, the LHA note that a junction has been established here and does operate for the business park and turning does occur. The incidence of collisions is not sufficient to give rise to a concern about the general movements occurring in this location, albeit that if an accident did occur here, it is accepted that it would involve high speeds. The suggested speed limit change is not supported, as an isolated short reduction in speed is unlikely to achieve a speed limit that is enforceable. In agreement with Arup, the LHA consider that the proposals both on the highway and adjacent would have an impact on the behaviour of traffic in this location.

6.6.5 A risk is identified for pedestrians being struck when using the proposed crossing on the B4394. Arup advise that the visibility at the crossing would meet design requirements subject to hedge trimming/realignement on the south side. Dropped kerbs and tactile paving would be provided at the crossing. Furthermore, as above, the additional activity due to the proposed development may create a different feel to the location resulting in a change in driver behaviour and slowing vehicular speeds.

6.6.6 The LHA comment that it is accepted that if pedestrians are not encouraged to cross here, the incident rate will be significantly lower. However, the proposals offer a comprehensive crossing in line with design standards for the measured traffic speeds. The safest outcome would be for no crossing to be introduced, nevertheless thought must be given to the design presented that could secure technical approval in accordance with the literature of highways design that allows such a facility and that the crossing would facilitate safer pedestrian access to the wider countryside.

6.6.6 Multiple concerns have been raised over the impact from the proposed development on Norton Crossroads (the B5061/B4394 junction). Arup have provided collision analysis for this junction, the B4394 junction with the business park access, and the B5061 Holyhead Road/Roman Road junction (see TWC Highways comments) using Department for Transport STATS19 collision data for the five-year period from 15 June 2020 to 15 June 2025. A total of 5 Personal Injury Collisions (PICs) involving 8 cars and 2 motorcycles were recorded in the time period resulting in 4 slight and 2 serious injuries. The accidents were caused by misjudging the oncoming vehicle, icy conditions, dazzling sunlight and overtaking. There were no collisions at the BB5061 Holyhead Road/Roman Road junction.

6.5.7 The LHA has access to the highway information portal, and a review of the Norton Crossroads junction does demonstrate that there are functional issues with the carriageway in this location and that the route incorporating this crossroads is identified for repair, including the factor of poor skid resistance. Regarding the junction as a crossroads, for which collision recordings make up a significant proportion generally, placing more movements through an existing crossroads does lead to the likelihood of the highest rate of collisions through number of movements. However, there is nothing preventing the increase in traffic through a crossroads, and the modelling work for the proposed development identifies that additional movements will not exceed operational capacity. The LHA have advised that a new roundabout would not address the operational concerns at this junction, as there is no obvious land available for even a normal size roundabout which would nevertheless be inappropriate here for the established speed limit. It is difficult to establish a link between the Norton Crossroads and the increase in movements from the proposed development that would necessitate a mitigation. The general impact of resolving the surfacing issue at this junction should be that the collision frequency returns to earlier levels and a financial contribution to renew and enhance the lining and signing at this junction would be of wider benefit.

6.5.8 In conclusion, the LHA consider that whilst retaining the highway in its extant arrangement with the existing levels of use is a known outcome that is acceptable, the highway design presented accords with design practices and is safe and suitable for its intentions.

The LHA comments are provided in full in Appendix 1.

6.5.9 Hereford Storage Ltd, as the owner of the Atcham Business Park access from the B4394 have declared an unwillingness to allow use over this road for the new access into the proposed Outdoor Hub attraction. Certificate B has been formally served on Hereford Storage Ltd as part of the planning application i.e. the requisite notice has been given to all owners of any part of the land to which the application relates. The grant of planning permission is not an instruction or requirement to develop; it simply confirms that the proposed development is acceptable in planning terms. If the Applicant is not the legal owner of the land, the development cannot be carried out unless the owner agrees and it is understood that the NT have been in dialogue with the owners in this respect. The planning system does not control land ownership or access rights, and the LPA would not be involved in private land disputes.

## 6.7 Drainage

6.7.1 No issues have been raised in relation to the proposed drainage strategy which is based upon sustainable drainage principles in accordance with LDF Core Strategy Policy CS18 requiring new development to be designed to be safe, taking into account the lifetime of the development, and the need to adapt to climate change.

- 27th January 2026

National Trust

## 6.8 Other Matters

6.8.1 Green roofs - were considered during early design development but were ultimately not included in the final proposals for viability reasons. However, the overall landscape-led approach to the scheme has ensured that green infrastructure connections have been prioritised throughout.

6.8.2 Pedestrian link to Attingham Park - the lack of direct connectivity between the new Outdoor Hub and Attingham Park is intentional. The decision reflects a strategic management approach to visitor movement, allowing the NT to carefully manage numbers and avoid overburdening sensitive heritage and ecological features within the main park. This design principle helps safeguard the setting of the registered park and garden, while allowing the Outdoor Hub to offer a distinct, landscape-led experience.

6.8.3 Transport links from the wider area - although the masterplan cannot directly deliver improved public transport infrastructure outside of the site boundary, it does enhance site accessibility internally through improved pedestrian and cycle infrastructure. Discussions with Sustrans are ongoing, but the organisation is currently unable to promote an active travel route directly to the site. Nevertheless, new signage and information boards will promote routes to the wider area. Improvements to the crossing point on the B4394 will further support pedestrian access.

6.8.4 Inadequate consultation by the developer - consultation was undertaken with stakeholders and summarised within the Statement of Community Involvement (December 2024). The NT recognise concerns expressed by the Parish Councils and confirm that they are committed to continued community engagement as the project progresses.

## 7.0 CONCLUSION

7.1 Paragraph 85 of the NPPF requires that significant weight be placed on the need to support economic growth and productivity, taking account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. The proposed Outdoor Hub attraction would amount to the appropriate expansion of an existing established business to provide an alternative experience at the Attingham Park Estate, and one which would encourage visitor engagement with the natural, cultural and historic environment there through active recreation. The proposed development is supported by a well-designed Hub building and well-conceived layout which would balance maximising the potential offered by the Site's attributes with respect for the intrinsic value of the existing landscape.

7.2 The compliance of the proposed development is weighted significantly in favour of approval, where the minor issues raised, included highway safety where there is not an unacceptable impact, can be successfully mitigated and managed through

- 27th January 2026

National Trust

appropriate conditions. The proposed Outdoor Hub would fulfil the three overarching, interdependent objectives for achieving sustainable development, in short, that it would help to build a strong, responsive and competitive economy, it would result in a well-designed and safe place that would support social and cultural well-being, and it would make effective use of land to protect and enhance the natural built and historic environment.

- 7.3 The recommendation is therefore for Approval with delegated powers to refine and set the text for the conditions set out in Appendix 2, and subject to the completion of a S106 Agreement to secure the provision of a Habitat Management and Monitoring Plan and Biodiversity Gain Land Monitoring contribution (and S106 Monitoring fee).
- 8.0 Artificial Intelligence (AI)
- 8.1 AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.
- 9.0 Risk Assessment and Opportunities Appraisal
- 9.1 Risk Management

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

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

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.

- 27th January 2026

National Trust

## .2 Human Rights

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

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

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

## 9.3 Equalities

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

## 10.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

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

LDF Core Strategy Policies:

- CS1 Strategic Approach
- CS5 Countryside And Green Belt
- CS6 Sustainable Design And Development Principles
- CS13 Economic Development, Enterprise And Employment
- CS16 Tourism, Culture And Leisure
- CS17 Environmental Networks

- 27th January 2026

National Trust

## CS18 Sustainable Water Management

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

- MD1 Scale and Distribution of development
- MD2 Sustainable Design
- MD7b General Management Of Development In The Countryside
- MD11 Tourism Facilities And Visitor Accommodation
- MD12 Natural Environment
- MD13 Historic Environment

### RELEVANT PLANNING HISTORY:

None relevant to the proposed development site, however there is substantial planning history covering the Attingham Park Estate.

### 11. Additional Information

View details online: [24/04831/FUL](https://www.24/04831/FUL)

#### List of Background Papers:

- Design and Access Statement (Arup, December 2024) Ref:AOH-ARP-ZZ-ZZ-RP-T-00006 Rev P01.
- Planning Statement (Arup, 9<sup>th</sup> December 2024) Ref: ARUP\_AOH\_PS V2.
- Landscape And Visual Appraisal (LVIA) (Arup, 7<sup>th</sup> March 2025) Ref: 292083-ARUP-ZZ-XX-RP-LD-0001 Rev P02.
- Drainage Assessment and Surface Water Drainage Design/Management (Arup, 11<sup>th</sup> October 2024) Ref: AOH-ARP-ZZ-ZZ-RP-CD-0001 Version 01.
- Flood Risk Assessment (Arup, 19<sup>th</sup> December 2024) Ref: AOH-ARP-ZZ-ZZ-RP-W-00001 Rev 01.
- Building Services Noise Assessment For Planning (Arup, 27 September 2024) Ref: AOH-ARP-ZZ-XX-RP-OA-00002 Rev P02.
- Ground Investigation Report (Arup, 7<sup>th</sup> August 2024) Ref: AOH-ARP-ZZ-ZZ-RP-G-00002 Rev P01.
- Transport Assessment (Arup, 24<sup>th</sup> September 2024) Ref: REP:001 Draft 01.
- Travel Plan Framework (Arup, 26<sup>th</sup> September 2024) Ref: REP/002 Draft 01.
- Technical Note: Response to Shropshire Council Highways Comments Ref: 292083-65 REP/004.
- Technical Note: Response to Atcham Business Park Briefing Note 1 Transport – Access Statement May 2025 prepared by Entran Ref: 292083-65 REP/003.
- Heritage Impact Assessment (Lanpro, November 2024) Ref: Rev V1.0.
- Archaeological Impact Assessment (Lanpro, November 2024) Ref: Rev V1.0.

# AGENDA ITEM

- 27th January 2026

National Trust

- Biodiversity Net Gain – Design Stage Report (Arup, 27<sup>th</sup> September 2024) Ref: AOH-ARP-ZZ-ZZ-DR-OE-00001 Rev P1.
- Attingham Park Outdoor Hub Ecological Impact Assessment (EcIA) (Arup, 27<sup>th</sup> September 2024) Ref: AOH-ARP-ZZ-ZZ-RP-OE-00002 Rev Issue P01.
- Breeding Bird Survey Report: 2021 (Biome Consulting, 15<sup>th</sup> September 2021) Ref: Version 2.
- Reptile Survey Report: 2021 (Biome Consulting, 24<sup>th</sup> September 2021) Ref: Version 2.
- An Invertebrate Habitat Assessment of Land in the National Trust Attingham Estate at Atcham (Nigel Jones, July 2021).
- Arboricultural Impact Assessment and Tree Protection Plan (Boskytrees Arboricultural Consultancy, 3<sup>rd</sup> October 2024).
- Arboricultural Method Statement (Boskytrees Arboricultural Consultancy, 3<sup>rd</sup> October 2024)
- Traffic and Events Management Document (National Trust, September 2024) Ref: Version 1.
- Shropshire Sustainability Checklist & Waste Audit Statement (National Trust, 16<sup>th</sup> October 2024).
- Waste Management (National Trust).
- Agent Response Letter – Additional Information received 17th June 2025.
- Agent Response Letter - Supplement received 1st July 2025.

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member - Cllr Susan Coleman

## Appendices

APPENDIX 1 - LHA Comments (01/09/25)

APPENDIX 2 - Section 106 Provisions and List of Suggested Conditions

## APPENDIX 1 - LHA Comments (01/09/25)

25/04831/FUL

### Submissions Review:

- Response Technical Note to LHA.
- Response Technical Note to Entran.
- Event Management Plan.

### General Address:

This address is made before appraisal of the submissions and should be read to provide context and understanding to decision making in these matters.

- 27th January 2026

National Trust

There are occasions when a private developer employs a transport consultant, and the public also employ a transport consultant, and differing views and conclusions are reached in relation to the same thing.

There is both strength and weakness in being able to logically come to two different positions on the same matter, particularly when that matter is predominantly being determined based on measured evidence and engineering design led principles.

However, there is typically a slight misunderstanding in matters of highway safety as to what is acceptable when considering a highways measure what would be the preferred option. In some instances, the preferred option may not be deliverable, and this is a common issue to highways authorities when seeking to implement schemes such as traffic calming or junction improvements.

The preferred option may be limited by land rights, costs or even outcomes of local consultation. Whilst an option may be preferred as it addresses the main issues best, that does not mean that alternatives are unacceptable. However, it must be recognised that any other option will mitigate differently, and, in that regard, there must be awareness.

For example, in a location where speed reduction is required the necessary and achievable speed reductions may differ. At any slower speeds it is correct to infer that the likelihood of harm associated with collisions reduces. But a highway has a character and a purpose. National Speed limits on Motorways are higher than trunk roads and there are notable differences including the potential for the presence of pedestrians and cyclists on trunk roads.

There must also be an understanding of what is already in place at a specific location. Any change to a highway, whether introducing a new access or change to traffic behaviour carries an element of risk. It is recognised that different junction types have different degrees of relative safety as evidenced across many reports including those produced by TRL.

There are instances where the role of the highway authority is not to establish the safest junction, or the highest capacity junction. There are other operational factors to consider about creation of new highway infrastructure and encouraging vulnerable users into certain locations.

A simpler form of junction is more cost effective and less of a maintenance burden to a local highway authority and so long as it operates safely and does not result in unreasonable delay there would be little justification to make such a junction safer or operate more efficiently.

Finally, there must be some differentiation between actual safety and repetitive safety. If a junction operates safely but say with an accident record of one collision per 5 years and that junction has 10,000 movements per day (1 accident per 18,250,000 movements), then if it can accommodate more movements and increased to 15,000 movements per day but still operates well within capacity and design parameters it is also the case that the collision rate can remain constant and there would now be 1 collision every 3.33 years.

- 27th January 2026

National Trust

The more appropriate issue would therefore be whether the change to a junction was introducing a new harm or potential for a greater number of accidents due to a design issue and whether that potential would be unsafe or unacceptable in highways terms.

Review of Technical Note Response to Entran:

The junction of the B4394 and Atcham Business Park is extant. Noting the non-recognised sign that states 'Beware overtaking traffic from the left'. If there was no access in this location then there would simply be a long straight section of wide carriageway, subject to national speed limit.

Regardless of the non-recognised sign any person waiting at the give-way is liable to any traffic proceeding on the B4394 including if any traffic was overtaking. Whilst such a sign has been erected it is questionable that this reminder to the rules of the road is so necessary here opposed to any other junction of this arrangement.

If there was no junction here, there would be no turning. A junction has been established here and does operate for the business park. Turning does occur. The incidence of collisions is not sufficient to give rise to a concern about the general movements occurring in this location.

Turning to the Road Safety Audit it is important to address the findings and how they are presented. The independent nature of the RSA and respective CV's of the audit team are recognised though.

The phrasing of 'increased severity of collisions associated with inappropriate speeds' is not wholly agreed with on this occasion. Firstly 85th percentile speeds of 58.1mph on a carriageway subject to national speed limit (60mph) would not lead to an immediate concern relating to inappropriate speeds in terms of highways design.

There is also, in terms of vehicle collisions, no increased severity. The consideration for if an accident did occur here that it would be at high speeds close to or matching existing is accepted.

The RSA does not appear to give any consideration to the increases in movement or other alterations on the highway leading to different perception of this location by highway users.

I am not as inclined to think that the proposals both on highway and adjacent would have no impact on the behaviour of traffic or perception of increased turning in this location.

The Arup designer response has concluded similarly, and I am not supportive of a speed limit change, particularly in isolation on a carriageway system that is otherwise national speed limit in the area. An isolated short reduction in speed is unlikely to achieve a speed limit that is enforceable, but it can be considered as part of any design and post implementation monitoring.

- 27th January 2026

National Trust

The risk of pedestrians being struck when crossing is also noted. It is accepted that if pedestrians are not encouraged to cross here the incident rate will be significantly lower.

The proposals offer a comprehensive design with dropped kerb and tactile paving with visibility for pedestrians commensurate to the measured traffic speeds. I am also satisfied that whilst not a DMRB road that the requirements of CD143 'Designing for walking, cycling and horse-riding' can be met by a design and secured as a requirement of a S278 agreement as a design standard.

Encouraging pedestrians to cross in this location, even in accordance with every permitted design standard will result in the creation of a route for pedestrians across high-speed traffic.

Looking back to my general address this is an example of whether it is appropriate to introduce a movement, with a design in accordance with best practice where there can be no doubt that if an incident was to occur the outcome would be severe.

It is inarguable that the most correct outcome would be to do nothing/entirely restrict pedestrians crossing in this location or otherwise create alternative facility i.e. bridge/subway.

However, thought must also be given to a design being presented, that could secure technical approval, in accordance with the literature of highways design that allows such facility and at no point instructs that such facility should not present itself on a highway.

The LHA must give thought to this and recognise that in making a recommendation that there is a decision maker present in terms of the Local Planning authority.

I can therefore advise that whilst retaining the highway in its extant arrangement with its existing levels of use is a known outcome that is acceptable and that whilst there are concerns about introducing new and additional movements in any location, that the design presented accords with design practices and is safe and suitable against its intentions.

Those intentions are different to the existing arrangement and introduce new conflicts for which a safe and suitable design has been presented at this planning stage which will be secured by S278 agreement and subject to technical approval.

Norton Crossroads:

The recent collision record at the Norton Crossroads is a concern. There is no immediately obvious reason why collisions in this location have peaked, resulting in three in 2025.

The LHA has access to the highway information portal and a review of this junction does demonstrate that there are functional issues with the carriageway in this location and that the route including this crossroads on the B5061 is identified for repair.

I would consider the poor skid resistance of the existing road surface to be a factor and one that is already identified for repair.

- 27th January 2026

National Trust

With no other material change to the operation of this junction and no discernible pattern in collisions there is only one other matter relating to the junction and that is the crossroads like nature of the highway. For the purposes of this assessment I am satisfied to consider the junction as a crossroads, although there is a slight centreline difference between the side arms (approx. 11m)

In terms of Stats20 collision recording crossroads make up a significant proportion of collisions. For the most part the introduction of new crossroads is avoided whenever possible. Placing more movements through an existing crossroads does lead, based on the positions made in this response, to the likelihood of the highest rate of collisions per number of movements.

However, there is nothing preventing the increase in traffic through a crossroads and the modelling work identifies that additional movements will not exceed operational capacity.

There is expectation of the creation of a roundabout in this location to address operational concerns and statistically roundabouts are the safest form of junction that can be introduced. There is no capacity reason for the provision of a roundabout in this location.

There is also no obvious land available for the provision of a 30/32m ICD normal roundabout. The use of a compact roundabout being inappropriate for the established speed limit.

In that regard I am having difficulty in establishing a link between this crossroads and the increase in movements that would necessitate a mitigation.

The general impact of resolving the surfacing at this junction should be that the collision frequency returns to earlier levels that still needs to be noted but may not be an actionable highways issue. A financial contribution to renew and enhance the lining and signing at this junction would be of wider benefit and should be secured to the sum of £40,000.

## Conclusions:

Overall, there do not appear to be any areas where a fundamental highways objection on the grounds of highway safety or capacity could be raised.

A local junction has demonstrated a worsening safety record but this appears to a matter of highway surface quality that is due for remediation.

Given the limited development opportunities in this area any development should contribute towards local lining and signing enhancements with a focus on the attraction that a site of this nature will result in.

The highway authority would offer no objection subject to a S278 Agreement for: access, wayfinding Strategy and a contribution for lining and signing enhancements with first priority for Norton Crossroads - £40,000.

## AGENDA ITEM

- 27th January 2026

National Trust

Conditions for: access, construction management (temporary), car parking management (in perpetuity), events management (in perpetuity).

- 27th January 2026

National Trust

## APPENDIX 2 - Section 106 Provisions and List of Suggested Conditions

### Section 106 Provisions

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

### List of Suggested Conditions

#### *Standard conditions:*

Commencement timescale – 3 years.

Works in accordance with approved plans.

Details and samples of external materials.

Works to occur strictly in accordance with the submitted Ecology Method Statement.

#### *Conditions that require approval before the development commences:*

Scheme of foul and surface water drainage.

Final details in support of the Drainage Strategy.

Risk Assessment for contamination.

Final access details.

Construction Management Plan.

Construction Environmental Management Plan.

Detailed hard and soft landscaping.

Landscape Management and Maintenance Plan.

Tree Protection.

Tree Planting Scheme.

Written Scheme of Investigation - Archaeology.

#### *Conditions that require approval during the construction/prior to the occupation/first use of the development:*

Car Parking Management Plan.

Events Managements Plan.

Wayfinding Strategy for outside the Site.

Lining and signing scheme for Norton Crossroads.

Detail design of play spaces.

Tree planting implementation.

Ecological Clerk Works (ECW) Report on the Reasonable Avoidance Measures Method Statement (RAMMS) for the woodland.

Updated Badger Survey.

Wildlife enhancements – bird/bat boxes etc.

External Lighting Plan.

#### *Conditions that are relevant for the lifetime of the development*

Outside amplified music restriction.

