



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

Date: Monday, 13 July 2026

Committee: Northern Planning Committee

Date: Tuesday, 21 July 2026

Time: 2.00 pm

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

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

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

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

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

Richard Phillips
Service Director – Legal and Governance (Monitoring Officer)

Members of the Committee

Julian Dean (Chairman)
Benedict Jephcott (Vice-Chair)
Caroline Bagnall
Neil Bentley
Andy Davis
Greg Ebbs
Gary Groves
Mark Owen
Brian Evans
Carl Rowley
Ed Potter

Substitute Members of the Committee

Duncan Borrowman
Jamie Daniels
Adam Fejfer
Jon Tandy
Colin Taylor
Sam Walmsley
Thomas Clayton
Brendan Mallon
Nick Hignett
Craig Emery
Alan Mosley

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

When attending this meeting, Members are reminded of the three principles of the Jo Cox Foundation and Compassion in Politics Civility Pledge:

1. *Use a civil and constructive tone in debate*
2. *Act with integrity, honesty and compassion*
3. *Behave respectfully towards others, including those I disagree with*

*(Please note that while we strive to live stream meetings, technical issues may occasionally occur. In the event of a technical disruption, the meeting will be paused to try to resolve the issue. Should it not be possible to resume the live stream, the meeting will proceed as scheduled, and a backup recording will be made available after the meeting. Any disruption to the live stream does not affect the legality of the meeting).

AGENDA

1 **Apologies for Absence**

To receive apologies for absence.

2 **Minutes** (Pages 1 - 8)

To confirm the Minutes of the meetings of the Northern Planning Committee held on 21st April 2026 and 14th May 2026, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 **Public Question Time**

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 12.00 noon on Wednesday 15th July 2026

4 **Disclosable Pecuniary Interests**

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

5 **Proposed Residential Development Land Between Aston Road and Church Lane, Wem, Shropshire. (25/02775/OUT)** (Pages 9 - 46)

Outline planning application, to include access matters only for: up to 175 dwellings, site access and highway works, green infrastructure including public open space, sustainable drainage, landscape buffering, amenity green space, and ancillary works.

6 **Proposed Residential Development Land To The West Of Crosemere Crescent Cockshutt Shropshire (25/04083/FUL)** (Pages 47 - 68)

Development of 14 Residential Dwellings, relocation and upgrade of existing access

7 **Proposed Residential Development NW Of Kingfisher Way Morda Shropshire (26/00772/FUL)** (Pages 69 - 90)

Rural exception site of 20 houses and bungalows with associated gardens and road

8 **Application to Register The Glebelands, Bayston Hill as a Village Green** (Pages 91 - 100)

Report of the Service Director – Legal & Governance (Monitoring Officer.) is attached

Contact Richard Phillips Tel 01743 256603

9 **Appeals and Appeal Decisions** (Pages 101 - 250)

10 Date of the Next Meeting

To note that the next meeting of the Northern Planning Committee will be held at 2.00 pm on Tuesday 18th August 2026 in the Council Chamber, The Guildhall, Shrewsbury.



Committee and Date

Northern Planning Committee

21st July 2026

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 21 April 2026

**In the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ
2.00 - 4.35 pm**

Responsible Officer: Emily Marshall

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

Present

Councillor Julian Dean (Chairman)

Councillors Mark Owen (Vice Chairman), Andy Davis, Rosemary Dartnall, Greg Ebbs, Adam Fejfer, Carl Rowley, Thomas Clayton (Substitute) (substitute for Brian Evans) and Wendy Owen (Substitute) (substitute for Gary Groves)

72 Apologies for Absence

Apologies for absence were received from Councillors Brian Evans, Gary Groves, Ed Potter and Rosie Radford

Councillor Thomas Clayton substituted for Councillor Evans and Councillor Wendy Owen substituted for Councillor Groves

73 Minutes

RESOLVED:

That the Minutes of the meeting of the Northern Planning Committee held on Tuesday 17th February 2026 be approved as a correct record and signed by the Chairman.

74 Public Question Time

There were no public questions received.

75 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.

76 Proposed Hotel East of The Shrewsbury Club, Sundorne Road, Shrewsbury, Shropshire (24/03877/OUT)

The Principal Planning Officer introduced the application which was an outline application for a hotel with associated parking and landscaping and with reference to

the drawings and photographs displayed, he drew Members' attention to the to the location and layout.

The Principal Planning Officer advised Members legal advice attributed to this application in the schedule of late representations did in fact relate to item 8 on the agenda.

Michael Hogg against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members welcomed the improvements to the junction with the A49 but expressed concern regarding the effect of the proposals on other roads in the area. They also asked that consideration be given to the Shrewsbury Moves Strategy when looking at the active travel links.

RESOLVED:

That in accordance with Officer recommendation delegated authority be given to Officers to grant planning permission subject to the completion of a Section 106 agreement and the conditions in Appendix 1 and for any minor changes to conditions as required, including the amendment of condition 8 to specifically mention the Shrewsbury Moves Strategy

77 Land To The East Of Merrington Road, Bomere Heath, Shrewsbury, Shropshire (25/02929/OUT)

The Senior Planning Officer introduced the application which was an application for outline planning application for the erection of up to 98No. dwellings with all matters reserved except for means of access with reference to the drawings and photographs displayed, he drew Members' attention to the to the location and layout.

David Cookson, local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Dan Harmer spoke on behalf of Bomere Heath Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

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

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

Members acknowledged the concerns raised and considered that most of these could be addressed at the reserved matters stage. They asked hat the reserved matters application be brought back to the committee for determination. The Area

Planning Manager advised Members that under legislation currently going through parliament this may not be possible

RESOLVED:

That in accordance with Officer recommendation outline planning permission be granted subject to the conditions set out in Appendix 2 with delegation to officers to confirm the final condition wording and to secure a section 106 agreement to secure affordable housing, long term future management and maintenance of open space and drainage, cost recovery for the 30 year monitoring period for Biodiversity Net Gain and cost recovery for monitoring the section 106 agreement and reserved matters being brought back to the Committee for approval (Subject to forthcoming legislation allowing this)

The Chairman advised that due to the number of members of the public present for agenda item 8 he was proposing to take that item next. This was agreed.

78 Proposed Residential Development Land on the West side of Ellesmere Road, Shrewsbury, Shropshire (22/01432/OUT)

The Principal Planning Officer introduced the application which was an Outline application for the residential development of up to 450 dwellings, strategic infrastructure to include: open space, drainage and engineering works with some matters landscaping, appearance, layout, scale) reserved apart from strategic access and with reference to the drawings and photographs displayed, he drew Members' attention to the location and layout.

The Principal Planning Officer reminded Members that they had previously deferred this application to seek further information on impacts to the wider highways network and to seek further assurances around active travel

Ken Simpson, local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

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

Members welcomed the confirmation of funding for highways improvement and active travel measures.

RESOLVED:

That in accordance with Officer recommendation delegated authority is given to Officers to grant planning permission subject to the completion of a Section 106 agreement and the conditions in Appendix 1 and for any minor changes to conditions as required.

**79 Foxholes Farm Poultry Unit, Little Ness, Shrewsbury, Shropshire
(24/02979/EIA)**

The Principal Planning Officer introduced the application which was an application for the erection of 2 No. additional poultry houses with associated feed bins, hardstandings and relocated access road associated with a reduction in stocking density across the whole poultry farm to the new higher welfare standards. and with reference to the drawings and photographs displayed, he drew Members' attention to the location and layout.

He drew Members attention to the information in the Schedule of Late Representations and also advised them that if they were minded to approve the application an amendment to Condition 10 would be needed so that the condition read - "The poultry units at the site shall be limited to occupation by no more than 445,500 birds across 10 broiler units"

Alison Caffyn spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members expressed concern that the stocking density could be raised in the future. The Principal Planner Officer advised that as the maximum number of birds was specified in condition 10 an application to vary this condition would be required if the applicant wanted to increase the stocking density.

RESOLVED:

That in accordance with Officer recommendation planning permission be granted subject to the conditions as set out in Appendix 2, and to any amendments considered necessary to these, including the amendment of condition 10 to read "The poultry units at the site shall be limited to occupation by no more than 445,500 birds across 10 broiler units"; and the completion of a Section 106 agreement to secure continued HGV routing control, and to provide for long term biodiversity net gain.

80 Appeals and Appeal Decisions

The Area Planning Manager drew Members attention to the appeal result 25/03156/FUL which gave really good advice regarding how we deal with the tilted balance in the context of gypsies and travellers which may come in useful when considering future applications.

RESOLVED:

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

81 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday, 19th May 2026, in the Council Chamber, The Guildhall, Shrewsbury

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and Date

Northern Planning Committee

21st May 2026

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 14 May 2026

**In the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ
12.00 - 12.10 pm**

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk

Tel: 01743 257717

Present

Councillor (Chairman)

Councillors Neil Bentley, Andy Davis, Rosemary Dartnall, Julian Dean, Greg Ebbs,
Brian Evans, Gary Groves, Benedict Jephcott, Mark Owen, Ed Potter and Carl Rowley

1 Election of Chairman

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

That Councillor Julian Dean be elected Chairman of the Northern Planning
Committee for the forthcoming municipal year

2 Apologies for Absence

There were no apologies for absence

3 Appointment of Vice-Chair

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

That Councillor Ben Jephcott be appointed Vice-Chairman of the Northern Planning
Committee for the forthcoming municipal year

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and date

Northern Planning

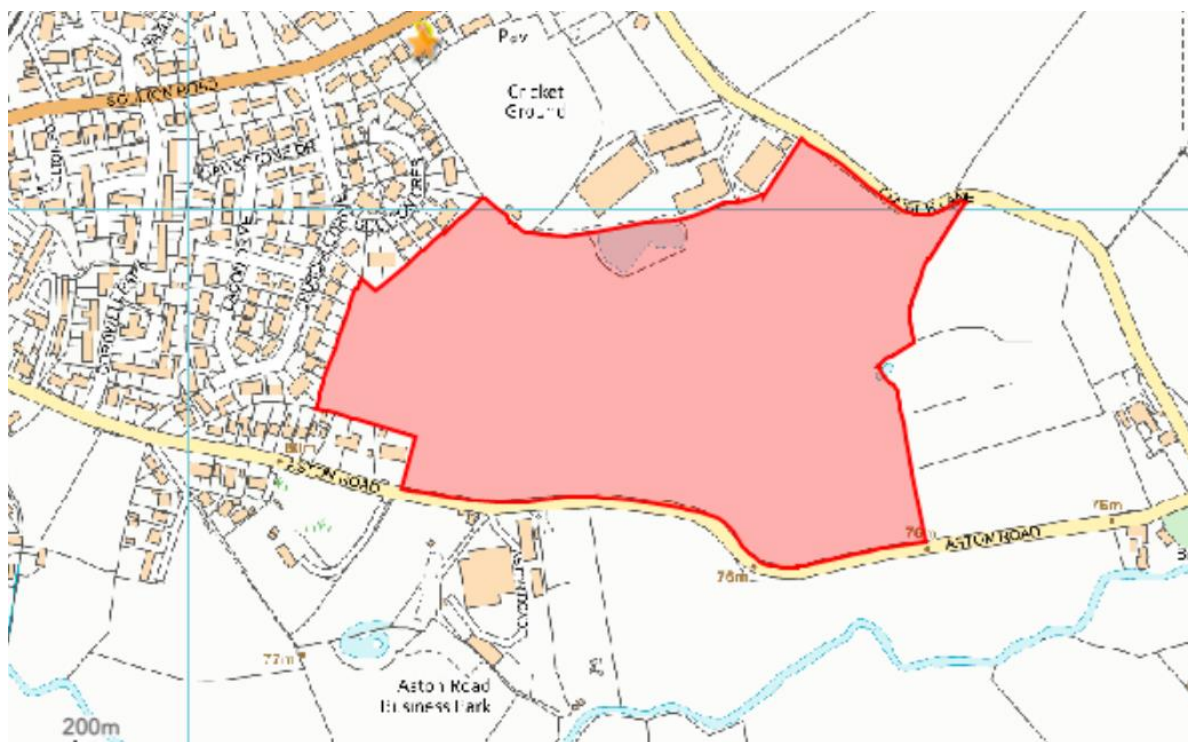
21 July 2026

Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director – Place Shaping

Summary of Application

<u>Application Number:</u> 25/02775/OUT	<u>Parish:</u>	Wem Town Council
<u>Proposal:</u> Outline planning application, to include access matters only for: up to 175 dwellings, site access and highway works, green infrastructure including public open space, sustainable drainage, landscape buffering, amenity green space, and ancillary works.		
<u>Site Address:</u> Proposed Residential Development Land Between Aston Road And Church Lane, Wem, Shropshire.		
<u>Applicant:</u> Bellway Homes Limited		
<u>Case Officer:</u> Andrew Huntley	<u>email:</u> andrew.huntley@shropshire.gov.uk	
<u>Grid Ref:</u> 352212 - 328879		



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

Recommendation:- Grant Permission with delegation to officers to confirm the final condition wording and to secure a section 106 agreement to secure affordable housing, long term future management and maintenance of open space and drainage, education and ICB contributions, brown moss contribution, cost recovery for the 30 year monitoring period for Biodiversity Net Gain and cost recovery for monitoring the section 106 agreement.

REPORT

1.0 THE PROPOSAL

1.1 Outline planning application, to include access matters only for: up to 175 dwellings, site access and highway works, green infrastructure including public open space, sustainable drainage, landscape buffering, amenity green space, and ancillary works.

1.2 This application has been accompanied by the following supporting documents:

- Design and Access Statement
- Supporting Planning Statement
- Five Year Land Supply Report
- Transport Statement
- Travel Plan

- Landscape and Visual Impact Assessment
- Agricultural Land Classification Report
- Arboricultural Impact Assessment
- Ecological Impact Assessment
- Biodiversity Net Gain Assessment
- Flood Risk Assessment and Drainage Strategy
- Phase I Geo-Environmental Assessment
- Noise Assessment Report
- Air Quality Assessment
- Minerals Resource Assessment
- Economic Benefits Statement
- Heritage and Archaeological Desk-based Assessment
- Utilities Feasibility Report
- Geophysical Survey Report
- Statement of Community Involvement

1.3 This application has been subject to formal pre-application advice.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is currently agricultural land outside of the market town of Wem, covering 12.96 hectares. The parish boundary straddles the site, so the western part of the site is in Wem Urban whilst the eastern section is in the parish of Wem Rural. The development boundary of Wem lies adjacent to the site on its west side. The small settlement of Aston lies to the south east. There are several listed buildings within the settlement of Aston.

2.2 The site comprises relatively flat agricultural fields surrounded by hedgerows and trees to the site boundaries. There is a pond to the north and the site is crossed by an overhead electricity line, in a general north/south direction. There is existing residential development to the west, business/industrial premises to the north and south, Wem cricket ground to the north and agricultural land to the east. The site is also bounded by Aston Road (Class C) to the south and Church Lane (unclassified) to the north east.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 This is a major application, and the Parish Council has submitted a contrary view to Officers regarding material planning reasons. The Planning Services Manager in consultation with the Chairman and Vice Chairman agree that due to the complexity and scale of development the item should be determined by the relevant planning committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 SC, Policy - Comments

Conformity with the Adopted Plan

The starting point for decision making is the adopted local plan, which currently consists of the Core Strategy (2011), Site Allocations and Management of Development Plan (SAMDev Plan) and any adopted formal Neighbourhood Plans. The adopted local plan should be read and applied as a whole.

SAMDev plan policy MD1 (Scale and Distribution of Development) identifies Wem as a Market Town/Key Centre. The settlement strategy for Wem set out through policy CS3 (The Market Towns and other Key Centres) and S17 (settlement policy Wem area) and directs new residential and employment growth to the allocated sites and any suitable sites within the development boundary. The site subject to this application is outside of the development boundary for Wem as identified on Policy Map S17 (Insert 1) and for the purposes of planning policy is within the 'countryside'.

Core Strategy policy CS5 (Countryside and Green Belt) and SAMDev Plan policy MD7a (Managing Housing Development in the Countryside) apply, alongside the NPPF which seek to limit new residential development. In order to accord with these policies new market housing is expected to be strictly controlled and the development of this site for open market housing would be contrary to these adopted development plan policies.

The Five Year Housing Land Supply and Housing Delivery Test Shropshire Council have recently published (31st March 2026) a new Five-Year Housing Land Supply Statement with a base date of 31st March 2025.

The Five Year Housing Land Supply Statement sets out the assessment of the housing land supply in Shropshire over the five year period from 2025/26 to 2029/30.

With regard to the housing delivery test, this Statement details that over the last 3 years for which data was available (2020/21-2022/23) delivery in Shropshire has exceeded the housing needed as calculated within the national housing delivery test (152% delivery).

The assessment concludes that whilst a very significant supply of deliverable housing land exists in Shropshire of 9,830 dwellings, this falls around 828 dwellings short of a five year housing land supply, based on the new Local Housing Need, constituting a 4.61 years' supply of deliverable housing land.

Therefore, on balance of considerations it is deemed that Shropshire Council is currently unable to demonstrate a five year housing land supply.

Implications for decision making:

Footnote 7, 8 and Paragraph 11(d) of the NPPF detail the implications of not having a five year housing land supply for decision making, in the context of the application of the presumption in favour of sustainable development.

Footnote 8 of the NPPF indicates that where a Council cannot demonstrate a five year supply of deliverable housing sites, it means that the local plan policies most important to the decision will be considered out of date.

Paragraph 11(d) of the NPPF states: “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

Footnote 7 of the NPPF details areas and assets of particular importance when applying Paragraph 11 (d)(i) of the NPPF.

This does not change the legal principle, set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, that decisions on planning applications are governed by the adopted Development Plan read as a whole, unless other material considerations indicate otherwise. Rather paragraph 11(d) requires the decision maker to apply less weight to policies in the adopted Development Plan, and more weight to the presumption in favour of sustainable development as a significant material consideration, when reaching a decision. It is for this reason that it is commonly referred to as the ‘tilted’ balance.

The amount of weight to be attributed to the policies of the adopted Development Plan, including those considered ‘out of date’ as a result of paragraph 11 (d) of the NPPF, is a matter for the decision maker. This principle is confirmed within the High Court of Justice decision on the case of Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518.

Importantly, the presumption in favour of sustainable development and associated tilted balance maintains the general principle of good planning, in that development should be genuinely sustainable in order to be approved. Paragraph 11(d)(ii) of the NPPF, specifically highlights several important considerations for the Council before concluding whether a proposal is genuinely sustainable. Notably it directs development to:

- sustainable locations;

- ensures it makes effective use of land;
- secures well designed places; and
- provides affordable housing.

Conclusions

Sections 70(2) and 79(4) of the Town and Country Planning Act (1990) (as amended) and section 38(6) of the Planning and Compulsory Purchase Act (2004) (as amended) specify that decisions on planning applications are governed by the adopted Local Plan read and applied as a whole, unless material considerations indicate otherwise. This is recognised within Paragraphs 2 and 48 of the NPPF.

The Core Strategy and SAMDev plan currently make up the adopted development plan in Shropshire.

As Shropshire Council cannot currently demonstrate a Five Year Housing Land Supply, the presumption in favour of sustainable development applies.

This does not change the statutory status of the adopted Development Plan as the starting point for decision-making on planning applications. Whilst the site is associated with the settlement of Wem, it is located outside of its development boundary and in the 'countryside' for policy purposes. As such, it is considered that the development proposed upon the proposal site within this outline planning application, is contrary to the adopted Development Plan (including Policies CS1, CS3, CS5, MD7a, and S17.1).

However, the presumption in favour of sustainable development does mean that a 'tilted' balance is applicable, in which less weight should be applied to the adopted Development Plan and more weight to the presumption in favour of sustainable development as a significant material consideration in the planning application decision making process. The amount of weight to be attributed to the policies of the adopted Local Plan, including those considered 'out of date' as a result of paragraph 11 (d) of the NPPF, is a matter for the decision maker.

In considering paragraph 11(d) of the NPPF planning policy make the following observations:

- This outline planning application adjoins and is closely associated with the built form of Wem, a sustainable settlement identified as a Market Town within the adopted Development Plan.
- The site benefits from access to a range of services and facilities and the proposals that are the subject of this outline planning application seek to provide enhancement of links to these existing services and facilities.
- Based on the material provided in support of this outline planning application, it is considered that in principle the proposals could constitute an efficient use of land. Any subsequent reserved matters application process would need to ensure that this is the case.
- As this is an outline application the design detail is not yet known, although

based on the material provided in support of this outline planning application, it is considered that in principle the proposals could support the achievement of a well-designed place. Any subsequent reserved matters application process would need to ensure the scheme achieves a high-quality design as expected in policy CS6 (Sustainable Design and Development Principles), 2(Sustainable Design) and the recently adopted Supplementary Planning Guidance Document – Design of New dwellings, which provides further support to the adopted development plan policies regarding design:

https://next.shropshire.gov.uk/media/g3ohfyew/design-of-new-dwellings_spd.pdf

- It is understood from the Planning Statement that supports this outline planning application that the applicants intend to provide a 20% affordable housing contribution, which is an overprovision compared to the 10% policy requirement for this area. The over provision of affordable housing is a material consideration, the amount of weight to be given to this is a matter for the decision maker. If this outline planning application is to be approved, the affordable housing contribution would need to be secured via an appropriate legal agreement.

For the avoidance of doubt, this planning policy response sets out the relevant adopted development plan context and national policy considerations only. It does not constitute a recommendation on the outcome of the application, which remains a matter for the decision maker who will give due consideration of the details of proposals from a development management perspective having regard to the development plan as a whole, technical advice from relevant service areas and all other relevant material considerations.

4.1.2 **SC, Highways – No objections subject to conditions and s.106**

The NPPF has an expectation of vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places.

At this time the development is showing itself in a location but it is not establishing itself as part of the wider place.

The test for refusal on highways grounds is high with a position in the NPPF that development should only be refused on highways 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.

The test for road safety in planning is typically taken as a review of the previous five years of collision data and a position on whether the new development access solutions or connectivity requirements would result in collisions.

A sense of safety, of feeling safe or otherwise finding the environment safe to use are not necessarily sufficient to consider that the impact on highway safety

would be unacceptable.

It would be somewhat closer to the mark to assert that the position would be the creation of new collisions and that would be unacceptable.

However, the NPPF does provide further clarity as it continues and Para 117 sets a clear expectation of new development.

Within this context, applications for development should:

- (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- (c) create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The sense of para 117 providing the guidance towards mitigations where the residual cumulative impacts may otherwise be severe. In other words, whether a place engages well in transport terms building from the vision-led approach.

Finally, para 118 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Vehicle Access

The reduction down to a single point of vehicle access is welcomed. As is the realignment of the highway to achieve a 2m wide walking facility on the northern side of Aston Road.

To achieve this there is an urbanising creep towards the access point, which erodes the current rural character to create a highway sufficient to accommodate the need of future users.

The proposed relocation of the speed limit, as amended, sits as a message that the edge of the village has moved eastwards. The highway as proposed, which would also need to include street lighting, would appear to read as legibly as the existing 30mph highway arrangement.

The application of speed data to relocate the 30mph does not seem wholly necessary as the highway alignment and provision of street lighting can be designed to a 30mph design speed.

It would need to be supported with swept path and visibility that would apply to the access point has not been shown. This is required to secure plans or appropriate planning conditions.

The vehicle access point and pedestrian route are side by side. There does not appear to be an earlier opportunity to walk into the site, which would be more attractive.

It is also worth mentioning that there may be opportunity to present a fronted dwelling between the existing house and new access point, with a dropped kerb, to reinforce continuity of the environment.

Sustainable Access Points

Sustainable access points are accesses for the purposes of planning so the lack of detail onto Church Lane remains a concern. Church Lane is an informal quiet lane and there are two potential developments coming forward along Soulton Road.

The offer of Church Lane with National Speed Limit would appear to be the most daunting journey by sustainable mode coming to or from the development proposals.

There is a clear attraction for the Wem industrial Estate and any employment stemming from within this proposal should be considering walking or cycling as a mode of travel. The question as to whether Church Lane offers a sufficiently attractive facility to result in those trips is a matter of concern.

There has to be some note of the recreational offer of the Church Lane Access and how that area may not suit going to work on foot. Some further recognition of the attractiveness of local employment and facilities as a place offer should be considered. The main issue is how the Church Lane access will integrate with the exiting highway.

The existing PROW route may also supplement this but neither the PROW or Church Lane offers a well-lit, drained, consistent surface. The proposed footway on Aston Road is essentially the best external offer for walking to and from the site.

Public Transport

The additional work is noted but there does not appear to be any significant attempt to engage public transport. The main notes within the report still rely on pushing how far people can walk.

Attention is drawn to the CIHT Buses in Urban Developments which goes

through a much deeper rationale for walking distances to bus stops ; the acceptability of the walking distance is not a stand-alone consideration. People take account of the total journey travel time, including the in bus time as well as the walk at either end. Consequently, people will accept longer walks to reach bus services that are fast and direct, or more frequent, and to stops serving a wider range of destinations; The proportion of elderly people is increasing. A walking distance of 400 metres may be excessive when slower walking speeds are taken into account. People with children, buggies, heavy shopping, and the like will also be more sensitive to distance; The whole section, not just the comments pasted should be taken and reflected as part of vision led. There are sufficient residual concerns relating to the service frequency available, wait times, destinations and overall journey time that remain without sufficient consideration at this time. It is reasonable to consider that buses may need to be brought closer to the development, made more frequent, or both, to support various trips of purpose.