# Agenda Item 6

## AGENDA ITEM



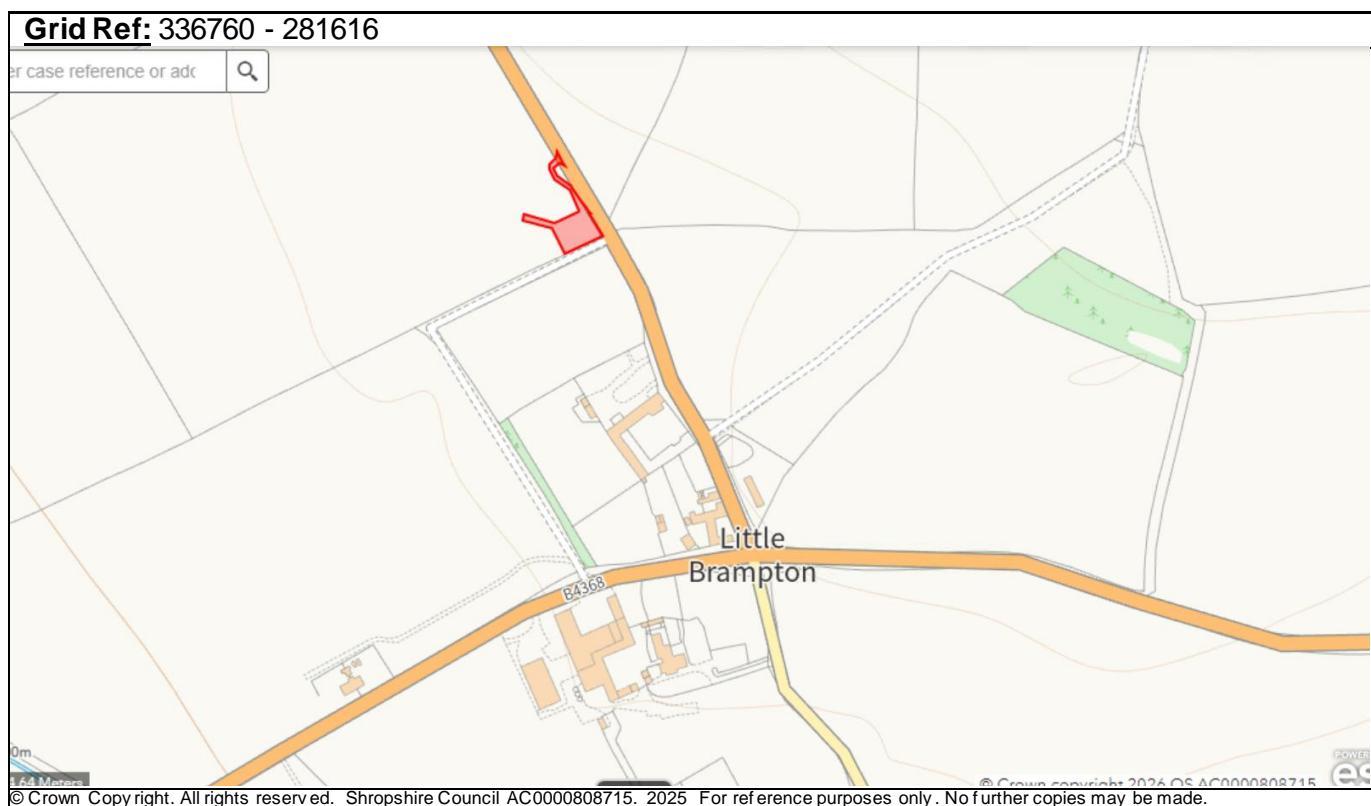
Committee and date

### Development Management Report

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

#### Summary of Application:

<b>Application Number:</b> 25/03645/OUT	<b>Parish:</b> Clunbury
<b>Proposal:</b> Erection of affordable dwelling and detached garage, formation of replacement vehicular access, and installation of package (sewage) treatment plant (outline application to include means of access but with matters of appearance, landscaping, layout and scale reserved)	
<b>Site Address:</b> Land north of Little Brampton, Clunbury, Shropshire	
<b>Applicant:</b> Mr William Evans	
<b>Case Officer:</b> Trystan Williams	<b>email:</b> trystan.williams@shropshire.gov.uk



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Land north of Little Brampton, Clunbury

**Recommendation:** Refuse

**Recommended reasons for refusal:**

1. The site is in an isolated location in open countryside, and visually and spatially divorced from any established built form such that it cannot be regarded as being within or adjoining the recognisable named settlement of Little Brampton. Consequently, and notwithstanding the fact that the applicant has been found to fulfil the local connections and housing need criteria for an affordable home, the proposed development is fundamentally contrary to the National Planning Policy Framework, Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.
2. Given its isolation and prominence in the wider countryside, any new dwelling here would detract from the essentially open agricultural character and scenic beauty of this part of the Shropshire Hills National Landscape. Moreover, this environmental harm could not be satisfactorily mitigated and would not be offset by the scheme's relatively minor wider public benefits. The application is therefore contrary to the National Planning Policy Framework, Policies CS5, CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks outline planning permission to erect an 'affordable' dwelling for occupation by a named individual in local housing need, together with a detached domestic garage. It is made in outline form, with exact details of the development's appearance, layout, landscaping and scale being reserved for consideration under a separate application in the future, so in those respects the submitted plans are only indicative. However, approval of the means of access is sought upfront and would involve slightly repositioning and upgrading an existing field gate off an adjacent Class B highway, in accordance with amended details now provided. Also submitted upfront are details of a non-mains package treatment plant and soakaway system for foul drainage.

1.2 A previous similar application (25/01642/OUT) was withdrawn following officer and third-party concerns about the site's location and highway safety.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 Little Brampton is a hamlet centred around a crossroads junction on the B4368 midway between Craven Arms and Clun in the Shropshire Hills National Landscape (SHNL). The proposed dwelling and garage would occupy a rectangular plot in the

- Land north of Little Brampton, Clunbury

southeast corner of a field west of the B4385 heading north towards Bishop's Castle, some 240 metres from the crossroads, and beyond a paddock associated with the closest neighbouring dwelling (which is a converted former agricultural building named 'Little Brampton Barn'). The red-edged site area also includes two north-westerly protrusions to accommodate a fairly long and winding driveway and the foul drainage system. Along the roadside and southern boundaries are native hedges with some mature trees, whilst the other boundaries are currently open to the remainder of the field. There is also open agricultural land opposite and further north and west.

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

3.1 In accordance with the 'Scheme of Delegation' in the Council's Constitution, the application is referred to the Southern Planning Committee for determination following a request from the Local Member (Cllr Sam Walmsley), based on material planning reasons and made within 21 days of his being notified of the application. Cllr Walmsley's comments are as follows:

*House building in the Clun area is severely limited by environmental concerns about water quality in the River Clun. Although protection of the river is essential, the impact is to increase the price of available houses, which particularly impacts younger people who have grown up in the area and wish to remain living here. With this in mind, as a general principle I am keen to see more affordable houses being built in the area, particularly when they are being built for local people. This application for an affordable dwelling gives a valuable opportunity for the Planning Committee to consider the appropriate balance between provision of housing, protection of the Clun and compliance with relevant planning rules.*

*A previous application attracted a number of comments detailing concerns about the proposed house before being withdrawn. The new application has attempted to deal with these where possible, notably by reducing the house to a single storey to reduce visual impact. Recognising that this is an outline application, there are items which do require finalisation prior to full permission being given. Notably, the external appearance of the house should be in keeping with the area. It is also essential that arrangements for dealing with wastewater are shown to protect both the River Clun and a nearby borehole that supplies drinking water to an adjacent house.*

## **4.0 COMMUNITY REPRESENTATIONS**

### **4.1 Consultee comments**

#### **4.1.1 Shropshire Council Trees – comment:**

Two mature turkey oak trees stand in the roadside hedgerow, and their crowns overhang the eastern corner of the site to a far greater extent than is suggested on the indicative site plan. Their root protection areas will also extend some distance into the site, so the development's design and layout must take account of and respond appropriately to the constraints imposed by these highly prominent and

# AGENDA ITEM

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Land north of Little Brampton, Clunbury

visually important trees. This can, however, be addressed as part of a future reserved matters submission, and at this outline stage there is no objection on arboricultural grounds to the principle of residential development here.

4.1.2 The revised vehicular access will require removal of a short length of the roadside hedgerow, but this could be compensated for with new planting as part of a landscaping scheme to be agreed.

4.1.3 Accordingly, any permission granted should include conditions to secure an arboricultural impact assessment, method statement and tree protection plan before development commences, plus detailed landscaping specifications as part of the reserved matters application.

4.1.4 Shropshire Council Affordable Housing – comment:  
Under the 'single plot exception site' scheme for affordable dwellings as set out in the Council's 'Type and Affordability of Housing' Supplementary Planning Document (SPD), the following four aspects must be satisfied:

- 1) The applicant's household must be in housing need whereby the household unit has no independent home of its own.
- 2) Applicants must have strong local connections.
- 3) The housing need should be met in the local area (e.g. applicants must show a need to live in the area for employment, to provide or receive support for/from extended family members, and/or because of active community involvement).
- 4) Applicants must have a suitable site which accords with the SPD's locational requirements.

4.1.5 In terms of Point 4 above, the usual process advocated in the SPD is for applicants to seek favourable pre-application advice from Planning Officers. In this case the proposed site does not have the benefit of such support. However, the eligibility requirements under Points 1-3 are met.

4.1.6 Shropshire Council Flood and Water Management – comment:  
The proposal is for minor development where flood risk is low. Accordingly, 'informatics' encouraging use of sustainable surface water drainage systems (SuDS) which avoid impacting on the public highway, together with a foul drainage system which accords with the relevant Building Regulations, will suffice.

4.1.7 Shropshire Council Highways Development Control:  
28/10/25 – objection:  
The approach to visibility assessment in the submitted highway consultant's report combines elements from various different industry standards and guidelines. In particular, following updates to the *Design Manual for Roads and Bridges*, wet weather speed reduction should no longer be applied. Without any specific justification, this departure risks accepting lower visibility standards without confidence that they would be sufficiently safe compared to tried and tested calculations.

# AGENDA ITEM

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Land north of Little Brampton, Clunbury

4.1.8 Regardless of this the site's location is unsustainable in transport terms, being car-reliant and lacking genuine choice of mode. However, with reference to Paragraph 110 of the National Planning Policy Framework (NPPF) a single dwelling would not necessarily constitute 'significant development', and the weight to be attributed to this issue should be considered by the decision-maker.

4.1.9 18/11/25 – objection:  
Whilst the consultant's response and other information provided is broadly sufficient, it does need to be applied in an agreed manner, and there remains inadequate justification for departing from the standard approach for calculating the visibility requirements for the new access. To that end a revised plan should clearly demonstrate that the absolute minimum applicable Stopping Sight Distances are achievable in both directions along the full extent of the visibility splays.

4.1.10 The previous comment about the location being unsustainable in transport terms is also reiterated.

4.1.11 3/12/25 - comment:  
Fundamental concerns remain in relation to sustainability of location and the lack of genuine choice of travel modes besides the private car. For example, any travel to schools from here would potentially require financial support at public expense.

4.1.12 The proposed visibility splays have been reviewed and are now acceptable in addressing highway safety concerns, subject to their being secured by condition. Nonetheless, the scheme would introduce waiting refuse vehicles where this does not currently occur and which is unlikely to be anticipated by other road users.

4.1.13 Shropshire Council Ecology – no objection:  
No objection subject to conditions and informatics to ensure protection of wildlife and provision of ecological enhancements. The submitted Ecological Appraisal is satisfactory and confirms that the mature trees with bat roosting potential will be retained.

4.1.14 Additionally, a Habitats Regulations Assessment (HRA) completed by the Ecology Team confirms that the proposed foul drainage system is unlikely to affect water quality in the River Clun Special Area of Conservation (SAC) downstream.

4.1.15 Clunbury Parish Council – support/comment:  
Most Parish Councillors support the application overall, provided the eligibility criteria for an affordable home are met, and subject to Shropshire Council's Highways Officer being assured that the reconfigured vehicular access would be safe.

4.1.16 Concerns under the previous application regarding visual impact and sewerage arrangements have been addressed, including by now proposing only a single-

storey dwelling. However, other previous comments regarding compliance with the SPD remain applicable, notably in terms of the site not having been agreed through pre-application advice, proximity to the settlement remaining contentious, and applications of this type needing to be made in full rather than outline form.

## 4.2 Public comments

4.2.1 Representations from nine separate households have been submitted directly to the Local Planning Authority, with seven supporting the application, one objecting and one neutral overall. Several further comments in support have been forwarded by the applicant's agent, but their origin and context cannot be verified, with some predating the current application. The following points are made:

- Developments such as this are essential to allow young local people to afford their own home in the area and avoid being 'priced out' by others, thereby helping to support local services, social networks and the rural economy.
- Several relatively low-cost homes of various sizes (between £120,000 and £285,000 and with 2-4 bedrooms) are currently for sale in the area, whereas build costs for the proposed dwelling plus garage and other works could be in the region of £400,000, far exceeding what would generally be regarded as affordable for many local people.
- The applicant has demonstrated compliance with the eligibility criteria for this type of affordable home. Availability of properties in other settlements further afield is irrelevant as they would not meet the applicant's particular needs.
- The applicant's livestock-tending duties at the nearby family farm amount to a functional need for him to live locally, and no suitable existing properties are available.
- The development would be restricted by a Section 106 legal agreement to ensure that it continues to meet local housing needs in perpetuity.
- The Council's rural exception site scheme is unrealistic and unfair in that it favours people whose families already own land and have finances available to build a house in locations where planning permission would not normally be granted, rather than those genuinely most at need of affordable housing.
- Contrary to the SPD's requirements, the site was deemed unsuitable by Council officers in pre-application advice. This was because it is spatially and visually separated from Little Brampton's existing buildings by an agricultural field (which the application documents falsely portray as domestic land), meaning the development would appear isolated and unduly prominent in the wider landscape.
- The 'paddock' between the site and Little Brampton Barn could be considered part of the latter's domestic curtilage, and historic mapping shows that it has long been associated with the settlement. Consequently the site should be regarded as adjoining Little Brampton.
- Little Brampton is quite widely scattered rather than a tight-knit settlement, and this site is closer than some of the existing properties. Again this suggests the development would adjoin the settlement rather than looking out of place.
- The site's small separation from the neighbouring barn conversion would maintain privacy and space for both parties.

- Land north of Little Brampton, Clunbury

- The application also conflicts with the SPD in that it seeks outline rather than full permission, so there is no guarantee of a high-quality design and/or landscaping sympathetic to the countryside location in the SHNL. Not adhering to the relevant policies risks setting a dangerous precedent.
- The field's gentle downhill slope away from the road, combined with limiting the dwelling to a single storey and retaining the existing boundary vegetation, will minimise the development's visual and landscape impacts.
- The proposal makes good practical use of the space available and appears well thought out in terms of scale, design and sustainability.
- Previous concerns about highway safety and proximity to a neighbour's borehole have been addressed.
- The existing field gate has been used for decades by agricultural vehicles and provides good visibility in both directions. The revised proposals would further improve it, whilst the adjacent road is relatively quiet and capable of accommodating a slight increase in traffic movements.
- The Council's Highways Team still has some concerns about highway safety.
- The site is of low ecological value.

## 5.0 THE MAIN ISSUES

- Principle of development
- Scale, layout, design and impact on landscape
- Access, highway safety and transport
- Ecology and foul drainage
- Residential amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1-CS5 seek to achieve managed, targeted growth by steering new open-market housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the Site Allocations and Management of Development (SAMDev) Plan. Isolated or sporadic development in open countryside (i.e. outside the designated settlements) is generally unacceptable unless there are exceptional circumstances.

6.1.2 One of the exceptions mentioned under Core Strategy Policy CS5 and SAMDev Policy MD7a is where named individuals with strong local connections and who are demonstrably in housing need wish to build their own 'affordable' home. Detailed guidance on this initiative, including definition of the terms 'strong local connections' and 'housing need', can be found in Chapter 5 of the SPD referenced by the Housing Enabling Manager (see Paragraphs 4.1.4 and 4.1.5 above), who in this case is satisfied that *those* aspects of the eligibility criteria are met. Whilst the public criticism of the policy and comments about availability of other properties are noted, it is not part of the Local Planning Authority's role in determining this

- Land north of Little Brampton, Clunbury

application to reassess the applicant's housing need or seek to change the policy. Moreover, if Committee Members are minded to grant planning permission this would need to be subject to prior completion of a legal agreement to control both initial and future occupancy of the dwelling and cap its resale value.

6.1.3 Returning to the issue of location, even affordable homes on rural exception sites are required by the SPD to be within or adjoining "recognisable named settlements". Again, isolated or sporadic development, or schemes which would otherwise adversely affect the landscape, are unacceptable. The SPD explains that all settlements comprise a group of houses occupied by households from different families, with the group becoming a settlement on account of the number houses and their proximity. Its limits are defined by where the relationship between the different properties peters out, and hence a site a short distance from a dispersed or loose-knit settlement might be considered to adjoin it, whereas one a similar distance from a tightly clustered or nucleated settlement would not.

6.1.4 Officers accept that Little Brampton is a recognisable named settlement, but most of its existing buildings are tightly nucleated around the crossroads on the B4368. Given the expansive gap and natural screening between the proposed site and the closest neighbouring dwelling (Little Brampton Barn), together with its location on the north side of the hamlet where no other properties are encountered before reaching the neighbouring settlement of Kempton, it appears visually detached and feels disconnected. The development would therefore be seen in isolation in the context of a largely open and undeveloped agricultural landscape. Although there are some outlying cottages *southwest* of and slightly further away from the crossroads, they at least have some intervisibility with the main grouping, including Little Brampton Farm. Meanwhile the only other properties lie in the southeasterly direction so again set no direct precedent.

6.1.5 Officers also acknowledge the debate in the applicant's submission and the public comments about the current nature and historic usage of the paddock between the site and Little Brampton Barn. However, recent grazing of sheep and the depiction of an orchard on historic maps would tend to suggest predominantly agricultural rather than domestic functions, as would the fact that the barn was itself an agricultural building before its relatively recent conversion. In any event, whether or not the paddock is domestic curtilage is not determinative in assessing the visual relationship, or lack of it, between the proposed development and existing buildings. Neither are positions of road signs nor permissions for affordable dwellings in different contexts elsewhere.

6.1.6 For these reasons officers consider that the site does not adjoin the settlement, and hence that the proposal fundamentally conflicts with the aforementioned locational requirements for affordable dwellings on rural exception sites. Whilst it would potentially have some wider social and economic benefits in terms of increasing the stock of affordable homes and supporting local services, these would be modest given the scale of the development, and offset by the harm which an isolated

- Land north of Little Brampton, Clunbury

dwelling would inevitably cause by eroding the character and scenic quality of the wider landscape (see below). Moreover, with reference to the public comments, it should be emphasised that the application is *not* for an agricultural worker's dwelling tied exclusively to the applicant's family's farm, to which different locational and other policy criteria would apply (notably a requirement for detailed evidence of a specific functional need to house another worker at or immediately adjacent to the main livestock enterprise, and of the business' financial viability and ability to fund such development).

## 6.2 Scale, layout, design and impact on landscape

6.2.1 With appearance, landscaping, layout and scale being reserved matters, these details are currently largely unknown. It is also acknowledged that the SPD says applications for affordable dwellings on rural exception sites should be made in full rather than outline since they generally involve sensitive countryside locations where a particularly high standard of design is paramount. However, the Council has approved outline applications for affordable dwellings in or adjoining other rural settlements since the SPD's adoption, and indeed the more recent SAMDev Plan designates many hamlets in the SHNL as Cluster settlements where even speculative market housing has been approved. Moreover, should Members decide to approve the current application they could impose a condition stipulating single-storey accommodation only, whilst compliance with the SPD's 100m<sup>2</sup> restriction on floor space, along with detailed design and landscaping proposals, would still fall to be carefully assessed and could be challenged at the reserved matters stage.

6.2.2 That said, as explained in Section 5.1.1, officers judge that any form of residential development on this site, whatever its height and design, would inevitably detract from the open, undeveloped character and scenic beauty of the wider landscape given its detachment and poor visual association with the existing buildings at Little Brampton. Whilst the established trees and hedges and the additional planting now indicated would soften and screen the development to some extent, it would remain clearly visible and isolated in views from the adjacent stretch of road plus various points across the Kemp valley to the west and northwest, rather than reading as an integral part of or 'natural' extension to the hamlet.

6.2.3 Furthermore, although the dwelling and garage themselves would be confined to the corner of the field, and the domestic curtilage would not exceed the SPD's 0.1ha limit, this necessitates the long winding driveway in order to meet the road further north where visibility can be maximised, and at a perpendicular angle. This will exacerbate the development's visual and landscape impacts by increasing the amount of hard landscaping and domestic paraphernalia (such as bins, signage, gates etc.) and the extent of its encroachment into the open agricultural landscape beyond the settlement. It also represents poor design in that it would leave an 'island' of land marooned between the driveway and the road, which could neither be practicably farmed nor incorporated into the domestic curtilage without exceeding the maximum permissible plot size. Whilst the latest plans attempt to address this by indicating additional landscaping, which is better than nothing, this

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Land north of Little Brampton, Clunbury

does not escape the fact that it is a contrived solution only necessary because of the site's separation from the hamlet and other constraints, thus serving to emphasise its fundamental unsuitability.

6.2.4 Overall, given that the NPPF affords designated areas such as the SHNL the highest level of protection, and bearing in mind the scheme's limited public benefits besides those to the applicant himself, officers do not consider the development's harmful visual and landscape impacts to be justified or capable of satisfactory mitigation.

## 6.3 **Access, highway safety and transport**

6.3.1 As summarised above, following submission of additional information and amended plans, the Council's Highways Development Control Team is now satisfied that the reconfigured access would meet the relevant standards in terms of its alignment, visibility splays, construction and surface drainage. Whilst previous versions in fact indicated longer splays, there were uncertainties about the methodology used and whether the full length of the splays was actually achievable. Although there remains some concern about waiting refuse collection vehicles obstructing the road in an unexpected location, having regard to NPPF Paragraph 116 the impact on highway safety and/or free-flow of traffic is unlikely to be severe or unacceptable.

6.3.2 Also noted is the Highways comment on the location being unsustainable in transport terms. In response the applicant's agent has pointed out that Little Brampton has a public bus service, although this is in fact limited to one return journey off-peak on two days a week only. The agent also argues that, by their very nature, rural exception sites are likely to be in relatively remote and therefore not inherently sustainable locations. However, whilst officers do not dispute that, it is also worth reiterating that this site does not even meet the locational requirements for an affordable dwelling, as explained above.

## 6.4 **Ecology and foul drainage**

6.4.1 To elaborate on the Local Member's and Ecology Team's comments, the River Clun SAC is among the most ecologically important and sensitive sites in Europe, with the highest level of protection under the Conservation of Species and Habitats Regulations 2017 (as amended). It is notified for its rare freshwater pearl mussel population, whose condition is currently unfavourable because of excess nutrients and sedimentation. In particular, additional phosphate entering the river system is likely to further worsen its water quality, and a major source of phosphate is treated wastewater from residential properties. All planning applications in this area are therefore subject to a HRA by the Council as 'competent authority', and only with complete certainty that the development would have no adverse effect on the SAC's integrity can planning permission legally be granted.

6.4.2 That said, in this instance the available space and ground conditions are sufficient to install a non-mains package treatment plant and soakaway system which meets exacting criteria agreed with Natural England to avoid increasing phosphate

- Land north of Little Brampton, Clunbury

loadings in the river system, and hence to allow significant effects to be ruled out. Neither is there any conflict with the usual hierarchical approach to foul drainage under other legislation such as the Building Regulations and Environment Agency permitting regime, since no mains sewerage is available for connection in any event, irrespective of the SAC issue. Consequently there is no legal barrier to granting planning permission.

6.4.3 It is also accepted that no other significant ecological impacts are likely either. Meanwhile the neighbour's borehole appears to be adequately separated from the proposed drainage system and would ultimately be protected under separate legislation in any event.

## 6.5 **Residential amenity**

6.5.1 It is also agreed that the development would not unduly overlook, overshadow or appear overbearing to the neighbouring property given its separation. However, to avoid any doubt, this should not be seen as justifying the site's spatial and visual separation from the settlement.

## 7.0 **CONCLUSION**

7.1 The applicant has been found to fulfil the local connections and housing need criteria for an affordable home, and it is also accepted that Little Brampton is a recognisable named settlement. However, the scheme is fundamentally contrary to the relevant planning policies in that the site is spatially and visually divorced from existing built form such that it cannot be regarded as being within or adjoining the established settlement. Moreover, given its isolation and prominence within the wider countryside, any new dwelling here would detract from the essentially open agricultural character and scenic beauty of this part of the SHNL, and it is not considered that this environmental harm could be satisfactorily mitigated or would be offset by the scheme's relatively minor wider public benefits. For these reasons it is recommended that planning permission is refused.

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

### 8.1 **Risk management**

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

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

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Land north of Little Brampton, Clunbury

promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 **Human rights**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

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

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

## 8.3 **Equalities**

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

## 9.0 **FINANCIAL IMPLICATIONS**

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

## 10.0 **BACKGROUND**

### **Relevant Planning Policies:**

#### Central Government Guidance:

National Planning Policy Framework

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

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS11 - Type and Affordability of housing

# AGENDA ITEM

-	Land north of Little Brampton, Clunbury
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CS17 - Environmental Networks  
CS18 - Sustainable Water Management

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

MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD7A - Managing Housing Development in the Countryside  
MD12 - Natural Environment

#### Supplementary Planning Documents:

Type and Affordability of Housing

#### **Relevant Planning History:**

25/01642/OUT - Erection of affordable dwelling and detached garage, alterations to existing vehicular access, and installation of package (sewage) treatment plant (outline application to include means of access but with matters of appearance, landscaping, layout and scale reserved) (withdrawn 14th August 2025)

## **11.0 ADDITIONAL INFORMATION**

**View details online:** <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T3B8Q1TDL2C00>

<b>List of Background Papers:</b> See weblink above
<b>Cabinet Member (Portfolio Holder):</b> Councillor David Walker
<b>Local Member:</b> Cllr Sam Walmsley
<b>Appendices:</b> None

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# Agenda Item 7

## AGENDA ITEM



Committee and date
<b>Southern Planning Committee</b>
<b>16th December 2025</b>

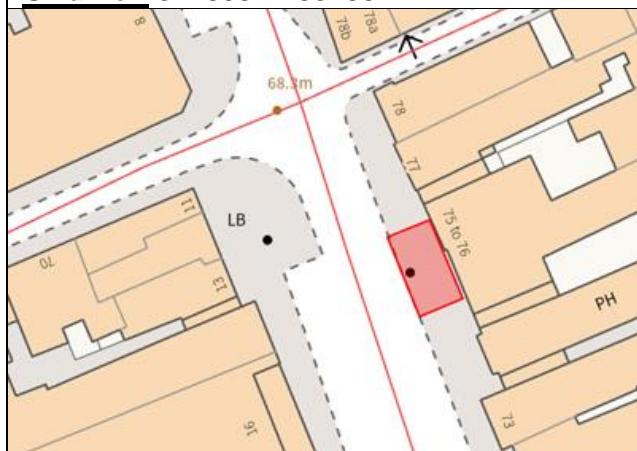
### Development Management Report

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

#### Summary of Application

<b>Application Numbers:</b> <b>25/03856/ADV, 25/03855/FUL</b>	<b>Parish:</b> Bridgnorth
<b>Proposal:</b> Installation of BT Street Hub Unit with advertisement panels	
<b>Site Address:</b> Footpath Outside 75 High Street Bridgnorth Shropshire	
<b>Applicant:</b> Global Outdoor Media Limited	
<b>Case Officer:</b> Didi Kizito	<b>email:</b> <a href="mailto:didi.kizito@shropshire.gov.uk">didi.kizito@shropshire.gov.uk</a>

**Grid Ref:** 371608 - 293198



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**Recommendation:- Refuse.**

**Recommended reason for refusal**

It is considered that the proposed double-sided illuminated hub sign would cause significant harm to the streetscape. Owing to its scale, design, and method of display, and having regard to both the immediate locality and wider views, the proposal would adversely affect visual amenity and the character and appearance of the street scene, the setting of nearby listed buildings, and this part of the Bridgnorth Town Centre Conservation Area. The development fails to preserve or enhance the Conservation Area and would result in harm to its significance. Accordingly, the application is recommended for refusal as it conflicts with Local Plan Policies CS3, CS6, CS17, MD2, MD13 and the National Planning Policy Framework (NPPF).

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 Applications 25/03856/ADV and 25/03855/FUL pertain to the proposed installation of a BT Street Hub Unit featuring advertisement panels, intended to replace the existing telephone kiosk situated on the footpath outside 75 High Street, Bridgnorth

### **2.0 SITE LOCATION/DESCRIPTION**

2.1 The new hub is designed to stand 2.99 meters high, 1.24 meters wide, and 0.35 meters deep. It will incorporate illuminated display screens and occupy a prominent location within the Bridgnorth Conservation Area, an area characterised by historic architecture and proximity to several Listed Buildings, including the Grade II\* Town Hall.

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

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

### **4.0 Community Representations**

#### **Consultee Comment**

4.1.1 SC Highways  
No objection subject to conditions.

4.1.2 SC Conservation (Historic Environment)

The proposal to replace the existing KX100 telephone kiosk with a Street Hub in

Bridgnorth Conservation Area is recommended for refusal as it conflicts with Local Plan Policies CS3, CS6, CS17, MD2 and MD13. While removal of the current kiosk is acceptable, the new Street Hub's scale, height and large illuminated screen would create an intrusive and incongruous feature, harming the character and appearance of the Conservation Area and the setting of nearby listed buildings, including the Grade II\* Town Hall. This harm, assessed as less than substantial, lacks clear and convincing justification and is unlikely to be outweighed by public benefits, contrary to statutory duties and national policy guidance.

## 4.2 Public Comments

### 4.2.1 Bridgnorth Town Council

The Council object to this signage as it is not in keeping with the conservation area, is in the wrong location and could potentially be a distraction to motorists. The proposal serves no benefit to the local economy and we are aware that such signage has been refused in other areas where it is planned to be installed in conservation areas.

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

- The hub will spoil the character of the historic high street.
- The bright screen operating 24/7 will alter the look and feel of the market high street and erode its character.
- Digital advertising boards are inappropriate for the Conservation Area and would harm Bridgnorth's appeal to tourists.

## 5.0

## THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Impact on local amenity

6.1.1 The proposed installation would be positioned on a busy high street footpath, which is currently relatively uncluttered, with minimal street furniture such as bin, bench, and poles. The conservation area maintains a predominantly traditional character, with active shopfronts that utilise non-illuminated fascia and hanging signs. While the removal of the existing telephone kiosk, which has a neutral presence, raises no objections, the introduction of the new Street Hub, with its considerable scale, height, and illuminated screens, would create a conspicuous and visually

discordant element in this setting. The brightness and dynamic nature of the displays, especially after dark, would draw undue attention and appear visually dominant, disrupting the traditional streetscape.

6.1.2 The identified harm is considered localised and, according to the NPPF, would constitute less than substantial harm to the significance of the Conservation Area. Such harm must be balanced against any public benefits. The submitted documents note that the scheme would offer 438 hours per year, per screen, for free Council advertising and messaging. Additionally, it is stated that the Street Hub can accommodate environmental sensors to monitor air quality, noise, and traffic, and is powered entirely by renewable, carbon-free energy. While these features provide some public benefit, they are not deemed sufficient to outweigh the harm to the Conservation Area.

6.2 Impact on public safety

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

## 7.0 CONCLUSION

It is considered that the proposed double-sided illuminated hub sign would cause significant harm to the streetscape. Owing to its scale, design, and method of display, and having regard to both the immediate locality and wider views, the proposal would adversely affect visual amenity and the character and appearance of the street scene, the setting of nearby listed buildings, and this part of the Bridgnorth Town Centre Conservation Area. The development fails to preserve or enhance the Conservation Area and would result in harm to its significance. Accordingly, the application is recommended for refusal as it conflicts with Local Plan Policies CS3, CS6, CS17, MD2, MD13 and the National Planning Policy Framework (NPPF).

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural

justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

# AGENDA ITEM

**Southern Planning Committee - 16th December 2025**

Footpath Outside 75 High Street

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

## RELEVANT PLANNING HISTORY:

PREAPP/10/02430 Proposed parking metres OBJECT 12th July 2016

HEPRE/13/00307 Repairs to mounting block adjacent to 82 High Street, Bridgnorth LBCNRQ  
7th November 2013

25/03855/FUL Installation of BT Street Hub Unit with advertisement panels PCO

25/03856/ADV Installation of BT Street Hub Unit with advertisement panels PDE

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T44VGQTDLET00>

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 Peter Husemann

Appendices

APPENDIX 1 - Conditions

# Agenda Item 8

## SCHEDULE OF APPEALS AS AT COMMITTEE (DATE)

<b>LPA reference</b>	25/00946/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Montgomery Waters
<b>Proposal</b>	Erection of warehouse building and associated car parking
<b>Location</b>	Montgomery Waters Limited Factory And Premises Shrewsbury Road Church Stretton Shropshire SY6 6HD
<b>Date of appeal</b>	12.12.25
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/02374/PIP
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Brendan Critchlow
<b>Proposal</b>	Permission in Principle for the proposed erection of 1No. dwelling.
<b>Location</b>	roposed Dwelling East Of Oak House Ford Shrewsbury
<b>Date of appeal</b>	29.08.2025
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	11.11.2025
<b>Date of appeal decision</b>	12.12.2025
<b>Costs awarded</b>	Refused
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	25/01602/PMBPA
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Messers Fern and Purkis
<b>Proposal</b>	Change of use from agricultural to one dwellinghouse
<b>Location</b>	Proposed Residential Conversion Of Agricultural Barn Middleton Priors Bridgnorth
<b>Date of appeal</b>	02.10.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	25.11.2025
<b>Date of appeal decision</b>	15.12.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	25/01576/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr J Corbo
<b>Proposal</b>	Change of use of C3 dwelling to storage associated with service station and use of rear amenity to form parking area with EV chargers
<b>Location</b>	17 St Marys Road And Wheatland Garage Much Wenlock
<b>Date of appeal</b>	10.10.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	25.11.2025
<b>Date of appeal decision</b>	17.12.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	24/01328/CPE
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Sid Davies
<b>Proposal</b>	Application for a Lawful Development Certificate for the existing land outlined in red has been continuously used as residential garden for a period exceeding 10-years, the residential garden is associated with Whitehouse Farm Barn and associated Anne
<b>Location</b>	Whitehouse Farm Barn Netherton Lane Highley Shropshire WV16 6NJ
<b>Date of appeal</b>	07.10.2024
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	17.12.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	25/01815/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs Randles
<b>Proposal</b>	Outline application for the erection of 4No dwellings (all matters reserved)
<b>Location</b>	Land To The Rear Of Earls Court Shrewsbury Road Pontesbury Shrewsbury Shropshire
<b>Date of appeal</b>	31.07.25
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	07.10.25
<b>Date of appeal decision</b>	19.12.25
<b>Costs awarded</b>	N/A
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	25/02799/TDC
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr D McGindley
<b>Proposal</b>	Technical matters application for the construction of 3 dwellings (PIP 23/05119/PIP)
<b>Location</b>	15B High Street Cleobury Mortimer Kidderminster Shropshire DY14 8DG
<b>Date of appeal</b>	10.10.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	22.10.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	25/01945/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Matthew Gurden
<b>Proposal</b>	Holiday cabin
<b>Location</b>	Near Gatten Farm Ratlinghope Shrewsbury Shropshire SY5 0SN
<b>Date of appeal</b>	08.10.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	23.12.2025
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	23/09411/ENF
<b>Appeal against</b>	Enforcement Notice
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Simon Angell
<b>Proposal</b>	Enforcement against operational development
<b>Location</b>	Orchard Cottage Ashford Carbonell Ludlow Shropshire SY8 4BX
<b>Date of appeal</b>	23.01.2024
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	28.11.2025
<b>Date of appeal decision</b>	30.12.2025
<b>Costs awarded</b>	Refused
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	20/07398/ENF
<b>Appeal against</b>	Enforcement Notice
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Simon Angell
<b>Proposal</b>	Without planning permission material change of use of the land to create a single dwellinghouse and operational development on the land consisting of erection of one dwellinghouse
<b>Location</b>	Land Adjacent To Orchard Cottage Ashford Carbonell Shropshire
<b>Date of appeal</b>	23.01.2024
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	28.11.2025
<b>Date of appeal decision</b>	30.12.2025
<b>Costs awarded</b>	Refused
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	24/010177/ENF
<b>Appeal against</b>	Enforcement Notice
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr C Jones
<b>Proposal</b>	Change of use
<b>Location</b>	St Annes Church, Shorthill, Lea Cross, Shrewsbury
<b>Date of appeal</b>	04.12.25
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	N/A
<b>Date of appeal decision</b>	16.01.26
<b>Costs awarded</b>	N/A
<b>Appeal decision</b>	Withdrawn

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## Appeal Decision

Site visit made on 11 November 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

### **Appeal Ref: 6000590**

### **East Of Oak House, Ford, Shrewsbury SY5 9LZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
- The appeal is made by Mr Brendan Critchlow against the decision of Shropshire Council.
- The application Ref is 25/02374/PIP.
- The development proposed is described as: Erection of 1 dwelling.

### **Decision**

1. The appeal is dismissed.

### **Application for costs**

2. An application for an award of costs was made by Mr Brendan Critchlow against Shropshire Council. This application will be the subject of a separate decision.

### **Preliminary Matters**

3. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle (PIP) consent route has two stages: the first establishes whether a site is suitable in-principle and the second (technical details consent - TDC) is when the detailed development proposals are assessed. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.
5. In respect of residential development an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings. In this case, permission in principle is sought for one dwelling.
6. A site layout plan has been submitted as part of the appeal. Whilst an appeal should not be used to evolve a scheme, I have considered the plans in response to the *Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823* judgement and whether accepting the information would cause procedural unfairness to interested parties. As this is an indicative plan only and shows only one way that the scheme could be developed, the acceptance of the proposed revisions would not unfairly deprive those entitled to be consulted on an

application, the opportunity to make a representation. I have therefore considered it on this basis.

7. The appeal site is within the Ford Conservation Area (FCA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
8. I also have a duty under Section 66(1) of the Act to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The listed buildings, identified in evidence are the curtilage listed barns to the Grade II\* listed Mansion House.
9. Following examination of the Draft Shropshire Local Plan (2016-2038) (DSLP), the Council was advised that the plan would be found unsound and the plan was consequently withdrawn on 25 July 2025. Nonetheless, the Council's cabinet, on 12 February 2025, determined that the evidence base relating to the DSLP formed a material consideration when determining planning applications. I have assessed the proposal accordingly.
10. The Council refers within its reason for refusal, to its five-year housing supply figure as being 4.68 years. However, the Council has confirmed within its evidence that its five-year housing supply stands at 4.73 years. This is disputed by the appellant who considers the supply to be at 3.74 years. For the purpose of this appeal, I shall adopt the position of the appellant. That should not be interpreted as any indication that I necessarily agree with that position. I simply adopt the lower figure as a worst-case scenario in order to carry out the planning balance.
11. The permission in principle has been refused on, amongst other things, its open countryside location. However, Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015, which establishes the settlement hierarchy, is not referred to within the Council's reason for refusal. Whilst there is no dispute between the main parties regarding the site's location in open countryside, I have assessed the proposal on this basis. Therefore, Policy MD1 of the SAMDev is referred to below.

## Main Issues

12. The main issues are:

- whether the site is suitable for residential development in terms of accessibility to local services and facilities, having regard to its location, the proposed land use, and the amount of development; and
- the effect of the proposed development upon the character and appearance of the rural area, focussing upon its effect upon the settings and thereby the significance of relevant designated heritage assets and its effect on trees, having regard to the proposed development's location, the proposed land use, and the amount of development.

## Reasons

### *Suitability for residential development*

13. Policy MD1 of the SAMDev establishes the Council's approach to the sustainable distribution of housing across the area. Partly through the use of development boundaries, it seeks to focus housing within Shrewsbury, followed by its market towns and key centres and then the community hubs and community cluster settlements identified within Schedule M1.1 of the policy. The appeal site is in Ford, a village to the west of Shrewsbury. Ford is not identified within Schedule M1.1 of Policy MD1 as a settlement with a defined boundary. Consequently, the appeal site is not located in or adjacent to a defined settlement and falls within the open countryside for planning purposes.
14. Policy CS5 of the Shropshire Council Adopted Core Strategy 2011 (CS) identifies that new development in the countryside will be strictly controlled in accordance with national policies protecting the countryside. Proposals on appropriate sites which maintain and enhance vitality and character of the countryside will be permitted where they improve the sustainability of rural communities. For dwellings, proposals to house agricultural, forestry or other essential countryside workers and other affordable housing / accommodation to meet a local need will be supported along with the conversion of rural buildings. The proposal for one open market dwelling would not meet the exceptions identified within Policy CS5.
15. Housing development in the countryside is addressed through Policy MD7a of the SAMDev and supports the requirements of Policy CS5 and MD1 where new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.
16. The DSLP proposed to allocate the village of Ford as a 'Community Hub.' Community Hub villages provide a combination of services and facilities, public transport links, and high-speed broadband. Alongside the community hub allocation, the DSLP also proposed a development boundary for the village, which excluded parts of the FCA, and supported small windfall sites within the development boundary. However, the development boundary excluded the appeal site which is 200m outside of and to the northwest of the DSLP development boundary for Ford. As such, even affording the evidence base considerable weight, the appeal site would have remained in the open countryside in any event.
17. Ford village is identified within the evidence base to the DSLP as having several services and facilities including a primary school, convenience store, public house, church, restaurant and takeaways, a petrol station, and a regular bus service during peak travel times. The National Design Guide advises that to be within a walkable distance, local facilities should be within a 10-minute walk, or an 800m radius of a site.
18. The village hall and church are within an 800m walking distance of the site. Most of the other identified facilities are located within around 1km, apart from the petrol station, restaurant and takeaway which are around 1.3km from the site on the A458. A wider range of services and facilities is available in Shrewsbury which, from the site, would require to be accessed by car or the local bus service.
19. Whilst some services are within walking distance of the site, the northern side of the village, which includes the appeal site, comprises narrow, single-track, dead-

end roads which have no footpaths or street lighting. To the south, after crossing the river, unlit footpaths are available. However, walking in the unlit road/public footpath for even a short distance, would not be an attractive alternative to using a car especially at night or in inclement weather. Neither would cycling be a practicable alternative for many journeys due to the distance to a range of goods and services. Accordingly, future occupants would likely be generally dependent on the use of a private car to access services and facilities in larger settlements. Consequently, the location of the site would not minimise the demand for travel or reduce the reliance on the use of a private car which is a requirement of Policy CS6 of the CS. Therefore, the proposal would not help achieve sustainable development.

20. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, a likely reliance upon travel by private modes of transportation sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner.
21. The appellant has drawn my attention to the Council's 2014 decision on the adjacent site for one open-market dwelling where it determined that the site was in a sustainable location. The officer report for the 2014 decision referenced the site's location in the open countryside and its conflict with the development plan and assessed the proposal against the three dimensions of sustainable development within the Framework. However, development plan policy has changed since 2014 following several reiterations of the Framework and the adoption of the SAMDev which supported CS policies that restricted development in the countryside unless it met one of a number of exceptions. As the proposed development does not meet any of the exceptions and the site would have remained in the open countryside, despite the proposed allocation of the village as a Community Hub, the proposal is therefore assessed under a different policy context.
22. For the above reasons, the appeal site, whilst of a size and composition capable of accommodating one dwelling, would not be suitable for the residential development proposed, having regard to its location and the proposed land use. Accordingly, the proposed development would conflict with Policies MD1 and MD7A of the SAMDev and Policy CS5 and CS6 of the CS whose requirements have been outlined above.

#### *Character and appearance*

23. The appeal site is within the curtilage of Oak House, forming part of its garden. Formerly, the site would have formed part of the wider farmstead and landholding at Mansion House and Farm. The site is located on the northern edge of the FCA on the edge of an open agrarian landscape with a public bridleway and footpath running along the northern and western boundaries.
24. The FCA is centred around the Church of St Michael which occupies an elevated position within the village, and Cardeston Brook. The special interest and significance of the FCA is largely derived from the architectural richness and variety of its buildings. Its historical significance derives from its growth as a small rural village of medieval origin whose form, size and layout were established in the early 17<sup>th</sup> Century and its key Grade II\* manor houses, which make a significant contribution to the character of the FCA. This special interest and significance are

further underpinned by the open spaces within the FCA which provide a sense of space and maintain the boundary between village and countryside.

25. I appreciate the FCA has changed since its original designation through the addition of new housing however, it is generally characterised by several large houses and farmsteads alongside smaller houses, cottages, outbuildings, and farms set within low density plots. The FCA can be divided into three distinct parts. The appeal site sits within the part of the FCA to the northwest of the brook which is centred on the Church and characterised by the mature landscaped and parkland setting of Ford House, the open space of the churchyard, the cottages adjacent to the brook and the farm buildings of Mansion House farm. Due to its open character, the site assists in maintaining the open and spacious boundary between the village and the agricultural land beyond and therefore makes a positive contribution to the character and appearance of the area.
26. The proposal would involve the construction of one dwelling on existing open garden land to the east of Oak House. Whilst the appellant's evidence refers to the proposed development being single storey and having limited effect on views in and out of the FCA, the proposal is for a PIP with detailed design to be considered at TDC stage. As such, the scale of the proposed dwelling has not been considered.
27. The proposal would introduce further built form along the northern boundary of the FCA, eroding the open and spacious characteristic of the FCA's northern edge and further occupying the view into the FCA from the adjacent public bridleway and footpath. As a consequence, a further built excursion into the open countryside would be observable and the rural openness of the FCA's setting would be materially eroded at a prominent location readily experienceable when entering and exiting the village via the public rights of way. This would be the case whatever the precise format and design of the proposed development.
28. The proposed development would also reduce the generous plot and garden area that Oak House currently enjoys, increasing the density of development within this part of the FCA leading to a harmful urbanising effect on the character and appearance of the FCA.

#### Effect on trees

29. The appellant's evidence includes an Arboricultural Impact Assessment (AIA) covering six trees on the appeal site including a notable veteran Oak tree that is located towards the northeastern corner of the existing Oak House curtilage. The AIA was not submitted to the Council as part of the PIP application. However, the Council acknowledge that the AIA has been submitted and was initially provided in support of a previous planning application.
30. The revised site layout plan outlines the tree's location, canopy and root protection area (RPA) and identifies that the red line site boundary for the proposal runs alongside the RPA for the tree. The plan also indicates that the dwelling and associated driveway could be accommodated on the appeal site without encroachment into the tree's RPA.
31. The contribution made by trees within the FCA is noted as being moderate within the Ford Conservation Area Appraisal. This is primarily due to lack of mature indigenous trees within the village, although the existence of large individual

specimens and groups is noted. Trees and hedges form an important characteristic of rural conservation areas, particularly where they are sited in a prominent public position. The veteran Oak is located adjacent to an existing field boundary along which a public footpath and bridleway run. The Oak tree is notable within the landscape and on the edge of the FCA and therefore makes a positive contribution to the character and appearance of the area.

32. Whilst I acknowledge the Council's concerns regarding potential impacts to the tree, matters relating to construction zones, foundation and drainage design, alongside siting and scale of the dwelling can all be addressed at TDC stage. Based on the information before me, the findings of the AIA and the proposed retention of all the trees on site, the proposed development is unlikely to have a harmful effect on either the noted veteran Oak tree or the other five smaller trees on site. Consequently, the effect on the character and appearance of the FCA as a result of impacts on trees as an irreplaceable habitat would be minimal.