However, irrelevant of CIHT, WYG or any other document, the most relevant national document is Local Transport Note 1/24: Bus User Priority Bus stops should be spaced approximately 400m apart in urban areas, creating a walking time of about 5 minutes for non-disabled people between stops. In rural areas spacing may be significantly greater as bus stops should be located near to destinations that both generate and attract flows. In terms of new development, promoting less than good design, pushing the envelope, needs to be recognised in the context of locations that meet the principles of good design. New development with a lesser offer than the settlement to which it proposes to join, is worse development than the extant offer.

Off-site works

The submitted off-site works plan is noted.

There appears to be no plan of the Walking Route Assessment Toolkit study.

Noting the comments above it is likely other works will be identified.

Clarity is required on the routes that have been audited, clearly numbered on a plan.

Trip / Mode share / sustainable vision

Trip start and end to identified facilities.

The TA and TP including TRICS work lack a base line modal share and vision-led modal share and comparison towards overall expectations for mode share as a starting point and what could be expected by the TP measures.

There would have to be concern that in terms of modal share, given the distance and geography to the settlement main that mode share for walking and cycling may be lower than is otherwise seen in adjacent development.

Significant work required to address this area and benchmark it as a site that would on delivery fall above or below the national data expectations for sustainable trips.

The further work can potentially lead to a positive highways recommendation

subject to S278 / S106 to mitigate matters, some of which remain unidentified at this time.

At this time an objection position remains based on insufficient information relating to whether the development proposed will result in sustainable mode share comparative to national expectations or the adjacent settlement to which it will join, resulting in development of a poorer relationship to sustainable travel and genuine choice than the extant settlement as a whole.

Updated Response 12.07.2026

Whilst it is considered that the development presents challenges from a highway perspective, it is not considered that a highway refusal could be sustained. Shropshire Council as Local Highway Authority therefore raise no objection to the granting of consent subject to the following matters being addresses, suggested planning conditions attached to permission granted and Section 106 contributions secured.

4.1.3 SC, Ecology – No objections.

A financial contribution towards visitor management mitigation measures at Brown Moss SAC has been agreed by the applicant in order to demonstrate that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 (as amended). An Appropriate Assessment has been undertaken and is provided at the end of this response.

The majority of BNG units will need to be purchased from a Biodiversity Gain Site, but the on-site BNG is significant, therefore a s106 is required to secure this for 30 years.

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

4.1.4 SC, Drainage – No objections.

The submitted Flood Risk Assessment and Sustainable Drainage Statement is acknowledged.

The guidelines and information provided for the preapplication (PREAPM/25/00112) should be reviewed to assist with preparation of the full application. A minimum practical discharge rate of 2l/s is acceptable.

As indicated in the submitted drainage documentation, infiltration testing should be completed on site to determine if soakaways can be incorporated into the detailed drainage strategy. Infiltration test results and calculation of rates should be submitted with the full application.

Outline plans indicate additional SuDS features are possible, offering potential

for supplementary attenuation, infiltration and water quality treatment. These should be explored and developed for the full application.

The SuDS Maintenance Manual needs to be developed further for the full application and where drainage ditches exist within the development boundary, they must be included. The manual must include all drainage features within the development boundary and indicate where responsibilities will be assigned.

The following items are required with the full application:

1. Infiltration test results and supporting calculations should be submitted. Where infiltration rates are favourable and ground conditions allow, soakaways must be utilised within the drainage strategy.
2. A detailed surface and foul water drainage strategy should be submitted.
3. Network simulation results and any other supporting drainage calculations should be submitted. The allowance for Urban Creep must be included and demonstrated by submission of a drainage plan and / or supporting calculations.
4. A gully catchment plan, including contours and drained areas, must be submitted for approval.
5. Exceedance flows shown on a layout plan, must be submitted.
6. A SuDS maintenance plan, including all drainage features within the development boundary, should be submitted.

Proposed Condition

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

4.1.5 SC, Regulatory Services - No objection subject to conditions.

The report concludes recommending a Phase II Site Investigation to fully assess the risks of developing the site. Environmental Protection does not disagree with this conclusion.

4.1.6 SC, Learning and Skills - No objections.

Shropshire Council Learning and Skills reports that current forecasts indicate the need for additional school place capacity for both primary and secondary level within the local area. Local schools are full (or will be full) once occupation of this and other proposed developments are complete. The primary catchment school (St Peters) has a Net capacity of 420 and currently has 431 pupils on roll. The secondary school Thomas Adams has a capacity of 1040 with 1225 on roll.

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

Due to the scale of development and the number of pupils not only this development but also numbers that other developments in the area will generate it is recommended that contributions for both primary and secondary education provision are secured via a mixture of S106, CIL and Basic Need agreements - supporting educational provision in the Wem area of Shropshire (mainstream) and Shropshire for SEND.

Financial calculations to meet need are as follows:

*Early years and Post 16 use the same costs as Primary and Secondary

Early years places: 13 (yield 0.07) x £17 941 = £233 233

Primary School places: 48 (yield 0.27) x £17 941 = £861168

Secondary School places: 25 (yield 0.14) x £20 991 = £524 775

Post 16 places: 9 (yield 0.05) x £20 991 = £188 919

SEND (special school places): 2 (yield 0.01) x £85 738 = £171 476

SEND Transport: £7700 x 2 x 3 years = £ 46 200

Total entitlement: £2 025 771 towards educational provision in Shropshire. Of this we would look to secure the following contributions:

Early years contribution £100k - there has been a big push for this nationally due to the increase in childcare hours available for people and those accessing wrap around care, this would allow us to renovate/refurbish spaces as we have done in other settings.

Primary school contribution £750k – Due to the number of primary age children this development would generate we would likely have to expand the local primary school as it is already full.

Secondary school contribution £350k - The secondary school is oversubscribed so we would be looking at a contribution to provide further teaching spaces.

SEND contribution £217 676 - We would look to secure the full entitlement for the SEND contribution as this is a priority both locally and nationally.

Total Contribution requested: £1 417 676 towards educational provision in Shropshire.

4.1.7 **SC, Trees – No objections subject to conditions.**

I have reviewed the amended Illustrative Concept Plan (900182.69 SK02.3 Rev J), the amended Illustrative Landscape Masterplan (LA6074-002 Rev F) and the updated Arboricultural Survey Report (6777 Rev C, Barton Hyett

Associates, October 2025) submitted since my previous consultation response (22 August 2025), and on behalf of Shropshire Council Tree Team I can report that there remains no objection to this application on arboricultural grounds. In fact, the arboricultural implications have improved slightly over the previous iteration of the plans, in that only a single vehicular site access is now proposed off Aston Road, as opposed to two originally, with a consequent reduction in the amount of existing roadside hedgerow required to be removed. The recommended tree protection and landscaping conditions therefore remain as per the previous consultation response

4.1.8 **SC, Waste Management – Comments**

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

An option for residents to have wheelie bins for recycling has been added to the service in 2022, therefore space for three wheelie bins per property could be required.

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate.

Particular concern is given to any plots which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase.

Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

4.1.9 **SC, Conservation - Comments.**

Officers have reviewed the submitted HIA and consider that it fulfils the requirements of paragraph 207 of the NPPF, MD13 of SamDev and relevant guidance. The conclusions with regard to above ground heritage assets Church of St Peter and St Paul and Wem Conservation Area suggest that no harm will arise to the identified DHA's (above and para 6.2 of the Assessment) and Officers concur with this finding and Section 72(1) would not be engaged in the decision making process.

In para 6.3 of the Assessment it is indicated in the submitted application

information (which are indicative - Officer note), there is to be open space in the eastern area of the site and tree planting on the south eastern boundary, that this would screen the development. In addition in this para it is suggested that with these 'measures in place, development of the site would not adversely impact on the Grade II listed Aston House'. Officers would advise that this would equate to less than substantial harm (at the lowest level) and the mitigation measures noted in the HIA would need to be secured to be able to allow some of this harm to be addressed in the weighing against public benefits of the scheme, as required by para 215 of the NPPF.

As harm is identified the application of Section 66 (1) is required and Officer advice decision takers to give special regard to the desirability of preserving listed buildings and their settings when weighing public benefits against harm as required in para 215 of the NPPF.

4.1.10 **SC, Archaeology - No objection subject to condition**

It is noted that a geophysical survey was undertaken across the proposed development site (Magnitude Surveys, ref. MSSJ2136). The survey results identified anomalies that indicate potential for archaeological remains within the site, which have not been tested by trial trench evaluation but are possibly related to agricultural activity or natural geological variations. In regard to Policy MD13 and Paragraph 207 of the NPPF (December 2024), the geophysical survey is deemed to provide sufficient information to inform a planning decision.

Therefore, in line with Paragraph 218 of the NPPF (December 2024), it is advised that a programme of archaeological work be made a condition for any permission for the proposed development. This should comprise a trial trenching exercise that targets the anomalies and blank spaces identified in the geophysical survey, followed by any further mitigation is necessary. An appropriate condition would be:

Suggested condition: JJ35

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

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

Reason: The site is known to hold archaeological interest

4.1.11 **Green Infrastructure – No objections subject to conditions.**

A On review of the submitted masterplan please note the following that should be considered parameters of the outline/ conditions for any future RM layout.-A parameter of the outline application/ condition for any future RM layout should include a play and recreation strategy in line with Fields in Trust Guidance and

support the SC GI Strategy. A development of this scale should provide LEAPs, LAPs, Informal Play for All and provision for older children within the relevant walking distances as per FIT guidance, this should be demonstrated in the strategy.

As part of the play and activity strategy the indicative recreational walking routes and growing areas should also be included. Ensuring pedestrian permeability and route options not fully dictated by roads. These routes should be surfaced paths that are wheelchair friendly. The proposed community orchard and growing area should include wheelchair friendly routes and spaces to be afforded the same recreational benefits.

Maintaining green corridors in any future RM layout is important, particularly the north-south channel within the development parcels and the green edges to the site. It is important to maintain uninterrupted green channels that are not dissected by roads for positive GI with habitat connectivity. The illustrative layout which indicates these corridors and green edges should be parameter for any future RM layout.

4.1.12 Landscape Architects (ESP Ltd) - Comments

The assessment methodology and the contents of the LVIA reflect the recommendations of GLVIA3. The baseline conditions and the proposed development are clearly described. Map based supporting figures are clear and cross-referenced within the text, and photography has been presented in line with best practice guidance.

The predicted effects are generally what one would expect for a development of this scale, which show that it represents a substantial change to the site itself and the views experienced by the closest receptors, but these effects are localised and diminish with distance as the built form is screened by vegetation, land form and buildings. These effects are also partially mitigated over time as soft landscaping matures.

4.1.13 Network Rail – No objections

Network Rail has no objections in principle to the proposed development.

4.1.14 NHS Shropshire Telford and Wrekin ICB – No objections.

The ICB has no objections to the development subject to confirmation of the level of contribution requested at £156,900, the agreement of suitable provisions within a Section 106 Agreement to secure the funding and enable the funds to be drawn down at an appropriate time and that the amount is linked to BCIS TPI to the point of draw down.

4.1.15 Active Travel England

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here:

<https://www.gov.uk/government/publications/active-travel-england/sustainable-development-advice-notes>

4.1.16 **Wem Town Council - Objection**

Wem Town Council has previously objected to several developments to the east of the level crossing due to existing traffic congestion, standing traffic and the resulting impact on traffic flow and road safety. These concerns are particularly acute at the level crossing itself and on surrounding roads, especially Aston Road, Aston Street and Soulton Road.

The Council remains seriously concerned about the ability of existing infrastructure to cope with further development in this part of the town. We urge Shropshire Council to facilitate round-table discussions with all current applicants seeking permission for housing developments east of the town. Such discussions are needed to find solutions to shared concerns, particularly the impact of increased traffic on the level crossing.

The Council believes there is a clear need for developers to work together to create a link road between Aston Road and Shawbury Road. This would help relieve pressure on the town's road network and, in time, provide a more sustainable basis for potential development in this area.

Viewed as a stand alone application the Town Council wish to submit the following objections to the application.

Specific Objections

1. Road Safety and Highways- The surrounding road network cannot accommodate the additional traffic generated by a development of this scale.
 - Smaller local roads, such as Church Lane and Cordwell Park, would be placed under increased pressure as residents seek to avoid congestion at the level crossing.
 - Roads leading into the proposed development are already heavily constrained by on-street parking, effectively reducing them to single-track sections. Additional traffic will worsen congestion in and out of town.
 - In the nearby rural settlements of Aston and Barkers Green, the impact will also be significant, with more vehicles using minor roads categorised as "quiet lanes." Particular concern is raised regarding Aston Bridge, a listed structure, which must be fully protected from potential damage caused by increased traffic.
 - The Council also highlights accessibility issues. Pavements along Aston Road and Soulton Road near the railway crossing are narrow and unsuitable for wheelchair users or those with mobility needs. This development would exacerbate challenges for people with disabilities wishing to access the town centre.
 - The level crossing itself remains a major concern. Increased use by and conflict between both vehicles (particularly HGV's), cyclists and pedestrians will place significant additional strain on a crossing that The Council already

considers unsafe. The current road layout and crossing cannot safely accommodate the volume of movements generated by an additional 175 houses.

2. Nature Conservation

- The site is greenfield and would result in the permanent loss of productive agricultural land.
- The Council does not consider that the inclusion of greenspace within the development adequately mitigates the environmental harm caused.

3. Overlooking and Residential Amenity

- The proposals risk overlooking existing properties along Aston Road.
- Particular concern is raised regarding The Orchards, a sheltered housing facility, which must not be overlooked in any approved scheme.

4. Flooding

- The Town Council is concerned about increased flood risks as a result of the development proposals. Church Lane regularly floods and an additional 175 houses in this location could increase the incidence of flooding along Church Lane.

4.2 Public Comments

4.2.1 Objection - 64 representations.

Principle and Policy

- **Local Plan:** Application site is located outside of the development boundary. Conflicts with policies CS3, CS5, MD3, and MD7a of the SAMDev Plan.

Traffic and Highway Safety

- **Roads Unsuitability:** Repeated concerns about congestion, narrow single roads. Residents highlight the impact of the level crossing. The road to Aston and Barkers Green-designated as a Quiet Road for recreational use-will become a hazardous rat run, undermining its intended purpose and threatening pedestrian and cyclist safety.
- **Increased Congestion:** The development is expected to add over 300 cars, worsening congestion and increasing the risk of accidents for both vehicles and pedestrians.
- **Pavements:** Pavements are narrow and inconsistent, often falling short of the claimed 2m width.
- **Railway Footbridge:** The railway bridge has 36 steps up from the public footpath and 32 steps down eventually leading to the Town centre shops and amenities. This route is not accessible by those with health issues or people with pushchairs etc.
- **Level Crossing:** The level crossing is one of the most dangerous in the count
- **Emergency Services:** Concerns about access for emergency services, which already get caught by the level crossing.

Flooding and Drainage

- **Existing Issues:** Many residents report flooding and poor drainage, especially on Aston Road.
- **Impact of Development:** Fears that new houses will worsen flooding due to increased impermeable surfaces and inadequate drainage solutions.

Environmental and Ecological Impact

- **Loss of Agricultural Land:** The is open farmland, which should be protected.
- **Biodiversity:** Objections note that the development would destroy habitats and negatively impact local biodiversity.
- **Sustainability:** The proposal is seen as conflicting with the National Planning Policy Framework (NPPF) principles of sustainable development.

Local Infrastructure and Services

- **Schools:** Local schools will not be able to cope with the additional pupils.
- **Healthcare:** The GP surgery will not cope and it already difficult to get an appointment.
- **Drainage:** Existing waste water and sewerage systems are unlikely to be sufficient to handle an additional 175 homes.

Impact on Local Character and Amenity

- **Character:** Continuous expansion is seen as eroding Wem's rural character.
- **Privacy:** Potential for development to cause overlooking to existing neighbouring properties..
- **Loss of Light:** Potential to cause a loss of light to neighbouring properties particularly the bungalows.

Planning History and Demand

- **Previous Refusals:** The site has had planning permission refused multiple times for smaller housing development proposals.
- **Appeal:** In 2016, The Planning Inspector concluded that the site "cannot be considered a sustainable development." These issues remain unchanged, and the current proposal-being over three times larger-intensifies every concern previously raised.

Other

- Wem cricket club are extremely concerned about the proposed access

onto the clubs ground. We have been experiencing major issues for years with dog walkers showing no respect for our facilities and have spent large amounts limiting access to our facilities.

4.2.2 **Local Ward Member Cllr Gary Groves - Objection**

Sustainability

The proposed development is fundamentally unsustainable. It lies outside the designated Planning Boundary for Wem and conflicts with policies CS3, CS5, MD3, and MD7a of the SAMDev Plan. The scale of the proposal—more than triple the size of the previously rejected 2016 application—would cause irreversible harm to the local environment and community. The Inspector in the 2016 appeal concluded that even 50 houses would constitute an unjustified loss of agricultural land and open countryside. This larger proposal magnifies that harm exponentially.

Highways and Accessibility

Access to essential services—schools, shops, healthcare, and employment—is severely compromised by this site's location. The walking routes are not viable for many residents:

- Pavements are narrow and inconsistent, often falling short of the claimed 2m width.
- The level crossing is one of the most dangerous in the country and has previously been cited as a reason to prohibit development on the east side.
- The alternative footbridge includes 30 steps, rendering it inaccessible for those with mobility issues, parents with prams, or cyclists.

Vehicle access is equally problematic. The Applicant's traffic estimates are unrealistic. In reality, traffic volumes will likely quadruple, causing congestion and safety risks. The road to Aston and Barkers Green—designated as a Quiet Road for recreational use—will become a hazardous rat run, undermining its intended purpose and threatening pedestrian and cyclist safety.

5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Highways
- Affordable Housing
- Local Services
- Design, Layout and Amenity
- Ecology and Trees
- Heritage Impacts

- Other Matters

6.0 OFFICER APPRAISAL

6.1 Policy & Principle of Development

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

Adopted Local Plan Policy

- 6.1.2 The starting point for decision making is the adopted local plan, which currently consists of the Core Strategy (2011), Site Allocations and Management of Development Plan (SAMDev Plan) and any adopted formal Neighbourhood Plans. The adopted local plan should be read and applied as a whole.

- 6.1.3 SAMDev plan policy MD1 (Scale and Distribution of Development) identifies Wem as a Market Town/Key Centre. The settlement strategy for Wem set out through policy CS3 (The Market Towns and other Key Centres) and S17 (settlement policy Wem area) and directs new residential and employment growth to the allocated sites and any suitable sites within the development boundary. The site subject to this application is outside of the development boundary for Wem as identified on Policy Map S17 (Insert 1) and for the purposes of planning policy is within the 'countryside'.

- 6.1.4 Core Strategy policy CS5 (Countryside and Green Belt) and SAMDev Plan policy MD7a (Managing Housing Development in the Countryside) apply, alongside the NPPF which seek to limit new residential development. In order to accord with these policies new market housing is expected to be strictly controlled and the development of this site for open market housing would be contrary to these adopted development plan policies.

- 6.1.5 The Five Year Housing Land Supply and Housing Delivery Test
Shropshire Council have recently published (31st March 2026) a new Five-Year Housing Land Supply Statement with a base date of 31st March 2025. The Five Year Housing Land Supply Statement sets out the assessment of the housing land supply in Shropshire over the five year period from 2025/26 to 2029/30.

- 6.1.6 With regard to the housing delivery test, this Statement details that over the last 3 years for which data was available (2020/21-2022/23) delivery in Shropshire has exceeded the housing needed as calculated within the national housing delivery test (152% delivery).

- 6.1.7 The assessment concludes that whilst a very significant supply of deliverable housing land exists in Shropshire of 9,830 dwellings, this falls around 828 dwellings short of a five year housing land supply, based on the new Local

Housing Need, constituting a 4.61 years' supply of deliverable housing land.

- 6.1.8 Therefore, on balance of considerations it is deemed that Shropshire Council is currently unable to demonstrate a five year housing land supply.

Implications for decision making

- 6.1.9 Footnote 7, 8 and Paragraph 11(d) of the NPPF detail the implications of not having a five year housing land supply for decision making, in the context of the application of the presumption in favour of sustainable development.

- 6.1.10 Footnote 8 of the NPPF indicates that where a Council cannot demonstrate a five year supply of deliverable housing sites, it means that the local plan policies most important to the decision will be considered out of date.

- 6.1.11 Paragraph 11(d) of the NPPF states: "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

- 6.1.12 Footnote 7 of the NPPF details areas and assets of particular importance when applying Paragraph 11 (d)(i) of the NPPF.

- 6.1.13 This does not change the legal principle, set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, that decisions on planning applications are governed by the adopted Development Plan read as a whole, unless other material considerations indicate otherwise. Rather paragraph 11(d) requires the decision maker to apply less weight to policies in the adopted Development Plan, and more weight to the presumption in favour of sustainable development as a significant material consideration, when reaching a decision. It is for this reason that it is commonly referred to as the 'tilted' balance.

- 6.1.14 The amount of weight to be attributed to the policies of the adopted Development Plan, including those considered 'out of date' as a result of paragraph 11 (d) of the NPPF, is a matter for the decision maker. This principle is confirmed within the High Court of Justice decision on the case of Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518.

- 6.1.15 Importantly, the presumption in favour of sustainable development and associated tilted balance maintains the general principle of good planning, in

that development should be genuinely sustainable in order to be approved. Paragraph 11(d)(ii) of the NPPF, specifically highlights several important considerations for the Council before concluding whether a proposal is genuinely sustainable. Notably it directs development to:

- sustainable locations;
- ensures it makes effective use of land;
- secures well designed places; and
- provides affordable housing.

6.1.16 Sections 70(2) and 79(4) of the Town and Country Planning Act (1990) (as amended) and section 38(6) of the Planning and Compulsory Purchase Act (2004) (as amended) specify that decisions on planning applications are governed by the adopted Local Plan read and applied as a whole, unless material considerations indicate otherwise. This is recognised within Paragraphs 2 and 48 of the NPPF.

6.1.17 The Core Strategy and SAMDev plan currently make up the adopted development plan in Shropshire. As Shropshire Council cannot currently demonstrate a Five Year Housing Land Supply, the presumption in favour of sustainable development applies.

6.1.18 This does not change the statutory status of the adopted Development Plan as the starting point for decision-making on planning applications. Whilst the site is associated with the settlement of Wem, it is located outside of its development boundary and in the 'countryside' for policy purposes. As such, it is considered that the development proposed upon the proposal site within this outline planning application, is contrary to the adopted Development Plan (including Policies CS1, CS3, CS5, MD7a, and S17.1).

6.1.19 However, the presumption in favour of sustainable development does mean that a 'tilted' balance is applicable, in which less weight should be applied to the adopted Development Plan and more weight to the presumption in favour of sustainable development as a significant material consideration in the planning application decision making process. The amount of weight to be attributed to the policies of the adopted Local Plan, including those considered 'out of date' as a result of paragraph 11 (d) of the NPPF, is a matter for the decision maker.

6.1.20 In considering paragraph 11(d) of the NPPF planning policy has made the following observations:

- This outline planning application adjoins and is closely associated with the built form of Wem, a sustainable settlement identified as a Market Town within the adopted Development Plan.
- The site benefits from access to a range of services and facilities and the proposals that are the subject of this outline planning application seek to provide enhancement of links to these existing services and facilities.
- Based on the material provided in support of this outline planning application, it is considered that in principle the proposals could constitute an efficient use

of land. Any subsequent reserved matters application process would need to ensure that this is the case.

- As this is an outline application the design detail is not yet known, although based on the material provided in support of this outline planning application, it is considered that in principle the proposals could support the achievement of a well-designed place. Any subsequent reserved matters application process would need to ensure the scheme achieves a high-quality design as expected in policy CS6 (Sustainable Design and Development Principles), 2(Sustainable Design) and the recently adopted Supplementary Planning Guidance Document – Design of New dwellings, which provides further support to the adopted development plan policies regarding design.

- It is understood from the Planning Statement that supports this outline planning application that the applicants intend to provide a 20% affordable housing contribution, which is an overprovision compared to the 10% policy requirement for this area. The over provision of affordable housing is a material consideration, the amount of weight to be given to this is a matter for the decision maker. If this outline planning application is to be approved, the affordable housing contribution would need to be secured via an appropriate legal agreement.

- 6.1.21 Although the site is not within the settlement it is adjacent to the settlement boundary of a town that is considered to be a suitable and sustainable location for housing development, given that it is identified as a Market Town/Key Centre in the adopted Local Plan. Provided that the benefits of providing additional housing are not outweighed by any significant and demonstrable adverse impacts, and that the proposal is well designed, makes effective use of land and provides affordable housing, permission should be granted and this will be discussed in the paragraphs below.

Highway Impact and Access

6.2

- 6.2.1 Core Strategy policy CS6 requires that development is safe and accessible. MD2 indicates that adequate on-site car parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network.

- 6.2.2 Paragraph 116 of the NPPF state that 'development should only be prevented or refused on highways 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'.

- 6.2.3 The internal road layout and therefore the parking is reserved for later approval, but a condition is recommended requiring the submission of a parking strategy at the reserved matters stage to ensure adequate resident and visitor parking is provided on site.

6.2.4 The vehicular and pedestrian access is proposed off Aston Road to the south via a new access. A pedestrian only access is also indicated to the north onto Church Lane and with the public right of way which runs through the cricket ground to the north west corner to improve connectivity to the facilities and services available in the centre of the town.

6.2.5 The Council's Highways Officer has raised no objections to the access arrangements subject to conditions or the impact of the development on the highway network.

6.2.6 The Highway Authority had raised concerns in regard to Active Travel. Following discussions between the Council and the applicant's, a new revised Transport Assessment (Addendum 2) has been submitted. The Local Highway Authority has assessed this additional information and has stated that whilst it is considered that the development presents challenges from a highway perspective, it is not considered that a highway refusal could be sustained. Shropshire Council as Local Highway Authority therefore raise no objection to the granting of consent subject to the following matters being addressed, suggested planning conditions attached to a permission being granted and Section 106 contributions that should be secured.