Effect on the setting of Mansion House and its barns

33. The proposed development is close to Mansion House which is a Grade II\* listed building and dates from 1779 with 18<sup>th</sup> Century alterations and additions. It is a two-storey with attic, red brick farmhouse with three framed bays, rear wing, notable brick stacks, and blind windows. Its significance largely derives from its age, internal and external architectural detailing, traditional materials, and internal composition including its staircase.
34. The setting to Mansion House also includes the Church of St Michael and Mansion House's three barns which the Council has identified as Grade II\* curtilage listed. As such, the statutory duty under Section 66(1) of the Act is also applicable for this heritage asset.
35. The three barns have been converted to dwellings with a further two new dwellings and a small cul-de-sac road added. This enclave of three dwellings, whilst altering the setting of the Mansion House, is not to its detriment. The addition of the cul-de-sac road and a further two dwellings has changed the setting of both the barns and Mansion House itself, with the link between the barns and the house having been severed. The domestication of the barns has also changed their setting through the inclusion of driveways, gardens, boundary treatments, and domestic paraphernalia.
36. The proposed dwelling would bring development closer to Mansion House and its curtilage barns. However, and without prejudice to my findings respective of the FCA taken as a whole, I consider the setting of Mansion House and its curtilage barns would be preserved, and its significance would not be harmed by the proposed development if ultimately brought forward at a modest scale and designed/sited in a sympathetic manner.
37. The position of the three converted barns already restricts views from the appeal site and the public right of way towards Mansion House and there is limited intervisibility between the barns and the appeal site. The proposed development, whilst increasing built form on the edge of the village and within the open and spacious northern boundary of the FCA, would not significantly or harmfully further restrict the view of Mansion House.

38. For the above reasons, the proposed development would preserve the settings and thereby the significance of Mansion House and its curtilage listed barns. However, it is my judgement that, despite not finding harm to the character and appearance in relation to trees, the proposed development would fail to preserve the character and appearance of the rural area specifically relating to the open and spacious boundary between the village and the agricultural land beyond and thus the setting and thereby the significance of the FCA as a designated heritage asset. Consequently, the appeal site would not be suitable for the residential development proposed, having regard to its location, the proposed land use, and the amount of development.
39. Accordingly, I find conflict with Policies CS16 and CS17 of the CS and Policies MD2 and MD13 of the SAMDev. These policies support development proposals where they conserve and enhance the significance of heritage assets, including their setting, and require development proposals to be appropriate to, and integrate with, the character of the surrounding area. Policy MD12 of the SAMDev is also referred to in the reason for refusal, however as the development would have a negligible impact on trees within the appeal site and specifically the veteran Oak, there would be no conflict with this policy.
40. Under the terms of the Framework, the degree of harm to the significance of the FCA as a designated heritage asset would be at the lower end of less than substantial. Paragraph 215 of the Framework requires, for development to be found to be acceptable, less than substantial harm must be outweighed by public benefits, which I shall turn to in the Heritage Balance below.

### **Other Matters**

41. The evidence before me indicates that the proposal would be for a self-build dwelling. However, as the appeal relates to a PIP and the Planning Policy Guidance advises that planning obligations cannot be secured at the PIP stage, I have not considered the self-build element in detail. However, where necessary, this alongside requirements for Biodiversity Net Gain and the Community Infrastructure Levy, could be addressed at the TDC stage.
42. The appellant has indicated that the proposal would allow them to downsize from the adjacent dwelling at Oak House, as it would provide more appropriate accommodation as they grow older. However, there is no evidence to demonstrate that a similar property could not be developed elsewhere in Ford, where it would not harm the character and appearance of the area. I therefore afford limited weight in favour of the proposal.
43. The appellant has drawn my attention to several appeal decisions where development has been allowed in the open countryside, namely Pontesbury, Oswestry and Hadnall and I note the comparisons made. Whilst the details of each of these cases is not before me, in each case the proposed development was not located within a conservation area. Whilst these decisions have been informative, the sites referred to me are read in a different context to the appeal site. Consequently, they are not directly comparable with this appeal, which I have determined on its individual planning merits having regard to the site's specific characteristics.

## **Heritage Balance**

44. I have identified above that the scheme would cause less than substantial harm, at the lower end of the scale, to the heritage significance of the FCA as a consequence of development within its setting. It must be noted that even less than substantial harm to a designated heritage asset carries importance and attracts great weight.
45. In terms of public benefits, the proposal would deliver one dwelling within a District where, on a worst-case scenario, a 3.74-year housing land supply is in existence, which falls significantly below the level of supply required by national policy. One additional dwelling would make a valuable contribution to the Council's housing land supply and thus would contribute to the Government's objective to significantly boost the supply of homes. I attach considerable weight to this benefit of the scheme given the supply shortfall that avails. This would also be the case were I to consider the proposal as a self-build.
46. The appeal scheme would also provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy. Additional landscaping would also provide biodiversity enhancements. Overall, these benefits would have modest weight when considering the scale of development proposed and the modest size of the site in question.
47. Whilst the proposed development's public benefits attract considerable weight when considered cumulatively, they would not, in my judgement, outweigh the less than substantial harm that would be caused to the heritage significance of the FCA by virtue of a further built excursion into the open countryside eroding the open and spacious characteristic of the FCA's northern edge that would materially erode the rural openness of the FCA's setting.

## **Overall Planning Balance**

48. On consideration of the Council's housing land supply position, paragraph 11(d) i) of the Framework indicates that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of paragraph 11(d) of the Framework lists designated heritage assets as one such asset of particular importance.
49. For the avoidance of doubt, as I have found harm to the significance of the FCA which, provides a strong reason for refusing planning permission, the presumption in favour of sustainable development is not engaged.
50. In addition to the harm identified to the character and appearance of the rural area and thus the significance of the FCA, I have separately identified harm by virtue of the site's lack of suitability for residential development in terms of accessibility to local services and facilities.
51. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. Dismissing this appeal could lead to the intended future occupiers of the proposed dwelling being unable to find a suitable home for retirement accommodation. The harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination and to advance equality of

opportunity and foster good relations between persons who share a relevant protected characteristic (which includes age), and persons who do not. In having due regard to the PSED, the adverse effects of dismissing this appeal on persons with protected characteristics would, on the basis of the evidence before me, be proportionate in this instance when balanced against the well-established and legitimate planning purposes of national and local planning policies.

52. Consequently, the proposal, having regard to its location, the proposed land use, and the amount of development, conflicts with the development plan when read as a whole, even giving limited weight to the conflict with the spatial strategy policies given the Council's lack of housing land supply. The material considerations I have identified above – even though attracting of considerable positive weight in the context of a housing land supply shortfall – do not outweigh that conflict.

### **Conclusion**

53. For the reasons given above, the appeal should be dismissed.

*P Brennan*

INSPECTOR

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## Appeal Decision

Site visit made on 25 November 2025

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

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

### Appeal Ref: 6000815

### Middleton Barn, Middleton Priors, Shropshire WV16 6UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Messers Fern and Purkis against the decision of Shropshire Council.
- The application Ref is 25/01602/PMBPA.
- The development proposed is for the change of use from agricultural to one dwellinghouse.

### Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the change of use from agricultural to one dwellinghouse at Middleton Barn, Middleton Priors, Shropshire WV16 6UR in accordance with the application 25/01602/PMBPA and the details submitted with it and subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO.

### Preliminary Matters

2. I have altered the description in the header above in order to remove superfluous details and make the description clearer.

### Main Issues

3. The main issues are:
  - Whether the scope of the proposed works is within that covered by Class Q, in particular Q.1(h); and,
  - Whether prior approval is needed as to the transport and highways impacts of the development.

### Reasons

#### *Scope of works*

4. The appeal site covers a barn and an area of land immediately surrounding it. The barn is constructed of a framework on concrete blockwork with timber cladding on the upper portion of the walls. At the time of my visit the building appeared to be structurally sound and in an overall good condition.

5. The GPDO sets out those works that are covered by Class Q. These works include new or replacement exterior walls insofar as they are reasonably necessary for the conversion of the building and subject to them not protruding more than 0.2 metres beyond the external dimensions of the existing building.
6. As a result of the proposal, and amongst other works, the upper portion of the wall cladding would be replaced with a solid version. The drawings submitted with the planning application do not show in detail the existing cladding or its replacement. However, the drawings do show both existing and proposed claddings as having the same modest overhang to the blockwork below. Figure 1 of the appellant's statement shows the replacement in more detail and demonstrates that the proposed cladding would not protrude further from the building than the existing cladding.
7. Therefore, given the above, I consider that the proposal would not exceed the scope of the building operations covered by Class Q under Paragraphs Q.1(h) and (j).

#### *Highway Safety*

8. The appeal barn is located at the end of a shared driveway used by the barn, the remaining agricultural use and a small number of dwellings. Although I note some concerns as to whether the appellant has a legal right of way, this is a private matter outside of the scope of this appeal. The unnamed road running past the site is narrow and winding and, when taken with the significant number of accesses, it is very unlikely vehicles would be travelling at the national speed limit.
9. The appeal barn is likely to generate a degree of movements associated with its agricultural use. While the building may not currently be in use, there is no reason before me preventing this use restarting. Movements would also occur in association with the other dwellings and agricultural unit. By converting the appeal barn, the proposal would reduce the generation of agricultural movements but increase that of domestic movements.
10. It is likely that future occupiers would need to travel for work, education and to reach services and other facilities. Therefore, while replacing agricultural movements associated with the barn, the proposal would also result in some increase above this. Nevertheless, I am content that against the existing use of the driveway this increase would be modest.
11. During my site visit I observed the existing visibility at the driveway access. Visibility was fairly open to the left, when leaving the site, but was restricted in views to the right. As noted above it is very unlikely vehicles would be travelling at speed. Moreover, the proposal is likely to only result in a modest increase in movements. I therefore find that there would be no unacceptable increase in the risk to highway safety as a result of intervisibility at the drive access.
12. The submitted plans show two parking spaces at the front of the dwelling in an area of gravel. I am content from the information before me that this area is sufficient to provide parking and turning for two vehicles and that they would be able to access and leave the site in a forward gear.
13. In light of the above, the proposal would not result in any unacceptable highway safety impacts stemming from its vehicular access or parking and turning areas.

Therefore, prior approval of the Local Planning Authority is not required with regards to Paragraph Q.2(1)(a) of the GPDO.

### **Other Matters**

14. While the appeal site and barn may have been sold with the agreement that they remain in agricultural use, covenants are outside of the remit of this appeal and would need to be dealt with separately.
15. Given the appeal site is already in a separate ownership to the rest of the agricultural holding and dwellings, there is already a potential for any comings and goings to be from those unknown to the neighbouring occupiers. I therefore find there would be no unacceptable change to the safety and security of the surroundings, or that there would be any noise or privacy harm. I similarly find that the conversion works themselves are unlikely to result in any unacceptable risk to the safety or neighbours or their property.
16. The nearby Hyde Farmhouse a Grade II listed building has been referred to by an interested party. Having regard to my statutory duty, I am satisfied that the relationship between the appeal proposal and this heritage asset would have a neutral effect upon its setting. Harm to the significance of the nearby heritage asset would therefore not occur. It is noteworthy that the Council did not raise any impact on the nearby heritage asset as a concern when it refused the prior approval.

### **Conclusion**

17. For the reasons given above, I conclude that the appeal should be allowed, and prior approval is not required.

*Samuel Watson*

INSPECTOR

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## Appeal Decision

Site visit made on 25 November 2025

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

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

### Appeal Ref: 6000949

#### **17 St Marys Road and Wheatland Garage, Much Wenlock TF13 6AG**

- 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 J Corbo against the decision of Shropshire Council.
- The application Ref is 25/01576/FUL.
- The development proposed is the change of use of C3 dwelling to storage associated with service station and use of rear amenity to form parking area with EV chargers.

### Decision

1. The appeal is allowed and planning permission is granted for change of use of C3 dwelling to storage associated with service station and use of rear amenity to form parking area with EV chargers at 17 St Marys Road and Wheatland Garage, Much Wenlock TF13 6AG in accordance with the terms of the application, Ref 25/01576/FUL, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are the effect of the proposal on:
  - The provision of housing within Much Wenlock;
  - The character and appearance of the street scene;
  - The living conditions of neighbouring occupiers, with particular regard to noise; and,
  - Highway safety.

### Reasons

#### *Housing Provision*

3. The appeal site is located in Much Wenlock, an identified Market Town. Within Market Towns the development plan directs development and seeks to protect facilities, services, and amenities in order to maintain their traditional role in providing services and employment. There is a further focus upon directing residential development to these Market Towns. However, the plan does not set out any specific requirements to protect residential development from conversion or other loss.
4. In particular, Policies CS1, CS6 and CS11<sup>1</sup>, and Policies MD1 and MD3<sup>2</sup> do not require evidence demonstrating a dwelling is no longer suitable for residential use or that the proposed use is essential. The national Planning Policy Framework (the

<sup>1</sup> Shropshire Local Development Framework: Adopted Core Strategy (the ACS)

<sup>2</sup> Shropshire Council Site Allocations and Management of Development (SAMDev) Plan

Framework) similarly seeks to boost the supply of housing but does not set out any specific controls or requirements for the loss of housing.

5. I am mindful that the Council can only currently demonstrate a 4.7-year housing land supply. This under provision is modest and the proposed loss, of only one dwelling, would not significantly affect the existing provision or compromise the Council's strategy for housing. The proposal would also contribute to the expansion of an existing commercial business in line with the Council's aims to maintain and enhance the provision of services and employment within Market Towns.
6. In all, therefore, I find that the proposed loss of one residential dwelling would not unacceptably affect the supply of housing within Much Wenlock but would help support its provision of services and employment. The proposal therefore complies with ACS Policies CS1, CS6, CS11 and SAMDev Policies MD1 and MD3 as outlined above. It also complies with the Framework, including Paragraphs 61-84 regarding the delivery of a sufficient supply of housing.

#### *Character and Appearance*

7. The appeal site sits within a predominantly residential area adjacent to an existing service station located at the edge of Much Wenlock. St Marys Road is characterised primarily by short terraces of dwellings set back from the road by front gardens, some of which are used for parking. The appeal dwelling itself is an end of terrace property that has been extended by way of a single-storey side and rear extension. The front garden has also partially been set aside for parking. The service station is fairly typical in its utilitarian design, being a single-storey building served by a large forecourt which wraps around the Bridgenorth Road and St Marys Road sides of the site. The area closest to No 17 is set aside for parking. It is separated from the appeal site by a low wall.
8. The proposed changes to the rear garden of No 17 would be significant with both the visual appearance of the garden and the character of its using being changed. The removal of the wraparound extension would open up views to the rear of No 17 allowing these changes to be appreciated more readily. Although vehicles parking within the main forecourt area would partially screen views to the rear of No 17 they would not block them. However, I am mindful that the appeal site is already closely related to the service station and its associated parking. Moreover, the appeal site is at the end of the terrace, and road, where some variation in appearance can more easily be accommodated. Overall, these changes would not be so significant as to unacceptably affect the character and appearance of the surrounding area and street scene.
9. The use of the dwelling for storage associated with the service station would affect the way in which it is used, lit and the types of noises associated with the property. It is, for instance, unlikely that the noise and lighting effects of a television or the smells from cooking would occur at the property following conversion. There would also likely be some change in the comings and goings associated with the property. However, these changes would be modest and most likely only appreciated by those living closest to the property rather than passersby. For those walking or driving past I see no reason to believe that the property would not appear as if it was still a dwelling. In this way, and given the scale of the change in

relation to the street as a whole, the proposal would not affect the character of the street scene.

10. The proposed development, including the change of use, would not unacceptably affect the character and appearance of the surrounding area and street scene. The proposal therefore complies with ACS Policy CS6 and SAMDev Policy MD2 which require proposals to respect and respond appropriately to local distinctiveness and the built environment with regard to scale, design and pattern. It also complies with the Framework, including Paragraph 135 which requires proposals to be sympathetic to local character and maintain a strong sense of place.

#### *Living Conditions*

11. At the time of my visit there was a degree of noise stemming from vehicles making use of Bridgnorth Road, St Marys Road and the service station. This was audible across the appeal site, including the rearmost portion of No 17's garden. I am mindful that my site visit provides only a snapshot in time however, and it is likely that this level of background noise would be greater during rush hours and lower overnight.
12. Although the engine noises and revving associated with manoeuvring internal combustion engine vehicles is not present with electric vehicles, they will nevertheless make some noise while approaching and manoeuvring. Many electric vehicles are also fitted with noise emitting devices to alert pedestrians of their presence and additional noise would occur from the opening and closing of doors. There is further potential for noise from car occupants talking and from music or other entertainment being played within the vehicle.
13. Although these noises already occur across much of the appeal site, they do not in the rear garden of No 17. The proposal would bring vehicles and their associated noise much closer to the neighbouring properties and, in particular, the attached neighbour at No 18 St Marys Road. However, given the existing background noise, it is unlikely that noise from the proposed use would unacceptably disrupt the typical daytime activities of neighbouring occupiers to the detriment of their living conditions when in their property or garden.
14. Nevertheless, at night when background noise levels are typically lower, it is likely that the movement of vehicles, the chargers and their use would disturb neighbouring occupiers to the detriment of their living conditions. I am content however, that this impact could be mitigated by way of a condition limiting the hours of operation.
15. Only limited information has been provided as to the nature of the storage use proposed for No 17. However, irrespective of what is stored, noise would be generated from staff entering and exiting the property, placing, retrieving and moving stored items and from any socialising occurring during this. I find it likely that some degree of noise would be audible, especially for any activities outside. During the day it is unlikely to be so loud as to be intrusive over typical domestic background noises. This is especially so when considered against noises typically generated within a domestic property such as from a television, children playing or music. However, should deliveries or stock movements take place when these domestic activities do not typically occur, such as overnight, these noise levels would be disruptive to the detriment of the living conditions at No 18. I am, nevertheless, content that a suitable condition could prevent any such harm.

16. The proposal would not unacceptably accept the living conditions of neighbouring occupiers as a result of the change of use at No 17 or the expansion of the vehicle forecourt. The proposal therefore complies with ACS Policy CS6 that requires proposals to be of a high quality design that safeguards residential amenity and wellbeing. Although the Council have also referred to the Much Wenlock Neighbourhood Plan 2013-26 (the NP), it does not appear that this document directly relates to the matters upon which this issue turns.

#### *Highway Safety*

17. As set out above, the appeal site contains an operating service station offering parking, a shop and fuel filling. At the time of my visit, it was clear that all three elements were in use. The site is served by three vehicular accesses: one off Bridgnorth Road and two on to St Marys Road. These all appeared to offer access and egress to the site.
18. The proposed electric vehicle charging area would be to the rear of the site and somewhat detached from the rest of the parking provision. However, given the small nature of the site it would still be well related to the shop and other parked vehicles. I am content, therefore that future users would not be so located as to be unsafe. By restricting the hours of use, this would further ensure the safety of future users overnight.
19. I am content that vehicles would be able to manoeuvre within the electric vehicle area so as to enter and exit it in a forward gear. Given the nature of recharging, which can take much longer than fuel filling, the level of movements in and out of this area is also likely to be much lower. Given the layout of the site, it is likely that electric vehicles would make use of the entrance closest to No 17 to enter and leave the site. Similarly, it is likely that those using the fuel filling area would make use of the other two entrances. It is, therefore, unlikely that there would be an unacceptable increase in cross movements that could lead to conflict between the routes. Overall, it is unlikely that there would be such an intensification of the site's use as to generate an unacceptable impact on highway safety on or around the appeal site.
20. I note the concerns raised by the Council's highways team as to the safety of the path running from St Marys Road to the electric vehicle charging area. I find similarly that vehicles could park across or otherwise obstruct this route. However, the existing forecourt does not have a continuous pedestrian route and so pedestrians currently need to walk across the forecourt to reach the shop. The proposed path, which is unlikely to be regularly obstructed, will therefore be an improvement to this arrangement.
21. The proposal would not unacceptably affect highway safety or the safety of those pedestrians and motorists using the appeal site. It therefore complies with ACS Policies CS6 and CS7 that require high quality, safe and appropriate car parking provision. The proposal also complies with the Framework, including Paragraphs 116 and 117 that together seek for proposals to minimise the opportunity for conflict between pedestrians and vehicles while also providing safe, accessible and convenient locations for electric vehicle charging.

## Other Matters

22. I note that the appeal site is adjacent to the Much Wenlock Conservation area. Having regard to my statutory duty, I am satisfied that the relationship of the appeal proposal to this heritage asset would have a neutral effect upon its setting. Harm to the significance of the nearby heritage would not, therefore, occur. It is noteworthy that the Council did not raise the impact on the nearby heritage asset as a concern when it refused the planning application.

## Conditions

23. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
24. For certainty, I have set out the timescale of the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
25. I have also attached conditions restricting the times at which the chargers and storage area can be used in the interests of the living conditions of neighbouring occupiers. To help protect the character and appearance of the area a condition is also necessary preventing any storage outside of No 17. I have reworded this condition so that it only covers that area of the appeal site that was formerly a residential property. Also, in the interests of the character and appearance of the surrounding area it is necessary to remove permitted development rights for the erection of boundary treatments.
26. The splitting of the proposed storage use from the service station would likely result in changes to parking requirements and the way in which the building is used. These changes could result in unacceptable impacts to the detriment of the character and appearance of the surrounding area, living conditions and highway safety. Similar changes could occur should the building be opened up for visiting members of the public. I have therefore attached a condition controlling these matters.

## Conclusion

27. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

*Samuel Watson*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings: Site Local Plan, 4298-99 and 4298-07B.

- 3) The electric vehicle charging points hereby permitted shall only be available for use between the hours of 06:00 and 22:00 daily. Outside these hours, the charging points shall not be operational.
- 4) No deliveries to, or collections from, the storage use hereby permitted at No 17 St Marys Road shall take place outside the hours of 07:00 and 19:00 daily.
- 5) At no time shall goods, materials, or equipment be stored in the open on any part of the site associated with the former dwelling at No 17 St Marys Road, namely that land as shown in yellow on the site location plan.
- 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, walls, gates or other means of enclosure shall be erected on the site without prior written consent of the local planning authority.
- 7) The storage use hereby permitted shall be ancillary to the operation of Wheatland Service Station only and shall not be used for any purpose that involves visiting members of the public.



## Appeal Decision

Site visit made on 8 December 2025

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

**Appeal Ref: APP/L3245/X/24/3346766**

**Whitehouse Farm Barn, Netherton Lane, Highley, Shropshire WV16 6NJ**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Sid Davies against the decision of Shropshire Council.
- The application ref 24/01328/CPE, dated 30 March 2024, was refused by notice dated 15 May 2024.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use or development is sought is land that has been continuously used as residential garden for a period exceeding 10-years.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the Council's decision to refuse to grant an LDC is well-founded.

### Reasons

3. The onus is on the appellant to demonstrate that, on the balance of probabilities, the use was lawful at the time of the LDC application. A development is lawful under the provisions of section 191(2)(a) and (b) of the Town and Country Planning Act 1990 (as amended) (the Act) if no enforcement action may be taken because it did not involve development requiring planning permission, or because the time for enforcement action against the use has expired; and, providing it does not constitute contravention of any requirement of any enforcement notice then in force. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided their evidence alone is sufficiently precise and unambiguous.
4. The appellant's case is that the appeal site has been used for children's recreation and residential amenities since 2009. In support of their case, the appellant relies on aerial photographs.
5. The 2009 aerial photograph depicts what the appellant contends is a trampoline. Although the photograph is not annotated, it is reasonable to conclude that the trampoline referred to is the circular object. However, the only circular object on the photograph appears to be located outside the appeal site. It is not located within the parcel of land to the east of the building complex and nor is it located on

the access area leading to this land from Netherton Lane. No other objects in the photograph are referred to as supporting the appellant's case.

6. A trampoline is also referred to in the 2011 aerial photograph. However, the photograph is of such poor quality that it is not possible to establish with any certainty which object the appellant refers to as the trampoline. They also refer to this photograph as depicting associated garden and amenity equipment. However, these are also not clearly evident due to the quality of the photograph. The 2013 aerial photograph provided by the Council is of a better quality. However, it does not appear to show any notable garden or amenity equipment on the appeal site.
7. With the 2017 and 2018 aerial photographs, it is reasonable to conclude that there is a trampoline within the eastern part of the appeal site, adjacent to which could be the wooden play apparatus. These objects remain visible in the 2021 and 2023 aerial photographs. However, the 2017 aerial photograph is well within 10 years prior to the date of the LDC application. I am not satisfied that the aerial photographs prior to 2017 demonstrate, on the balance of probabilities, that associated garden and amenity equipment are present on the appeal site.
8. Notwithstanding the above, the apparatus the appellant refers to being depicted in the 2018, 2021 and 2023 aerial photographs cover only a very small portion of the appeal site. There is no evidence how the rest of the appeal site has been used for domestic activities.
9. The parties refer to a drawing<sup>1</sup> attached to the 2015 planning application<sup>2</sup>. Part of the appeal site forms two parcels of land depicted on the drawing as 'Garden' and 'Paddock'. However, these fall outside the application site edged in red on the drawing and therefore it has no bearing on the lawful use of this land.
10. At the time of my site visit, the wooden play equipment had been removed. A number of old wagons, some in various states of disrepair, were present on the site as well as a couple of triple axel trailers, one containing what appeared to be parts of a metal frame for a shed. On the site there was also the frame of an agricultural/horse trailer; multiple stacks of concrete blocks; three cars in various states of disrepair; and, a container containing two generators, what appeared to be commercial style tool boxes, and large plastic drums. There was also a large metal shed containing one of the wagons, a triple axel trailer and a large number of tyres. In addition, there was a static caravan a small timber shepherds hut type cabin, both of which appeared to be used for small scale storage. The totality of these items do not support the appellant's contention that the land is being used as a residential garden as the scale of their storage is not typically akin to a residential garden use. However, I acknowledge that the requisite period of immunity is prior to the date of the LDC application, not my decision.
11. Overall, I find the evidence in support of the use of the appeal site as a residential garden is not sufficiently precise and unambiguous. I find therefore that it fails to demonstrate that, on the balance of probabilities, a material change of use of the appeal site to a residential garden has occurred continuously for a 10 year period prior to the date of the LDC application, without significant interruption.

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<sup>1</sup> Site Location & Block Plans; Drg No.000; Rev A

<sup>2</sup> Council reference 15/03600/FUL

## **Conclusion**

12. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

*A Walker*

INSPECTOR

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## Appeal Decision

Site visit made on 7 October 2025

by A O'Neill BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

### Appeal Ref: 6000458

#### Land to the rear of Earls Court, Main Road, Pontesbury, Shrewsbury SY5 9QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs Randles against the decision of Shropshire Council.
- The application Ref is 25/01815/OUT.
- The development proposed is described as 'Outline application for the erection of 4 dwellings'.

### Decision

1. The appeal is allowed and planning permission is granted for outline application for the erection of 4 dwellings at Land to the rear of Earls Court, Main Road, Pontesbury, Shrewsbury SY5 9QD in accordance with the terms of the application, Ref 25/01815/OUT, and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration and I have considered the appeal accordingly. An Illustrative Block Plan has been submitted which shows how development could be accommodated on the site. I have had regard to this plan as indicative only.

### Main Issues

3. The main issues are:

- whether the site is in a suitable location for housing, having regard to the Council's development strategy;
- whether or not the proposal would make an effective use of land; and
- whether or not the proposal would make adequate provision for affordable housing with reference to both local and national planning policies.

### Reasons

#### *Suitable location*

4. The Council's development strategy is set out in the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and the Shropshire Council Site Allocations and Management of Development 2015 (the SAMDev). CS Policy CS1 sets the strategic approach to the location of development and directing development to the most accessible locations, including

Shrewsbury, Market Towns and Key Centres and in community hubs and clusters in the rural areas.

5. The appeal site is located outside of, but adjacent to the boundary of Pontesbury. Combined with Minsterley, Pontesbury is identified as a Key Centre in CS Policy CS3. The explanatory text for Policy CS3 confirms Key Centres are sustainable places where development can contribute to greater self-sufficiency within the towns. SAMDev Policy S12 sets the Development Strategy for the Minsterley and Pontesbury area, which identifies that new housing development will be delivered through a combination of allocated sites and windfall opportunities on existing brownfield land and other infill sites. In addition, Policy HOU2 of the Pontesbury Parish Neighbourhood Plan 2016-2018 (the NP) supports small infill developments within the defined development boundary which meet the needs of younger or older generations subject to clear evidence of housing need.
6. As the site is located outside of the defined settlement boundary, it is in countryside for the purposes of planning policy. Policy CS5 of the CS and Policy MD7a of the SAMDev strictly control new development in the countryside such that only limited types of residential development are permitted. The exceptions listed in Policy MD7a are not applicable to this appeal proposal. The proposal would therefore conflict with Policy CS5 of the CS and SAMDev Policy MD7a insofar as the Council's development strategy seeks to control new development in the countryside.
7. Notwithstanding that conflict, whilst the site is located outside of the defined Pontesbury boundary, it is adjacent to it. The site is adjoined by existing residential development to the west and south and a public house and sports pavilion to the east. The site would be accessed from Main Road via Earls Court which serves existing residential development. Given the close proximity of the site to the existing built form of the settlement, its location would not conflict with the Council's development strategy in its aims of directing development to Key Centres such as Pontesbury. The Council's case confirms that Pontesbury benefits from a number of services and facilities and is therefore considered a sustainable location.
8. I note the comments from interested parties regarding the amount of housing development which has been permitted in Pontesbury since 2010 and the suggestion that local services and facilities may not have the capacity to accommodate a further increase in population. However, there is no evidence submitted to demonstrate that the services and facilities in Pontesbury could not accommodate an increase in population from 4 additional dwellings.
9. Taking all of the above into account, the appeal site location conflicts with Policy CS5 of the CS, Policy MD7a of the SAMDev and NP Policy HOU2, due to its location outside of the development boundary. Nevertheless, I have also found that the site's location would not conflict with the Council's aim of directing development to Key Centres, as set out in CS Policy CS3.

*Effective use of land*

10. Policy MD2 of the SAMDev and Policy CS6 of the Core Strategy require the scale and density of development to respond appropriately to the form and layout of existing development. The existing residential development to the south and west

of the site is characterised predominantly by large, detached dwellings set in generous plots.

11. I have not been provided with the density of the proposal or the density of dwellings in the surrounding area. However, based on the information submitted, and my observations on site, I find that a development of 4 dwellings on the appeal site would not be out of keeping with the prevailing density of the surrounding area.
12. Concern is also expressed about the indicative layout submitted, particularly with regard to the location of the Biodiversity Net Gain area and the inclusion of long driveways. Nevertheless, the detailed design and layout of the development would be determined at Reserved Matters stage. Moreover, the Council Officer Report indicates these concerns could be overcome at that stage, and I have no reason to conclude differently in this regard.
13. I acknowledge that the NP has an objective to provide small sized homes, with a particular need for small bungalows identified. However, it does not preclude the provision of larger homes and there is little before me to demonstrate that there is not also a demand for such homes in Pontesbury. In any event, the size of the proposed dwellings is a matter for future consideration.
14. Taking all of the above into account, I find that the proposal would make an effective use of land. As such I find no conflict with Policy MD2 of the SAMDev and CS6 of the Core Strategy, as set out above.

#### *Provision of affordable housing*

15. Although not cited in the Council's reason for refusal, the Council's case refers to Policy CS11 of the CS with regard to the provision of affordable housing. Policy CS11 seeks to ensure all new open market housing development makes appropriate contributions to the provision of local needs affordable housing. The submitted proposal does not include any affordable housing contributions.
16. The Written Ministerial Statement published 28 November 2014 indicated that affordable housing should not be sought for sites of 10 units or less, or 5 units or less in designated rural areas. This requirement is also reflected in paragraph 65 of the National Planning Policy Framework (the Framework). The appeal site is not within a designated rural area and as such, the proposal is not required to make affordable housing contributions under the provisions of the Framework.
17. The requirements of Policy CS11 are therefore inconsistent with the Framework in this regard. The CS was adopted in 2011, and the current version of the Framework was published in December 2024. In line with paragraph 232 of the Framework, I have afforded limited weight to Policy CS11. Furthermore, I note that the Council's Affordable Housing consultee confirms that the proposed development falls below the threshold at which affordable housing contributions are required.
18. Having regard to the national and local policies set out above, I find that the proposal is not required to make affordable housing contributions and so the proposal would not conflict with the Framework in this regard.

## Other Matters

19. An interested party describes the site as productive agricultural land. There is little before me to demonstrate that the site comprises best, and most versatile agricultural land (BMV) as defined in the Framework, although I saw that it was being used for sheep grazing during my site visit.
20. Paragraph 187 of the Framework does not set a blanket presumption against developing on agricultural land. Rather, it highlights the economic and other benefits of BMV land. Given the relatively small size of the site and the limited information submitted regarding its agricultural grade, the associated economic and other benefits of the site being agricultural land would be limited. Therefore, the loss of agricultural land and harm to the associated economic and other benefits would be limited.
21. I have had regard to the objections raised to the proposal based on access to the site and highway safety. However, as this is an outline proposal with all matters reserved, this matter would be addressed at the reserved matters stage. Moreover, I note that whilst the Council's Highways consultee identifies some concerns that would need to be addressed at the reserved matters stage, they offer no objection to the outline proposal.

## Planning Balance

22. The proposed development would conflict with the development strategy insofar as it seeks to control new development in the countryside. However, the site location would not conflict with the development strategy's aim of directing development to Key Centres.
23. The Council have confirmed that they cannot demonstrate an adequate supply of housing land, with the current number of years supply being 4.68. In such circumstances paragraph 11 of the National Planning Policy Framework (the Framework) indicates that planning 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 including those directing development to sustainable locations and making effective use of land.
24. The Framework seeks to significantly boost the supply of housing provision, and 4 dwellings would make a positive contribution in this regard. Economic benefits would also arise from employment during the construction works, and occupation of the new units through additional expenditure in the area. The site is in a sustainable location, and I have found that the proposal would make an effective use of land and would not conflict with policies regarding the provision of affordable housing.
25. Thus, in this case, the adverse impacts of the conflict with the development plan would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would benefit from the presumption in favour of sustainable development, set out at paragraph 11 of the Framework. The Framework is a material consideration of significant weight and, in this case, indicates that a decision should be made otherwise than in accordance with the development plan. Therefore, having regard

to all other relevant material considerations, I conclude that planning permission should be granted.

## Conditions

26. Conditions were suggested by consultees to the planning application, which both main parties were given the opportunity to comment on during the appeal process. I have taken these comments into consideration, in my conclusions below. I have also had regard to the advice provided in the Planning Practice Guidance and I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
27. In addition to the standard conditions relating to the submission and timing of the reserved matters and the commencement of the development, I have imposed a condition specifying the relevant drawing, in so far as it depicts the site location, as all other matters are reserved.
28. A condition requiring works in accordance with the submitted Preliminary Ecological Assessment and Biodiversity Net Gain document is necessary to secure the proposed enhancements are delivered. This report makes provision for some wildlife enhancements and a wildlife sensitive lighting scheme. Consequently, I have not attached the suggested lighting plan condition, and I have amended the suggested bird and bat condition to require only swift boxes as this is not covered by the report.
29. The site is located within a development high risk area as defined by the Coal Authority, where the potential exists for below ground mine gas emissions to be released as a consequence of the development. Therefore, a condition requiring a mine gas risk assessment is necessary prior to the commencement of development.

## Conclusion

30. For the reasons given above, having had regard to the development plan as a whole and all other matters raised, the appeal should be allowed.

*A O'Neill*

INSPECTOR

## Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

- 4) The development hereby permitted shall be carried out in accordance with drawing no 79454/25/01.
- 5) All works to the site shall occur strictly in accordance with the mitigation and enhancement measures as provided in Section 6 of the Preliminary Ecological Appraisal & Biodiversity Net Gain (Arbor Vitae, May 2025). The measures shall be implemented in accordance with the approved details before the first occupation of the development hereby approved and shall be retained thereafter.
- 6) Prior to the first occupation of the development hereby approved, a minimum of 3 artificial nests, of integrated brick design, suitable for swifts ("swift bricks") shall be erected on the site. The swift bricks should be positioned 1) Out of direct sunlight, 2) At the highest possible position in the building's wall, 3) In clusters of at least three, 4) 50 to 100cm apart, 5) Not directly above windows 6) With a clear flightpath to the entrance, 7) North or east/west aspects preferred. The makes, models and locations of the swift bricks shall be submitted to and approved in writing by the Local Planning Authority. The approved swift bricks shall be implemented in accordance with the approved details before the first occupation of the development hereby approved and shall be retained thereafter.
- 7)
  - A. Risk assessment coal mine gases  
No development shall commence until an assessment of the risks posed by coal mine gases has been submitted to and approved in writing by the Local Planning Authority. This shall be carried out in accordance with authoritative UK guidance, CL:AIRE, 2021 Good Practice for Risk Assessment for Coal Mine Gas Emissions (ISBN 978-1-905046-39-3).
  - B. Submission and implementation of remediation scheme  
Where the approved risk assessment (required by condition A above) identifies coal mine gases posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such coal mine gases has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. The remediation scheme and verification plan shall be undertaken in accordance with authoritative UK guidance. Following approval, such remediation scheme shall be implemented on site in complete accordance with the approved details.
  - C. Verification of remediation scheme  
Following implementation and completion of the approved remediation scheme and the associated approved validation and verification plan (required by condition B above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details. The verification report shall be carried out in accordance with authoritative UK guidance.

## **End Of Conditions**



## Appeal Decision

Site visit made on 25 November 2025

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

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025.

### Appeal Ref: 6000992

#### **15B, High Street, Cleobury Mortimer DY14 8DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant technical details consent.
- The appeal is made by D McGindley against the decision of Shropshire Council.
- The application Ref is 25/02799/TDC.
- The development proposed is a technical matters application for the construction of 3 dwellings (PIP23/05119/PIP).

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is for technical details consent following the grant of Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle has established that the location, land use, and amount of development is suitable in principle. The Technical Details Consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the Permission in Principle stage. I have determined this appeal on that basis.

### Main Issues

3. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area, with particular regard to the significance of heritage assets;
- Whether the proposal would provide a suitable standard of living conditions for future occupiers;
- The effect of the proposal on the retention of trees within and around the site; and,
- Whether the proposal would provide suitable drainage for surface and foul water.

### Reasons

#### *Character and Appearance*

4. The appeal site is located within the Cleobury Mortimer Conservation Area (the CA). This area is relatively compact and focuses upon the historic core of the town, primarily along the High Street and its connections. The pattern of development along the High Street still demonstrates mediaeval burgage plots and

the street scene is characterised particularly by traditional buildings built in stone, timber and brick. In part as a result of the pleached trees along the street, as well as views to fields and greenery beyond the settlement, the town's connection to the countryside and its rural history is retained. I find the significance of the CA to stem in part from the legibility of the town's history as well as its close relationship to the surrounding countryside.

5. Immediately adjacent to the appeal site are Manor House, a Grade II\* listed building and Stable Block at Manor House, a Grade II listed building. These are set back from the High Street by a deep frontage, and a large garden sits behind. The Manor House is finished in brick and presents a formal design with decorations in moulded brick. The Stable Block is similarly finished but is of a smaller scale and is clearly subservient to the Manor House. The buildings appeared to be, at the time of my visit, vacant and in a state of disrepair. The appeal site access passes by the side of the stable and the wider site incorporates land that appears to have historically been part of the Manor House's grounds. In part the Manor House's significance arises from its grandeur in comparison to the modest properties that characterise the rest of the High Street. The house also demonstrates, through its alterations and extensions, the changing needs of its occupiers through time. Although sharing in some of this, the significance of the stable is more related to its group value with the Manor House and the contribution to the understanding of that building's historic use and function.
6. To the other side of the site are Nos 16 and 17 High Street which are independently Grade II listed buildings. These are later, 18<sup>th</sup> to 19<sup>th</sup> century, and much more modest buildings in comparison to the Manor House and are part of a longer commercial terrace with accommodation on the upper floors. Both are brick built and provide three floors, although the second floor at No 16 is within the roof that is served by dormer windows. The rear of these buildings relate closely to the appeal site and are visible from it. I find their significance to stem in part from their age, the intactness of their frontages and the contribution this makes to the understanding of the area's history.
7. The appeal site itself is a long irregular plot that appears to take in parts of former burgage plots and parts of the Manor House's former grounds. It stretches from the High Street downhill to a brook. The proposal includes the provision of three houses with an associated driveway and parking. Given the change in land levels, the rearmost house would be located on a lower level and separated from the front of the site by a retaining wall.
8. The close and irregular arrangement of Units 1 and 2 would lead to a cramped pair of dwellings that would be poorly related to each other and the surrounding built environment. Although I am mindful that there are examples of detached dwellings, these are primarily within larger plots, with smaller properties being terraced or more uniformly positioned within rows. The proposal would not, therefore, reflect or respect the pattern of development within the surrounding area. This is exacerbated by the irregular and almost haphazard arrangement of parking spaces that spread across the site and are insufficiently softened by the very limited area of soft landscaping.
9. These arrangements would not be prominently visible from the High Street but would be appreciated from neighbouring properties, including the above mentioned listed buildings, and would also be seen in views into the CA. It would,

therefore, introduce an incongruous arrangement of development within the setting of Manor House, the Stable Block at Manor House, and Nos 16 and 17 High Street, as well as within the CA itself. The proposal would therefore also harm the historic and architectural interest of these heritage assets.

10. I understand that the arrangement of the site has been in part informed by the shape of the plot, the presence of a sewer line and protected trees, and the change in land levels. However, this does not preclude me from finding harm with the layout.
11. Porches are not an uncommon sight within the CA with examples immediately surrounding the appeal site, including at No 16 High Street. However, I have not been provided with sufficient detail to demonstrate that the proposed porches would be sympathetic to the style and materials used within the wider CA and on other listed buildings. Therefore, and given the site's relationship to these heritage assets, there is a risk that the use of inappropriate materials, details or joinery would be detrimental to the historic environment. Given the level of design changes that could occur in order to create an appropriate porch, I do not find it would be possible to seek further details through a condition.
12. A similar risk arises from the proposed rooflights. However, given their scale and their positioning well above eye level, I find these would be a less prominent addition. I am also content that details of the fenestration materials and design could be provided through a condition should the appeal be allowed. Similarly, a condition could be imposed securing appropriate boundary treatments.
13. Nevertheless, against this background, and given the scale of the development, I find that a modest degree of less than substantial harm to the significance of the designated heritage asset would occur. Although less than substantial, the National Planning Policy Framework (the Framework) is clear that great weight should be given to any asset's conservation. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
14. The proposal would provide three new dwellings in a location with adequate access to services. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. These matters are all public benefits but, given the scale of the development, I attach them only moderate weight and so, in this case, they do not outweigh the identified harm.
15. The proposal would, by way of its arrangement and porches, unacceptably affect the character and appearance of the surrounding area, including the architectural and historic significance of the noted heritage assets. This harm has not been outweighed by way of any public benefits. The proposal therefore conflicts with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS), Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (the SAMDev), as well as Policy CM6 of the Cleobury Mortimer Neighbourhood Development Plan 2020-2038 (the NDP). These collectively, and amongst other matters, require proposals to be of a high-quality design, pattern and landscaping so as to conserve their local built and historic context and character. It also conflicts with the Framework, including Sections 12 and 16 which have similar aims to the

policies set out above. The proposal does not follow the guidance on character and appearance set out within the Type and Affordability of Housing Supplementary Planning Document (the SPD).

### *Living Conditions*

16. Unit 1 and its associated garden is located against the shared driveway serving all three properties. Unit 1 is served by windows on the front and two side elevations, with only a rooflight on the rear. Behind it is Unit 2, which is accessed via a path at the side of Unit 1. To the rear of the gardens are two parking spaces for Unit 2.
17. The relationship and orientation of Units 1 and 2 require the occupiers of Unit 2 to pass by the side, front and along the garden of Unit 1 to reach their parking spaces. Vehicles associated with Units 2 and 3 would also pass close by the front elevation and garden of Unit 1. As Unit 1 is close to, and has ground floor windows looking over, the path and driveway, future occupiers would feel exposed and overlooked within their property. Depending on the boundary treatments serving the garden at Unit 1, there is a potential for this space to also be exposed and overlooked. In all, future occupiers at Unit 1 would not experience a sense of privacy and would, therefore, be provided a poor standard of living conditions.
18. As a result of the proposed developments arrangement and layout it would provide a poor standard of living conditions for future occupiers. The proposal therefore conflicts with ACS Policy CS6 which seeks for developments to contribute to wellbeing and residential amenity through high quality design. The proposal also conflicts with the Framework, including Paragraph 135, which similarly seeks to create places that promote well-being and a high standard of amenity for future users. The scheme also does not follow the guidance set out within the SPD with regards to amenity standards and privacy.

### *Trees*

19. The appellant has provided an Arboricultural Impact Assessment and Tree Protection Plan (the AIA) with their appeal submissions. The AIA and associated plans identify a number of trees which are recommended for removal. These include T9, T10 and the trees that make up H1. However, the proposed site plan only shows the removal of T10. Given this, and that the other trees suggested for removal are outside of the appellant's ownership, I have only considered T10 to be proposed for removal.
20. The proposed passing place opposite the front of Unit 1 is located underneath the crowns of the trees making up H1. I have not been provided details as to the makeup of this passing place, but it is likely to be hard surfaced similarly to the shared driveway. The proposed works to excavate and lay a suitable surface, and the subsequent use by motor vehicles, has the potential to damage roots and unacceptably compact the surrounding soil. This would likely cause both short and long term harm to the trees and prejudice their health and retention. Although these trees are considered to be in poor condition, I note that the AIA considers they have up to 10 years of life. As such, their health is not a sufficient justification in itself to allow development to further reduce their lifespan.
21. Similarly, no details have been provided as to the method of construction of the single garage serving Unit 3. As T9 is to be retained the foundations of the garage are likely to affect the tree's roots while the building itself may affect its crown.

Although together this is likely to have a significant impact on the tree's health, I am mindful that it is currently affected by ash dieback and may already be dead. Any such impact would not, therefore, be unacceptable.

22. The trees identified as T11 to T15 are a small group intended to be retained, and a no dig geogrid area has been proposed around them to support the creation of the driveway without unacceptably affecting the trees. I am content that should such a method of construction be secured through a condition this would be sufficient to protect this group of trees. I am also content that the proposal would not unacceptably affect any other trees on or around the site.
23. The proposal would put trees proposed to be retained at risk from the development and its associated works. It therefore conflicts with ACS Policies CS6 and CS17 and SAMDev Policy MD2, which collectively seek to protect and restore Shropshire's natural environment and assets, including tree and hedges. The proposal also conflicts with Framework which sets out similar aims under Section 15.