6.2.7 The revised Transport Assessment introduces additional information regarding public transport (Section 5), further off-site active travel improvements (Section 5) and Walking Route Audit Tool (WRAT) annotations.

6.2.8 The off-site improvements to promote active travel include:

- New footway extension on the northern side of Aston Road to provide continued footway provision on that side of the carriageway;
- New uncontrolled crossing with dropped kerbs and tactile paving on Aston Road;
- New dropped kerbs and tactile paving on Ash Grove;
- Widening of the footway on the eastern side of Orchard Way, including new tactile paving and dropped kerbs;
- New dropped kerbs and tactile paving on Prince William Court; and
- New dropped kerbs and tactile paving on Cordwell Park.

6.2.9 Furthermore, Active Travel England has raised no objections to the proposal and offered their Standing Advice.

6.2.10 As the Council's Highway Officer states, the test for refusal on highways grounds is high with a position in the NPPF that development should only be refused on highways 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.

There is no substantive evidence that the proposal would result in unacceptable highway safety impacts or have severe cumulative transport

- 6.2.11 implications on the road network. Subject to the conditions a safe means of access and adequate on-site parking will be provided and the off-site improvements to improve connectivity to the village and promote walking, cycling and use of public transport can be secured.

As such, it is considered that the proposed development now satisfactorily complies with development plan policy subject to conditions.

6.2.12

Affordable Housing

- 6.3 As the site is not policy compliant then greater weight should be given to Core Strategy Policy CS11 which requires all open market residential development to contribute to the provision of affordable housing.
- 6.3.1

Paragraph 65 of NPPF states:

- 6.3.2 Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy.

- 6.3.3 The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing in this area is 10%.

- 6.3.4 A development of 175 homes would need to provide 17 affordable home on site and a financial contribution. The size, type, tenure and location of the affordable homes will need to be agreed with the Housing Enabling Team before any further application is submitted, however it should be noted that there is a need for 1 bed houses along with 2 and 3 bed roomed homes in this area and we will expect a mix of all 3. The assumed tenure of the affordable homes would be 70% for affordable rent and 30% for Shared Ownership which would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme.

- 6.3.5 This application is proposing a 20% affordable housing rate, which is double the amount required by policy. This increased level of provision weighs heavily in favour of the application proposal and significant weight is attached.

Local Services

- 6.4 The National Planning Policy Framework (NPPF) and local development plan policies require that new development is supported by adequate infrastructure, including education, health, and community facilities. Policy CS6 (Sustainable
- 6.4.1

Development) and CS8 (Facilities, Services and Infrastructure Provision) of the Shropshire Core Strategy seek to ensure that development contributes to the provision of necessary infrastructure and does not place undue pressure on existing services.

6.4.2 The ICB has no objections to the development subject to confirmation of the level of contribution requested at £156,900, the agreement of suitable provisions within a Section 106 Agreement to secure the funding.

6.4.3 Shropshire Council Learning and Skills reports that current forecasts indicate the need for additional school place capacity for both primary and secondary level within the local area. Local schools are full (or will be full) once occupation of this and other proposed developments are complete. The primary catchment school (St Peters) has a Net capacity of 420 and currently has 431 pupils on roll. The secondary school Thomas Adams has a capacity of 1040 with 1225 on roll.

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

6.4.5 Due to the scale of development and the number of pupils not only this development but also numbers that other developments in the area will generate it is recommended that contributions for both primary and secondary education provision are secured via a mixture of S106, CIL and Basic Need agreements - supporting educational provision in the Wem area of Shropshire (mainstream) and Shropshire for SEND. Learning and Skills have requested a total contribution £1,417,676 towards educational provision in Shropshire.

Design, Layout and Amenity

6.5 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. This is reiterated in the Site Allocations and Management of Development (SAMDev) Plan in policy MD2 in which development should reflect local architectural characteristics including building heights, scale and plot sizes.

6.5.2 Core Strategy Policy CS17 and SAMDev policy MD12 amongst other things, require development to respect locally distinctive character, to protect the natural environment and in general terms to resist significant adverse effects on the landscape and visual amenity. MD12 indicates that proposals which are likely to have a significant adverse effect on, amongst other things, designated sites, priority species or habitats, visual amenity and landscape character should only be permitted where the social or economic benefits of the proposal

outweigh the harm to the asset and that a hierarchy of mitigation then compensation measures will be sought.

6.5.3 The site is not a locally or nationally designated site, but the built development will obviously change the character and appearance of this existing field and extend the settlement into the countryside impacting on the rural character. The views that will be most impacted is that Aston Road and Church Lane and the views of existing residents of properties that back on to the site will also be affected. However, there is no right to a view and the layout to be determined at the RM stage will need to be designed to have regard to the impact on residential amenity.

6.5.4 The Council's landscape consultants have reviewed the submitted LVIA and considers that the assessment methodology and the contents of the LVIA reflect the recommendations of GLVIA3. The baseline conditions and the proposed development are clearly described. Map based supporting figures are clear and cross-referenced within the text, and photography has been presented in line with best practice guidance.

6.5.5 The Landscape Consultants state that the predicted effects are generally what one would expect for a development of this scale, which show that it represents a substantial change to the site itself and the views experienced by the closest receptors, but these effects are localised and diminish with distance as the built form is screened by vegetation, land form and buildings. These effects are also partially mitigated over time as soft landscaping matures.

6.5.6 The Council's Green Infrastructure Officer has not raised any objections but has recommended that a parameter of the outline application/ condition for any future RM layout should include a play and recreation strategy in line with Fields in Trust Guidance and support the SC GI Strategy. A development of this scale should provide LEAPs, LAPs, Informal Play for All and provision for older children within the relevant walking distances as per FIT guidance, this should be demonstrated in the strategy.

6.5.7 As part of the play and activity strategy the indicative recreational walking routes and growing areas should also be included. Ensuring pedestrian permeability and route options not fully dictated by roads. These routes should be surfaced paths that are wheelchair friendly. The proposed community orchard and growing area should include wheelchair friendly routes and spaces to be afforded the same recreational benefits.

6.5.8 Maintaining green corridors in any future RM layout is important, particularly the north-south channel within the development parcels and the green edges to the site. It is important to maintain uninterrupted green channels that are not dissected by roads for positive GI with habitat connectivity. The illustrative layout which indicates these corridors and green edges should be parameter for any future RM layout.

Conditions are recommended to ensure that any future RM application accord with the above in order to secure a high quality development.

6.5.9

The development would have a visual impact on the character and appearance of the rural landscape. Subject to satisfactory landscaping and planting that would partly screen and mitigate the visual effects of the development the proposal would result in a moderate level of harm. This is discussed further in the planning balance section below.

6.5.10

Ecology and Trees

6.6

Policy MD12 also requires the protection and enhancement of the natural environment, including the retention of trees of landscape, ecological, or amenity value, and encourages the delivery of green infrastructure and biodiversity net gain.

6.6.1

6.6.2

The Council's Ecology Officer has raised no objections to the proposal. As shown within biodiversity net gain assessment determined the site to consist of cereal crops, other neutral grassland, mixed scrub, ponds (non-priority and priority habitat), lowland mixed deciduous woodland and rural trees, bound by native hedgerows, species-rich native hedgerow with trees, species-rich native hedgerows associated with ditches and non-native and ornamental hedgerow. The development proposes a net gain of 4.21 (12.07%) habitat units, 5.46 (28.56%) hedgerow units and 0.16 (14.08%) watercourse units. The habitat units will be achieved via the creation of other neutral grassland, modified grassland, mixed scrub, traditional orchards, introduced scrub, ponds, SUDs, vegetated gardens and the planting of urban and rural trees. The hedgerow units will be achieved via the planting of non-native and ornamental hedgerow, native hedgerow, species-rich native hedgerow, native hedgerow with trees, species-rich native hedgerow with trees and species-rich native hedgerow with trees – associated with ditches. The species-rich native hedgerow with trees will also be enhanced on site. The watercourse units will be achieved via the enhancement of the ditches and creation of more ditches.

6.6.3

The applicant has provided a certificate confirming that the works will be carried out under the District Level Licensing scheme. The Council's Ecologist has confirmed that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations. The Conservation Payment under the District Level Licensing scheme is sufficient to allow the impacts on GCN due to development on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range. The required European Protected Species (EPS) 3 Tests Matrix is included in Appendix 1 of this report.

The Council's Tree Officer has been consulted and has stated that the findings, conclusions and recommendations of the tree report are accepted

- 6.6.4 and supported. In fact, the arboricultural implications have improved slightly over the previous iteration of the plans, in that only a single vehicular site access is now proposed off Aston Road, as opposed to two originally, with a consequent reduction in the amount of existing roadside hedgerow required to be removed.

- 6.6.5 The development as indicated on the Illustrative Concept Plan (900182.69 SK02.3 rev G) will require the removal of short lengths of road side hedgerow to create vehicular and pedestrian accesses and visibility splays. These losses could be readily compensated by new tree and hedge planting as part of an approved landscaping scheme, as proposed on the Illustrative Landscape Masterplan (LA6074-002 Rev E). Overall, a development scheme and associated landscaping as proposed in this outline application would have little impact on the existing arboricultural features of the site and would ultimately enhance its arboreal nature, habitat connectivity and biodiversity value.

- 6.6.6 The Council's Tree and Ecology Officer's have recommended conditions which can be attached to a permission to ensure that the proposal would ensure the protection of wildlife and trees during the construction phase, and the development of the site will significantly increase the biodiversity of the site.

Heritage Impacts

- 6.7 The Council's Conservation Officer has reviewed the submitted HIA and considers that it fulfils the requirements of paragraph 207 of the NPPF, MD13 of SamDev and relevant guidance. The conclusions with regard to above ground heritage assets Church of St Peter and St Paul and Wem Conservation Area suggest that no harm will arise to the identified DHA's (above and para 6.2 of the Assessment) and the Conservation Officer agrees with this finding and Section 72(1) would not be engaged in the decision making process.

- 6.7.2 The Conservation Officer has stated that in para 6.3 of the submitted heritage impact assessment it is indicated in the submitted application information (which are indicative), there is to be open space in the eastern area of the site and tree planting on the south eastern boundary, that this would screen the development. In addition, in this para it is suggested that with these 'measures in place, development of the site would not adversely impact on the Grade II listed Aston House'. The Conservation Officer states that this would equate to less than substantial harm (at the lowest level) and the mitigation measures noted in the HIA would need to be secured to be able to allow some of this harm to be addressed in the weighing against public benefits of the scheme, as required by para 215 of the NPPF.

- 6.7.3 As harm is identified the application of Section 66 (1) is required and decision takers to give special regard to the desirability of preserving listed buildings and their settings when weighing public benefits against harm as required in para 215 of the NPPF. The mitigation measures detailed within the Heritage Impact Assessment can be secured by condition to ensure that any potential

harm is minimised.

- 6.7.4 The Council's Archaeologist has advised that a programme of archaeological work be made a condition for any permission for the proposed development. This should comprise a trial trenching exercise that targets the anomalies and blank spaces identified in the geophysical survey, followed by any further mitigation is necessary.

Other matters

- 6.8 Agricultural Land: An Agricultural Land Classification Survey and Report was submitted with the application. As set out in the submitted Agricultural Land Classification Report, the Site has been surveyed and classified as a mix of Grade 2 (74%) and Grade 3a (20%) land, with a small portion of Grade 3b (6%) in the north of site, surrounding the existing pond.

- 6.8.2 As per Annex 2 of the National Planning Policy Framework, this would mean that 94% of the Site is classified as "Best and Most Versatile Agricultural Land". Paragraph 187 of the National Planning Policy Framework outlines that planning decisions should contribute to and enhance the natural and local environment, including through the consideration of the benefits of best and most versatile agricultural land. The loss of agricultural land is considered to carry limited harm in the planning balance.

- 6.8.3 The proposed development would result in the loss of Best and Most Versatile (BMV) agricultural land, which is recognised as a finite and valuable natural resource. However, significant weight should be given to the Council's inability to demonstrate a five-year supply of deliverable housing sites. In these circumstances, national policy seeks to significantly boost the supply of homes and the presumption in favour of sustainable development is engaged. While the loss of BMV land weighs against the proposal, the site's contribution to meeting identified housing needs is a substantial benefit. On balance, given the current shortfall in housing land supply and the absence of any suitable alternative sites of a lower agricultural value, the loss of the agricultural land is not considered to outweigh the benefits arising from the delivery of much-needed housing.

- 6.8.4 Drainage: The drainage team has no objection to the proposal subject to a drainage condition requiring full details to be submitted and provides informative advice about what is required. The site is in Flood zone 1 (the lowest risk of flooding) and there would be no flood risk associated with this development either on the site or on adjacent land as the surface water drainage will have to demonstrate a betterment to the existing greenfield surface water run off rate.

- 6.8.5 Contaminated Land: Environmental Protection have raised no objections and agree with the conclusions of the submitted Phase 1 report. Due to the submitted report indicating that a site investigation is required to determine the

nature of the ground condition is recommended to assess and mitigate any risk from potential ground contamination and ground gases.

6.8.6 Minerals: Policy MD16 states Applications for non-mineral development which fall within Mineral Safeguarding Areas (MSA) and which could have the effect of sterilising mineral resources will not be granted unless:

- i. The applicant can demonstrate that the mineral resource concerned is not of economic value; or
- ii. The mineral can be extracted to prevent the unnecessary sterilisation of the resource prior to the development taking place without causing unacceptable adverse impacts on the environment and local community;

6.8.7 However, significant weight should be given to the Council's inability to demonstrate a five-year supply of deliverable housing sites. In these circumstances, national policy seeks to significantly boost the supply of homes and the presumption in favour of sustainable development is engaged. While the sterilisation of this site weighs against the proposal, the site's contribution to meeting identified housing needs is a substantial benefit. In addition, the sites location abutting Wem does not make this location suitable for extraction as it would significantly impact existing residential properties. Therefore, the likelihood of this site coming forward for mineral extraction is unlikely. On balance, given the current shortfall in housing land supply and taking into account the site location, the permanent loss of land for mineral extraction does not outweigh the benefits of the scheme.

6.8.8 Network Rail: Network Rail has no objections to this proposal and makes no comments.

Planning Balance/Recommendation

7.0 In weighing this application, it is necessary to consider the benefits of the proposed development against any adverse impacts, taking full account of the adopted development plan, the evidence base for the withdrawn Local Plan, 7.1 consultee responses, public representations, and the requirements of the National Planning Policy Framework. The site is located in the countryside under the adopted Shropshire Local Plan, where open market residential development is generally not supported except in exceptional circumstances. However, the Council cannot currently demonstrate a five-year supply of deliverable housing land, and the presumption in favour of sustainable development is engaged.

7.2 In reaching the planning balance, it is acknowledged that the application site lies outside the settlement boundary of Wem. The development proposes up to 175 dwellings on a site on the edge of Wem, a designated as a market town/key centre which is considered a sustainable location for development. The benefits of new housing including affordable housing (10%more than the policy requirement) that meets an identified need, supports rural vitality, and that contributes to Shropshire's overall housing supply must be given

substantial weight.

7.3 The proposed off-site highway works are an additional benefit to the proposal supporting alternative travel choice by promoting walking and cycling to facilities within the village and use of public transport. Sustainable travel options that reduce reliance on the private car will help reduce the environmental impacts of the development. Other environmental benefits include the proposed landscaping and significantly enhanced biodiversity of the site. The proposal will also bring economic benefits during the construction phase, and social and economic benefits when the dwellings are occupied.

7.4 The exact number of dwellings and the scale, layout, appearance and landscaping of the site are reserved for later approval. Determination of the RM application will secure an appropriate layout, scale and design and ensure that the development makes effective use of land.

7.5 Although public comments have expressed concern that the scale of development is considered too large for the size of the settlement and existing infrastructure, for the reasons outlined in the report it is considered that subject to the required CIL contribution and the highway improvements to be secured the proposal would not place an unacceptable strain on local infrastructure and will contribute to improvements to the benefit of existing and future residents. The provision of new housing will help to support and retain existing local facilities and services and enhance the vitality of this rural community.

7.6 Any adverse impacts of the development do not significantly and demonstrably outweigh the benefits of the proposal, and therefore the weight in the overall planning balance is in favour of granting planning permission subject to the recommended conditions.

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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose 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 give 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 1970.

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Council Core Strategy (February 2011):

CS1 : Strategic Approach

CS3 : The Market Towns and Other Key Centres

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CD11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

CS20 : Strategic Planning for Minerals

Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD1 : Scale and Distribution of Development

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD7a Managing Housing Development in the Countryside

MD12 : Natural Environment

MD13 : Historic Environment

MD16 : Minerals Safeguarding

S17 : Wem

10.2 Relevant Planning History

RELEVANT PLANNING HISTORY:

14/03428/OUT Outline application for the erection of 50No dwellings (to include access) REFUSE 5th October 2015

PREAPM/24/00291 Residential development of circa 150-175 APPRET

PREAPM/25/00112 Residential development of circa 150-175 dwellings
PREAMD 22nd May 2025

PREAPP/25/00087 Forestry Commission notification of tree restocking notice and requirement for maintenance for 10 years
PREAIP 20th March 2025

25/02775/OUT Outline planning application, to include access matters only for: up to 175 dwellings, site access and highway works, green infrastructure including public open space, sustainable drainage, landscape buffering, amenity green space, and ancillary works. PDE

Proposed Residential Development Land between Aston Road and Church Lane Wem.

Appeal

16/02399/REF Outline application for the erection of 50No dwellings (to include access) DISMIS 13th March 2017.

11.0 ADDITIONAL INFORMATION

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SZRGPHTDJFY00>

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

https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T04FUFTDJM700

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member Cllr Gary Groves Cllr Alan Holford

Appendices APPENDIX 1 - EPS 3 Test Matrix
--

APPENDIX 1

-

This page is intentionally left blank



Committee and date

Northern Planning 21 July 2026

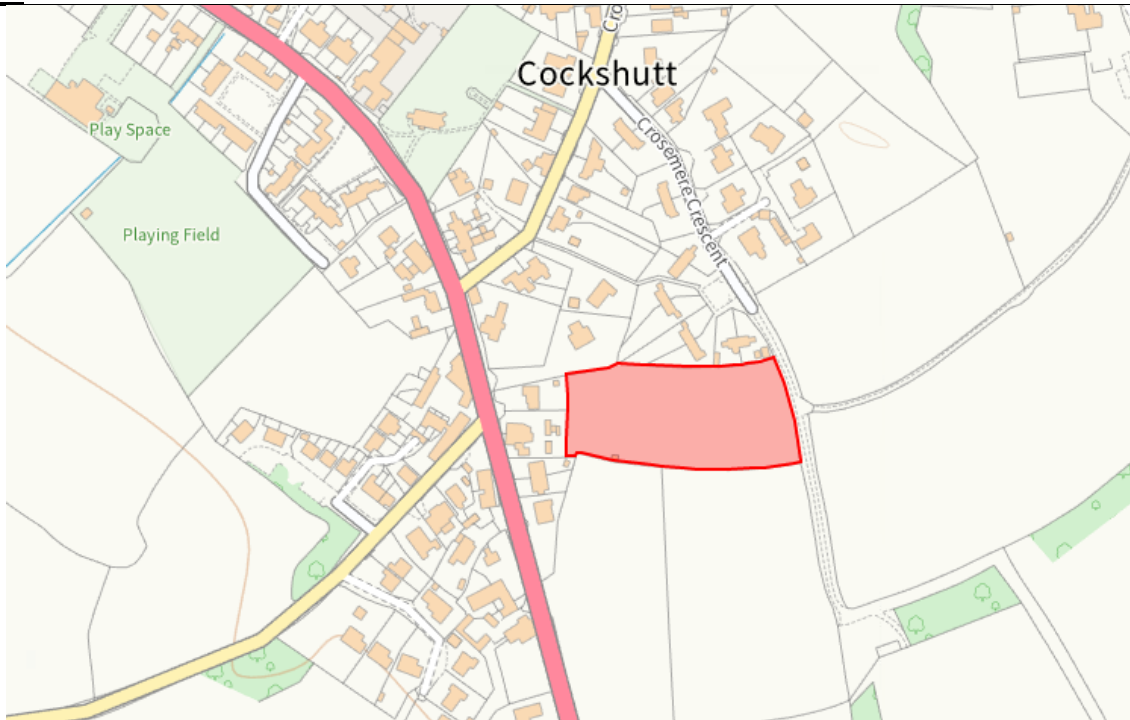
Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

Summary of Application

<u>Application Number</u> : 25/04083/FUL	<u>Parish</u> :	Cockshutt-cum-Petton
<u>Proposal</u> : Development of 14 Residential Dwellings, relocation and upgrade of existing access		
<u>Site Address</u> : Proposed Residential Development Land To The West Of Crosemere Crescent Cockshutt Shropshire		
<u>Applicant</u> : Kelland Homes		
<u>Case Officer</u> : Mark Perry	<u>email</u> : mark.perry@shropshire.gov.uk	

Grid Ref: 343649 - 329048



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

Recommendation:- Grant permission subject to the conditions set out in Appendix 1 and the applicant entering into a S106 to secure affordable housing.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to full planning permission for the erection of 14 two storey dwellings of which 12 would be open market and 2 would be affordable. The open market dwellings would comprise of 2 x 3-bed bungalows, 3 x 3 bed detached dwellings, 2 x 2-bed semi-detached dwellings and 5 x 4-bed dwellings. The affordable dwellings would comprise 1 x 1-bed semi detached dwelling and 1 x 2-bed semi detached dwelling.

1.2 Also included within the application is the necessary road comprising a cul-de-sac leading from the adopted unclassified road and a central area of public open space (POS).

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located on the southern edge of Cockshutt. The site is an existing parcel of Grade 2 agricultural land which is enclosed by existing residential development along its northern and western edge. Its southern edge is defined by an existing mature hedgerow with further agricultural fields beyond.

2.2 The adjoining residential development comprises of semi-detached former local authority housing to the north and larger detached dwellings to the west and northwest.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 In consultation with the local member and the vice-chair of committee it was concluded that the comments raised by the Parish Council warrant consideration and determination of the application by the Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

Cllr Marston- Object. The site is currently greenfield land, located beyond the development boundary for Cockshutt. Under the Development Plan, speculative development on such land is not supported. The SAMDev Plan identifies five allocated residential development plots delivering 20 properties and this application is not located within any of these allocated sites.

The proposed access route via Crosemere Road from the A528 Shrewsbury Road is unsuitable for additional traffic. There is poor visibility for vehicles entering and exiting Crosemere Crescent. There are no footpaths near these junctions, making it unsafe for pedestrians. This route is used by parents and

children walking to the local primary school, and school children using the bus stop to travel to the secondary school, as well as other residents using the bus stop and local shop. There is no space to provide a safe pedestrian walkway. The proposal would significantly increase risks to highway safety and pedestrian welfare.

Additionally, the Automatic Traffic Count (ATC) data used is misleading. It was collected on a significantly narrower stretch of road where vehicle speeds are naturally slower due to the single carriageway. In reality, vehicles approach Crosemere Crescent at greater speed, creating a serious hazard for vehicles attempting to exit, with very limited visibility.

The existing foul water drainage system along Crosemere Crescent is already inadequate. Residents experience annual sewage backflow incidents, requiring intervention from Severn Trent to clear blockages. It is acknowledged that the system is overloaded and there is no indication that Severn Trent plans to upgrade the infrastructure. Adding 14 further properties will exacerbate these issues.

For the reasons outlined above-serious concerns regarding highway safety, pedestrian risk, inadequate drainage infrastructure, and non-compliance with the Development Plan-I do not support this application.

4.1.1 Parish Council- Object (their comments can be viewed in full on the file but are summarised below)

- The Parish Council objects to the proposed development.
- Cockshutt Village is designated as a hub in the current Local Plan, which guides development in Shropshire until a new plan is adopted.
- Development in Cockshutt is restricted to allocated sites, infill, conversions, and small groups (up to 5 dwellings) within the defined boundary; nearly all allocated sites have already been developed.
- The Local Planning Authority notes Cockshutt has seen 46 completed dwellings, with 4 more consented and 6 allocated yet to be approved.
- A recent windfall development at Parklands added 6 properties, pushing the village's housing allocation above the current plan's target of 50.
- Future development will be delivered through saved allocations, small-scale windfall sites consistent with cluster policy, and infill sites up to 0.1ha and 3 dwellings, as outlined in the Local Plan Review to 2038.
- The proposal exceeds the preferred scale and type of development set out in the Cockshutt Parish Plan and falls outside the village boundary, conflicting with current and emerging local plan policies.
- The Parish Council acknowledges a housing land shortfall, but sustainable development is only supported where adverse impacts do not outweigh benefits.
- Both existing and emerging Local Plans require developers to ensure sufficient infrastructure capacity for new developments.
- Drainage concerns persist, with the Cockshutt Sewerage Pumping Station struggling during heavy rain, leading to sewage backflow;

additional housing would worsen the issue.

- The proposed access road would negatively impact protected hedges and the application does not address these impacts.
- The reliability of submitted traffic data is questioned; placement of monitoring equipment and lack of inclusion of larger vehicles raise concerns, with no information on traffic management during construction.
- Junction visibility is inadequate and would require removal of boundary hedges, which is not permitted under existing consents.
- Footpaths are narrow or absent along routes to the village centre, making pedestrian access to community facilities difficult.
- The Parish Council concludes the proposal is not sustainable and does not comply with policy criteria, and therefore requests refusal of consent.

4.1.2 **Highways-** No objection subject to conditions following the submission of further information and plan showing junction improvements.

4.1.3 **Public Protection-** recommend Construction Management Plan is secured by condition.