#### *Drainage*

24. The appeal site is loosely set across two levels, that from the road to the retaining wall, and the lower section from the wall down to the brook. The front portion contains significant areas of hardstanding and a large building that was formerly used as a mechanics garage and, latterly, as part of a fencing and shed business. The lower portion is significantly overgrown and, I understand, also partly covered by Flood Zones 2 and 3. The appellant's submissions contain only a brief outline as to their plan for the drainage of surface water runoff.
25. The appellant has suggested that they would initially seek to use sustainable drainage systems (SUDS) but that if this did not work, they would instead dispose any runoff into either the sewer or watercourse. I cannot, from the information before me, be certain that any of these options would be viable or acceptable. In particular, given the presence of Flood Zones 2 and 3 at the bottom of the site, it is likely that ground saturation would not permit SUDs to work appropriately. Similarly, at times of heavy rainfall, when drainage would be most needed, the brook may not be able to accommodate additional waterflows.
26. Although additional details could be sought through a condition, I have no confidence from the information before me that any of these options have more than a theoretical potential. Should none of these options be viable it would put pressure on the Council to allow the development to go ahead with either a substandard solution, or none at all. This would likely lead to unacceptable levels of surface water runoff and flood risk, especially on the lower land surrounding Unit 3.
27. Although I note concerns were also raised as to the drainage of foul water, I am content that this is a more limited issue with the public sewer more than likely able to accommodate any increase associated with three dwellings. As such, in the event that the appeal was to be allowed, a condition could be imposed securing additional details for foul water drainage.
28. Nevertheless, the proposal, fails to demonstrate that it would be served by adequate drainage infrastructure and, therefore, would result in unacceptable levels of flood risk. The proposal therefore conflicts with NDP Policy DM8 which

seeks ensure appropriate drainage. It also conflicts with Section 14 of the Framework which seeks for developments to be supported by site-specific flood-risk assessments that demonstrate they would not increase flood risk and would reduce runoff volumes.

### **Planning Balance and Conclusion**

29. Both parties agree that the Council cannot demonstrate a five-year housing land supply. However, the Framework provides a clear reason for refusing the development in regards to its effect on designated heritage assets. Therefore, in line with Paragraph 11(d)(i) of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.
30. The proposal would result in harm to the character and appearance of its surroundings, including designated heritage assets, would not provide a suitable standard of living conditions for future occupiers, and would unacceptably affect trees and flood risk. The proposal therefore conflicts with the development plan taken as a whole and as noted above, the Framework provides a clear reason for refusal on heritage grounds.
31. Above I have identified the benefits of the scheme as part of my assessment relating to heritage assets. These are, namely, that the proposal would provide three new dwellings, be in an accessible location, and provide economic benefits. These matters therefore weigh in support of the appeal proposal.
32. Overall, and while mindful of the Council's under provision of housing, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission.
33. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal is dismissed.

*Samuel Watson*

INSPECTOR



## Appeal Decision

Site visit made on 2 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

**Appeal Ref: 6000846**

**Near Gatten Farm, footpath from junction west of Far Gatten to Stitt Farm,  
Ratlinghope, Shrewsbury SY5 0SN**

**Grid Ref Easting: 339384, Grid Ref Northing: 298104**

- 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 Matthew Gurden against the decision of Shropshire Council.
- The application Ref is 25/01945/FUL.
- The development proposed is erection of 1 No. holiday cabin.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant has submitted a 'Great crested newt habitat suitability assessment and mitigation strategy' (the assessment). Due to the nature of the information and that the Council has had the opportunity to review and comment on it, I am satisfied that taking it into account would not cause procedural unfairness to anyone involved in the appeal. As such I have accepted the assessment.

### Main Issues

3. The main issues are:

- whether the site would be a suitable location for the proposed development, having regard to local and national policies; and
- the effect of the proposed development on protected species, namely great crested newts (GCNs).

### Reasons

#### *Location*

4. The site is located on a valley slope and forms part of a wider farm complex that includes a variety of buildings and structures, as well as the outdoor storage of, amongst other things, materials, machinery and vehicles. Access is along a narrow track that passes a large pond with a number of structures surrounding it that form what is known as TA Fisheries. There is no dispute between the parties that the site is located in the open countryside.
5. Details of the closest settlement and local public transport provisions are not before me. From my observations, it appears that the closest settlement would be

some distance away via narrow country lanes with no footpaths or street lighting, which would create an uninviting environment for walking or cycling. I did not see any bus stops close to the appeal site. Whilst reduced access to public transport in rural locations is recognised by the National Planning Policy Framework (the Framework), this does not give reason to locate development within locations which are inherently inaccessible by means other than private motor vehicles. Moreover, the Framework also seeks to promote sustainable rural tourism. Consequently, the site would not offer any real alternative for visitors other than to use the private car, even when accepting that the site is in a rural location. The appellant recognises that visitors would need to travel a few miles to the nearest shop. As such, the site is not in an accessible location served by a range of services and facilities as well as public transport. Moreover, the site is remote and neither close to nor within a settlement.

6. The appeal site and wider farm complex holds the annual 'Farmer Phil's Music Festival' that takes place on the wider farm complex for a limited period during the summer and includes use of the land as a camp site. As the proposed development would be available to visitors throughout the year, I am not persuaded that the festival represents an established and viable tourism enterprise in support of the proposal. Moreover, there is limited information before me that the accommodation is required for, or forms part of, a farm diversification scheme.
7. My attention has been drawn to the adjoining TC Fisheries site, which it is claimed has received permission for a total of 3 holiday lets and an associated dwelling. Whilst there is limited information before me relating to the particular circumstances of these developments and whether the circumstances are comparable to the proposed development, it appears that the most recent permission for 2 holiday lets related to an established tourism enterprise. As such a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
8. Concern has been raised regarding the age of the relevant policies in the development plan, referencing the changes in tourism since the pandemic, as well as neither supporting new businesses nor reflecting the current economic climate. Nevertheless, I have found that the relevant policies in the development plan are broadly consistent with the Framework.
9. For the above reasons, the site would not be a suitable location for the proposed development, having regard to local and national policies. It is contrary to Policies CS5, CS13 and CS16 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (ACS) and Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17 December 2015) (SAMDev Plan). These collectively seek, amongst other things, sustainable rural tourism development that is in an accessible location served by a range of services and facilities, close to or within a settlement, or an established and viable tourism enterprise where accommodation is required. Moreover, the proposed development conflicts with paragraph 88 of the Framework, which supports a prosperous rural economy and sustainable rural tourism.

### *Protected species*

10. The Conservation of Habitats and Species Regulations 2017 (as amended) imposes a duty on me to consider whether European Protected Species would be affected by the development and whether associated mitigation measures would be effective. GCNs are a protected species.
11. The assessment identified that of the 5 ponds within 200m of the site, 2 ponds had some low to moderate potential to support breeding populations of GCNs. Due to the habitat immediately adjacent to these ponds that would reduce the need for wide ranging migrations, the assessment concludes that it is unlikely that GCNs would be an important ecological feature of the appeal site, subject to precautionary measures. It also highlights that a further survey of the ponds is not deemed necessary and an application for a mitigation licence to develop the site is not needed.
12. Circular 06/2005 advises 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, otherwise all relevant material considerations may not have been addressed in making the decision. On the basis of the assessment, including its conclusions, and in the absence of contrary evidence before me, I have no strong reason to reach a different view.
13. Therefore, the proposed development would have an acceptable effect on protected species, namely GCNs. This accords with ACS Policies CS6 and CS17 and SAMDev Plan Policy MD2 and MD12, which include the requirement for development to identify and protect Shropshire's environmental assets, including protected species.

### **Other Matters**

14. The appeal site is within the Shropshire Hills National Landscape (SHNL). Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires that regard be had to the purpose of conserving and enhancing the natural beauty of National Landscapes. There is also a duty under Section 245 of the Levelling-up and Regeneration Act 2023 to seek to further the purpose of conserving and enhancing the natural beauty of these areas. These purposes also include increasing the understanding and enjoyment by the public of the special qualities of the National Landscapes. The Council has not raised an objection to the development's impact on the SHNL and from my own observations, I see no reason to come to a different conclusion on this matter.
15. The provision of a holiday cabin would add to the mix of tourism facilities in the area and bring associated social and economic benefits, such as supporting local businesses. However, the limited scale of the development means that I afford these benefits limited weight in favour of the proposed development and they do not outweigh the harm I have found associated with its location.
16. A lack of harm or policy compliance on highway safety, drainage and character, as well as the unsuitability of the accommodation for permanent housing, are neutral considerations that weigh neither for nor against the development.

## **Conclusion**

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

*P Barton*

INSPECTOR

# Appeal Decisions

Site visit made on 28 November 2025

by A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

an Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> December 2025

## Two appeals land at Orchard Cottage, Ashford Carbonell SY8 4BX

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the "Act").
- The appeals are made by Mr Simon Angell against enforcement notices issued by the Shropshire Council on 1 November 2023.

### Appeal A Ref: APP/L3245/C/23/3333460

- The breach of planning control as alleged in notice is the following: (i) the erection of an unauthorised two storey rear extension, single storey rear extension and single storey front porch extension, and (ii) the erection of a single storey timber outbuilding shown in the approximate location marked with an 'X' on the plan attached to the notice ("Notice 1").
- The requirements are to: (1) demolish the extensions namely the two-storey rear extension, single storey rear extension and single storey front porch extension and remove from the land all rubble and materials arising from the demolition, and (2) To comply with 3(ii) of this notice and to remedy the breach of planning control, demolish the timber framed building marked with an 'X' on the attached plan and remove from the Land all rubble and materials arising from the demolition of the building as described.
- The period of compliance is 9 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the 1990 Act.
- An application for costs is mad by the appellant against the Council and that decision is attached at the end of this Decision.

**Summary of decision: The enforcement notice is corrected, and the appeal is allowed as set out in the formal decision below.**

### Appeal B Ref: APP/L3245/C/23/3333463

- The breach of planning control as alleged in the notice is the material change of use of the land to create a single dwellinghouse and erection of one dwellinghouse.
- The requirements are to: (1) Cease the occupation of the dwellinghouse. (2) Demolish the building, including disconnection and removal of any services and removal of foundations and remove from the land to a site licenced to take such items, all waste and materials as a result of undertaking these operations, and (3) restore the land to its former appearance.
- The period of compliance is as follows: for requirement 1) - 12 months and for 2) and 3) - 15 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the 1990 Act.
- An application for costs is mad by the appellant against the Council and that decision is attached at the end of this Decision.

**Summary of decision: The appeal is dismissed and the enforcement notice is upheld after corrections as set out in the Formal Decision below.**

## Matters concerning the Notices

1. The terms of the deemed planning application ("the DPA") are derived directly from the allegation. My initial step is to consider, by way of rhetorical question, whether the Council has accurately described the alleged breach of planning controls in each notice<sup>1</sup>. Additionally, there

<sup>1</sup> Applying the principles established in the following cases: *Hammersmith LBC v SSE and Sandral* [1975] 30 P and CR19 and *R v SSE and LB Tower Hamlets, ex parte Ahern* [1989] JPL 757.

are several aspects which require careful consideration to ensure that the notices are correct. Corrections can be made by utilising the powers available under the Act, provided that any amendments satisfy the essential test of avoiding injustice to the parties concerned<sup>2</sup>. If corrections risk injustice, the power cannot be safely exercised, and a notice will be quashed.

2. For reasons that will become clearer later, the planning history is relevant, and I will refer to the most pertinent aspect of that history. The original planning permission for the erection of an affordable dwelling and garage/store, alteration to existing vehicular and pedestrian access and siting of temporary caravan was granted on 2 July 2012 (for convenient shorthand, "the 2012 Permission")<sup>3</sup>. The approved plans show a detached dwelling and outbuilding described as a garage/store.
3. In addition to the usual commencement and compliance with approved plans conditions, the permission clearly removes permitted development rights for various classes of development. Informative 1) refers to the s106 planning obligation. The latter was subject to an unsuccessful appeal pursuant to s106B of the Act ("2025 Decision")<sup>4</sup>. It seems to me that the development is controlled by a combination of conditions and mechanisms set out in the clauses to the s106 agreement.

#### **Notice 1**

4. I saw that the outbuilding is not totally built in timber like the roof covering. It is therefore incorrect to allege the erection of a single-storey timber outbuilding (emphasis added). A more substantive point relates to the intent behind Notice 1. From the four corners of the document, it alleges development without planning permission and seeks to remedy that wrong. However, the Council's approach is flawed.
5. Both parties agree that building operations involved in the construction of the dwelling approved by the 2012 Permission had commenced without any issue. It follows; therefore, the permission remains extant. I too agree that the as built dwelling, although unoccupied and, from an external inspection, incomplete, has not been built in accordance with the approved plans. Neither has the garage/store, which, the Council say, has habitable accommodation spread across two floors but is immune from enforcement action. Nonetheless, the alleged extensions are not approved and substantially alter the dwelling as approved and results in development without planning permission. However, the nature and scale of building work required to remove the unauthorised extensions and revert to the scheme approved in the 2012 Permission is not insurmountable. As an alternative to total demolition, it is reasonable and proportionate to revert to the scheme approved by the 2012 Permission, which would remedy the breach at less expense and disruption.
6. The case advanced by the appeal parties indicates that they interpreted Notice 1 as attacking unauthorised operational development, but they acknowledge the valid fallback. I am satisfied that the deletion of the word "timber" in relation to the outbuilding, and the adding of an alternative requirement to comply with the terms of the 2012 Permission, does not render Notice 1 any more onerous than first issued. No injustice is caused to any party, and I will correct Notice 1.

<sup>2</sup> Section 176(1)(a)(b) of the Act – On an appeal under section 174 the Secretary of State may correct any defect, error or misdescription in the notice, or vary its terms, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

<sup>3</sup> Council ref: 11/05428/FUL.

<sup>4</sup> Appeal ref APP/L3245/Q/25/3363603 dismissed 8 July 2025 but subject to judicial review proceedings.

## **Notice 2**

7. The substantive point is the description of the alleged breach of planning control. It alleges a material change in use of the land outlined in red and operational development consisting of the erection of a dwellinghouse. It seems to me the Council is unclear as to the nature of the breach.
8. The evidence does not show that the land on which the building is located formed a separate planning unit nor does it show that land was primarily used for any other purpose. For example, there is nothing before me to indicate that the land on which the unauthorised building is situated formed part of agricultural land. In fact, the evidence shows that the land adjacent to 4 Wayside Cottage was under the same ownership. The latter has been separately sold off in 2018, but there has been no change in the use of the land because the before and after uses are residential in character.
9. The appellant refers to the building as an “annexe”. They explain it was originally erected pursuant to planning permission ref 13/00820/FUL (“the 2013 Permission”), which was after the 2012 Permission. It grants permission for development at 4 Wayside prior to its subdivision. The development permitted is for the erection of a two-storey extension to the property and a detached single storey garage with a small annexe room. The building replaces a caravan that had been permitted whilst building operations on the erection of Orchard Cottage were underway. However, I attach limited weight to these arguments.
10. Even if the subject building was erected and constructed as an annexe and now has its own local taxation account, the permitted use was linked to 4 Wayside Cottage and not Orchard Cottage: the latter did not exist. The ancillary connection was severed as soon as 4 Wayside Cottage was physically separated and sold from the annexe. Irrespective of whether the 2013 Permission contained a non-severance stipulation, to my mind, the subject building forms a separate unit of occupation and contains necessary facilities for day-to-day living, and it is used for primary residential purposes from the outset. It cannot function as an annexe to Orchard Cottage because the latter is not occupied nor used as a single dwellinghouse.
11. Moreover, even if an alternative view prevails and the building can be regarded as an “annexe”, the as built structure is fundamentally and substantially different in terms of its built form, design, scale and layout when compared to the outbuilding approved under the 2013 Permission. One needs to compare like-for-like, and, apart from major differences, there are no similarities. The differences are stark and significant.
12. Additionally, claiming permitted development rights for under article 3, schedule 2, part 4 or 5 to the GPDO<sup>5</sup> is far-fetched. The statutory language does not permit the erection of a permanent and purpose-built dwellinghouse in connection with carrying out operations granted by a planning permission or the temporary use of land.
13. The Council’s own evidence<sup>6</sup>, particularly at paragraph 2.3 to the officer’s report, clearly demonstrates to me operations involved in the erection of a building for residential purposes have been carried out and there has been no change in the use of the land. Irrespective of whether it forms an annexe to Orchard Cottage, the building is primarily used for residential purposes and forms a separate and self-contained unit of accommodation albeit occupied by the appellant and his family.

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<sup>5</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (“the GPDO”).

<sup>6</sup> For example, the expediency report case ref 20/07398/ENF.

14. As the alleged breach occurred prior to 25 April 2024, the previous immunity periods of 4 or 10 years apply. That said, the written submissions reveal a fundamental misunderstanding of the current law applicable to these types of breaches of planning controls. Both appeal parties have failed to appreciate the Supreme Court's judgment in *Welwyn*<sup>7</sup> which dates to 2011.
15. Section 4, reasons for issuing the notice as issued, refers to the breaches having occurred within the last 4 years. Section 171B(2) of the Act applies to the change of use of a building to a single dwellinghouse (my emphasis). However, if a building is erected unlawfully and used as a dwellinghouse from the outset, meaning that no change of use occurs as such, the time limit for action against the use is then 10 years. The building itself may still become immune, but the use will not.
16. As I have already said elsewhere, the facts are that the subject building was erected as a dwellinghouse from day one and there is no evidence of any change in use of the building. In fact, building operations involved in the erection of the dwelling were substantially completed at the end of 2020 or beginning of 2021 and the building was subsequently occupied and used by the appellant and his family. The notice is dated 1 November 2023, and it can require the removal of the dwelling<sup>8</sup>.
17. The header needs correcting because no material change in use of land has occurred, so, section 3, the matters which appear to constitute the breach, is wrong in that sub-paragraph (i) should be deleted. That leaves sub-paragraph (ii), which clearly attacks the erection of one dwellinghouse and outlines the subject building in red on the plan attached to Notice 2. Section 4) should also specify the 10-year time limit, but section 5), what you are required to do, reflects the alleged breach of erection of a dwellinghouse.
18. Pulling all the above threads together, I find that Notice 2 is flawed but saveable subject to the essential test. The appellant did not challenge the notice on basis that the alleged breach in Notice 2 has not occurred nor that it does not constitute a breach of planning, nor that it is immune from action. Both appeal parties have made their case on the basis that that a dwelling has been erected. I am satisfied that no injustice is caused to any party if I am to correct Notice 2 as envisaged, which I will do should that be necessary.

#### **Appeal A and B – ground (a) and the DPA**

19. The appeal site is situated on the north-western fringe of the village of Ashford Carbonell. The site is in an area defined in the Site Allocations and Management of Development (SAMDev) Plan as open countryside. The appeal site is located within the Conservation Area ("the CA"). For ease, I will address common main issues arising in Appeals A and B.
20. The common **main issue** is the effect of development, as corrected, on the character or appearance of the CA. In Appeal A, the additional main issue is the effect of the extended dwelling on the stock of affordable homes. In Appeal B, the additional issues are as follows: whether the location of the dwelling is suitable having regard to sustainable development objectives, and the effect on the living conditions of future and existing occupiers.

#### *Notice 1 and 2 – character and appearance*

21. The village is, essentially, a part compact and part linear form of settlement with built development mainly focused on the main road running through the centre of the village with dwellings either side. Orchard Cottage is set towards the northern end and comprises an infill development in a substantial plot of ground. The village has a strong relationship with the

<sup>7</sup> *Welwyn Hatfield BC v SSCLG & Beesley* [2011] UKSC 15: [2011] JPL 1183 (*Welwyn*).

<sup>8</sup> Applied: *Caldwell & Timberstore Ltd v SSLUHC & Buckinghamshire Council* [2024] EWCA Civ 467.

surrounding rural hinterland. Its rural village form is typical of small settlements in this part of the district. There are a variety of dwellings located in plots of different shape and size.

22. The Council do not raise concerns about the design of the alleged extensions. The external appearance of the alterations blends in with the host building, due to the use of matching materials. They have been designed to reflect the simple architectural style of the host building. In addition, the outbuilding is limited in scale, and its rearward location does not harm the street scene or quality of the host building.
23. Orchard Cottage sits in a landscaped and spacious plot and there are several outbuildings and structures set some distance from the new dwelling. In this location, the size and setting of the extended dwelling, as well as the separate outbuildings, does not represent an overly intensified residential use of the plot given its size, shape and location. In addition, the plot remains open and spacious, and buildings do not occupy too much land given their built-form and positioning. Cumulatively, the development does not represent an unacceptable layout, nor does it result in the plot's over-development. When seen from the highway, the amount of built form does not result in an awkward layout, nor does the plot appear to be cramped. The extended dwelling and outbuildings are set back, and their rearward location is unlikely to harm views from neighbouring properties.
24. The building that is subject of Notice 2 is tantamount to a dwellinghouse and is not an annexe to Orchard Cottage. Although the external appearance reflects local vernacular and the gable-end faces the access, the location of the dwelling is out-of-keeping with the settlement pattern and rhythm of built form given the plot's size. The development causes visual harm to the architectural style and layout of the locality. I too concur with the Council that the dwelling's size and scale appear incongruous and at odds with the CA's special interest and results in dominant form of residential development. The appellant suggests altering the building's height, but, when considered in context of adjoining dwellings including Orchard Cottage, it has a visually jarring effect and the layout of two dwellings on this plot is at odds with the simple architectural style of the locality.
25. In National Planning Policy Framework (NPPF) 2024 terms, the harm caused to the heritage asset is less than substantial nonetheless of considerable weight. Any perceived benefits arising from the unauthorised dwelling are private rather than public. Even if there are genuine economic and social benefits, I attach these matters limited weight due to the environmental harm caused by the addition of a separate dwelling in this location.
26. Each application must be considered upon its individual merits however consistency in decision-making is reasonable. However, the examples provided by the appellant of other developments in the area are not strong nor persuasive precedents. For example, while the scale and mass of the office and garage at Gresham House might be like the appeal dwelling, the latter is designed and functions as a self-contained dwelling.
27. Pulling all the above points together, on this main issue I conclude that the Notice 1 development, at the very least, has a neutral effect and, in my assessment, preserves the character or appearance of the CA such that it satisfies Core Strategy (CS) Policies CS5, CS6 and CS11, and SAMDev Policy MD2 and MD13, which are broadly consistent with advice found in NPPF paragraphs 208 to 211.
28. On the contrary, and while the heritage statement for the appellant downplays the effect of the new dwelling on the CA, I find that the erection of a building for residential purposes conflicts with relevant local and national planning policies stated above.