4.1.4 **Conservation-** no comment to make.

4.1.5 **Trees-** Loss of roadside hedgerow can be more than compensated. Conditions suggested.

4.1.6 **Ecology-** no objection.

4.1.7 **Affordable Housing-** size and location of the 2 affordable dwellings is acceptable.

4.1.8 **Archaeology-** the site is considered to have untested archaeological potential. A phased programme of archaeological work should be made a condition of any planning permission for the proposed development.

4.1.9 **Severn Trent Water-** no comments received at time of writing report.

4.1.10 **Drainage-** Object, request further details of the drainage system/ strategy required

4.2 **Public Comments**

32 representations received. 26 objecting and 6 in support. The matters raised in the representations are summarised below but can be viewed in full on the planning file; available online.

Objections

Highway safety and access

- Crosemere Crescent and Crosemere Road are as narrow and

constrained

- Poor visibility at the junction of Crosemere Crescent/Crosemere Road
- Poor visibility and safety issues at the junction of Crosemere Road/A528
- Lack of continuous pavements
- Conflict between vehicles and pedestrians, including children walking to school / bus stops
- Existing use by agricultural vehicles, HGVs, delivery vans, bin lorries
- On-street parking further narrows road
- Road unsuitable for construction traffic as well as future residential traffic
- Increase in vehicle movements
- Question the reliability of the Automatic Traffic Count (ATC) evidence. Concern about its position, the date of the survey/report
- Question land ownership and ability to widen existing road.

Drainage, sewerage and flooding

- The existing foul drainage / sewerage system is already inadequate
- Overflow incidents during heavy rain
- The local pumping station / network is already at or beyond capacity
- Concern that an additional 14 dwellings would worsen existing problems
- Maintenance and effectiveness of soakaways
-

Development plan / site suitability

- Outside the settlement/development boundary
- Not one of the allocated SAMDev sites

Sustainability

- Limited village services
- Infrequent bus service
- Unsafe cycling conditions, especially on the A528
- Reliance on the private car for daily needs

Landscape, hedgerows, wildlife and rural character

- Loss of hedgerows
- Impact on wildlife habitat
- Erosion of the site's countryside edge / rural character

Housing need / housing mix

- Village needs more affordable housing
- More 2- and 3-bedroom homes
- Question whether the proposed mix best meets local need

Support

- would help sustain local facilities, including school, nursery, pub, village hall, shop
- The proposal would help support the long-term vitality of the village

- development offers a range of house types/sizes including some affordable housing
- Additional homes that would support community continuity and growth

Design / scale

- proposal is well designed
- A reasonable scale of development
- A positive addition to the village

5.0 THE MAIN ISSUES

Policy and Principle of Development

Design, Scale and Character

Impact on Residential Amenity

Highways

Affordable Housing

Open Space

Ecology

Biodiversity Net Gain

Drainage

6.0 OFFICER APPRAISAL

6.1 Policy and Principle of Development

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

6.2 Adopted Local Plan Policy

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

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

6.2.3 Under Policy S8.2(i) Cockshutt is classified as a Community Hub which has a housing guideline of around 50 dwellings over the plan period to 2026. These would be provided on the allocated housing sites, of which there are 3, and by infilling, groups of houses and the conversion of buildings on suitable sites within the development boundary.

- 6.2.4 The most recent Five Year Housing Land Supply Statement, which uses data to the 31st March 2025 indicates that Cockshutt had 46 completions and a further 4 dwellings with planning permission. In addition, there is an allocated site for 4 dwellings which is yet to have a planning application submitted on it. Since the 31st March 2025 permission has been granted, on appeal for six dwellings on Land off The Parklands, Cockshutt. As such the total permissions in the village is 56 against a housing guideline of 50. However, the housing guideline figure should not be seen as a ceiling, instead it was a guide to inform the scale of new housing provision rather than as a strict upper limit. The delivery of additional dwellings above the guideline figure may be supported where it can be demonstrated that there are no adverse impacts on the character of the village, the local environment, or community infrastructure. Proposals should therefore be assessed on their individual merits, having regard to the overall sustainability of the location, the design and layout of the scheme, and the contribution it makes towards meeting housing need.
- 6.2.5 The application site, which is the subject of this application, is situated outside any development boundary as defined in the SAMDev Plan. The extent of the development boundary runs along the northern and western boundaries of the site. Whilst the site does adjoin the development boundary it does nonetheless fall within an area designated as countryside for planning policy purposes. Therefore, the proposal conflicts with adopted Core Strategy policies CS1 'Strategic Approach' and CS4 'Community Hubs and Community Clusters' and falls to be assessed against adopted Core Strategy policy CS5 'Countryside and Green Belt'.
- 6.2.6 Policy CS5 states that new development will be strictly controlled in the countryside and only allows for dwellings where there is a demonstrated housing need, including those to meet an essential rural business need or local need, none of which apply to this proposal. As the proposal is predominantly for open market housing, it therefore conflicts with CS5. It is considered that policy CS5 is consistent with the objectives of the National Planning Policy Framework.
- 6.2.7 Policy MD7a, 'Managing Housing Development in the Countryside,' within the SAMDev Plan imposes strict restrictions on market housing in rural areas, permitting only residential conversions and exceptions where it is based on specific housing needs, such as essential rural business requirements or demonstrated local demand for affordable housing. These exceptions do not apply to the current proposal, which primarily seeks new open market housing, the proposal does not conform to policy MD7a.
- 6.3 Draft Local Plan**
- 6.3.1 Under the draft local plan policy S8.3 proposed that Cockshutt become a Community Cluster settlement which would have supported the principle of small-scale windfall development where it was consistent with Policy SP9 of the now withdrawn plan. This policy would have supported modest levels of development on appropriate sites such as site allocations, conversions, and

small developments of a maximum of 3 dwellings which have permanent building on at least 3 sides of the site.

6.3.2 Comments from the Inspectors on the local plan examination were received on the 17th February 2025 indicating that modifications required to make the Plan sound were significant and would require a significant amount of further supporting evidence and testing as part of the examination process. The inspectors considered that the timetable to undertake the work was unrealistic and recommended that the local plan be withdrawn from examination. The Council has now withdrawn the plan.

6.3.3 Policy SP9 from the withdrawn Draft Local Plan no longer holds any weight in decision-making. However, the evidence that supported it remains a material consideration and may still be awarded weight in decision making.

6.3.4 In particular, the settlement hierarchy and supporting background evidence identifies the village as suitable for some limited residential growth, reflecting its role, level of services, and functional relationships with surrounding settlements. This is consistent with national policy objectives, including paragraph 11 of the NPPF, which sets out the presumption in favour of sustainable development.

6.4 NPPF & Five Year Land Supply

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

6.4.2 The deliverable housing land supply on the 1st April 2025 was 9,830 dwellings, there is therefore a shortfall of 828 dwellings. Shropshire Council is currently unable to demonstrate a five year supply of deliverable dwellings with only 4.61 years of supply.

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

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

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

granting permission unless:

The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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

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

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

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

6.4.8 The key planning issue to consider in determining whether the principle of development is acceptable is whether the proposal represents sustainable development and whether there are any other material considerations or benefits of the proposal that are sufficient to outweigh the conflict with the development plan with regards to the location of housing and any other adverse impacts arising from the proposal.

6.4.9 The Community Hub provides a limited range of services and facilities within walking distance of the site. The hierarchy of settlements document indicates that there is a bus service to Shrewsbury, nursery/ pre-school, primary school, pub, church, community hall, children’s play ground and outdoor sports facility.

6.4.10 The proposed development site would provide good access to services and

facilities. Paragraph 115 (b) of the NPPF indicates that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. The facilities can all be accessed on foot within a 10-minute walk from the application site as follows:

Pub and church- 6 minutes
 School 7- minutes
 Playing field/ play area 8- minutes
 Village Hall- 9 minutes
 Bus stop- 7 minutes

- 6.4.11 Additionally, there is an option of a footpath which runs from Crosemere Road directly into the church grounds which would be a secondary option for residents which would reduce the distance, although it is recognised that this may not be a desirable route at times, especially during the dark.
- 6.4.12 Although residents must cross the main road within the village to access certain facilities, the established speed limit of 30mph is unlikely to pose a significant obstacle to pedestrian movement.
- 6.4.13 The proposed site covers an area of approximately 0.74 ha which would provide 14 plots. Officers consider that this makes effective and appropriate use of the land having to respect the adjoining land users and the density of development in the immediate locality.
- 6.4.14 Officers acknowledge that Cockshutt offers a variety of essential services and facilities for daily needs. However, it is also recognised that residents must travel to Shrewsbury or Ellesmere to access a wider selection of amenities, including supermarkets and employment opportunities. Ellesmere is approximately 10 minutes to the north by car and is also accessible via bus. Shrewsbury is further away, requiring a 21 minute drive, but is similarly reachable by public transportation.
- 6.4.15 Cockshutt's status as a Community Hub indicates its role in supporting the provision of facilities, economic development, and housing within rural areas. Appropriate levels of development in these settlements can enhance sustainability, as outlined in policy CS4 of the Core Strategy; however, excessive growth may negatively impact local character and place undue demand on existing infrastructure and services. The proposed addition of 14 dwellings is considered moderate and suitably scaled to the settlement where it would not place an unacceptable burden on the services and facilities that the village has. This should also be seen within the context of SAMDev's development guideline for the village of 50 dwellings over the plan period to 2026 where the number of consented dwellings is only 56 against the development guideline of 50. The village has therefore not experienced substantial housing growth over the plan period.
- 6.4.16 The site has a close visual and functional relationship with the village's

established built form and is effectively enclosed by hedged boundaries and adjacent housing. Therefore, residential development at this location would be proportionate and compatible with the immediate surroundings.

6.5 Access

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should be designed to be safe and accessible to all.
- 6.5.2 The proposed site benefits from being accessed by a very low trafficked road which is effectively an elongated circle which starts and finishes at different parts of Crosemere Road. The road has an unclassified designation and serves no dwellings other than those to the north of the application site. The road leading to the south away from the application site becomes a narrow green lane and appears to be used primarily for accessing agricultural fields and likely by pedestrians for recreational purposes.
- 6.5.3 The portion of the road adjacent to the application site, which will serve as the access route, is characterised by its narrowness and rural setting. This section of road will be increased to 4.8m to allow vehicles to pass one another. The proposal does not include the provision of a roadside pavement along the frontage to connect with the existing pavement to the north. This decision is based on several factors: the road experiences very low traffic volumes and would continue to do so as a result of the proposed 14 dwellings. The use of the road as a shared surface (vehicles and pedestrians) is considered appropriate in this particular instance and would not result in unsafe highway conditions for those that would use the road. impact upon the safety of highway users. Additionally, the addition of a pavement would adversely affect the rural character of the lane.
- 6.5.4 The applicant proposes installing "Quiet Lane" signs to mark the lane as a shared space for pedestrians, cyclists, horse riders, and vehicles. Manual for Streets supports shared-surface approaches in lightly-trafficked residential streets where low speeds and pedestrian safety can be achieved. Given the limited number of dwellings served, the lack of a through-route, proposed widening and Quiet Lane signage, the absence of a separate footway along this short section is not considered unacceptable. It is recognised that pedestrian access between the site and the centre of the village is not served by a continuous pavement as is the case at present. The road, in places is already shared by pedestrians and vehicles (southern end of Crosemere Road). The Highways Authority raises no concerns, subject to appropriate planning conditions, and is satisfied that the road serving the site has low traffic volumes and with the works proposed safe pedestrian access can be achieved.
- 6.5.5 Any person accessing the site by vehicle would be likely to enter Crosemere Road via its junction with Shrewsbury Road. This is a junction that is stop sign

controlled due to the restricted visibility caused by an adjacent building. Despite the nature of the junction there has been no recorded personal injury collisions during the past 26 years, thereby demonstrating that it has operated satisfactorily and in the view of the Council's Highways Officer, is not considered to be unsafe.

- 6.5.6 As part of the submission the applicant has provided data from an ATC traffic survey. For northeast-bound traffic, the AM peak occurs between 11:00–12:00, with a 7-day total of 92 movements (13.14 per day), resulting in an estimated additional 1.82 movements from the proposed 14 dwellings. The PM peak between 16:00–17:00 has 139 movements over 7 days (19.85 daily average), equating to a further 2.75 movements.
- 6.5.7 For southwest-bound traffic, the AM peak of 08:00–09:00 records 119 movements over 7 days (17 daily), producing an additional 2.35 movements, while the PM peak of 17:00–18:00 records 94 movements (13.42 daily), leading to 1.86 extra movements.
- 6.5.8 Overall, the development would generate only a small increase in traffic, and the development would not be likely to impact upon the safe operation or capacity of the existing highway.
- 6.5.9 During the course of the application comments have been received from residents and the Parish Council about the reliability of the traffic speed data because of the positioning of the ATC. Concerns were raised about the placement of the Automatic Traffic Counter (ATC) and how this may have affected the accuracy of the speed measurements collected and whether the location chosen for the ATC provided a true representation of typical traffic flow and speed. The applicant has advised that the counter was located in a position where it was the safest and most secure to ensure that readings were not interrupted or the counter disturbed.
- 6.5.10 The submitted ATC data, including the location from where they were taken has been considered by the Council's Highways Officer who has not raised any concerns with regards to the way that they were collected.
- 6.5.11 The submitted plan shows that each property would have adequate off street parking provision of a minimum of two spaces per dwelling.
- 6.5.12 Officers raise no objection to the scheme in respect of Highway matters subject to the providing the highway improvements that are detailed on the submitted plans, which show the widening of the lane and 'Quiet Lane' signage.

6.6 Layout and Scale

- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of

the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.

6.6.2 The proposed plans include a mix of one, two, three and four bedroom homes, and of single-storey and two-storey designs. The development's density, size, and overall form are considered suitable, with the scale and design of the new dwellings being appropriate within the site's context.

6.6.3 The established green boundary along the site's southern side provides a strong and defensible edge to the development which in visual terms, helps to contain the built form and soften views of the rear elevations of new dwellings. It also means the scheme would be read as more natural rounding-off of the settlement rather than an intrusive encroachment projecting out into the rural landscape.

6.7 Landscaping/ Open Space

6.7.1 The proposed development includes the provision of an area of POS. Policy MD2 requires the provision of 30sqm of usable open space per bedroom. For a 14 dwelling development which provides a total of 42 bedrooms this would equate to 1,260 sqm of POS. The scheme proposes 1,263 sqm and is therefore policy compliant in respect of open space provision.

6.7.2 The open space will be provided centrally within the site and includes new hedgerow planting, grassed areas, tree planting, wildflower grassland along with hoggin paths and the provision of benches.

6.7.3 In creating the access into the site and the access to the driveways of plots 1-3 the existing hedgerow across the front of the site will need to be removed. However, this loss is mitigated by the planting of the new hedgerows within the site.

6.8 Impact on Residential Amenity

6.8.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy states that development must protect both residential and local amenity. The proposed dwellings are orientated with their front elevations towards the cul-de-sac road, with rear gardens adjoining those of existing adjacent properties. There is considered to be sufficient separation between the new and existing dwellings to safeguard neighbouring privacy and garden amenity, and to avoid any adverse impact in terms of loss of light .

6.9 Ecology

6.9.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources.

6.9.2 An Ecological Appraisal & Biodiversity Net Gain report has been submitted together with a Biodiversity Net Gain Metric assessment.

6.9.3 The Council Ecology Officer has raised no objection to the application subject to adherence with the Reasonable Avoidance Measures identified and the mitigation and compensation proposed. The biodiversity net gain assessment predicts a net gain on site of 14.83% habitat units and 12.65% hedgerow units. This will be achieved via the creation of other neutral grassland and the planting of rural trees and native hedgerow within the site. This would be secured by the mandatory BNG condition that would be imposed any consent granted.

6.10 Drainage

6.10.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul water drainage will be directed to the existing foul mains system which runs along the eastern boundary of the site. This is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. Surface water would be disposed of via soakaways.

6.10.2 A Flood Risk Assessment (FRA) has been submitted with the application. This details how the site is within flood zone 1 and therefore has lowest risk of flooding. The FRA focuses on the effective management of surface water drainage. The FRA details the results of porosity testing and demonstrates that surface water infiltration is available for the drainage of surface water throughout the site and that the modular crate soakaway attenuation system proposed will be designed for the 1 in 100 year event including 40% climate change, including 10% urban creep.

6.10.3 The FRA demonstrates that there would be no flood risk to the site or any other properties as a result of this development subject to an appropriate SUDS drainage scheme being provided.

6.10.4 In response to the comments made by the Council's Drainage Consultants the applicant has provided further details concerning the run-off rates from the site. The applicant has detailed that porosity of the site already results in the existing rate of flow being low and this would be further reduced by the development proposed.

6.10.5 Officers consider that the applicant has demonstrated that, having regard to the ground conditions and the design and scale of the scheme, the development can be adequately drained through an appropriately designed drainage system. Whilst the Council's Drainage consultee has requested full details of the proposed drainage system, it is considered by Officers that the details submitted have demonstrated that the suitable drainage of the site is achievable and that the technical specification of the system can be secured by planning condition. This would require the drainage details to be approved prior to any development commencing on the site.

6.12 Affordable Housing

- 6.12.1 Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index. For Cockshutt this is currently set at 10% which in the instance of 14 dwellings would equate to one dwelling on site plus a financial payment for the 0.4 of a dwelling.
- 6.12.2 The proposed development will deliver two affordable units, consisting of one two-bedroom dwelling and one one-bedroom dwelling. The inclusion of these two dwellings represents an over-provision, which is a benefit that can be given positive weight as a material consideration.

7.0 Planning Balance

- 7.1 It is acknowledged that the proposed development is contrary to adopted policy, particularly in relation to the designated settlement boundaries and the spatial strategy for new housing as set out in the Shropshire Core Strategy. This would normally weigh heavily against the proposed development. However, the Council is currently unable to demonstrate a five year supply of deliverable housing land as required by the National Planning Policy Framework (NPPF) and therefore paragraph 11(d) of the NPPF is engaged requiring 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.
- 7.2 The application site is a sustainable location for new housing, given its proximity to local services and facilities, as well as access to public transport. The development would contribute to addressing the shortfall in housing land supply and provide a modest addition to the local housing stock which includes the delivery of 2 affordable dwellings. The proposed site, along two of its sides adjoins existing built development and its southern boundary is already defined by a mature hedgerow. The proposed development is considered to be in keeping with the prevailing layout of development in the immediate area and would not harm its character and appearance neither would it result in visually harmful encroachment into the countryside.
- 7.3 Although local residents have raised issues about increased traffic and road safety, the evidence does not demonstrate that the proposal would generate enough traffic to compromise highway safety.
- 7.4 It is considered that, notwithstanding the conflict with adopted policy, the absence of a five year housing land supply, the sustainability credentials of the site together indicate that the benefits of the proposal outweigh the identified policy conflict, the application is therefore recommended for approval subject to the applicant entering into a S106 to secure the delivery of the two affordable

dwelling.

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 - written representations, a hearing or inquiry.

The decision is 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 a) promptly and b) in any event not later than 6 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 give 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 1970.

9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPM/25/00122 Proposed residential development comprising of 14 dwellings PREAMD
8th May 2025

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T4WQC9TDLS500>

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 Sarah Marston
Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. The approved landscaping scheme shall be implemented as specified and shown on the Tree Planting Method Statement In Accordance with BS8545: 2014 (received 30th October 2025) and the Landscaping Plan (drawing no. CC-LP-510 Rev A, received 22nd December 2025). Planting shall be completed prior to the end of the first available planting season (November to February inclusive) following the completion of construction, or first occupation, whichever is earlier; or otherwise in accordance with a phased programme of delivery to the written approval of the LPA. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

4. No dwelling shall be occupied until the off-site works as shown on Plan CC-SP-500 Rev C and DRG CC-RM-516 have been constructed in accordance with the approved plans to the satisfaction of the local planning authority.

Reason: In the interests of highway safety

5. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, birds and great crested newts as provided in Sections 6.3, 6.5 and 6.6 of the Ecological Appraisal & BNG (Ben Jones Ecology, October 2025).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

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

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

the parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
wheel washing facilities;
measures to control the emission of dust, dirt and noise during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works;
delivery, demolition and construction working hours.

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

Reason: In the interests of highway safety.

8. All pre-commencement tree works and tree protection measures as detailed in the Arboricultural Impact Assessment and Method Statement Report (Arbor Vitae Ltd, July 2025) and the Tree Protection Plan (Arbor Vitae Ltd, August 2025) shall be fully implemented and photographic evidence of such be submitted to the written approval of the LPA, before any development-related equipment, materials or machinery are brought onto the site. The tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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

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

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

Reason: The site is known to hold archaeological interest.

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

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

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/23 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

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

The following boxes shall be erected on the site:

- A minimum of 8 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 7 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 9 artificial nests, of integrated brick design, suitable for swifts (swift bricks).

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

For swift bricks: 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. (See <https://www.swift-conservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

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

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

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

-



Committee and date

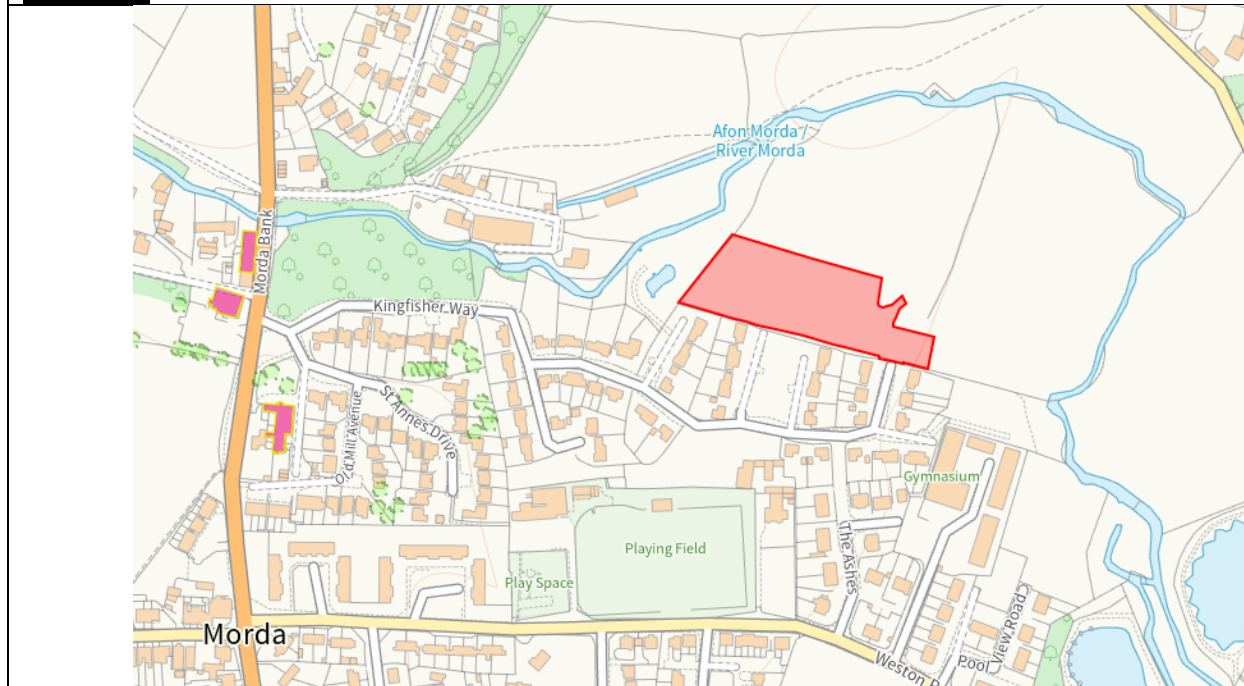
Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

Summary of Application

<u>Application Number:</u> 26/00772/FUL	<u>Parish:</u>	Oswestry Rural
<u>Proposal:</u> Rural exception site of 20 houses and bungalows with associated gardens and road		
<u>Site Address:</u> Proposed Residential Development NW Of Kingfisher Way Morda Shropshire		
<u>Applicant:</u> Shrewsbury Scott Drummond		
<u>Case Officer:</u> Mark Perry	<u>email:</u> mark.perry@shropshire.gov.uk	

Grid Ref: 329185 - 327994



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

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 9 bungalows and 11 two-storey dwellings as a 100% affordable housing scheme which would be managed and rented out by a housing association as an approved registered social landlord (RSL). The application also includes the associated access, internal roads, public open space, landscaping, and drainage infrastructure.
- 1.2 The scheme proposes a mix of dwelling sizes and tenures, comprising the following:
- 4 x 1-bed bungalow
 - 4 x 2-bed bungalow
 - 1 x 4-bed bungalow (wheelchair user property)
 - 6 x 2-bed dwelling
 - 3 x 3-bed dwelling
 - 2 x 4-bed dwelling
- 1.3 Vehicular access to the site is proposed via an extension to the through road of the most recently constructed part of the existing Kingfisher Way estate.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is the southern third of an existing field which is enclosed by existing trees and hedgerows. The River Morda runs along the northern edge of the wider field. The proposed development site lies to the north of the most recently constructed part of the Kingfisher Way estate. The final phase of that estate was granted outline planning permission in 2014, with reserved matters approval following in 2015. The original developer entered receivership part way through construction which then paused for a number of years before a new contractor subsequently took over the development, which is now nearing completion. All dwellings have been constructed, although some remain unoccupied. Outstanding works include completion of parts of the open space and the final surfacing of the estate road, both of which are currently progressing.
- 2.2 The proposed affordable dwellings would be located to the north of the existing housing estate, served by a 5.5m-wide estate road extending into the site and terminating in a turning head. The site would adjoin the side boundaries of four existing dwellings and an area of public open space. This shared boundary is currently defined by a timber close-boarded fence erected as part of the recent development, with a mix of small trees and hedgerow on the application site side of the fence.

- 2.3 The site sits immediately adjacent to existing development and, given the layout and positioning of the proposed dwellings, would largely be read as part of the settlement edge rather than an incongruous extension or protrusion into the wider countryside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons. Officers in consultation with the Committee Chair/ Vice Chair agree that the Parish Council's comments] warrants consideration by the committee.

4.0 Community Representations

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

4.1 Consultee Comment

Parish Council- The Parish Council objects to this planning application due to the following:

- The current drainage needs addressing.
- Issues with earlier construction and issues arising on the current estate which will be exacerbated by any future development.

Highways- No objection following submission of revised plans. Conditions recommended.

Affordable Housing- We welcome the provision of bungalows as we have a need for level access properties. The addition of a 4-bed wheelchair accessible bungalow is supported as there is unmet demand for this type of property which does not get built very often.

Ecology- No objection subject to conditions and informatives. The submitted Preliminary Ecological Appraisal determined the site to consist of modified grassland and mixed scrub bound by native hedgerow with trees and line of trees. No evidence of protected or notable species was recorded on site, however the habitats on site do have the potential to support commuting bats, breeding birds, amphibians, reptiles and badgers.

The biodiversity net gain assessment predicts a loss on site of -0.05 (-2.90%) habitat units. This is due to the loss of mixed scrub. The proposed habitats on site will result in the trading rules not being satisfied. A net gain

of 0.08 (13.02%) hedgerow units on site is proposed. Due the loss on site, 0.23 habitat unit deficit will have to be purchased from a suitable habitat bank to achieve the mandatory 10% net gain.

Trees- Require the submission of an Arboricultural Impact Assessment

Regulatory Services- phase 1 geo-environmental report and mine gas risk assessment submitted which concludes that risks to the proposed residential development from land contamination, ground gas, and mine gas are very low and that the site is in a radon-affected area, requiring protection measures for the new dwellings. Conditions suggested.

Mining Remediation Authority- standing advice should be followed by the applicant.

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

Drainage- Object. In accordance Shropshire Council's Local Standard L of the SUDS Handbook, a maintenance schedule to include activities and timings of the routine maintenance of the SuDs features and details of who will be responsible for the on-going maintenance must be submitted for approval. Where a shared system is being proposed, details of who will take overall responsibility must be provided.

Details of the S185 Diversion & S104 adoption / S106 connection agreement with the local water authority should be submitted for approval.

4.2 Public Comments

4.2.1 A total of 16 objections have been received, summarised as follows:

Highway safety, access and traffic

- Kingfisher Way and nearby roads are considered narrow and unsuitable for additional traffic.
- Concerns include construction traffic, HGVs, congestion, pedestrian safety and children playing in the estate.
- Additional vehicle movements are considered likely to worsen highway safety, including emergency access.

Private road, access and public open space

- Objections relate to links and access over private or unadopted roads, cul-de-sacs and maintained open space.
- Concerns include access rights, trespass, maintenance liabilities and fairness to residents paying management charges.

- Opening existing boundaries is said to alter the estate's quiet, private character.

Residential amenity

- Concerns include privacy, overlooking, outlook, light and proximity to existing homes and gardens.
- Residents cite noise, disturbance, dust and vibration during construction and occupation.
- Several comments refer to loss of the existing quiet cul-de-sac character.

Design, layout and character

- The density, layout, house types and materials are considered out of keeping with Kingfisher Way.
- Residents consider the scheme overdevelopment and harmful to Morda's semi-rural character.
- Greater separation or a buffer between existing and proposed dwellings is suggested.

Drainage and flood risk

- Submitted drainage information is considered inadequate for a full application.
- Concerns cover surface water, groundwater, soil conditions, the River Morda, attenuation and climate change allowances.
- Residents also raise foul drainage, SuDS maintenance and flood risk concerns.

Ecology, trees and hedgerows

- Residents refer to wildlife including owls, kingfishers, bats, hedgehogs and foxes.
- Concerns include habitat loss, lighting, construction disturbance and ecological survey adequacy.
- Comments also concern tree and hedgerow protection and arboricultural assessment.

Infrastructure and services

- Objections cite pressure on schools, healthcare, emergency services and drainage infrastructure.
- Residents consider that mitigation, capacity and contributions have not been demonstrated.

Construction impacts and cumulative disturbance

- Residents refer to several years of disruption from the existing Kingfisher Way development.
- Further prolonged construction, traffic, noise, dust, vibration and disturbance are opposed.

Other matters

- Other comments refer to archaeology, utilities and possible future expansion.
- Some residents cite loss of countryside views and prefer brownfield development.

5.0 THE MAIN ISSUES

- 5.1 Principle of Development
Housing Land supply
Scale, design and layout
Highways Safety
Need to 100% affordable housing scheme
Ecology
Drainage/ flooding
Planning balance

6.0 OFFICER APPRAISAL

6.1 Adopted Development Plan

- 6.1.1 The application site lies to the northern side of the edge of Morda. Under the current adopted Plan, Morda is not defined as either a hub or cluster settlement. It is therefore a countryside settlement where development is controlled in accordance with CS4 and CS5 of the Core Strategy. Policies CS5 and MD7a set out strict controls over new housing in the countryside, limiting it only to specific exceptions, including affordable housing where this contributes to the sustainability of rural communities through local economic and community benefits.
- 6.1.2 CS5 sets out how affordable housing that meets a local need will be supported, especially where this development is located in recognisable named settlements. The Council's Affordable Housing Officer has confirmed that there is a need for affordable housing in the Parish. Currently in the Oswestry Rural Parish there is an identified need for 7 x 1-bed, 8 x 2-bed, 6 x 3-bed and 1 x 4-bed dwellings and that 6 of these households require level access accommodation. The Affordable Housing Officer specifically welcomes the provision of a 4-bedroom wheelchair accessible bungalow as there is currently an unmet demand for this type of property as they do not often get built. As such the need element of policy CS5 has been met.
- 6.1.3 Although Morda is a countryside settlement, it is a recognised settlement with a limited range of services and facilities and lies in close proximity to Oswestry, from which it is separated by the River Morda. Recent development within the village has largely taken place to the east of the crossroads and has delivered a mix of dwelling types and tenures. The

proposed scheme would extend into a well-contained field to the north of existing development. Its long southern boundary would adjoin the established settlement edge and, by reason of its siting and form, the development would be read as being part of Morda.

- 6.1.4 It is considered by Officers that the siting of the development would be a logical expansion of the existing settlement and would not result in an unacceptable or unsympathetic protrusion into the surrounding landscape.

6.2 Withdrawn Draft Local Plan

- 6.2.1 Like the current adopted plan, the village of Morda was proposed to remain as a countryside settlement without a defined development boundary or any allocated housing sites. However, with the withdrawal of the draft Plan from examination, the emerging policies and allocations carry no weight in the determination of the planning application. However, the evidence base that supported the draft allocation does hold some limited weight as a material consideration.

6.3 The Tilted Balance

- 6.3.1 The Council is unable to demonstrate a five-year supply of deliverable housing land, paragraph 11(d) of the NPPF requires decision-makers to apply the presumption in favour of sustainable development, unless policies in the NPPF that protect areas of particular importance provide a clear reason for refusal. In such circumstances, the conflict with the adopted Development Plan must be considered in the overall planning balance and the weight given to that conflict relevant to the extent of housing land supply shortfall.
- 6.3.2 Paragraph 11(d) of the NPPF sets out that where the policies most important for determining an application are out-of-date, planning permission should be granted unless either:
- The application of NPPF policies that protect areas or assets of particular importance provides a clear reason for refusal or
 - Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as whole.
- 6.3.3 With regard to the first criterion:
- The site does not lie within a protected landscape, a heritage designation or an area where development is restricted for ecological reasons.
 - Technical assessments submitted confirm that the proposal would

not result in unacceptable impacts on designated heritage assets, protected species or designated ecological sites.

- The site lies within Flood Zone 1.

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

- 6.3.4 Consequently, paragraph 11(d)(ii) applies and requires a balancing exercise between the adverse impacts and benefits of the development with the key test being whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

6.4 Access and Highway Safety

- 6.4.1 Access to the site would be taken solely from the existing Kingfisher Way estate road. Kingfisher Way can be accessed from St Annes Drive to the west and The Ashes to the south. Both roads have been constructed to an adoptable standard, as would the proposed new estate road serving the development.
- 6.4.2 The new estate road has been designed to an appropriate geometry, including adequate carriageway width and radii, to ensure safe operation for all users and all of the proposed dwellings would each have two off-street parking spaces.
- 6.4.3 Following the submission of amended plans, the proposed layout, in respect of highway matters has been considered as being acceptable by the Council's Highways Officer who raises no objection subject to appropriate planning conditions being imposed accordingly.

6.5 Scale and Design

- 6.5.1 The proposed development comprises a mix of detached and semi-detached properties of both single storey bungalows and 2-storey dwellings. The 8 proposed properties (plots 1-6 and 19 and 20) which are situated closest to the existing neighbours to the south are all bungalows. The plots along the northern boundary which back onto the surrounding countryside are a mix of detached and semi-detached 2-storey dwellings plus the single 4-bed bungalow.
- 6.5.2 It is acknowledged that the scale and form of the proposed dwellings differ from the development to the south, which is characterised mainly by larger detached properties. However, the layout and orientation of the proposed dwellings would respond appropriately to the adjoining development, with those closest to existing neighbours presenting side elevations to the side elevations of those properties. The existing and proposed areas of public open space would also sit alongside one another. Officers consider that

the proposal would respect the prevailing layout of the surrounding estate and would appear as a logical and compatible extension to it.

- 6.5.3 During the application, the applicant revised the external wall and roof materials so that the proposed dwellings more closely reflect those on the adjoining development. Black fascia boards and stone heads and cills have also been incorporated to match neighbouring properties. These changes would help the scheme read as a coherent continuation of the existing estate, rather than as a separate or visually disconnected addition.
- 6.5.4 The plots are arranged in a straightforward layout, with all but two dwellings served directly from the proposed adopted highway. The scheme includes six house types, providing sufficient variation and visual interest within the street scene. Each dwelling would have defined front and rear gardens, while the central public open space would be overlooked by surrounding properties, providing natural surveillance.
- 6.5.5 Overall, the development is considered appropriate in scale and design, responding positively to its context and contributing to a well-designed residential environment in accordance with CS6 and MD2 of the Local Plan.

6.6 Visual impact and landscaping

- 6.6.1 The proposed development would result in the partial loss of a green agricultural field. At present this field is well enclosed by existing hedgerows and trees and it is also substantially screened by a 1.8m tall close boarded fence which is part of the existing development and defines the shared boundary between existing and proposed developments.
- 6.6.2 As a result, the field makes only a limited visual contribution, as it is well screened from public viewpoints. No public rights of way cross the site or lie nearby in locations that would provide clear views of it. The nearest right of way is on the opposite side of the River Morda, approximately 110 metres from the application site, where views are substantially filtered by existing trees and hedgerows.
- 6.6.3 The existing Kingfisher Way development already defines the northern edge of Morda with a 1.8 metre high close-boarded fence. The proposed development would retain a defined boundary to the settlement, but there is an opportunity for a softer and more sympathetic edge treatment, the details of which can be secured by planning condition.
- 6.6.4 Officers are satisfied that the proposed scheme would not give rise to unacceptable landscape or visual impacts.
- 6.6.5 The scheme includes on-site open space with trees, hedge planting,

amenity grassland and a surfaced path. The landscaping proposals provide for 32 native trees and species-rich hedgerow planting. Subject to conditions securing implementation, the proposals are considered appropriate in scale and design and acceptable in landscape and visual terms.

6.7 Residential Amenities

- 6.7.1 Policy CS6 of the Core Strategy requires development to safeguard residential and local amenity, while SAMDev Policy MD2 requires development to contribute to and respect locally distinctive or valued character and existing amenity value.
- 6.7.2 The proposal would inevitably result in some increase in activity, including additional vehicle movements, domestic comings and goings and general use of the new dwellings and public open space. However, this level of activity would be consistent with a residential development of this scale and would not be unusual within the context of the adjoining Kingfisher Way estate. Having regard to the layout of the development, the relationship with existing dwellings, the separation distances and the positioning of bungalows closest to neighbouring properties, it is considered that the development would not result in unacceptable overlooking, loss of privacy, overbearing impact, noise or disturbance. Officers are therefore satisfied that the proposal would safeguard the residential amenities of neighbouring occupiers and accords with Core Strategy Policies CS6 and MD2.

6.8 Ecology and Biodiversity

- 6.8.1 A Preliminary Ecological Appraisal has been submitted in support of the application. The site is not located within or adjacent to any statutory or non-statutory ecological designations, and the submitted surveys confirm that the land is modified grassland that has been managed for silage with areas of mixed scrub, a native hedgerow, trees and a line of young trees. These habitats are common and widespread, apart from the hedgerow which qualifies as a Habitat of Principal Importance. No evidence of protected species was recorded on site.
- 6.8.2 All boundary hedgerows and trees would be retained, with further tree and hedge planting provided as part of the scheme. Mitigation and enhancement measures, including bat and bird boxes, a habitat management plan and appropriate lighting, can be secured by planning condition.
- 6.8.3 The submitted BNG assessment confirms that the development would result in a net loss of 2.9% habitat units on the site due to the loss of the mixed scrub but a net gain of 13.02% hedgerow units. To mitigate the loss of the habitat units the applicant will need to purchase from a suitable

habitat bank in order to achieve the mandatory 10% biodiversity net gain. This will be secured as part of discharging the mandatory biodiversity gain condition in accordance with the Environment Act 2021.

- 6.8.4 Overall, the proposal is considered acceptable in ecological and biodiversity terms and compliant with national and local planning policy.

6.9 Drainage and Flood Risk

- 6.9.1 Foul water generated by the development will discharge to the existing foul sewer network. At present the location of the sewer is along some of the rear gardens of the proposed scheme. This sewer would be diverted so that it runs within the new estate road.
- 6.9.2 The site is located wholly within Flood Zone 1, where there is a low probability of flooding, and is therefore suitable for residential development. The EA flood maps indicate that the site has a very low risk of flooding from fluvial and surface water sources.
- 6.9.3 Surface water drainage incorporates a Sustainable Drainage Systems (SuDS) involving attenuation. The use of Infiltration systems has been discounted due to the trial pits that were dug on site filling with groundwater. As soakaways need to be a minimum of 1m above ground water levels, soakaways are not a feasible option.
- 6.9.4 Instead, the scheme will use attenuation crates situated beneath the area of public open space and the use of permeable surfacing for the private driveways. Surface water would discharge to the existing watercourse via a flow control chamber at a rate that is comparable to the greenfield runoff rates.
- 6.9.5 The Parish Council and several residents have raised concerns about the adequacy of the existing drainage system, particularly the drainage pool adjacent to the site, and have referred to poor drainage locally. However, the proposed dwellings would not rely on the existing drainage pool. Surface water from the development would be attenuated on site and discharged at a controlled rate, ensuring no greater impact on local flood risk or drainage conditions.
- 6.9.6 As noted above, the Council's Drainage team has objected pending submission of full drainage details. However, given the scale of the development and its location within Flood Zone 1, officers consider it appropriate for the detailed drainage information to be secured by condition. The details would need to be approved before development commences and would secure the design, phasing, implementation and long-term management of the drainage and SuDS features. This would ensure the provision of a scheme that is acceptable in flood risk and drainage terms, would not increase flood risk on site or elsewhere, and

would accord with Local Plan Policies CS18 and MD2.

6.10 Ground Contamination

- 6.10.1 A Phase I Geoenvironmental Assessment and Mine Gas Risk Assessment have been submitted with the application. The report confirms that the site is not within an area where the Coal Authority expects unrecorded shallow mine workings to be present, a position confirmed in the Coal Authority's consultation response. No special precautions are therefore required in relation to mining legacy matters.
- 6.10.2 The site lies within a radon-affected area and the new dwellings will therefore need to incorporate appropriate basic and full radon protection measures.
- 6.10.3 A condition is recommended requiring a remediation scheme to be submitted for approval if further investigation identifies previously unknown contamination.

6.11 Other Matters

- 6.11.1 The Parish Council has raised concerns about matters arising from construction of the existing estate. The original developer of the adjoining site entered receivership, causing works to stall part-way through construction. A new contractor has since taken over and is completing the outstanding works, including the estate road, which is intended to be offered for adoption by the local highway authority. These matters are separate from the current applicant and the planning application that is currently under consideration.

7.0 Planning Balance

- 7.1 In assessing this application, the Council is required to determine in accordance with the Development Plan, unless material considerations indicate otherwise. The application site lies outside any defined settlement boundary and is therefore not in accordance with the spatial strategy of the adopted development plan. However, the proposal is 100% affordable housing which is one of the exceptions listed under Policy CS5 and is intended to meet an identified local housing need.
- 7.2 In addition, the Council is currently unable to demonstrate a five-year supply of deliverable housing land. As such, the policies most important for the determination of the application are out of date and paragraph 11(d) of the National Planning Policy Framework is engaged, requiring the application of the presumption in favour of sustainable development.

7.3 Benefits

- 7.3.1 **Delivery of 100% Affordable Housing:** provision of 20 affordable dwellings, including 9 bungalows of which one is a 4-bedroom wheelchair accessible unit. These assists addressing an evidenced housing need in accordance with Policy CS5. This attracts very **substantial weight**.
- 7.3.2 **Housing Land Supply Benefit:** contribution towards boosting housing delivery in the context of the Council's inability to demonstrate a five-year supply of deliverable housing land. This attracts very **substantial weight**.
- 7.3.3 **Social and Community Benefits:** improved housing choice for local residents, supporting the sustainability and social cohesion of Morda and the surrounding settlements. This attracts **substantial weight**.
- 7.3.4 **Economic Benefits:** short-term economic benefits during construction, including employment and expenditure in the local area. This attracts **moderate weight**.
- 7.4 **Harms**
- 7.4.1 **Countryside Location:** the site lies outside of any defined settlement boundary in the countryside, resulting in a departure from the spatial strategy of the adopted development plan. This attracts **moderate weight** reflecting a reduced weighting by virtue of the proposal comprising 100% affordable housing, which falls within an explicit exception supported by CS5.
- 7.4.2 **Loss of Existing Habitat:** the development would result in the loss of existing habitat (principally modified grassland and mixed scrub habitat), requiring mitigation through new habitat creation and off-site biodiversity provision. This attracts **moderate weight**, reduced to reflect the findings of the technical reports and Ecology consultee comments, which identify the site as being of limited ecological value.
- 7.4.3 **Landscape and Visual Change:** development of a greenfield site will result in a permanent change to the landscape character at the settlement edge. This attracts **moderate weight** in recognition that the site does not lie within a protected landscape, is visually contained by existing development already defined by fencing and existing trees and hedgerows.
- 7.4.4 **Additional Traffic Movements:** the development will result in some increase of vehicle movements, although this has been assessed as acceptable and not severe in highway terms. This is therefore considered as **neutral**.

8.0 CONCLUSION

- 8.1 Having regard to the Council's current housing land supply position and

the presumption in favour of sustainable development under paragraph 11(d) of the NPPF, the proposal is considered to represent a sustainable form of development.

- 8.2 Significant weight is attached to the scheme's benefits, particularly the delivery of 20 affordable dwellings to meet identified local needs and its contribution to housing supply, both of which attract very substantial weight. Further social and community benefits, and more limited economic benefits, also weigh in favour of the proposal. These benefits must be balanced against the identified harms, comprising the countryside location outside the settlement boundary, the loss of existing habitat and the permanent landscape and visual change, each of which attracts moderate weight.
- 8.3 Overall, in applying the tilted balance, the adverse impacts would not significantly and demonstrably outweigh the benefits. Material considerations therefore indicate that planning permission should be granted, subject to completion of a Section 106 agreement securing the dwellings as affordable housing and the conditions set out in Appendix 1.

9.0 Risk Assessment and Opportunities Appraisal

9.1 Risk Management

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

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

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

9.2 Human Rights

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

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

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

9.3 Equalities

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

10.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS3: Market Towns and Other Key Centres

CS4: Community Hubs and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks
 CS18: Sustainable Water Management

MD2: Sustainable Design
 MD7a: Managing Housing Development in the Countryside
 MD12: Natural Environment

RELEVANT PLANNING HISTORY:

PREAPM/25/00131 Affordable Rural Exception Site for 17 units in including access and landscaping PREAMD 25th June 2025

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=TB13OYTDGOL00>

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 Andy Davis
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. The development hereby permitted shall be carried out using the external materials specified in the submitted Materials Schedule V2 (received 8th April 2026).

Reason: To ensure that the appearance of the development is satisfactory and that it integrates appropriately with its surroundings, in the interests of visual amenity.

4. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, birds, badgers and great crested newts as provided in the Preliminary Ecological Appraisal (Arbtech, November 2025).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species, badgers, which are protected under the Protection of Badgers Act 1992 and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

5. In the event that contamination is found at any time during geotechnical investigation or development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and no further development shall be carried out. Following this, an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing by the Local Planning Authority.

Reason: to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

6. The Construction Traffic Management Plan/Method Statement (CTMP/MS) shall be fully implemented in accordance with the approved details and shall remain in force for the duration of the construction period.

Reason: In the interests of highway/pedestrian safety and local amenity

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

- ' Construction traffic
- ' Hours of working
- ' Noise and vibration control
- ' Dust control

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

Reason: In the interests of local amenity and highway safety.

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

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

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 193 of the NPPF.

9. No development shall commence until a foul and surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted

details shall include arrangements for the responsibility and ongoing maintenance of the SuDS features, together with confirmation of agreement to divert and connect to the mains sewer system. The approved scheme shall be fully implemented before the development is first occupied or brought into use, whichever is sooner.

Reason: This pre-commencement condition is required to secure satisfactory drainage of the site and reduce the risk of flooding.

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

10. Prior to first occupation / use of the buildings, the makes, models and locations of wildlife boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

- A minimum of 7 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 7 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 6 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 10 invertebrate bricks/hotels of standard design, suitable for pollinators.
- A minimum of 3 hedgehog domes (standard design) to provide refuge for hedgehogs.

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

For swift bricks: 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. (See <https://www.swift-conservation.org/Leaflet%204%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

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

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

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/23 Bats and artificial lighting in the UK. The

development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

12. The construction of any new estate street shall not be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: - In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

13. The construction of any new estate street shall not be commenced until an estate street phasing, and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

14. A scheme of hard and soft landscaping for the area of Public Open Space (POS) shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include :

- a) hard surfacing materials, footpaths, seating, street furniture and any boundary treatments;
- b) the location, species, size, density
- c) details of areas to be laid out as grass, wildflower meadow or other landscape treatments;
- d) a programme for implementation; and
- e) details of the future management and maintenance of the Public Open Space.

The approved landscaping scheme shall be implemented in accordance with the approved programme prior to occupation of the 10th dwelling and thereafter maintained as approved.

Any trees, shrubs or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next available planting season with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

The areas identified as Public Open Space on the approved plans shall be laid out and retained in perpetuity as Public Open Space and shall not be used for any other purpose.

Reason: To secure a high-quality landscaped public realm, provide appropriate recreational and amenity space for future residents.

Informatives

1. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.
2. This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for a Biodiversity Gain Plan.
3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings (or other suitable nesting habitat) should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

-

This page is intentionally left blank



**Northern Planning
Committee**

**Tuesday 21st July
2026 14.00**

Public

Application to Register The Glebelands, Bayston Hill as a Village Green

Cabinet Member:	Councillor David Walker – Portfolio Holder for Planning
Lead Director:	Richard Phillips – Service Director Legal & Governance
Service Area:	Legal and Governance
Report Author	Graham White – Interim Democratic Services Manager
Officer contact details	01743252757 graham.white@shropshire.gov.uk
Electoral Divisions Affected	Bayston Hill
Key Decision?	N/A
Cabinet Forward Plan	N/A
Report considered by	Northern Planning Committee – 21 July 2026

1. Purpose of Report

- 1.1. This report relates to an application, VG (a) 97, to register as a village green, land known as The Glebelands, Bayston Hill and considers the options for determining that application

2. Recommendations

The Committee is asked to approve

- a. That an independent barrister be appointed to act as an Inspector to undertake, if necessary, a non-statutory public inquiry into the Application and to report back to this Committee with recommendations

3. Background

- 3.1. On 30 May 2023, Shropshire Council, as Commons Registration Authority, received an application from Mr Mark Underwood of 32 Eric Lock Road West, Bayston Hill, Shrewsbury ("the Applicant") to register The Glebelands, Bayston Hill as a Village Green. The application was allocated the application number VG (A) 97.
- 3.2. The Application is submitted under the provisions of the Commons Act 2006 ("the 2006 Act") and it is claimed that The Glebelands satisfies the qualifying criteria as set out in section 15(2) of the 2006 Act and as such should be registered as a town or village green.
- 3.3. This Council is the registration authority for the purposes of the 2006 Act.
- 3.4. Under section 15(2) of the 2006 Act, in order for the application to be granted and the land registered as a village green applicants need to prove:
 - a. that a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
 - b. they continued to do so at the date of the application

Preliminary Consideration of Application

- 3.5. Under regulation 5(4) of the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 ("the 2007 Regulations") the registration authority may, where after preliminary consideration of an application the application appears not to be duly made, reject the application
- 3.6. A registration authority may deem an application to be not duly made if it is evident from a preliminary consideration of the application that it is inherently flawed due to procedural requirements not being met or due to it being bound to fail on the basis of the application itself, irrespective of any evidence objectors or other persons may subsequently adduce.
- 3.7. With regard to the current Application, the procedural requirements have been complied with, and the application form has been appropriately completed. The issues relating to the application are ones of fact so it cannot be said, whilst those facts remain to be determined, that the application is 'bound to fail'
- 3.8. The Application was therefore duly advertised in accordance with the 2007 Regulations. Responses objecting to the Application were received from the owners of the land, Lichfield Diocese Board of Finance via their Agent Alex Bruce

The Committee's remit

- 3.9. Under the Council's Scheme of Delegations, this Committee is the body responsible for determining applications for town or village greens. The final decision with regard to the Application is therefore a matter for this Committee
- 3.10. As the application cannot be rejected as not duly made under Regulation 6 of the 2007 Regulations, the Council as Registration Authority must, once the application has been advertised, consider the contents of the application and any objections and representations received.
- 3.11. It is within the Council's discretion as to how to determine the Application and whether or not to hold a non-statutory public Inquiry. It will generally be necessary to have an oral hearing where there are disputed issues of fact which need to be fully aired and to be subject to challenge by way of cross-examination to resolve them. Such an oral hearing could be in front of this Committee but it is usual, due to the amount of time involved, to appoint an independent barrister to act as an Inspector and to hold a non-statutory public inquiry.
- 3.12. There is a dispute on the facts between the applicant and objectors as to whether or not the requirements of s15(2) of the 2006 Act have been met and therefore whether The Glebelands should be registered. As the procedural requirements appear to have been met it would be inappropriate for the Council to determine the application without a full consideration of the evidence produced by the applicant and the objectors.