### *Effect of the extended dwelling on the stock of affordable homes*

29. The evidence about the appellant's need for an affordable home is not in dispute. Moreover, the general need for affordable homes in the district is also clear and unchallenged. The 2012 Permission for Orchard Cottage relates to a rural exception site where open market housing would not normally have been permitted. The permitted 3-bedroom dwelling would have met the appellant's needs, but things have moved on and the appellant needs a four-bedroom home to accommodate their growing family.
30. CS Policy CS11 seeks to meet the diverse housing needs and create mixed, balanced and inclusive communities. Housing developments which help to balance the size, type and tenure of the local housing stock are supported. The Council explain that the dwelling's gross internal floor area should be restricted to no more than 100 square metres (sqm), including future extensions, in accordance with the Type and Affordability of Housing Supplementary Planning Document 2012 ("the SPD"), which also requires the dwelling to remain affordable in perpetuity. However, the SPD provides for applications for extensions to be considered on their merits, including personal circumstances.
31. The appellant has submitted sufficient evidence to demonstrate a significant change in personal circumstances since development began. Details of the family's accommodation needs have been submitted: I will not set the out here given the personal nature of the evidence. I disagree with the Council's assessment and find there is a need for additional habitable accommodation, and the extended dwelling meets that need.
32. The SPD indicates that it may be acceptable to enlarge an existing affordable house to accommodate the needs of the existing household when there are genuine difficulties faced by growing households. That is relevant here because the evidence presented demonstrates a genuine difficulty. Furthermore, the SPD acknowledges that it may not be possible for occupants to move to a new house due to the chronic shortage of affordable housing in the area. Again, there is nothing to make less than credible the appellant's claim that they cannot afford to relocate as all their savings have been ploughed into the affordable dwelling they are constructing through self-finance. I am not overly concerned about the lack of information showing availability of alternative accommodation, because the appellant and his family have already invested time, effort and resources into this site and establish an affordable home to meet their needs.
33. The Council is concerned about the increase in floor area, and I concur that it is necessary to manage housing development in rural locations. However, at final comments stage, the Council concede the subject extensions create 25 sqm of additional floor area, which is significantly less than its original assessment of 52 sqm<sup>9</sup>. The Council appears to take account of accommodation in the now immune garage building, but I do not consider it to be an adjunct, and it is best described as an outbuilding given its location and distance from the dwelling. In my planning judgment, the additional extensions result in a modest increase in floor area of about 129 sqm, and the additional bulk and volume does not materially conflict with SAMDev Policy MD7a.
34. The Council's concern about the loss of this dwelling from the affordable housing stock is misplaced because the provisions found in the s106 legal agreement would remain in force. Firstly, the clauses are framed in a manner that make the obligation run with the land, and the appellant agreed to that provision. The agreement binds successors in title and is a local land

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<sup>9</sup> Appendix C to the Council's statement of case bundle. The 52 sqm figure is said to have derived from details submitted with an application to vary conditions imposed on the 2011 Permission (Council ref 23/03536/VAR).

charge. The s106 mechanisms ensure that Orchard Cottage could only be sold in accordance with the agreed 'Sale Marketing Plan' at the 'Formula Price' and to a 'Qualifying Person'. I take comfort from the 2025 Decision in that it seems to me the Inspector did not take issue with the clause imposing the 60% of the open market value, nor exclusion of extensions from the valuation and neither the mechanisms for maintaining affordability in perpetuity.

35. The extensions to the dwelling increase the floor area over the 100 sqm limit set in the SPD. However, I attach greater weight to the appellant's personal circumstances given the need for affordable housing, and, in my opinion, the s106 agreement has a useful planning purpose. In addition, subject to conditions, which I will address later, I am satisfied that the development does not materially conflict with CS Policy CS5, CS6, CS11, SAMDev Policy MD7a and guidance found in NPPF paragraphs 67 to 68, and the Planning Practice Guidance (PPG). I conclude that the extensions and outbuilding have little, if any, effect on the supply of affordable homes in the district.

#### *Notice 2 - sustainable development objectives*

36. The appellant argues that a new school nearby renders the village a sustainable location, but I am not persuaded. In the context of this appeal, there is nothing before me to suggest the village has suddenly become a sustainable location in terms of land-use planning. I consider that the issues like availability of transport and local amenities remain pertinent when considering this kind of development. The Council confirm that, for local planning policy purposes, the appeal site remains in a settlement classed as countryside where new dwellings are not permitted unless under the exceptions policy.
37. The appellant appears to have focussed their efforts and arguments on demonstrating the building is an annexe and should be granted planning permission on that basis. However, at risk of repetition, I have already explained why that reasoning is flawed. There is no cogent argument in support of the new affordable dwelling nor permission should be granted based on an exception to the usual restrictive policies applicable to this settlement. Indeed, the evidence presented does not show the dwelling is required to meet the family's affordable housing needs because Orchard Cottage meets that need.
38. Contrary to the appellant's arguments, I conclude that the new dwelling is not located in a suitable and sustainable location and the development undermines the authority's strategy as set out in CS Policy CS1, CS4, CS5 and CS11, and SAMDev Policies MD1 and MD7a. Granting planning permission for this type of development is at odds with the SPD.

#### *Living conditions*

39. The appeal plot's layout is reasonable for an extended and altered Orchard Cottage together with its outbuildings, but two dwellings is a stretch too far. The new building is located to the side of the plot roughly opposite the site entrance, but the plot's size is inadequate to accommodate two dwellings given the lack of private amenity space. If the building is used as an annexe in connection with Orchard Cottage, occupiers of both buildings would function as a single household. However, that is not what is before me. I consider that the development is unacceptable due to the lack of separate and private garden space for future occupiers of the new dwelling. Additionally, given the lack of parking and circulation space, future occupiers would compete for limited amount off-street parking space.
40. The absence or otherwise of complaints from neighbours does not mean the development is acceptable. Two dwellings would represent an intensified residential use. The increase in comings and goings associated with two dwellings is likely to be noticeable to the neighbours and result in harm caused by general disturbance. The location and positioning of the new

dwelling do not contribute nor respect existing amenity value. The development is at odds with CS Policy CS6 and SAMDev MD2 and MD7a, and NPPF135.

### ***Other considerations***

41. In terms of Notice 2, the appellant considers that a unilateral undertaking addresses concerns about the use of the dwelling as a separate unit of independent accommodation. The Council's bundle includes feedback on the drafted undertaking. It seems to me that the latter contains significant errors in the clauses, which need amending. I am not persuaded that this appeal is the right mechanism to achieve those amendments given the extent and scale of the perceived errors. It is suggested that conditions could also be imposed on the grant of planning permission to control separate sale, but these would need to work in conjunction with a binding planning obligation.
42. The appellant suggests planning permission could be granted for an alternative scheme. The 2013 Permission could be a fallback and resurrected subject to conditions. However, as I have indicated elsewhere, the latter related to 4 Wayside Cottage and is not a realistic fallback for this new dwelling. In any event, significant building work is required to alter the as built building on order for it meet with the approved plans.
43. The rights under Article 8 of the European Convention on Human Rights<sup>10</sup> must be taken into consideration. This includes interference with private and family life. At the forefront of my mind are the best interests of children and I am alive to concerns about homelessness. That said, I find that the grant of planning permission for the extended dwelling and outbuilding safeguards the appellant's immediate need for an affordable dwelling, and safeguards best interests of the children involved.
44. In terms of Notice 2, in this location, the inappropriate nature of the development represents a grave planning policy objection. There is a need for restrictive policies to be applied to such areas, and this restriction is an appropriate proportional response to that need. It is necessary to consider whether it would be proportionate to refuse planning permission for the Notice 2 dwelling in all the circumstances of this case. I shall consider whether refusal would have a disproportionate effect on the appellant in my overall conclusions.
45. I have borne in mind the need to eliminate discrimination; advance equality or opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. I shall consider whether dismissal of the appeal would be proportionate in the light of any potential equality impacts in my overall conclusions.

### ***Planning balance***

46. Subject to the imposition of suitably worded conditions, which I will return to later, I conclude that the extensions and outbuilding preserve the character or appearance of the CA, and the development does not have a materially harmful effect on the supply of affordable housing. In addition, I attach greater weight to the appellant's needs for an affordable home of this kind and scale, and human rights and best interests of children and the equality duty add further weight.
47. On the contrary, the Notice 2 dwellinghouse fails to preserve the character or appearance of the CA, is inappropriately located and harms living conditions. The arguments in favour, including the possibility of using the building as an annexe in connection with Orchard Cottage once it is complete and used as a single dwellinghouse, altering its built form or complying with the scheme approved in 2013, carry limited weight. In addition, I attach little, if any, weight to the

<sup>10</sup> The ECHR protections have been codified into UK law by the Human Rights Act 1998.

obligation given that conditions alone cannot control the future use of the building given the available facilities and its use as a dwellinghouse.

48. Any interference with the appellant and family's human rights must be balanced against the public interest in upholding planning policy to protect the environment. I am also mindful of the appellant's concerns regarding discrimination. However, planning permission had been granted for an affordable dwelling and my decision in Appeal A further strengthens the accommodation needs of the family. In addition, I note the period of compliance affords the appellant an opportunity to get on with the affordable home albeit financial constraints might get in the way. There is also opportunity to consider a materially different scheme for the annexe, which addresses concerns about the legal agreement. On the circumstances of this case, I am of the firm view that dismissal of Appeal B is a proportionate response and does not lead to an unacceptable violation of any of the appellant or family's human rights, which thus carry only moderate weight.

### **Conditions**

49. The nature of the DPA for the extensions and outbuilding is retrospective. The Council suggest a condition that the window in the side (northern) elevation to the property facing Thrale Cottage shall be permanently formed as a top hung opening light and glazed with obscure glass and shall thereafter be retained in perpetuity. No further windows or other openings shall be formed in that elevation. However, given the dwelling needs fully completing and the planning enforcement difficulties demonstrated by the extensive site history, I consider that a condition requiring details of the layout, external elevations and location of the outbuildings needs to be submitted.

50. Upon careful consideration, it is my view that an appropriate alternative compromise—one which minimises both cost and disruption—would be to impose a planning condition specifically addressing the Council's concerns. Such a condition would make the development acceptable in planning terms by ensuring that the windows are controlled and the development is fully completed in accordance with agreed plans. Should it not be possible to impose a suitably worded condition, planning permission would have to be refused.

51. In situations where the development has already taken place, it is not feasible to impose a condition precedent or to require that outstanding details be agreed prior to the commencement or occupation of the development, regardless of the importance of those details. Therefore, when a condition is imposed that requires the submission and approval of details or a scheme for development which already exists, it is essential that the condition incorporates a sanction or enforcement mechanism. This is necessary to ensure compliance if the required details are not submitted or approved as stipulated. The key feature of the retrospective condition is that the operational development permitted must be removed if the required detail or scheme is not implemented in accordance with the submitted details within the prescribed timescale. Alternatively, it is submitted on time but not approved and an appeal against the Council's refusal to approve the details submitted pursuant to the condition is not made on time or an appeal is dismissed, or the scheme is submitted and approved but not implemented within the prescribed timescale. A suitably worded condition requiring the submission and implementation of an approved scheme, which meets the six tests, can be imposed.

### **Overall conclusions**

52. Subject to the imposition of suitably worded conditions, Appeal A should succeed on ground (a). Notice 1 will be corrected and then quashed. There is no need to consider ground (f).

53. In Appeal B, for the above reasons and having regard to all other matters raised, including reference to permitted development rights and other decisions, I conclude that the deemed application on ground (a) should fail..

#### **Notice 2 – ground (f)**

54. The notice shall specify the steps to be taken, or the activities to cease, to achieve, wholly or partly, any of the purposes set out in s173(4)(a)(b) of the Act. For example, remedying the breach by discontinuing any use of the land or by restoring the land to its condition before the breach took place, or remedying any injury to amenity which has been caused by the breach.

55. The nub of the appellants case relates to the requirement to remove the building as they argue the requirement is disproportionate. Rather than demolition of the subject dwelling, a lesser step advanced is comply with the terms of the 2013 Permission. It is unclear as to how the steps could be varied without introducing considerable degree of uncertainty given the extent, nature and scale of the building work involved in altering the subject dwelling. That uncertainty is unacceptable given the potential liability due to failure to comply with Notice 2.

56. I have carefully given thought to the alternative step advanced. The planning merits of granting planning permission for the erection of a building for residential purposes that is substantially modified in terms of its external appearance are assessed above. The harm arising from the development would remain even if the steps required were varied to comply with the 2013 Permission. That kind of under-enforcement would not achieve the purpose behind the notice and cessation of the residential use and removal of the dwelling is the bare minimum required to remedy the breach.

57. Nothing short of full compliance with Notice 2's requirements would remedy the breach and the steps required are not excessive. Ground (f) fails.

#### **Appeal A - formal decision**

58. The enforcement notice is corrected and varied by:

- 1) the deletion of the text in section 3, the matters which appear to constitute the breach of planning control, and substituted therefor by the following text:

*Without planning permission, the erection of a two-storey rear extension, a single-storey rear extension and front porch extension, and an outbuilding as shown in the approximate location marked with an 'X' on the plan attached to the notice.*

And

- 2) the insertion, at section 5, what you are required to do, the following text:

*5(3) As an alternative to step 5(a) and (b), comply with terms of planning permission reference 11/05428/FUL, dated 2 July 2012, including the approved plans.*

59. Subject to the corrections and a variation, the appeal 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 Act, for the development already carried out, namely the erection of a two-storey rear extension, a single-storey rear extension and front porch extension, and an outbuilding, subject to the following conditions:

- 1) The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 9 months of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i) Within 6 months of the date of this decision a scheme, showing details of all extensions and alterations to Orchard Cottage, including the location of outbuildings, the external elevations and the openings in the north elevation with the type of window openings including obscure glazed windows, shall have been submitted for the written approval of the local planning authority and the 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 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 scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been implemented and the development completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained.

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.

## **Appeal B - formal decision**

60. The enforcement notice is corrected by:

The deletion of the following text in the header below ENFORCEMENT NOTICE:  
*“material change of use and”*

The deletion of the text in section 3 and substituted therefor by the following text:

*Without planning permission, the erection of a dwellinghouse as shown on the notice plan.*

And

In section 4, substitute the text “4 years” with: *10 years*.

61. Subject to the corrections, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

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## **Costs applications**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 195, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The applications are made by Mr Simon Angell for a full award of costs against Shropshire Council.
- Briefly, the appeals were in connection with two enforcement notices separately alleging the carrying out of operational development and material change in use of the land.

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## **Decisions**

1. The applications for an award of costs are refused.

## Reasons

2. The PPG advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. My appeal decisions explain why Appeal A succeeds but Appeal B fails: I too have found that the annexe is tantamount to a dwelling. The applicant disagrees with the respondent's application of its own policies, but planning difficulties raised in these appeals required an exercise of planning judgement. The respondent's approach did not prevent or delay the granting of retrospective planning permission for unauthorised development.
4. Although I have come to a different conclusion in Appeal A, my Decision explains why I have attached greater weight to certain matters including personal circumstances. However, these are matters for the decision-maker to consider and the respondent took such matters into account but gave less weight to them. Nonetheless, the reasons for issuing the notices were clear and based on planning principles and perceived harms caused by the development. At appeal stage, sufficient evidence was produced to substantiate the reasons for taking enforcement action and I do not agree that the respondent's evidence contained unsupported arguments.
5. The applicant makes much of the perceived lack of consistency in decision-making, but the application of this principle does not mean identical outcomes. I do not consider the applicant clearly demonstrated that the respondent was inconsistent in acting nor determining similar cases in a consistent manner.
6. The handling of applications for planning permission, or behaviour prior to the taking of enforcement action, might be indicators of unreasonable behaviour. In this case, the submissions indicate to me that there has been a total breakdown of communication between the appeal parties: that is a matter for them to consider. The respondent decided enforcement action was expedient based on the material facts, and the applicant exercised their right of appeal. Nevertheless, the purpose of this application process is not to resolve by investigation every allegation of unreasonable behaviour. Rather it is to decide if an award of costs in respect of the appeals is justified on the available evidence in a particular case.
7. I have carefully considered this application but come to an inescapable conclusion. The applicant has not demonstrated that the respondent's behaviour amounts to unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG. It has not been demonstrated that an award of costs, full or partial, is justified in the circumstances.

*A U Ghafoor*

INSPECTOR



## Appeal Decisions

Site visit made on 28 November 2025

**by A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

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

**Decision date: 30<sup>th</sup> December 2025**

### Two appeals land at Orchard Cottage, Ashford Carbonell SY8 4BX

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the "Act").
- The appeals are made by Mr Simon Angell against enforcement notices issued by the Shropshire Council on 1 November 2023.

#### Appeal A Ref: APP/L3245/C/23/3333460

- The breach of planning control as alleged in notice is the following: (i) the erection of an unauthorised two storey rear extension, single storey rear extension and single storey front porch extension, and (ii) the erection of a single storey timber outbuilding shown in the approximate location marked with an 'X' on the plan attached to the notice ("Notice 1").
- The requirements are to: (1) demolish the extensions namely the two-storey rear extension, single storey rear extension and single storey front porch extension and remove from the land all rubble and materials arising from the demolition, and (2) To comply with 3(ii) of this notice and to remedy the breach of planning control, demolish the timber framed building marked with an 'X' on the attached plan and remove from the Land all rubble and materials arising from the demolition of the building as described.
- The period of compliance is 9 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the 1990 Act.
- An application for costs is mad by the appellant against the Council and that decision is attached at the end of this Decision.

**Summary of decision: The enforcement notice is corrected, and the appeal is allowed as set out in the formal decision below.**

#### Appeal B Ref: APP/L3245/C/23/3333463

- The breach of planning control as alleged in the notice is the material change of use of the land to create a single dwellinghouse and erection of one dwellinghouse.
- The requirements are to: (1) Cease the occupation of the dwellinghouse. (2) Demolish the building, including disconnection and removal of any services and removal of foundations and remove from the land to a site licenced to take such items, all waste and materials as a result of undertaking these operations, and (3) restore the land to its former appearance.
- The period of compliance is as follows: for requirement 1) - 12 months and for 2) and 3) - 15 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the 1990 Act.
- An application for costs is mad by the appellant against the Council and that decision is attached at the end of this Decision.

**Summary of decision: The appeal is dismissed and the enforcement notice is upheld after corrections as set out in the Formal Decision below.**

### Matters concerning the Notices

1. The terms of the deemed planning application ("the DPA") are derived directly from the allegation. My initial step is to consider, by way of rhetorical question, whether the Council has accurately described the alleged breach of planning controls in each notice<sup>1</sup>. Additionally, there

<sup>1</sup> Applying the principles established in the following cases: *Hammersmith LBC v SSE and Sandral* [1975] 30 P and CR19 and *R v SSE and LB Tower Hamlets, ex parte Ahern* [1989] JPL 757.

are several aspects which require careful consideration to ensure that the notices are correct. Corrections can be made by utilising the powers available under the Act, provided that any amendments satisfy the essential test of avoiding injustice to the parties concerned<sup>2</sup>. If corrections risk injustice, the power cannot be safely exercised, and a notice will be quashed.

2. For reasons that will become clearer later, the planning history is relevant, and I will refer to the most pertinent aspect of that history. The original planning permission for the erection of an affordable dwelling and garage/store, alteration to existing vehicular and pedestrian access and siting of temporary caravan was granted on 2 July 2012 (for convenient shorthand, "the 2012 Permission")<sup>3</sup>. The approved plans show a detached dwelling and outbuilding described as a garage/store.
3. In addition to the usual commencement and compliance with approved plans conditions, the permission clearly removes permitted development rights for various classes of development. Informative 1) refers to the s106 planning obligation. The latter was subject to an unsuccessful appeal pursuant to s106B of the Act ("2025 Decision")<sup>4</sup>. It seems to me that the development is controlled by a combination of conditions and mechanisms set out in the clauses to the s106 agreement.

#### **Notice 1**

4. I saw that the outbuilding is not totally built in timber like the roof covering. It is therefore incorrect to allege the erection of a single-storey timber outbuilding (emphasis added). A more substantive point relates to the intent behind Notice 1. From the four corners of the document, it alleges development without planning permission and seeks to remedy that wrong. However, the Council's approach is flawed.
5. Both parties agree that building operations involved in the construction of the dwelling approved by the 2012 Permission had commenced without any issue. It follows; therefore, the permission remains extant. I too agree that the as built dwelling, although unoccupied and, from an external inspection, incomplete, has not been built in accordance with the approved plans. Neither has the garage/store, which, the Council say, has habitable accommodation spread across two floors but is immune from enforcement action. Nonetheless, the alleged extensions are not approved and substantially alter the dwelling as approved and results in development without planning permission. However, the nature and scale of building work required to remove the unauthorised extensions and revert to the scheme approved in the 2012 Permission is not insurmountable. As an alternative to total demolition, it is reasonable and proportionate to revert to the scheme approved by the 2012 Permission, which would remedy the breach at less expense and disruption.
6. The case advanced by the appeal parties indicates that they interpreted Notice 1 as attacking unauthorised operational development, but they acknowledge the valid fallback. I am satisfied that the deletion of the word "timber" in relation to the outbuilding, and the adding of an alternative requirement to comply with the terms of the 2012 Permission, does not render Notice 1 any more onerous than first issued. No injustice is caused to any party, and I will correct Notice 1.

<sup>2</sup> Section 176(1)(a)(b) of the Act – On an appeal under section 174 the Secretary of State may correct any defect, error or misdescription in the notice, or vary its terms, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

<sup>3</sup> Council ref: 11/05428/FUL.

<sup>4</sup> Appeal ref APP/L3245/Q/25/3363603 dismissed 8 July 2025 but subject to judicial review proceedings.

## **Notice 2**

7. The substantive point is the description of the alleged breach of planning control. It alleges a material change in use of the land outlined in red and operational development consisting of the erection of a dwellinghouse. It seems to me the Council is unclear as to the nature of the breach.
8. The evidence does not show that the land on which the building is located formed a separate planning unit nor does it show that land was primarily used for any other purpose. For example, there is nothing before me to indicate that the land on which the unauthorised building is situated formed part of agricultural land. In fact, the evidence shows that the land adjacent to 4 Wayside Cottage was under the same ownership. The latter has been separately sold off in 2018, but there has been no change in the use of the land because the before and after uses are residential in character.
9. The appellant refers to the building as an “annexe”. They explain it was originally erected pursuant to planning permission ref 13/00820/FUL (“the 2013 Permission”), which was after the 2012 Permission. It grants permission for development at 4 Wayside prior to its subdivision. The development permitted is for the erection of a two-storey extension to the property and a detached single storey garage with a small annexe room. The building replaces a caravan that had been permitted whilst building operations on the erection of Orchard Cottage were underway. However, I attach limited weight to these arguments.
10. Even if the subject building was erected and constructed as an annexe and now has its own local taxation account, the permitted use was linked to 4 Wayside Cottage and not Orchard Cottage: the latter did not exist. The ancillary connection was severed as soon as 4 Wayside Cottage was physically separated and sold from the annexe. Irrespective of whether the 2013 Permission contained a non-severance stipulation, to my mind, the subject building forms a separate unit of occupation and contains necessary facilities for day-to-day living, and it is used for primary residential purposes from the outset. It cannot function as an annexe to Orchard Cottage because the latter is not occupied nor used as a single dwellinghouse.
11. Moreover, even if an alternative view prevails and the building can be regarded as an “annexe”, the as built structure is fundamentally and substantially different in terms of its built form, design, scale and layout when compared to the outbuilding approved under the 2013 Permission. One needs to compare like-for-like, and, apart from major differences, there are no similarities. The differences are stark and significant.
12. Additionally, claiming permitted development rights for under article 3, schedule 2, part 4 or 5 to the GPDO<sup>5</sup> is far-fetched. The statutory language does not permit the erection of a permanent and purpose-built dwellinghouse in connection with carrying out operations granted by a planning permission or the temporary use of land.
13. The Council’s own evidence<sup>6</sup>, particularly at paragraph 2.3 to the officer’s report, clearly demonstrates to me operations involved in the erection of a building for residential purposes have been carried out and there has been no change in the use of the land. Irrespective of whether it forms an annexe to Orchard Cottage, the building is primarily used for residential purposes and forms a separate and self-contained unit of accommodation albeit occupied by the appellant and his family.