Requirement for Oral Hearing

- 3.13. The recommendation to Committee is that an independent barrister be appointed to act as Inspector to undertake, if necessary, a non statutory public inquiry into the application and to report back to the Committee. In making this recommendation consideration has been given to the cost and time implications for the Council, any delay caused to the determination of the application and the need to ensure that any decision made is procedurally fair in order to minimise the risk, and consequent costs, of an application for judicial review of the decision.
- 3.14. Any decision made by this Committee must be procedurally fair. The reasons why it is recommended that an oral hearing is necessary are as follows:
- 3.15. There is a fundamental conflict of evidence between the Applicant and objectors as to whether the use of the land has been by right" or "as of right" and there is an important legal distinction between the two.
- 3.16. The Application states that the land has been used for lawful sports and pastimes over the relevant 20 year period by a significant number of local people. The Application is required to be supported by a statutory declaration by the Applicant that the facts set out in the application form are to the best of his knowledge and belief fully and truly stated. This statutory declaration has been made. There are also a number of evidence forms supporting the Application.
- 3.17. The Objectors state that the land has not been used "as of right" as the land has been leased to the Parish Council.

- 3.18. A conflict of evidence cannot be fairly resolved by considering the written evidence in isolation. The Applicant has to be given an opportunity to produce witnesses to give oral evidence in support of his case and to cross examine the Objectors' witnesses and vice versa.
- 3.19. The Objectors allege that those giving evidence in support of the Application do not have evidence of the field being used as a Town or Village Green freely "as of right" for lawful sports and recreational purposes. Clearly there is a significant conflict between the Applicant and supporting evidence, on the one hand, and the Objectors on the other. However, it would not be fair for Members to seek to resolve this conflict and determine the application merely by regard to the documents.
- 3.20. If a decision to reject the application was made without an oral hearing this would be open to challenge by way of judicial review on the ground of a lack of procedural fairness. The costs to the Council of an application for judicial review would be substantial; both in terms of officer time and legal representation to deal with the judicial review and also liability for the Claimant's costs should such an application be successful.
- 3.21. It should be stressed that as this matter cannot be fairly resolved without an oral hearing, members should not consider the merits of either the application or the objections until such a hearing has taken place.

Delay

- 3.22. It is acknowledged that holding an oral hearing will inevitably involve an element of delay but a hearing is unavoidable and necessary if the application is to be dealt with fairly.
- 3.23. Members should also note that whichever method is chosen for the hearing, it is not possible to proceed straight away to a hearing. There will be a period of one to two months from the date of the decision to hold the hearing until the date of the hearing itself. This is because in the interests of a fair hearing it is usual for the Inspector, if an Inquiry is held, to make 'directions' as to the conduct of that Inquiry. These would include for example setting a date by which any further evidence must be submitted and provisions as to the content of bundles of documents for the hearing. Sufficient time must also be given between the decision to hold a hearing and the hearing itself for the parties to arrange for their witnesses to attend and to obtain legal advice if they wish. The same provisions would need to apply to a hearing before the committee if that hearing is to be fair.

Mode of Hearing

- 3.24. As a matter of law there is no reason why the hearing should not be before the committee itself but there are difficulties in the way of an oral hearing before a committee which require careful consideration, in particular:
- The oral hearing potentially raises issues of law and procedure on which all participating Members would need to be fully trained.

- The oral hearing would have to be attended by a legally qualified officer who is sufficiently familiar with what is a very complex area of law to be able to give confident legal advice to the committee on law and procedure before, throughout and after the hearing.
 - A 2-4 day oral hearing is quite a heavy undertaking and will be very onerous for an inexperienced tribunal.
- 3.25 Dealing with the matters raised above, the training necessary before the Committee could proceed to hold a hearing would take several full days. In addition officer time would be incurred in arranging the training. Due to the complexity of the issues of law and procedure involved it would be necessary to instruct a specialist barrister experienced in this area of law to provide the training as officers do not have the necessary depth of expertise.
- 3.26 The Committee will require advice and guidance upon matters of law and procedure before, during and after any hearing. Due to the complexity of the issues involved it would be necessary to instruct a specialist barrister experienced in this area of law to advise the committee. The costs involved in doing so would be significant, as not only would there be the cost of the time involved in advising the committee for 2 to 4 full days but also the cost of advice necessary both before and after the hearing.
- 3.27. It is necessary to ensure that any hearing is procedurally fair and that no mistakes as to the law are made in order to minimise the risk of an application for judicial review of the resultant decision. Dealing with a judicial review would be costly for the Council. Appointing an experienced specialist barrister as an Inspector to hold an Inquiry significantly reduces the chances of an error being made in law or procedure which might lead to a judicial review application.
- 3.28. The practice of appointing a barrister as Inspector has been approved by the Courts. In the case of *R (on the application of Whitmey) v The Commons Commissioners*, heard in the Court of Appeal, Lady Justice Arden stated:
- “If the dispute is serious in nature, I agree with Waller LJ that if the registration authority has itself to make a decision on the application... it should proceed only after receiving the report of an independent expert (by which I mean a legal expert) who has at the registration authority’s request held a non-statutory public inquiry.*

Cost

- 3.29. Turning to the issue of cost, the registration authority has a statutory duty to determine applications for the registration of new village greens. It is inevitable that costs will be incurred in performing this duty.
- 3.30. Dealing with the relative costs of the two methods of holding an oral hearing, the cost common to both would be officer time in administering the hearing and the cost of hiring a local venue for the hearing.
- 3.31. The average cost to the Council of appointing a barrister to act as an Inspector and to hold an Inquiry, including the cost of hiring premises near to the application land for the duration of the Inquiry, is in the region of £12,000 - £15,000. The estimated

cost of the Inquiry in this case, for 2 days is around £12,500. This will increase if the inquiry lasts for more than 2 days.

- 3.32. If the hearing was to take place before the committee, for the reasons set out above an experienced specialist barrister would need to be appointed to advise the committee during the hearing of 2 to 4 days and also before and after the hearing. Due to the additional time involved the barrister's fees would considerably exceed the figure of £7,500 to £10,000 quoted above. In addition the cost of several days' training of members by a barrister would be incurred: the estimated cost of the barrister's fees for this training is in the region of £5,000 to £6,000, plus officer time in arranging it.
- 3.33. In considering the issue of costs members should also be mindful of the risk of an application for Judicial Review should the hearing not be dealt with fairly, or if a mistake of law is made. As set out above the costs of dealing with such an application would be substantial

4. Summary of Main Proposals

- 4.1. In summary, it is recommended that the Application should be dealt with by way of an oral hearing in order to ensure procedural fairness. Whilst the Committee has a choice as to the method of that hearing, if the Committee decides to hold the hearing itself this will incur significant additional costs and significantly increase the risk of any decision being subject to an application for judicial review. The most cost effective method is to appoint a barrister to act as Inspector and provide a recommendation to the Committee as to whether or not to register the land as a village green. This method will also reduce the risk of the Committee's decision being procedurally unfair and therefore subject to a costly judicial review.
- 4.2. Members are therefore recommended to appoint an independent barrister to act as Inspector and to undertake, if necessary, a non statutory public Inquiry.

5. Alternative Options

- 5.1. Declining to appoint an inspector significantly increases the risks to the Council in terms of the potential to challenge and may result in the cost to the Council increasing significantly.
- 5.2. The Committee could determine to consider the application itself. That would require consideration of the matter by the committee holding a public inquiry expected to last up to 4 days, extensive training for the Committee members and the appointment of a specialist Barrister to assist thee and guide the committee through the process and provide legal advice.
- 5.3. If the Council were to decline to make a determination it would be failing in its duty to do so.

6. Key risks and Opportunities

- 6.1. 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.
- 6.2. However the role of the Court is to review the way the authorities reach decisions, rather than to make a decision on the issues themselves, although they will intervene where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

7. Council Priorities

- 7.1. The Council has a duty to consider applications for the registration of village greens and doing so effectively contributes to good ethical governance supporting the delivery of the Corporate Plan.

8. Financial Implications

- 8.1. The costs of appointing Counsel as an independent Chair will be met from existing budgets and Officers will provide support as and when required.
- 8.2. Costs will involve the fee of the appointed Barrister and officer time.

9. Legal and HR implications

- 9.1. The Council is obliged to determine applications for the registration of Village Greens pursuant to section 15 of the Commons Act 2006. The legal implications are set out within the body of the report.

10. Electoral Division Implications

- 10.1. The application site is in the Bayston Hill division and if approved the Village Green would secure the existing use of the site into the future.

11. Health, Social (including “Child Friendly Shropshire”) and Economic Implications

- 11.1. There are no Health, Social or Economic implications arising from this report.

12. Equality and Diversity Implications

- 12.1. There are no equality and diversity implications associated with this report

13. Climate Change, Biodiversity and Environmental Implications

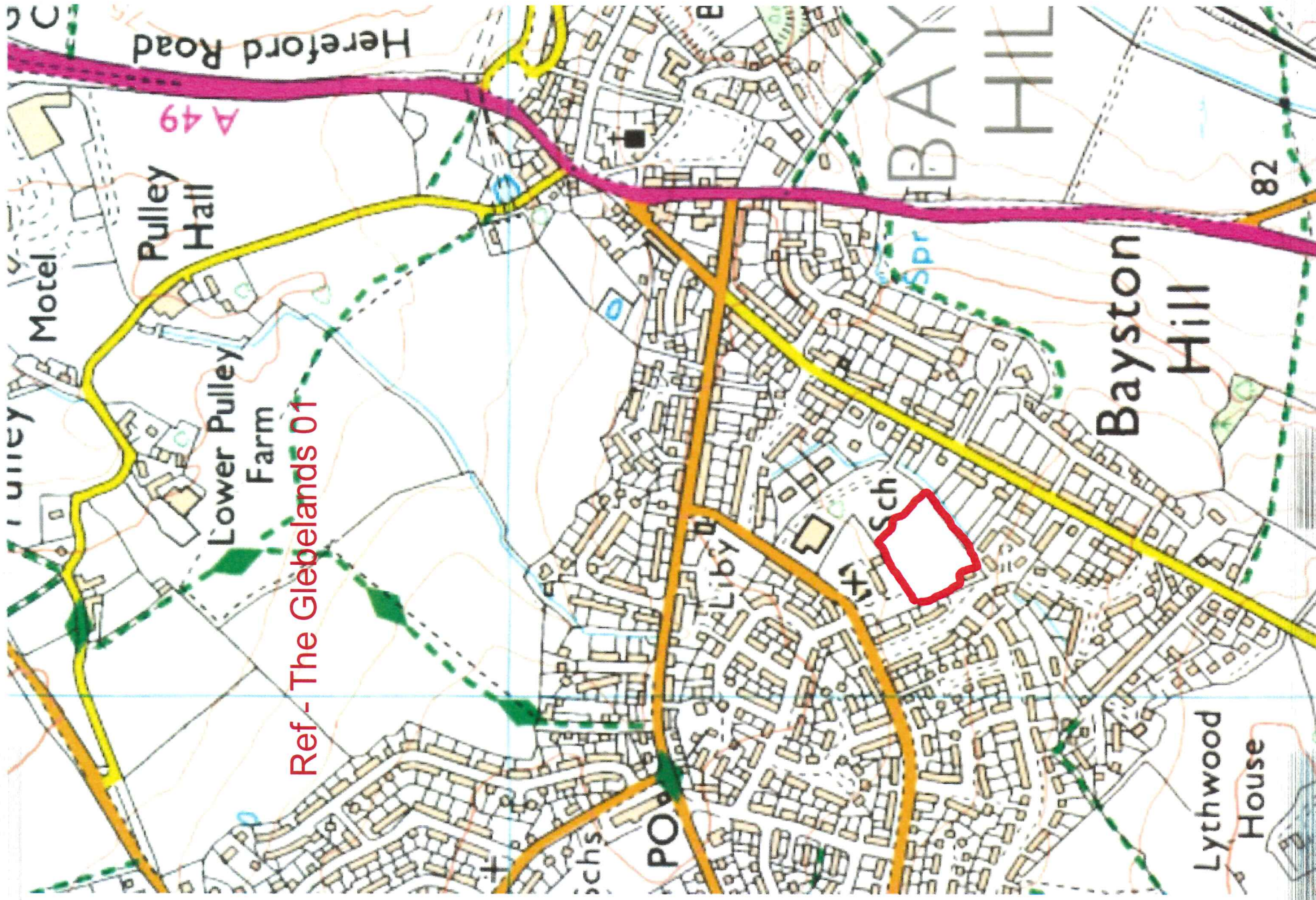
- 13.1. There are no direct climate change implications as a result of this report. While subsequent use of the land by the landowner may have climate change impacts, this report is only concerned with the method by which the application is determined

14. Background Papers

1. Application Form for registration VG(a)97 and accompanying supporting evidence
2. Objection from Lichfield Diocesan Board of Finance and accompanying evidence

15. Appendices

Appendix A Plan of Application Land



Ref - The Glebelands 01

This page is intentionally left blank

SCHEDULE OF APPEALS AS AT COMMITTEE 21.07.2026

LPA reference	24/03767/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	John Jones
Proposal	Outline application for the erection of 5No. self-build dwellings (to include access and scale)
Location	Proposed Residential Development Land North Of Olden Lane, Ruyton Xi Towns
Date of appeal	28.04.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/00627/PIP
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr S Croft
Proposal	Application for Permission in Principle for the erection of between 2 to 7 dwellings
Location	Land At Myddlewood Myddle Shropshire SY4 3RY
Date of appeal	6.5.2026
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/01195/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr John Jones
Proposal	Outline application for the erection of a dwelling (all matters reserved)
Location	Proposed Dwelling East Of 4 Beechwood Drive Shrewsbury
Date of appeal	16.06.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/01290/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Justin Parry
Proposal	Erection of new boundary fence
Location	18 Lanesfield Shrewsbury SY3 6DA
Date of appeal	23.06.2026
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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

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

APPEALS DETERMINED

LPA reference	25/04231/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Justin Stevenson
Proposal	Renovation of existing dwelling including external insulation, render and timber cladding, new glazing and porch
Location	Top House Farm Rhosygadfa Gobowen
Date of appeal	11.02.2026
Appeal method	Written Representations
Date site visit	09.04.2025
Date of appeal decision	29.04.2026
Costs awarded	REFUSED
Appeal decision	DISMISSED

LPA reference	24/03791/VAR
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Glen James
Proposal	Variation of condition 7 (highways improvements) of planning application 23/02475/FUL
Location	Ollerton Business Park Childs Ercall Market Drayton
Date of appeal	07.01.2026
Appeal method	Written Representations
Date site visit	07.04.2026
Date of appeal decision	28.04.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/04230/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Gary Llewellyn
Proposal	Construction of new driveway which would necessitate a dropped kerb
Location	2 Woodcote Way Shrewsbury
Date of appeal	30.01.2026
Appeal method	Written Representations
Date site visit	09.04.2026
Date of appeal decision	22.04.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/02913/PIP
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated
Appellant	Sara Sartain -The Executors Of Pearl Mary Tudor
Proposal	Application for Permission in Principle for development of between two and four dwellings on land to the north and south of Rossall New Cottages, Isle Lane, Bicton, Shrewsbury, SY3 8DZ
Location	Proposed Dwellings North And South Of Rossall New Cottages Isle Lane, Bicton Shrewsbury
Date of appeal	25.11.2025
Appeal method	Written Representations
Date site visit	18.03.2026
Date of appeal decision	14.04.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/02571/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Terence LLoyd
Proposal	Outline application for residential development (to include access)
Location	Land Off Terrick Road Whitchurch
Date of appeal	11.12.2025
Appeal method	Written Representations
Date site visit	17.02.2026
Date of appeal decision	15.04.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/01414/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Matt Morris
Proposal	Foul and surface water drainage provision associated with new-build residential development
Location	Site Of Former Shelley Signs Factory Eaton Upon Tern Market Drayton
Date of appeal	02.09.2025
Appeal method	Written Representations
Date site visit	18.11.2025
Date of appeal decision	04.12.2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/01413/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Matt Morris
Proposal	Erection of a detached dwelling with associated vehicular access provision and landscaping works
Location	Site Of Former Shelley Signs Factory Eaton Upon Tern Market Drayton
Date of appeal	02.09.2025
Appeal method	Written Representations
Date site visit	18.11.2025
Date of appeal decision	04.12.2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/01413/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Matt Morris
Proposal	Erection of a detached dwelling with associated vehicular access provision and landscaping works
Location	Site Of Former Shelley Signs Factory Eaton Upon Tern Market Drayton
Date of appeal	02.09.2025
Appeal method	Written Representations
Date site visit	18.11.2025
Date of appeal decision	04.12.2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/01412/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Matt Morris
Proposal	Erection of a detached dwelling, detached garage, associated vehicular access provision and landscaping works
Location	Site Of Former Shelley Signs Factory Eaton Upon Tern Market Drayton
Date of appeal	02.09.2025
Appeal method	Written Representations
Date site visit	18.11.2025
Date of appeal decision	04.12.2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	24/04176/FUL
Appeal against	Non Determination
Committee or Del. Decision	
Appellant	Boningale Developments Ltd
Proposal	Residential development of 70 dwellings including access, open space, landscaping and associated works.
Location	Land To The East Of Tilstock Road Tilstock Whitchurch
Date of appeal	19.05.2025
Appeal method	Inquiry
Date site visit	04.11.2025
Date of appeal decision	09.12.2025
Costs awarded	
Appeal decision	ALLOWED

LPA reference	25/00130/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Whitrick
Proposal	Residential conversion/change of use
Location	Barn At Walford Barns Walford
Date of appeal	22.07.2025
Appeal method	Written Representations
Date site visit	22.10.2025
Date of appeal decision	16.12.2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/00680/LBC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Whitrick
Proposal	Change of use of converted barn into residential dwelling
Location	Barn At Walford Barns Walford
Date of appeal	22.07.2025
Appeal method	Written Representations
Date site visit	22.10.2025
Date of appeal decision	16.12.2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/02361/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Jassy Sidhu
Proposal	Change of use of the existing building to create a large 22-bedroom HMO
Location	The Smithfield Hotel 1 Salop Road Oswestry
Date of appeal	08.10.2025
Appeal method	Written Representations
Date site visit	08.10.2025
Date of appeal decision	02.12.2025
Costs awarded	
Appeal decision	ALLOWED

LPA reference	25/00733/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Don Carissimo
Proposal	Change of use from agricultural building to residential dwelling and internal alterations
Location	Agricultural Building B At Rose Cottage Prees Green Whitchurch
Date of appeal	02.10.2025
Appeal method	Written Representations
Date site visit	
Date of appeal decision	23.12.2025
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/02672/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Lorac Healthcare Limited
Proposal	Change of use from Class C3 (Dwellinghouse) to Class C2 (Residential Institution)
Location	Yewbank Woodseaves Market Drayton
Date of appeal	05.02.2026
Appeal method	Written Representations
Date site visit	09.04.2026
Date of appeal decision	22.04.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/02334/FUL
Appeal against	Appeal Against Conditions Imposed
Committee or Del. Decision	Delegated Decision
Appellant	Mr Kevin Peake
Proposal	Extension and alterations to existing industrial outbuildings.
Location	Unit B2 And B3 Marche Lane Industrial Estate Halfway House Shrewsbury
Date of appeal	22.01.2026
Appeal method	Written Representations
Date site visit	09.04.2026
Date of appeal decision	05.05.2026
Costs awarded	COSTS REFUSED
Appeal decision	ALLOWED

LPA reference	25/02864/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Lea
Proposal	Outline application for the erection of 4No. dwellings (all matters reserved)
Location	Proposed Residential Development Land To The South Of Weston Lullingfields Shropshire
Date of appeal	15.01.2026
Appeal method	Written Representations
Date site visit	07.04.2026
Date of appeal decision	13.05.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/03090/FUL
Appeal against	Refusal
Committee or Del. Decision	delegated
Appellant	Ms Doo Rickett
Proposal	Temporary consent (3 years) for the continuing residential occupation of 4no. static caravans
Location	Land At Pentreheylin Dudleston Heath Ellesmere
Date of appeal	13.01.2026
Appeal method	Written Representations
Date site visit	07.04.2026
Date of appeal decision	15.05.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/04345/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Carl Griffiths
Proposal	Reconstruction of dilapidated outbuilding to form a garage, workshop and garden room
Location	Little Lyth Barn Little Lyth Shrewsbury
Date of appeal	13.03.2026
Appeal method	Fast Track Appeal
Date site visit	17.04.2026
Date of appeal decision	29.05.2026
Costs awarded	
Appeal decision	ALLOWED

LPA reference	25/01980/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs George Daniels
Proposal	Erection of a detached self-build dwelling following demolition of existing barn
Location	Stanton Mill Stanton Upon Hine Heath
Date of appeal	11.03.2026
Appeal method	Written Representations
Date site visit	01.06.2026
Date of appeal decision	19.06.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/03837/PIP
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	R And C Fearnall
Proposal	Application for Permission in Principle Residential development of between 3 and 5 dwelling houses
Location	South Of Pear Tree Lane Whitchurch
Date of appeal	30.01.2026
Appeal method	Written Representations
Date site visit	05.05.2026
Date of appeal decision	19.06.2026
Costs awarded	REFUSED
Appeal decision	DISMISSED

LPA reference	25/02235/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Jane Bailey
Proposal	Erection of 1No self build dwelling with means of access following the demolition of an existing equestrian building and installation of package treatment plant
Location	Oakdene Greenhill Bank Criftins
Date of appeal	18.02.2026
Appeal method	Written Representations
Date site visit	05.05.2026
Date of appeal decision	02.07.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	26/00214/PIP
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Dunkerley
Proposal	Permission in Principle for the construction of between 2No. and 8No. dwellings
Location	Proposed Residential Development Land To The North Of Porth-y-waen Shropshire
Date of appeal	19.3.26
Appeal method	Written Representations
Date site visit	4.7.26
Date of appeal decision	10.7.2026
Costs awarded	
Appeal decision	DISMISSED

LPA reference	25/02010/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	DM Brisbourne & Sons
Proposal	Outline application for the erection of up to 26 dwellings (all matters reserved)
Location	Land To South / East Of Darby Close Nesscliffe Shrewsbury Shropshire
Date of appeal	24.02.2026
Appeal method	Written Representations
Date site visit	24.6.26
Date of appeal decision	10.7.2026
Costs awarded	
Appeal decision	DISMISSED

This page is intentionally left blank



Appeal Decision

Site visit made on 9 April 2026

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Appeal Ref: 6003478

Top House Farm, Rhosygadfa, Gobowen, Shropshire SY10 7BP

- 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. Justin Stevenson against the decision of Shropshire Council.
 - The application Ref is 25/04231/FUL.
 - The development proposed is renovation of existing dwelling including external insulation, render and timber cladding, new glazing and porch.
-

Decision

1. The appeal is dismissed.

Applications for costs

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

Preliminary Matter

3. The address on the application form includes reference to 'Road To Top Farm'. This is a description of the location, rather than part of the address. For this reason, I have omitted it from the banner heading above.

Main Issue

4. The effect of the proposed development on the host property, with regard to its significance as a non-designated heritage asset (NDHA), and the character and appearance of the area.

Reasons

5. The appeal site comprises Top House Farm, a farmhouse and a collection of former agricultural buildings accessed from the road by a long track. The property is located within the open countryside, and the surrounding area is remote and rural in character.
6. The farmhouse is attached to a former barn, which partially forms part of the main house. There are other buildings opposite and a neighbouring barn conversion, known as The Redlands, to the side. The Council identify that the collection of buildings forms a nineteenth century historic farmstead, which they consider to be a NDHA.
7. Despite The Redlands now being separated from Top House Farm by a brick wall and planting, and the access arrangements changing over time, the group of buildings, laid out in a courtyard arrangement, largely retain their original form and

appearance as a farmstead. Indeed, as you approach the appeal site from the long access drive, the cluster of buildings are viewed as a traditional farmstead. As such, even though it does not appear on an adopted Local List, I do not find the designation of the historic farmstead as a NDHA unreasonable.