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<sup>5</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (“the GPDO”).

<sup>6</sup> For example, the expediency report case ref 20/07398/ENF.

14. As the alleged breach occurred prior to 25 April 2024, the previous immunity periods of 4 or 10 years apply. That said, the written submissions reveal a fundamental misunderstanding of the current law applicable to these types of breaches of planning controls. Both appeal parties have failed to appreciate the Supreme Court's judgment in *Welwyn*<sup>7</sup> which dates to 2011.
15. Section 4, reasons for issuing the notice as issued, refers to the breaches having occurred within the last 4 years. Section 171B(2) of the Act applies to the change of use of a building to a single dwellinghouse (my emphasis). However, if a building is erected unlawfully and used as a dwellinghouse from the outset, meaning that no change of use occurs as such, the time limit for action against the use is then 10 years. The building itself may still become immune, but the use will not.
16. As I have already said elsewhere, the facts are that the subject building was erected as a dwellinghouse from day one and there is no evidence of any change in use of the building. In fact, building operations involved in the erection of the dwelling were substantially completed at the end of 2020 or beginning of 2021 and the building was subsequently occupied and used by the appellant and his family. The notice is dated 1 November 2023, and it can require the removal of the dwelling<sup>8</sup>.
17. The header needs correcting because no material change in use of land has occurred, so, section 3, the matters which appear to constitute the breach, is wrong in that sub-paragraph (i) should be deleted. That leaves sub-paragraph (ii), which clearly attacks the erection of one dwellinghouse and outlines the subject building in red on the plan attached to Notice 2. Section 4) should also specify the 10-year time limit, but section 5), what you are required to do, reflects the alleged breach of erection of a dwellinghouse.
18. Pulling all the above threads together, I find that Notice 2 is flawed but saveable subject to the essential test. The appellant did not challenge the notice on basis that the alleged breach in Notice 2 has not occurred nor that it does not constitute a breach of planning, nor that it is immune from action. Both appeal parties have made their case on the basis that that a dwelling has been erected. I am satisfied that no injustice is caused to any party if I am to correct Notice 2 as envisaged, which I will do should that be necessary.

#### **Appeal A and B – ground (a) and the DPA**

19. The appeal site is situated on the north-western fringe of the village of Ashford Carbonell. The site is in an area defined in the Site Allocations and Management of Development (SAMDev) Plan as open countryside. The appeal site is located within the Conservation Area ("the CA"). For ease, I will address common main issues arising in Appeals A and B.
20. The common **main issue** is the effect of development, as corrected, on the character or appearance of the CA. In Appeal A, the additional main issue is the effect of the extended dwelling on the stock of affordable homes. In Appeal B, the additional issues are as follows: whether the location of the dwelling is suitable having regard to sustainable development objectives, and the effect on the living conditions of future and existing occupiers.

#### *Notice 1 and 2 – character and appearance*

21. The village is, essentially, a part compact and part linear form of settlement with built development mainly focused on the main road running through the centre of the village with dwellings either side. Orchard Cottage is set towards the northern end and comprises an infill development in a substantial plot of ground. The village has a strong relationship with the

<sup>7</sup> *Welwyn Hatfield BC v SSCLG & Beesley* [2011] UKSC 15: [2011] JPL 1183 (*Welwyn*).

<sup>8</sup> Applied: *Caldwell & Timberstore Ltd v SSLUHC & Buckinghamshire Council* [2024] EWCA Civ 467.

surrounding rural hinterland. Its rural village form is typical of small settlements in this part of the district. There are a variety of dwellings located in plots of different shape and size.

22. The Council do not raise concerns about the design of the alleged extensions. The external appearance of the alterations blends in with the host building, due to the use of matching materials. They have been designed to reflect the simple architectural style of the host building. In addition, the outbuilding is limited in scale, and its rearward location does not harm the street scene or quality of the host building.
23. Orchard Cottage sits in a landscaped and spacious plot and there are several outbuildings and structures set some distance from the new dwelling. In this location, the size and setting of the extended dwelling, as well as the separate outbuildings, does not represent an overly intensified residential use of the plot given its size, shape and location. In addition, the plot remains open and spacious, and buildings do not occupy too much land given their built-form and positioning. Cumulatively, the development does not represent an unacceptable layout, nor does it result in the plot's over-development. When seen from the highway, the amount of built form does not result in an awkward layout, nor does the plot appear to be cramped. The extended dwelling and outbuildings are set back, and their rearward location is unlikely to harm views from neighbouring properties.
24. The building that is subject of Notice 2 is tantamount to a dwellinghouse and is not an annexe to Orchard Cottage. Although the external appearance reflects local vernacular and the gable-end faces the access, the location of the dwelling is out-of-keeping with the settlement pattern and rhythm of built form given the plot's size. The development causes visual harm to the architectural style and layout of the locality. I too concur with the Council that the dwelling's size and scale appear incongruous and at odds with the CA's special interest and results in dominant form of residential development. The appellant suggests altering the building's height, but, when considered in context of adjoining dwellings including Orchard Cottage, it has a visually jarring effect and the layout of two dwellings on this plot is at odds with the simple architectural style of the locality.
25. In National Planning Policy Framework (NPPF) 2024 terms, the harm caused to the heritage asset is less than substantial nonetheless of considerable weight. Any perceived benefits arising from the unauthorised dwelling are private rather than public. Even if there are genuine economic and social benefits, I attach these matters limited weight due to the environmental harm caused by the addition of a separate dwelling in this location.
26. Each application must be considered upon its individual merits however consistency in decision-making is reasonable. However, the examples provided by the appellant of other developments in the area are not strong nor persuasive precedents. For example, while the scale and mass of the office and garage at Gresham House might be like the appeal dwelling, the latter is designed and functions as a self-contained dwelling.
27. Pulling all the above points together, on this main issue I conclude that the Notice 1 development, at the very least, has a neutral effect and, in my assessment, preserves the character or appearance of the CA such that it satisfies Core Strategy (CS) Policies CS5, CS6 and CS11, and SAMDev Policy MD2 and MD13, which are broadly consistent with advice found in NPPF paragraphs 208 to 211.
28. On the contrary, and while the heritage statement for the appellant downplays the effect of the new dwelling on the CA, I find that the erection of a building for residential purposes conflicts with relevant local and national planning policies stated above.

### *Effect of the extended dwelling on the stock of affordable homes*

29. The evidence about the appellant's need for an affordable home is not in dispute. Moreover, the general need for affordable homes in the district is also clear and unchallenged. The 2012 Permission for Orchard Cottage relates to a rural exception site where open market housing would not normally have been permitted. The permitted 3-bedroom dwelling would have met the appellant's needs, but things have moved on and the appellant needs a four-bedroom home to accommodate their growing family.
30. CS Policy CS11 seeks to meet the diverse housing needs and create mixed, balanced and inclusive communities. Housing developments which help to balance the size, type and tenure of the local housing stock are supported. The Council explain that the dwelling's gross internal floor area should be restricted to no more than 100 square metres (sqm), including future extensions, in accordance with the Type and Affordability of Housing Supplementary Planning Document 2012 ("the SPD"), which also requires the dwelling to remain affordable in perpetuity. However, the SPD provides for applications for extensions to be considered on their merits, including personal circumstances.
31. The appellant has submitted sufficient evidence to demonstrate a significant change in personal circumstances since development began. Details of the family's accommodation needs have been submitted: I will not set the out here given the personal nature of the evidence. I disagree with the Council's assessment and find there is a need for additional habitable accommodation, and the extended dwelling meets that need.
32. The SPD indicates that it may be acceptable to enlarge an existing affordable house to accommodate the needs of the existing household when there are genuine difficulties faced by growing households. That is relevant here because the evidence presented demonstrates a genuine difficulty. Furthermore, the SPD acknowledges that it may not be possible for occupants to move to a new house due to the chronic shortage of affordable housing in the area. Again, there is nothing to make less than credible the appellant's claim that they cannot afford to relocate as all their savings have been ploughed into the affordable dwelling they are constructing through self-finance. I am not overly concerned about the lack of information showing availability of alternative accommodation, because the appellant and his family have already invested time, effort and resources into this site and establish an affordable home to meet their needs.
33. The Council is concerned about the increase in floor area, and I concur that it is necessary to manage housing development in rural locations. However, at final comments stage, the Council concede the subject extensions create 25 sqm of additional floor area, which is significantly less than its original assessment of 52 sqm<sup>9</sup>. The Council appears to take account of accommodation in the now immune garage building, but I do not consider it to be an adjunct, and it is best described as an outbuilding given its location and distance from the dwelling. In my planning judgment, the additional extensions result in a modest increase in floor area of about 129 sqm, and the additional bulk and volume does not materially conflict with SAMDev Policy MD7a.
34. The Council's concern about the loss of this dwelling from the affordable housing stock is misplaced because the provisions found in the s106 legal agreement would remain in force. Firstly, the clauses are framed in a manner that make the obligation run with the land, and the appellant agreed to that provision. The agreement binds successors in title and is a local land

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<sup>9</sup> Appendix C to the Council's statement of case bundle. The 52 sqm figure is said to have derived from details submitted with an application to vary conditions imposed on the 2011 Permission (Council ref 23/03536/VAR).

charge. The s106 mechanisms ensure that Orchard Cottage could only be sold in accordance with the agreed 'Sale Marketing Plan' at the 'Formula Price' and to a 'Qualifying Person'. I take comfort from the 2025 Decision in that it seems to me the Inspector did not take issue with the clause imposing the 60% of the open market value, nor exclusion of extensions from the valuation and neither the mechanisms for maintaining affordability in perpetuity.

35. The extensions to the dwelling increase the floor area over the 100 sqm limit set in the SPD. However, I attach greater weight to the appellant's personal circumstances given the need for affordable housing, and, in my opinion, the s106 agreement has a useful planning purpose. In addition, subject to conditions, which I will address later, I am satisfied that the development does not materially conflict with CS Policy CS5, CS6, CS11, SAMDev Policy MD7a and guidance found in NPPF paragraphs 67 to 68, and the Planning Practice Guidance (PPG). I conclude that the extensions and outbuilding have little, if any, effect on the supply of affordable homes in the district.

#### *Notice 2 - sustainable development objectives*

36. The appellant argues that a new school nearby renders the village a sustainable location, but I am not persuaded. In the context of this appeal, there is nothing before me to suggest the village has suddenly become a sustainable location in terms of land-use planning. I consider that the issues like availability of transport and local amenities remain pertinent when considering this kind of development. The Council confirm that, for local planning policy purposes, the appeal site remains in a settlement classed as countryside where new dwellings are not permitted unless under the exceptions policy.
37. The appellant appears to have focussed their efforts and arguments on demonstrating the building is an annexe and should be granted planning permission on that basis. However, at risk of repetition, I have already explained why that reasoning is flawed. There is no cogent argument in support of the new affordable dwelling nor permission should be granted based on an exception to the usual restrictive policies applicable to this settlement. Indeed, the evidence presented does not show the dwelling is required to meet the family's affordable housing needs because Orchard Cottage meets that need.
38. Contrary to the appellant's arguments, I conclude that the new dwelling is not located in a suitable and sustainable location and the development undermines the authority's strategy as set out in CS Policy CS1, CS4, CS5 and CS11, and SAMDev Policies MD1 and MD7a. Granting planning permission for this type of development is at odds with the SPD.

#### *Living conditions*

39. The appeal plot's layout is reasonable for an extended and altered Orchard Cottage together with its outbuildings, but two dwellings is a stretch too far. The new building is located to the side of the plot roughly opposite the site entrance, but the plot's size is inadequate to accommodate two dwellings given the lack of private amenity space. If the building is used as an annexe in connection with Orchard Cottage, occupiers of both buildings would function as a single household. However, that is not what is before me. I consider that the development is unacceptable due to the lack of separate and private garden space for future occupiers of the new dwelling. Additionally, given the lack of parking and circulation space, future occupiers would compete for limited amount off-street parking space.
40. The absence or otherwise of complaints from neighbours does not mean the development is acceptable. Two dwellings would represent an intensified residential use. The increase in comings and goings associated with two dwellings is likely to be noticeable to the neighbours and result in harm caused by general disturbance. The location and positioning of the new

dwelling do not contribute nor respect existing amenity value. The development is at odds with CS Policy CS6 and SAMDev MD2 and MD7a, and NPPF135.

### ***Other considerations***

41. In terms of Notice 2, the appellant considers that a unilateral undertaking addresses concerns about the use of the dwelling as a separate unit of independent accommodation. The Council's bundle includes feedback on the drafted undertaking. It seems to me that the latter contains significant errors in the clauses, which need amending. I am not persuaded that this appeal is the right mechanism to achieve those amendments given the extent and scale of the perceived errors. It is suggested that conditions could also be imposed on the grant of planning permission to control separate sale, but these would need to work in conjunction with a binding planning obligation.
42. The appellant suggests planning permission could be granted for an alternative scheme. The 2013 Permission could be a fallback and resurrected subject to conditions. However, as I have indicated elsewhere, the latter related to 4 Wayside Cottage and is not a realistic fallback for this new dwelling. In any event, significant building work is required to alter the as built building on order for it meet with the approved plans.
43. The rights under Article 8 of the European Convention on Human Rights<sup>10</sup> must be taken into consideration. This includes interference with private and family life. At the forefront of my mind are the best interests of children and I am alive to concerns about homelessness. That said, I find that the grant of planning permission for the extended dwelling and outbuilding safeguards the appellant's immediate need for an affordable dwelling, and safeguards best interests of the children involved.
44. In terms of Notice 2, in this location, the inappropriate nature of the development represents a grave planning policy objection. There is a need for restrictive policies to be applied to such areas, and this restriction is an appropriate proportional response to that need. It is necessary to consider whether it would be proportionate to refuse planning permission for the Notice 2 dwelling in all the circumstances of this case. I shall consider whether refusal would have a disproportionate effect on the appellant in my overall conclusions.
45. I have borne in mind the need to eliminate discrimination; advance equality or opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. I shall consider whether dismissal of the appeal would be proportionate in the light of any potential equality impacts in my overall conclusions.

### ***Planning balance***

46. Subject to the imposition of suitably worded conditions, which I will return to later, I conclude that the extensions and outbuilding preserve the character or appearance of the CA, and the development does not have a materially harmful effect on the supply of affordable housing. In addition, I attach greater weight to the appellant's needs for an affordable home of this kind and scale, and human rights and best interests of children and the equality duty add further weight.
47. On the contrary, the Notice 2 dwellinghouse fails to preserve the character or appearance of the CA, is inappropriately located and harms living conditions. The arguments in favour, including the possibility of using the building as an annexe in connection with Orchard Cottage once it is complete and used as a single dwellinghouse, altering its built form or complying with the scheme approved in 2013, carry limited weight. In addition, I attach little, if any, weight to the

<sup>10</sup> The ECHR protections have been codified into UK law by the Human Rights Act 1998.

obligation given that conditions alone cannot control the future use of the building given the available facilities and its use as a dwellinghouse.

48. Any interference with the appellant and family's human rights must be balanced against the public interest in upholding planning policy to protect the environment. I am also mindful of the appellant's concerns regarding discrimination. However, planning permission had been granted for an affordable dwelling and my decision in Appeal A further strengthens the accommodation needs of the family. In addition, I note the period of compliance affords the appellant an opportunity to get on with the affordable home albeit financial constraints might get in the way. There is also opportunity to consider a materially different scheme for the annexe, which addresses concerns about the legal agreement. On the circumstances of this case, I am of the firm view that dismissal of Appeal B is a proportionate response and does not lead to an unacceptable violation of any of the appellant or family's human rights, which thus carry only moderate weight.

### **Conditions**

49. The nature of the DPA for the extensions and outbuilding is retrospective. The Council suggest a condition that the window in the side (northern) elevation to the property facing Thrale Cottage shall be permanently formed as a top hung opening light and glazed with obscure glass and shall thereafter be retained in perpetuity. No further windows or other openings shall be formed in that elevation. However, given the dwelling needs fully completing and the planning enforcement difficulties demonstrated by the extensive site history, I consider that a condition requiring details of the layout, external elevations and location of the outbuildings needs to be submitted.

50. Upon careful consideration, it is my view that an appropriate alternative compromise—one which minimises both cost and disruption—would be to impose a planning condition specifically addressing the Council's concerns. Such a condition would make the development acceptable in planning terms by ensuring that the windows are controlled and the development is fully completed in accordance with agreed plans. Should it not be possible to impose a suitably worded condition, planning permission would have to be refused.

51. In situations where the development has already taken place, it is not feasible to impose a condition precedent or to require that outstanding details be agreed prior to the commencement or occupation of the development, regardless of the importance of those details. Therefore, when a condition is imposed that requires the submission and approval of details or a scheme for development which already exists, it is essential that the condition incorporates a sanction or enforcement mechanism. This is necessary to ensure compliance if the required details are not submitted or approved as stipulated. The key feature of the retrospective condition is that the operational development permitted must be removed if the required detail or scheme is not implemented in accordance with the submitted details within the prescribed timescale. Alternatively, it is submitted on time but not approved and an appeal against the Council's refusal to approve the details submitted pursuant to the condition is not made on time or an appeal is dismissed, or the scheme is submitted and approved but not implemented within the prescribed timescale. A suitably worded condition requiring the submission and implementation of an approved scheme, which meets the six tests, can be imposed.

### **Overall conclusions**

52. Subject to the imposition of suitably worded conditions, Appeal A should succeed on ground (a). Notice 1 will be corrected and then quashed. There is no need to consider ground (f).

53. In Appeal B, for the above reasons and having regard to all other matters raised, including reference to permitted development rights and other decisions, I conclude that the deemed application on ground (a) should fail..

#### Notice 2 – ground (f)

54. The notice shall specify the steps to be taken, or the activities to cease, to achieve, wholly or partly, any of the purposes set out in s173(4)(a)(b) of the Act. For example, remedying the breach by discontinuing any use of the land or by restoring the land to its condition before the breach took place, or remedying any injury to amenity which has been caused by the breach.

55. The nub of the appellants case relates to the requirement to remove the building as they argue the requirement is disproportionate. Rather than demolition of the subject dwelling, a lesser step advanced is comply with the terms of the 2013 Permission. It is unclear as to how the steps could be varied without introducing considerable degree of uncertainty given the extent, nature and scale of the building work involved in altering the subject dwelling. That uncertainty is unacceptable given the potential liability due to failure to comply with Notice 2.

56. I have carefully given thought to the alternative step advanced. The planning merits of granting planning permission for the erection of a building for residential purposes that is substantially modified in terms of its external appearance are assessed above. The harm arising from the development would remain even if the steps required were varied to comply with the 2013 Permission. That kind of under-enforcement would not achieve the purpose behind the notice and cessation of the residential use and removal of the dwelling is the bare minimum required to remedy the breach.

57. Nothing short of full compliance with Notice 2's requirements would remedy the breach and the steps required are not excessive. Ground (f) fails.

#### Appeal A - formal decision

58. The enforcement notice is corrected and varied by:

- 1) the deletion of the text in section 3, the matters which appear to constitute the breach of planning control, and substituted therefor by the following text:

*Without planning permission, the erection of a two-storey rear extension, a single-storey rear extension and front porch extension, and an outbuilding as shown in the approximate location marked with an 'X' on the plan attached to the notice.*

And

- 2) the insertion, at section 5, what you are required to do, the following text:

*5(3) As an alternative to step 5(a) and (b), comply with terms of planning permission reference 11/05428/FUL, dated 2 July 2012, including the approved plans.*

59. Subject to the corrections and a variation, the appeal 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 Act, for the development already carried out, namely the erection of a two-storey rear extension, a single-storey rear extension and front porch extension, and an outbuilding, subject to the following conditions:

- 1) The development hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 9 months of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i) Within 6 months of the date of this decision a scheme, showing details of all extensions and alterations to Orchard Cottage, including the location of outbuildings, the external elevations and the openings in the north elevation with the type of window openings including obscure glazed windows, shall have been submitted for the written approval of the local planning authority and the 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 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 scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been implemented and the development completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained.

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.

## **Appeal B - formal decision**

60. The enforcement notice is corrected by:

The deletion of the following text in the header below ENFORCEMENT NOTICE:  
*“material change of use and”*

The deletion of the text in section 3 and substituted therefor by the following text:

*Without planning permission, the erection of a dwellinghouse as shown on the notice plan.*

And

In section 4, substitute the text “4 years” with: *10 years*.

61. Subject to the corrections, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

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## **Costs applications**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 195, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The applications are made by Mr Simon Angell for a full award of costs against Shropshire Council.
- Briefly, the appeals were in connection with two enforcement notices separately alleging the carrying out of operational development and material change in use of the land.

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## **Decisions**

1. The applications for an award of costs are refused.

## Reasons

2. The PPG advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. My appeal decisions explain why Appeal A succeeds but Appeal B fails: I too have found that the annexe is tantamount to a dwelling. The applicant disagrees with the respondent's application of its own policies, but planning difficulties raised in these appeals required an exercise of planning judgement. The respondent's approach did not prevent or delay the granting of retrospective planning permission for unauthorised development.
4. Although I have come to a different conclusion in Appeal A, my Decision explains why I have attached greater weight to certain matters including personal circumstances. However, these are matters for the decision-maker to consider and the respondent took such matters into account but gave less weight to them. Nonetheless, the reasons for issuing the notices were clear and based on planning principles and perceived harms caused by the development. At appeal stage, sufficient evidence was produced to substantiate the reasons for taking enforcement action and I do not agree that the respondent's evidence contained unsupported arguments.
5. The applicant makes much of the perceived lack of consistency in decision-making, but the application of this principle does not mean identical outcomes. I do not consider the applicant clearly demonstrated that the respondent was inconsistent in acting nor determining similar cases in a consistent manner.
6. The handling of applications for planning permission, or behaviour prior to the taking of enforcement action, might be indicators of unreasonable behaviour. In this case, the submissions indicate to me that there has been a total breakdown of communication between the appeal parties: that is a matter for them to consider. The respondent decided enforcement action was expedient based on the material facts, and the applicant exercised their right of appeal. Nevertheless, the purpose of this application process is not to resolve by investigation every allegation of unreasonable behaviour. Rather it is to decide if an award of costs in respect of the appeals is justified on the available evidence in a particular case.
7. I have carefully considered this application but come to an inescapable conclusion. The applicant has not demonstrated that the respondent's behaviour amounts to unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG. It has not been demonstrated that an award of costs, full or partial, is justified in the circumstances.

*A U Ghafoor*

INSPECTOR