8. The Planning Practice Guidance¹ establishes that an NDHA can be identified through a number of processes including when determining applications. Likewise, Historic England Advice Note 7 'Local Heritage Listing: Identifying and Conserving Local Heritage' also identifies that an NDHA can be established during decision making on planning applications.
9. The significance of the farmhouse and the historic farmstead, as an NDHA, largely derives from the layout of the buildings, their age and traditional appearance, which are their main visual qualities. Indeed, despite the addition of unsympathetic windows to the attached former barn, which is also in a state of disrepair, the buildings are attractive. Particularly in the context of the courtyard setting. In addition, although the history of the site and buildings, as a farmstead is limited, there remains a degree of historic interest from the previous agricultural use of the buildings, as well as their age and appearance. As such, the farmhouse and farmstead have local heritage significance, which also makes a positive contribution to the prevailing rural character and appearance of the area.
10. The main farmhouse, with red orange brickwork, a Welsh slate roof, sash windows, with stone head lintels and sills, retains its original appearance. With its contrasting brickwork and rustic appearance, the former barn, even with some previous alterations and additions, also retains its original appearance. In combination, the farmhouse and barn act as the main focal buildings within the site which contribute positively to the character of the historic farmstead.
11. In contrast, the proposed render, timber cladding, new, grey aluminium windows and doors would have a contemporary appearance which would be abrupt and inharmonious within the context of the site and surrounding rural character of the area. In particular, the loss of the sash windows, stone head lintels and sills, and the replacement with smaller, featureless windows, with a varied size and shape would exacerbate the incongruous appearance of the proposed works to the external façade of the original farmhouse. As a result, the stark appearance of the proposed development would harm the appearance and setting of the attractive farmstead.
12. While I acknowledge that the existing UPVC windows are not original and the works previously undertaken did not respect the original openings, the original form, scale and appearance of the barn and farmhouse is largely preserved. Therefore, I am not persuaded that the proposed works are necessary to provide visual improvements to the external appearance of the buildings, as suggested by the appellant.
13. In combination, the proposed works would be unacceptably harmful to the character and appearance of the existing buildings, which would harmfully impact the relationship between the buildings making up the group. As well as harm to the historic interest of the farmstead.

¹ Paragraph 040 Reference ID: 18a-040-20190723

14. As the layout of the buildings would not change, the harm to the significance of the NDHA would be moderate overall. Nevertheless, I attach considerable importance and weight to the identified harm.
15. Furthermore, for similar reasons to those set out above, although there are rendered buildings locally, and I observed some modern external cladding on other buildings nearby, the proposed development, which does not represent a high-quality design, would not complement the character and quality of the rural surroundings. Therefore, the proposed works would be discordant within the landscape.
16. Consequently, for the above reasons, I conclude that the proposed development would be harmful to the host property, with regard to its significance as a non-designated heritage asset, and the character and appearance of the area, such that it would negatively affect its significance. Therefore, it would conflict with Policy CS6 of the Shropshire Core Strategy 2011 and Policies MD2 and MD13 of the Site Allocations and Management of Development Plan 2015, which together and amongst other things, require high quality design and development proposals that protect, conserve, and enhance the historic context and character of heritage assets.

Other Matter

17. I acknowledge the appellants comments with regard to the Council's handling of the planning application. Nevertheless, I confirm that I have considered the appeal scheme on its planning merits.

Heritage Planning Balance

18. The Framework states that the planning system should be genuinely plan led. The development plan is the starting point for decision making and I must make my decision in accordance with it unless other considerations indicate otherwise. The National Planning Policy Framework (the Framework), at paragraph 216, sets out that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
19. There would be moderate harm to the significance of the NDHA. The proposed development would refurbish the existing dwelling, providing increased energy insulation for the buildings. Likewise, the proposed render, cladding and new windows and doors would improve air tightness to maximise the effectiveness of the improved insulation throughout the house. I also acknowledge that an internal insulation scheme would not be feasible in this case due to a reduction in internal dimensions of the buildings, and that due to structural issues with the existing building, some demolition and rebuilding works would be necessary. Even so, I am not persuaded that the proposal is the only viable solution to repair and refurbish the buildings.
20. Paragraph 167 of the Framework attaches significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings to which I attribute positive weight as a public benefit. However, there is no substantive evidence that an alternative design approach, which would secure similar energy efficiency improvements, and have a less harmful design, would not achieve similar benefits. As such I attribute limited positive weight to this factor.

21. Overall, whilst I recognise the energy efficiency improvements of the proposed scheme, it should not come at the unacceptable expense to the NDHA or the character and appearance of the area. Indeed, there would be unacceptable and long-lasting harm, and this matter is decisive. In the absence of robust evidence to demonstrate otherwise, I therefore find that the benefits of the development would not outweigh the harm I have identified and the development plan conflict.

Conclusion

22. For the above reasons, I conclude that the proposed development would conflict with the development plan when considered as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, and having regard to all matters raised, the appeal should be dismissed.

N Bromley

INSPECTOR



Costs Decision

Site visit made on 9 April 2026

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

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Costs application in relation to Appeal Ref: 6003478

Top House Farm, Rhosygadfa, Gobowen, Shropshire SY10 7BP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr. Justin Stevenson for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the proposed renovation of existing dwelling including external insulation, render and timber cladding, new glazing and porch.
-

Decision

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

Preliminary Matter

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

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The applicant has set out that the Council has acted unreasonably by; failing to identify non-designated heritage assets, inconsistent decision-making, not visiting the site, failure to consider Paragraph 167 of the National Planning Policy Framework (the Framework), applying policies in the Framework relating to designated heritage assets, providing no opportunity to respond to the conservation officer's comments, and not making the applicant aware of the reasons for refusal before issuing the decision.
5. The PPG advises that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs. Likewise, where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application.
6. The Council produced a delegated officer report which provides background to the decision to refuse the application, and the Council's statement of case further

expands on the issues raised within the officer report, and the reason for refusal. While a site visit was not undertaken, the site has previous planning application¹ history whereby the historic farmstead was identified as a non-designated heritage asset (NDHA).

7. Why the Council does not have a Local List is not known, but nevertheless, it is not within my remit, and / or the scope of this appeal to establish the reasons why they do not. Ultimately, the Council identified the farmstead as a NDHA and found that the proposed development would be harmful and contrary to specific policies of the development plan. Also, reason for refusal (RfR) two states that the proposed development does not provide public benefits which outweigh the adverse effect on the significance of the existing dwelling as a NDHA, which demonstrates that a balanced judgement was made in respect of the harm identified in RfR one. The reasons for refusal are complete, precise, specific and relevant to the application. I am also not persuaded that the Council has been inconsistent in the decision-making process in the context of the previous application history of the site.
8. Although the lack of a site visit meant that the current condition of the site and buildings were unknown to the Council, their explanation for not carrying out a site visit in this regard is plausible, albeit slightly unorthodox. Also, even if a site visit was undertaken, the Council were decisive in their decision that the appeal scheme, due to the proposed design not being appropriate, that there would be harm to the character and visual appearance of the existing dwelling, as an NDHA, and the surrounding area. I have agreed with the Council in this respect.
9. As Paragraph 167 of the Framework was not highlighted during the planning application, the Council did not identify it as a public benefit. Once it was highlighted at appeal, the Council considered it as a material consideration, concluding that it does not alter their decision. Furthermore, their justification for applying the weight it did to Paragraph 167 was not wholly unreasonable.
10. Overall, it is unclear how an appeal could have been avoided and I am satisfied that the Council's determination of the application, and its reasoning, were credible and that it was entitled to reach the decision it did.
11. In terms of the Council's handling of the planning application, the planning case officer requested an extension of time from the applicant on 5 December 2025, but the Council suggest that no response was received to that request. I am also told that the Conservation Officer's comments were published on 9 December 2025. A decision on the planning application was not issued until 17 December 2025. In these circumstances, there was an opportunity for the applicant to engage with the Council. Although, the period was relatively short, the Council were understandably eager to meet their deadlines and obligations also.
12. Consequently, for the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bromley

INSPECTOR

¹ Council reference: 17/01028/OUT

Appeal Decision

Site visit made on 7 April 2026

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2026

Appeal Ref: 6003346

**Land at Ollerton Business Park, Crow Lane, Ollerton, Childs Ercall,
Market Drayton, TF9 2DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Glenn James against the decision of Shropshire Council.
 - The application Ref is 24/03791/VAR.
 - The application sought planning permission for “Proposed B8 Use Class Employment Development comprising 3 Warehouse Units with Integrated Staff Facilities” without complying with a condition attached to planning permission Ref 23/02475/FUL, dated 21 September 2023.
 - The condition in dispute is No. 7 which states that: “Prior to the commencement of any above ground works operations being carried out, highway passing places shall be implemented fully in accordance with the approved plans (plans to be referenced in any planning consent)”.
 - The reason given for the condition is: “To coordinate the delivery of the highway improvements in connection with the development of the site”.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission (ref: 23/02475/FUL) was granted in 2023 for three warehouse units at an existing business park. This permission was subject to a pre-commencement condition (Condition 7) requiring the delivery of off-site highway passing places (hereafter referred to as the ‘highway works’). Although the highway works were considered acceptable as part of the planning permission, because they involve works to the public highway they also require a separate Section 278 agreement (S.278) under the Highways Act 1980 (as amended).
3. Following the grant of permission 23/02475/FUL, the appellant submitted plans to the local highway authority (LHA) in late 2023. However, the S.278 agreement has not been progressed, such that the appellant is unable to lawfully commence the highway works.
4. The development has been constructed without the relevant highway works having been implemented, thereby in breach of Condition 7 of permission 23/02475/FUL. Furthermore, at the time of my site visit, it appeared that at least one of the approved new units was already occupied.
5. Through application ref: 24/03791/VAR, the appellant sought to replace Condition 7 with a condition requiring the highway works to be delivered within six months of

completion of the units. This application was refused by the Council on highway safety grounds.

6. In light of the above, the main issue is whether the condition is reasonable and necessary in the interests of highway safety.

Reasons

7. The appeal site, and the wider business park of which it forms part, is located within a highly rural setting. The surrounding highway network largely consists of narrow country roads, bounded by vegetation, and frequently lacking sufficient width to allow vehicles to pass one another. From my observations, a range of vehicle types uses these roads, including large agricultural vehicles and delivery lorries.
8. Given the narrow nature of the surrounding roads, often combined with limited forward visibility, there is potential for vehicle conflicts arising from a lack of adequate passing places, particularly where heavy goods vehicles are involved. The expansion of the business park has the potential to exacerbate these conditions, with consequent harm to highway safety.
9. There is no robust evidence before me, such as a detailed traffic assessment or highway safety analysis, to demonstrate that the highway works required by permission 23/02475/FUL are unreasonable or unnecessary. While the business park has historically operated without restrictions on vehicle use, the approved development significantly increases the commercial floorspace and is likely to lead to a significant increase in activity and vehicular movements. The absence of recorded accidents to date does not, in itself, demonstrate that the highway works are unnecessary.
10. Additionally, the appeal scheme represents a substantially larger development than that proposed under a previous application at the site¹. Its transport impacts, and the resulting need for highway improvement works, are therefore likely to be materially different.
11. On the basis of the evidence before me, I therefore find that a condition requiring the delivery of the approved highway works remains necessary in the interests of highway safety.
12. I am not satisfied that the appellant's proposed alternative condition, requiring the works to be implemented within six months of completion of the units, would meet the relevant tests for planning conditions set out in the National Planning Policy Framework. Aside from concerns that such a timescale may no longer be capable of being met, the condition lacks precision and raises issues of enforceability. In particular, there is ambiguity as to what would constitute completion of the development, and there would remain the potential for some or all units to continue operating even if completion were significantly delayed or failed to occur.
13. Given my observations at the site visit, it would also not be possible to impose a condition requiring the highway works to be complete prior to occupation of the development. Moreover, there is no clear or realistic timeframe before me for when a S.278 agreement might be finalised, nor for when the highway works could subsequently be delivered. Accordingly, and notwithstanding the continued

¹ LPA Reference: 19/04895/FUL

presence of highway safety risks in the interim, I do not consider it appropriate to impose a new condition requiring completion of the highway works by a specified date.

14. Bringing the above together, I find that the condition is reasonable and necessary in the interests of highway safety. The proposal therefore conflicts with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (adopted 2011). This policy seeks to promote high standards of design including through the promotion of safe and accessible developments.

Other Matters

15. The appellant has highlighted frustrations with the Council's handling of both the planning application and the S.278 agreement, citing significant delays and limited communication arising from internal resourcing issues within the LHA. Be that as it may, and regardless as to how the LHA may have once operated, the evidence before me indicates that a valid S.278 application has not been submitted to the LHA. Consequently, although the LHA may not have been proactive in assisting the appellant, the delays are not attributable solely to the Council.
16. The socio-economic benefits of the appeal scheme have not been quantified and, as presented, do not outweigh the identified harm or justify allowing the appeal.

Conclusion

17. For the reasons set out above, the proposal conflicts with the development plan and there are no material considerations that indicate a decision should be taken other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 9 April 2026

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

Appeal Ref: 6004401

2 Woodcote Way, Shrewsbury, Shropshire SY2 5SJ

- 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. Gary Llewellyn against the decision of Shropshire Council.
- The application Ref is 25/04230/FUL.
- The development proposed is construction of new driveway which would necessitate a dropped kerb.

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on highway safety.

Reasons

3. The appeal site comprises a two-storey semi-detached dwelling which fronts Woodcote Way. Woodcote Way has a residential character, as does the surrounding area. The road serves the wider residential area and traffic flow along it is frequent.
4. Many of the houses along the road benefit from frontage parking spaces, which is a common feature of the area. However, the appeal property is set behind a low fence, with a small garden to the side, and it does not benefit from frontage parking.
5. The appeal site is located close to a large roundabout and directly adjacent to a splitter island, a traffic-calming feature that narrows the carriageway and channels traffic into designated lanes on the approach to the roundabout. A pavement and grass verge separate the appeal site from the road and there is a preponderance of street furniture around the roundabout and within proximity of the site. With frequent traffic flow along the road, the street scene is a busy environment.
6. Due to the juxtaposition of the proposed driveway to the splitter island, vehicles leaving the proposed parking area would not be able to safely turn right and head northwards along Woodcote Way. Likewise, vehicles leaving the roundabout would not be able to directly turn right into the driveway. Indeed, it is not clear how access to the driveway would be achieved from that direction. In both of these circumstances, inappropriate vehicle manoeuvres could take place on the highway which would lead to unacceptable highway safety implications. These movements would be uncontrolled and unpredictable.

7. While it is suggested that a “left in and left out approach” would enable vehicles to access and egress the spaces, which could include possible reversing manoeuvres into the driveway, I am not persuaded that it is a common manoeuvre across the highway network and even if it was, how it would be secured and controlled.
8. As a domestic driveway the number and frequency of vehicle movements in and out of the proposed access would be low. Suitably worded planning conditions would ensure acceptable visibility splays, parking dimensions, surfacing and drainage, and I am also told that the proposed driveway could be constructed to comply with the Shropshire Council’s Vehicle Access Crossing (Dropped Kerbs) Guidance. Even so, for the reasons identified above, the inability to turn right into and out of the driveway would not ensure safe and suitable access arrangements for the appeal property, which would significantly increase the risk to the safety of highway users.
9. Although there are other driveways along the road, including the adjoining house, the safety of an access is a site-specific matter. Indeed, those driveways are located further away from the roundabout and splitter island and vehicle manoeuvres into and out of those driveways would not be similar to the proposed development. Therefore, those other examples have not eased my concerns that the appeal scheme would result in unacceptable highway safety implications.
10. Reference has been made to Section 184 of the Highways Act 1980. However, this legislation relates to requests to a highway authority to carry out works. It has no bearing on the factors to be considered in the determination of a planning application or appeal.
11. For the reasons outlined above and on the evidence before me, I conclude that the proposed development would have an unacceptable impact on highway safety. Accordingly, it would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS), Policy MD2 of the Site Allocations and Management of Development Plan, December 2015 and Paragraphs 115 and 116 of the National Planning Policy Framework (the Framework), which together and amongst other things, seek sustainable design and development that achieves safe and suitable access for all users, that prevents unacceptable impact on highway safety.
12. My attention has been drawn to Policy CS17 of the CS that relates to environmental networks and assets. However, the proposal would not conflict with this policy which does not relate to highway safety implications.

Other Matters

13. The existing parking arrangements for the property are unknown, but the proposal would provide designated off-road, frontage parking for the appeal property and make efficient use of land, providing private benefits for the occupants of the property. There would also be associated economic benefits from the construction of the driveway, particularly for local contractors and tradespeople. I am also mindful that no concerns are raised with the appearance of the proposed works, or the effect on neighbouring properties, with no objections received from the local community, including Shrewsbury Town Council. Nonetheless, owing to the small-scale nature of the proposals, I only attach modest weight to these matters, which

would not outweigh the harm to highway safety that would result from the development.

Conclusion

14. The proposal would conflict with the development plan taken as a whole. There are no material considerations to lead me to find otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 18 March 2026

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Appeal Ref: 6001963

Rossall New Cottages, Isle Lane, Bicton, Shrewsbury, Shropshire SY3 8DZ

- 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 Sara Sartain on behalf of the Executors of Pearl Mary Tudor against the decision of Shropshire Council.
 - The application Ref is 25/02913/PIP.
 - The development proposed is for between two and four dwellings on land to the north and south of Rossall New Cottages.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning Practice Guidance advises that the permission in principle consent is an alternative way of obtaining planning permission for housing-led development. This is a two-stage process and planning permission is only created once both stages have been completed. The first stage, Permission in Principle (PiP), establishes whether a site is suitable in-principle, and the second stage, Technical Details Consent (TDC), is when the detailed development proposals are assessed.
3. For PiP the scope of considerations are limited to location, land use and the amount of development permitted¹. All other matters are considered as part of the subsequent TDC application if the PiP is granted.
4. The Council has stated that its reference to Shropshire Local Development Framework: Adopted Core Strategy (CS) Policy CS17 and Shropshire Council Site Allocations and Management of Development Plan (SAMDev) Policy MD2 in the Decision Notice are not relevant to the determination of this proposal as a PiP.
5. Both parties have referred to SAMDev Policy S16.2 (vi) and the appellant has referred to SAMDev Policy MD3. Although these have not been submitted, the online version has been reviewed as part of this decision.

Main Issues

6. The main issues are whether the appeal site is a suitable location for the proposed development with regard relevant local policies relating to development in the countryside; and the effect of the proposal on the character and appearance of the rural area, with regard to location, the proposed land use, and the amount of development.

¹ set out within PPG: Permission in principle Paragraph: 012 Reference ID: 58-012-20180615 Revision date: 15 06 2018

Reasons

Local policies relating to development in the countryside

7. CS Policy CS1 sets out the strategic approach for new development including that development in community hubs and clusters would help the rural areas of the district become more sustainable. SAMDev Policy MD1, identifies Bicton and Four Crosses as a community cluster settlement.
8. However, the appeal site is located next to Rossall New Cottage (the Cottages) on Isle Lane. It constitutes 2 rectangular sections of land that bookend the cottages. There is a series of fields which physically separate them from the development boundaries of the settlements of Bicton and Four Crosses. The appeal site is therefore considered a countryside location outside of Bicton and Four Crosses community cluster.
9. Nevertheless, the development plan does provide for housing in the countryside beyond community hubs and cluster settlements, and CS Policies CS5 and CS11 and SAMDev Policy MD7a guide this. However, as the proposal is not accommodation for essential countryside workers, affordable housing to meet a local need, the conversion of existing buildings or would constitute replacement dwellings it would not comply with these policies.
10. The appellant has referred to the appeal site being within the 'zone of influence'² of Bicton and Four Crosses. However, there is nothing before me which indicates this as a recognised designation within the development plan which could impact compliance with local policies relating to development in the countryside.
11. Accordingly, the appeal site would not therefore be a suitable location for the proposed development as it would fail to comply with CS Policies CS1, CS5 and CS11, and SAMDev Policies MD1 and MD7A.

Character and appearance

12. The Cottages are 4 semi-detached dwellings. The southern section of the appeal site (SiteA) consists of a section of the field which wraps the Cottages, and the northern section (SiteB) consists some of the same field but also the side garden of the adjacent property, 4 Rossall New Cottages. The properties on the opposite side of Isle Lane stretch beyond SiteA and on the opposite side of SiteB is a further dwelling. Both SiteA and SiteB would be the same depth as the Cottages.
13. The appeal site is therefore part of a residential enclave set within a patchwork of fields, hedges, and small wooded areas. This pattern of pockets of development whose boundaries are defined by landscape features is characteristic throughout the area and informs the general rural appearance.
14. The properties within the residential enclave appear as modest terraced properties or semi-detached pairs located close to the lane with gardens to the side or stretching back from the road. So, within the enclave the road has a reasonable developed appearance.
15. SiteB has dwellings on either side and would not be deeper than the adjacent properties it would not therefore extend the residential enclave further into the

² Paragraph 5.21 of the appellant's Statement of Case

countryside. SiteA would extend development along one side of Isle Lane but the development on the other side of the road stretches for a reasonably long distance beyond it and the existing mature field boundary would create a defined edge to this part of the appeal site thus visually containing the development. Therefore, it is found that the location of SiteA or SiteB would retain the character of the residential enclave they are part of and the overall rural appearance of the wider area.

16. As the appeal site would be adjacent to existing residential dwellings the proposed land use of both SiteA and SiteB would also not be detrimental to the character of the surrounding area.
17. The proposal is for between 2 and 4 dwellings across SiteA and SiteB, and it is recognised that layout, details of design and final quantum would be dealt with through the TDC. Having considered this range in relation to the surrounding dwellings it is conceivable that an appropriately designed scheme of 2 – 4 houses could be built which would be compatible with the surrounding properties and the rural character and appearance of the area.
18. Therefore, with regard to location, the proposed land use, and the amount of development, the effect of the proposal on the character and appearance of the rural area is unlikely to be harmful. It could therefore comply with CS Policy CS6 insofar as it seeks development to be designed to a high quality which respects local distinctiveness.

Other Matters

19. The appellant has drawn my attention to 2 appeal decisions³ in relation to accessibility and site locations beyond development boundaries. In both cases it is found the circumstances are sufficiently different to the scheme before me, therefore these examples serve to confirm that on matters relating to location, each case should be considered carefully on its own merits.

Planning Balance

20. The Council cannot demonstrate a 5-year housing land supply, and by taking a precautionary approach due to the most recent Tilstock Road appeal⁴, it considers the current housing land supply to stand a 3.81years. It is therefore necessary for Paragraph 11 of the Framework to be applied.
21. Therefore, the housing policies that are most important for determining this application, and referred to in the first main issue, are deemed out of date. This would also include the appellant's reference to SAMDev Policy MD3, and the housing allocations for the Bicton and Four Cross community cluster set out in within SAMDev Policy S16.2(vi).
22. The proposal could provide up to 4 dwellings reasonably quickly due to the proposals small scale. The Framework seeks to boost significantly the supply of housing and recognises the importance of small sites in meeting the housing requirement of an area. Along with contributing to the Council's 5-year housing land supply, the associated economic and social benefits and the potential environmental enhancements that could be gained through the TDC process, would attract moderate weighting based on the number of houses involved.

³ APP/L3245/W/3358745 and APP/L3245/W/25/3370652

⁴ APP/L3245/W/25/3362414

23. The lack of harm found in relation to character and appearance would be neutral in the planning balance.
24. However, when considering the impacts of a proposal Paragraph 11d)ii of the Framework requires assessment against policies in the Framework including those relating to directing development to sustainable locations. Framework Paragraph 110 looks at ensuring development is focused on location which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Though it also recognises that these opportunities would vary between urban and rural areas.
25. There are some services and facilities, including bus access, at both Bicton and Four Crosses. The appellant considers as parts of both settlements are within 800m⁵ of the appeal site, they would be close enough for future occupants to be able to conveniently walk or cycle to, thus providing genuine transport mode options beyond the use of the car.
26. However, Isle Lane is a narrow unlit road with no pavements or convenient refuges for pedestrians or cyclists. Although visually it looks like a quiet country road, it serves several businesses including an industrial estate, farms, and a care home all of which have regular vehicles moving to and from them. Further it was observed during the site visit some of these are large lorries and agricultural machinery. Therefore, although the distance along Isle Lane to reach Four Crosses may not be extensive walking or cycling along the lane could not be considered overly safe especially in poor weather, at night, or for those with limited mobility.
27. Access to Bicton could be achieved by a largely off-road route via a bridleway and footpaths. However, these are also unlit, having various gates along them, and sections would be across fields which have uneven and potentially muddy. Again, this route would be prohibitive for those with less mobility and the gates would prevent convenient cycle use.
28. It is not therefore considered that the appeal site location would provide genuine alternative modes of transport beyond the private vehicle due to the limitations of the routes to both Four Crosses and Bicton. Finally, that there could be employment opportunities in the vicinity would not negate the reliance on private vehicles for accessing services and facilities necessary for day-to-day-living.
29. As such it is not found that the appeal site could be considered a sustainable location when considering the Framework policies, and this would attract substantial weight. Therefore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Conclusion

30. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR

⁵ A distance the appellants has identified as the walkable distance set in the National Design Guide



Appeal Decision

Site visit made on 17 February 2026

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2026

Appeal Ref: 6002113

Land off Terrick Road, Whitchurch SY13 1TX

- 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 Lloyd against the decision of Shropshire Council.
 - The application Ref is 25/02571/OUT.
 - The development proposed is outline application for residential development, with all matters reserved apart from access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal before me has been made in outline with only the matter of access being considered at this stage. All other matters, namely appearance, landscaping, layout and scale, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.

Main Issues

3. The Council are no longer defending their reason for refusal related to protected species and therefore, the main issues are:
 - Whether the location of the appeal site is suitable for new residential development;
 - The effect of the proposal on the character and appearance of the surrounding area, with particular regard to the historic environment; and,
 - The effect of the proposal on highway safety with particular regard to the proposed access.

Reasons

Location

4. The appeal site is located at the edge of Whitchurch and comprises a field accessed off Terrick Road and sited behind development on Fairways Drive and Clayton Drive. The appeal site is outside of the settlement boundary for Whitchurch which is identified as a Market Town or Key Centre by Policy MD1 of the Site Allocations and Management of Development Plan (the SAMD).
5. The properties backing on to the appeal site form a clear and defined edge to the built environment. Beyond this edge the land is predominantly set aside to open

fields or, to the other side of the site, a golf course. Collectively this character does not contribute to the continuation of the settlement. As such, I find that while the appeal site adjoins the settlement, it is outside of Whitchurch and its settlement/development boundary.

6. The SAMD, under Policies MD1, MD3 and MD7a provides some limited support for residential development outside of Market Towns and Key Centres. In particular, support can be given for exception sites and conversions that meet local housing needs. In this case the proposal is for the erection of a mix of open-market and affordable housing. The proposal does not, therefore, comprise conversions or an exception site.
7. I am mindful that Whitchurch contains a wide range of services, facilities and both rail and bus routes. By way of their distance and the presence of footpaths these would be safely accessible by pedestrians and cyclists. Future occupiers would therefore be able to reach all of their typical needs within Whitchurch and without reliance upon private motor vehicles.
8. Nevertheless, on a plain reading of the above policies it is clear that the proposal still conflicts with the Council's spatial strategy for residential development. The proposal therefore conflicts with Policies CS1, CS5, CS11 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) and SAMD Policies MD1, MD3 and MD7a which collectively identify the Council's hierarchy for development and spatial strategy as set out above.

Character and Appearance

9. As noted above, the appeal site covers a field set behind existing residential development at the edge of Whitchurch. The site itself is a long and relatively rectangular area that slopes, across its length, away from Fairways Drive. The appeal site extends beyond Fairways Drive and directly adjoins a golf course. On a further two sides the site attaches to open fields. By way of being a field located at the edge of the settlement and adjoined by fields and other green spaces, the appeal site reads as part of, and contributes to, the wider countryside.
10. Near the appeal site is the Old Rectory a Grade II* listed building. Built around 1749 it sits within a moat and is associated with a Grade II listed Game Larder and the Grade II listed Coach House and Adjoining Forecourt Walls. The significance of these buildings come in part from their group value sited at edge of the settlement with clear connection to the countryside beyond.
11. I am mindful that the golf course and its boundary planting, which is on higher ground, creates something of a visual barrier in northerly views, including in those from the above heritage assets. Nevertheless, given their green nature they still suggest a continuation of the fields below the golf course into the wider countryside.
12. The proposal would project built development, in the form of new dwellings, a roadway and hardstanding, along with associated residential paraphernalia including cars, well beyond the existing built-up edge of Whitchurch. Some of this would be viewed within the envelope of development along Fairways Drive and Clayton Drive. However, given the appeal site extends well beyond these, the proposal would also be viewed against the open fields and the landscaped golf course. This would include from nearby roads, such as Tarporley Road, and the

public right of way adjacent to the appeal site. The proposal would therefore not round off or infill a gap in development but would instead protrude out into the open countryside and begin to cut off the surrounding fields from the wider countryside.

13. The appellant has suggested that planting around and through the site would be employed to soften its appearance and tie the development into the surrounding area. However, I cannot from the details before me, be certain that this would be effective. Moreover, any planting is likely to take some considerable time to grow in to an effective screen, and I note the appellant makes reference to 15 years in this regard.
14. In all, the proposal would substantially change the appearance and character of the appeal site by introducing a relatively significant degree of development. This change would in turn affect the contribution this site makes to the surrounding group of fields by reducing their visual connection to the wider countryside. I am mindful that this group have been identified as being somewhat eroded in their quality, but this does not justify their further erosion through the proposal before me.
15. I am mindful of the appellant's concerns as to the quality of the Council's appraisal but find no reason to question the suitability of the individual who carried out the assessment.
16. It was clear from my site observations that views of the above listed buildings were screened from the site by mature trees surrounding the moat. I understand that a treeline here is not historic and that it is likely that a visually open connection would have previously been present. Moreover, it is likely that views from the grounds of the Old Rectory would include the appeal site. Therefore, while the listed buildings are not readily visible from the appeal site, I nevertheless find that the site is within their setting.
17. The changes and harm identified above to the surrounding landscape would therefore adversely affect the setting of the above identified listed buildings. In particular as, the positioning of the Old Rectory, and its associated buildings, at the edge of the settlement would be lost through the enclosure of these fields. Against this background, I find that a low degree of less than substantial harm to the significance of the designated heritage asset would occur. Although less than substantial, considerable importance and weight should be given to any asset's conservation. Paragraph 215 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal.
18. In the case of this appeal the proposal would provide 42 new dwellings with good access to the services and facilities of Whitchurch. It would therefore contribute towards the Council's supply of housing, of which there is an undersupply, with additional social and economic benefits stemming from the construction works and future occupiers. The proposal would secure biodiversity gains and so ecological benefits would arise from this also. I am content that these matters would be public benefits and that, given the scale of the proposal, these benefits would attract significant weight. However, in the circumstances of this case, these public benefits do not outweigh the considerable importance and weight I attach to the preservation of the listed buildings set out above.

19. I note the potential for archaeology to be present at the appeal site and that the proposed development has the potential to affect this. However, I am content that such risk could be suitably minimised by way of a condition in the event that the appeal were to be allowed.
20. Nevertheless, in light of the above the proposal results in harm to the surrounding landscape and the significance of designated heritage assets. The proposal therefore conflicts with ACS Policies CS6 and CS17, and SAMD Policies MD2, MD12 and MD13. These policies collectively, and amongst other matters, require proposals be of a high quality that respects and enhances the local distinctiveness and context of the natural, built and historic environments. Particular concern is given to the protection and conservation of heritage assets and avoiding any harm or loss of significance. The proposal also conflicts with the Section 16 of the Framework, including Paragraphs 207 and 215, which sets out the importance of heritage assets and the aim to conserve them.

Highway Safety

21. The appeal site is served by an existing access onto Terrick Road. Upon turning on to the site, the access route travels between properties on Fairways Drive and Terrick Road. Terrick Road is served by a pavement which links via Alport Road into the centre of Whitchurch. I understand that the roads in the immediate surroundings are covered by 30mph speed limits.
22. Although the access is relatively constrained, it would be wide enough to provide a vehicular carriageway that allows for two-way traffic and a footpath for pedestrians. From the plans and submissions before me, it is clear that the carriageway would not meet the requirements of the Manual for Streets to accommodate two heavy goods vehicles passing. However, the access would only be serving a residential development and would not provide a through-route. I therefore consider that such an eventuality would be very unlikely.
23. I am content from my observations on site and the information before me that suitable visibility splays could be provided at the access in both directions. I am mindful that the appellant's swept path analysis for refuse vehicles shows that such a vehicle would need to enter the opposite carriageway in order to turn left into the site or left out of the site. However, this encroachment would occur only infrequently and would be time limited. As such, I find that it would not unacceptably affect highway safety. Similarly, given the nature and scale of the proposal, it would not so significantly increase the amount of traffic on the surrounding roads as to be detrimental to the safe and efficient flow of traffic along them.
24. As noted above, the proposal would provide a single footpath along this access route. I note that it would meet the width requirement of Manual for Streets and that it would connect directly onto the wider network. Although there is only a pavement proposed on one side of the access route, this appears typical for the surrounding area, and I am content it would accommodate the occupiers of the 42 proposed properties. Given the above the proposal would provide a safe route for pedestrians entering and exiting the site and there would also be no undue risk for cyclists using the access.
25. The submitted information would need supplementing in the event that the appeal were to be allowed. However, this could be secured through a condition.

Therefore, while the details before me are limited, they are sufficient to allow me to consider the proposal and be satisfied that an acceptable solution could be brought forward.

26. The proposal would therefore not unacceptably harm highway safety for pedestrians, cyclists or motorists on or around the appeal site. although the Council have referred to ACS Policy CS6 and SAMD Policy MD2 these do not appear to be particularly relevant to the matter of highway safety. Nevertheless, the proposal complies with Section 9 which, amongst other things, seeks to prevent proposals causing unacceptable highway safety impacts.

Conclusion

27. I note that both parties agree the Council cannot demonstrate a five year housing land supply. However, the Framework provides a clear reason for refusing the development, in the identified heritage harm, and therefore the proposal does not benefit from the presumption in favour of sustainable development.
28. Nevertheless, the Government's objective is to significantly boost the supply of housing, and the proposal would provide 42 new dwellings in a location with good access to services and facilities. It would also lead to a small and time limited economic benefit during the construction phase, as well as social and economic benefits resulting from future occupiers. The provision of biodiversity net gain would additionally benefit ecology. Given the scale of the proposal these matters would at most attract substantial weight.
29. Whilst the proposal may not result in any harm to highway safety, this lack of harm is not a benefit in itself. I therefore attach this neutral weight in my consideration.
30. Conversely, the proposal would result in harm by way of conflicting with the Council's spatial strategy in conflict with the development plan taken as a whole. The proposal would also harm the character and appearance of the surrounding landscape and the significance of the identified designated heritage assets. This attracts very considerable weight and outweighs the benefits associated with the proposed development.
31. 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

This page is intentionally left blank



Appeal Decision

Site visit made on 18 November 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 December 2025

Appeal A Ref: 6000571

Street Record, Eaton Road, Childs Ercall, Shropshire TF9 2FF

- 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 Matt Morris on behalf of Shrewsbury Homes against the decision of Shropshire Council.
 - The application Ref is 25/01414/FUL.
 - The development proposed is foul and surface water drainage provision associated with new-build residential development.
-

Appeal B Ref: 6000572

Street Record, Eaton Road, Childs Ercall, Shropshire TF9 2FF

- 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 Matt Morris on behalf of Shrewsbury Homes against the decision of Shropshire Council.
 - The application Ref is 25/01411/FUL.
 - The development proposed is the erection of a two-storey detached dwelling with associated driveway access provision and landscaping works.
-

Appeal C Ref: 6000574

Street Record, Eaton Road, Childs Ercall, Shropshire TF9 2FF

- 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 Matt Morris on behalf of Shrewsbury Homes against the decision of Shropshire Council.
 - The application Ref is 25/01412/FUL.
 - The development proposed is erection of a two-storey detached dwelling with associated driveway access provision and landscaping works.
-

Appeal D Ref: 6000575

Street Record, Eaton Road, Childs Ercall, Shropshire TF9 2FF

- 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 Matt Morris on behalf of Shrewsbury Homes against the decision of Shropshire Council.
- The application Ref is 25/01413/FUL.
- The development proposed is erection of a two-storey detached dwelling with associated driveway access provision and landscaping works.

Decision

1. Appeals A, B, C and D are dismissed.

Preliminary Matters

2. As set out above there are four appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the schemes together, except where otherwise indicated.
3. The appellant submitted amended documents with the appeal which include a completed copy of The Statutory Biodiversity Metric Auditing and accounting for biodiversity Calculation Tool and an Ecological Assessment August 2025 Rev03. The amended documents have provided additional information and clarification on ecology. The Council had the opportunity to comment on the amended documents which have not resulted in any significant changes to the proposed scheme's impact. Accordingly, I am satisfied that no one would be prejudiced were my decision to have had regard to the amended documents.

Main Issues

4. The main issues are:

Appeals A, B, C and D:

- whether the proposed developments would be appropriately located having regard to the Council's development plan policies.

Appeals B, C and D

- the effect of the proposed developments on highway safety, and
- whether adequate provision for affordable housing would be provided.

Appeal A

- ecology, with regard to whether biodiversity net gain would be achieved and whether protected species would be harmed.

Reasons

Appeals A, B, C and D

Location

5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) outlines the Council's strategic approach for development. It outlines that development will be located predominantly in community hubs and clusters while outside these areas, development will be primarily for economic diversification and to meet the needs for local communities for affordable housing.
6. The appeal sites are located within the open countryside where Policy CS5 of the CS outlines a limited number of circumstances where new housing would be permitted in the open countryside, none of which would be met by the appeal proposals.

7. Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan 17th December 2015, provides further guidance and states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters.
8. The proposed developments would therefore be contrary to the Council's development plan policies. Furthermore, there are very little services nearby or access to public transport in order to travel to larger settlements which would mean that future occupiers would be dependent on the use of a private car to access day to day services.
9. I therefore conclude that the proposed developments would not be appropriately located. They would be contrary to Policies CS1 and CS5 of the CS, Policies MD1 and MD7b of the SAMDev and Policy D1 of the Stoke Upon Tern Neighbourhood Development Plan 2033 (NP). Amongst other things, these seek to ensure that developments will be located predominantly in community hubs and clusters have good access to public transport or otherwise help reduce car dependency.

Appeals B, C and D

Highway safety

10. The applications were accompanied by a refuse tracking plan and general arrangements plan which demonstrate that a refuse vehicle would be able to enter the appeal sites and manoeuvre.
11. Notwithstanding the above, I am mindful that the plans cover all three sites, each of which has a different red line and could be built out at different times. The builder for each plot would not be able to carry out works within the other plots and I am mindful that there could be a situation where the proposed access arrangements could only be partly built out, which would mean that a refuse vehicle would not be able to enter and manoeuvre within the appeal sites.
12. I am therefore not satisfied that a planning condition would meet the tests outlined in Planning Practice Guidance with regard to enforceability. The proposed developments would therefore harm highway safety and would be contrary to Policy CS6 of the CS and Policy MD2 of the SAMDev. Amongst other things, these seek to ensure that there is sufficient infrastructure for development.

Affordable housing

13. Policy CS11 of the CS requires that all open market housing development makes appropriate contributions to the provision of local needs affordable housing. The appellant has suggested that an existing S106 agreement for the adjacent housing scheme would be amended to achieve the required affordable housing contributions.
14. However, no such amended S106 agreement or any new planning obligation is before me to consider and as such, no affordable housing contributions would be secured through the proposed developments.

15. I therefore conclude that the proposed developments would not make appropriate affordable housing contributions and would be contrary to Policy CS11 of the CS and guidance contained within the Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document (SPD) Adopted 12th September 2012. Amongst other things, these seek to ensure the provision of affordable housing.

Appeal A

Ecology

16. Insufficient information was provided with the application to confirm that biodiversity net gain (BNG) can be achieved.
17. Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
18. I note the Council's concern that BNG has not secured, however, a legal agreement could be secured during the discharge of the biodiversity gain condition. As such, the absence of a legal agreement at this stage is not a sufficient reason to refuse the development and there is no reason why, if necessary, this could not be secured during the consideration of the biodiversity gain condition, and this would need to be satisfied before any development could take place.
19. The appellant has provided a completed BNG metric and with the appeal demonstrates that BNG can be achieved within the appeal site and I am satisfied that could be secured through the biodiversity gain condition, which would need to be satisfied before any development could take place.
20. The application was also submitted with insufficient information with regard to protected species. However, an ecological assessment has been submitted with the appeal and confirms that subject to mitigation measures, protected species would not be harmed through the proposals.
21. I therefore conclude that subject to appropriately worded planning conditions, that the proposed developments would provide BNG and would not harm protected species. I find no conflict with Policy CS17 of the CS, Policy MD12 of the SAMDev and Paragraph 187 of the Framework which amongst other things, seek to ensure that development does not have a significant adverse impact on Shropshire's environmental assets and achieve BNG.

Other Matter

22. The Council have found that the proposed developments would not harm the character and appearance of the area, and while I have no reason to conclude otherwise, this is a neutral matter.

Planning Balance

23. The proposal would be contrary to Policies CS1, CS5 and CS11 of the CS, Policies MD1 and MD7b of the SAMDev and Policy D1 of the NP. These Policies are generally consistent with the Framework in seeking to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, not result in an unacceptable impact on highway safety and to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
24. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The Council states that they are only able to demonstrate a 4.73 year supply which is a moderate undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
25. The proposed developments would contribute three individual homes towards the Council's undersupply and would utilise brownfield land which attracts significant weight in favour of the proposed developments. However, this is tempered by the small scale of the proposals in the context of the moderate undersupply which the Council demonstrates.
26. The proposed developments would also result in some economic benefit during the building out of the schemes and future occupiers spending which attracts moderate weight in favour of the proposed developments.
27. The development proposed is intended to be for self-build housing, however, this has not been secured by a planning obligation and while I note that the Council have proposed a condition for this, I have concerns about whether this would meet the tests outlined in Planning Practice Guidance. However, even if the proposed development was secured for self-build, this would still not outweigh the harm I have identified.
28. In this instance therefore, the inappropriate location, harm to highway safety and lack of affordable housing would significantly and demonstrably outweigh the benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
29. Consequently, when assessed against the Policies in the Framework when taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Conclusion

30. For the reasons set out above, and having had regard to all other material considerations, I conclude that the appeals A, B, C and D should be dismissed.

D Wilson

INSPECTOR

This page is intentionally left blank

Appeal Decision

Inquiry held on 21-24 October and 4 November 2025

Site visit made on 4 November 2025

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2025

Appeal Ref: APP/L3245/W/25/3362414

Land to the East of Tilstock Road, Tilstock, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Boningale Developments Ltd against Shropshire Council.
 - The application Ref is 24/04176/FUL.
 - The development proposed is full planning application for the residential development of 70 dwellings including access, open space, landscaping and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the residential development of 70 dwellings including access, open space, landscaping and associated works at Land to the East of Tilstock Road, Tilstock, Shropshire in accordance with the terms of the application, Ref 24/04176/FUL, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. It is the case that additional evidence has been submitted during the appeal process in advance of the Inquiry. This includes a Highways Technical Note¹ (the Technical Note) in association with revised plans² that reflect layout and landscaping changes along the Tilstock Road frontage of the site for the purposes of accommodating an enhanced visibility splay. Additional bird survey information³ and revised biodiversity-related documentation⁴ has also been forthcoming. The suite of additional evidence has been consulted upon at appeal stage, and I am content that no party with a potential interest in the outcome of the appeal is prejudiced by me accepting it for determination purposes.
3. The Council has indicated that it would have refused planning permission had it been in a position to do so. Following its full consideration of the additional evidence submitted at appeal, its main outstanding concerns relate to: conflict with the development plan and its embedded spatial strategy for delivering development; alleged harm to the character, appearance and vitality of the area, principally as a consequence of the proposal's scale and detailed composition; and alleged harm by virtue of the constrained accessibility of facilities and services that

¹ Ref: SH5037-11PD (July 2025)

² Ref: P24-1425_DE_002_E_02; P24-1425_EN_06C; P24-1425_EN_07C Sheets 1-4; P24-1425_EN_010B Sheets 1-4; P24-1425_DE_008_B_01; P24-1425_DE_002_D_08

³ Breeding Bird Survey BBR001 (July 2025)

⁴ including Biodiversity Net Gain Report (Submission 3) BNG001 (August 2025)

would in turn – it has suggested – place an over-reliance on private vehicle use. I have formulated the appeal's first three Main Issues accordingly.

4. A planning obligation pursuant to Section 106 of the Act (the legal agreement) is before me. This is dated 7 November 2025 and is signed by the appellant as the relevant landowner and the Council. The legal agreement contains various provisions related to affordable housing, biodiversity net gain, public open space, and mitigating recreational impact upon Brown Moss⁵ and Cole Mere⁶. I shall return to the legal agreement later in this Decision.
5. A draft new Local Plan (the WLP) was submitted for examination in September 2021 but was withdrawn from the examination process in July 2025. As such, no weight can now be afforded to the formerly emerging policies of the WLP. Nevertheless, the evidence base that supported the WLP is capable of comprising a material consideration for the purposes of decision-making – a factor that I shall take into account where applicable to do so.

Main Issues

6. The main issues are:
 - Whether the appeal site is an appropriate location for the proposed development, having particular regard to relevant provisions of the development plan;
 - Whether the appeal site is an appropriate location for the proposed development, having particular regard to accessibility to facilities and services;
 - The effect of the proposed development on the character and appearance of the area, including consideration of urban design matters; and
 - The extent of the Council's acknowledged housing supply shortfall.

Reasons

Whether an appropriate location, having regard to relevant provisions of the development plan

7. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) sets out a strategic approach for delivering development across the plan period 2006-2026. It endorses a 'rural rebalance' approach, with around 35% of Shropshire's residential development envisaged in rural areas, with such development being predominantly located in Community Hubs and Community Clusters – contributing to social and economic vitality.
8. Tilstock comprises part of a recognised Community Cluster whereby the combined settlements offer a range of services contributing to a sustainable community. The Shropshire Council Site Allocations and Management of Development (the SAMDev) Plan (December 2015) contains Settlement Policies that set out the amount of additional development envisaged in settlements (including clusters of settlements) to the end of the plan period (2026), as well as any specific site allocations and development boundaries. Policy S18.2 relates to Community Hub

⁵ Special Area of Conservation which comprises part of the Midland Meres and Mosses Phase 1 Ramsar site

⁶ comprises part of the Midland Meres and Mosses Phase 2 Ramsar site

and Cluster settlements in the Whitchurch Area, whilst part (ii) of S18.2 deals specifically with the Community Cluster⁷ that incorporates Tilstock.

9. It is envisaged by part (ii) of Policy S18.2 that, across the plan period, housing growth of about 100 dwellings shall be achieved across the Cluster (with approximately 50 of these at Tilstock) to be delivered via allocated sites⁸ together with development of infilling, groups of houses, and conversions on suitable sites within the development boundaries identified on the Policies Map (or on well related sites to Prees Heath, a different settlement within the same Cluster). The appeal site, which is not allocated for development, is positioned outside of the designated development boundary for Tilstock. Thus, the proposal, which when considered in conjunction with completions upon allocated sites would result in considerably more dwellings than the 50 unit guideline total set for Tilstock, fails to adhere with the requirements of part (ii) of Policy S18.2.
10. Moreover, the site falls within the Countryside as defined in local planning policy terms. Policy CS5 of the CS and Policy MD7a of the SAMDev set out strict controls over new development in the Countryside, and the appellant has acknowledged conflict with these policies. Further, Policy CS4 of the CS seeks to promote development within the limits of Community Hubs and Clusters and indicates that development in conflict with Policy CS5 should not be allowed. Indeed, the supporting text to Policy CS4 makes it clear that windfall development adjoining a village is unacceptable unless a specific policy exception were to apply.
11. Therefore, having regard to relevant provisions of the development plan, the site does not represent an appropriate location for the proposed residential development. There is identifiable conflict with Policies CS1, CS4 and CS5 of the CS and Policies MD1, MD7a and S18.2 of the SAMDev in so far as these policies establish a strategy for the distribution of development across the plan area. I shall return to this identifiable policy conflict and its implications within my Planning Balance below.

Whether an appropriate location, having regard to accessibility to facilities and services

12. Tilstock contains a limited range of facilities and services. These include a primary school, a public house, a village hall, and a bowling and tennis club. Thus, notwithstanding the reasonable walkability of these facilities from the site via an on-site connection to be made to an existing public right of way⁹ (the PROW) and established hard-bound footways, it is inevitable that travel outside of the village would be required by future occupiers of the development in order to satisfy their full day-to-day needs. For example, in order to access shops, places of work, or secondary education.
13. Given the distance and nature of the journeys involved, incorporating routes outside of the village not served by lit and hard-surfaced footways, it is highly unlikely that future occupiers would choose to travel to different settlements on foot. This is a matter of common ground between the main parties.

⁷ Whitchurch Rural & Ightfield and Calverhall Community Cluster

⁸ Three of which are at Tilstock (TIL001; TIL002; TIL008) totalling the provision of 50 units, as anticipated when the SAMDev was adopted

⁹ PROW 0233/28/1

14. In terms of cycling, neighbouring settlements that contain facilities and services, namely Whitchurch and Prees Heath, are situated realistically cyclable distances from the site. Even so, the routes involved are not served by specific facilities for cyclists such as defined cycle lanes, which is a factor that likely influences their attractiveness and realistic useability in a cycling sense. This includes along Tilstock Road which, whilst offering the most direct link from the site to Whitchurch, is a busy and winding single-carriageway route that is subject to the national speed limit between settlements. Whilst recent accident records (when taken in isolation) do not highlight a safety issue, automatic traffic count (ATC) data illustrates cycling along Tilstock Road to be a rare rather than regular occurrence – which is consistent with the route’s constraints as just set out. Additional data provided via the Strava platform does not clearly or persuasively demonstrate a situation otherwise.
15. At the Inquiry interested parties referred to recent experiences of cycling between Tilstock and Whitchurch, albeit via a less direct route incorporating the lower-trafficked Alkington Road. Notwithstanding the existence of this option, it remains fair to consider that – for the purposes of accessing facilities and services on a day-to-day basis from the appeal site – cycling would be unlikely to represent a realistic and attractive option for the majority of future occupiers of the development scheme.
16. It is nevertheless pertinent to note that there is an hourly bus service that connects Tilstock to various other settlements that include the towns of Whitchurch (incorporating secondary school drop-off and pick-up provision during term time), Wem, and Shrewsbury. There was discussion at the Inquiry related to the accessibility of the nearest bus stops on Tilstock Lane. It is set out in the Shropshire Manual for Adoptable Roads and Transport (2021) (the SMART) that houses should be situated within 400 metres of a regular bus stop wherever possible to reduce the use of private cars for local trips, which is consistent with guidance offered by the Chartered Institution of Highways and Transportation. This is a distance that would be exceeded by each of the newly proposed dwellings, albeit by a limited amount in most cases.
17. Nevertheless, the SMART constitutes guidance as opposed to adopted policy and, as set out in the Government-produced Manual for Streets (2007) (MfS), the propensity to walk is influenced by not only the distance involved but by the quality of the walking experience. In the circumstances of this case, future occupiers would obtain access to bus stops via a new bound and lit pedestrian footpath, a short stretch of already well-established footpath that is intended to be upgraded, and a bound and lit pavement along Tilstock Lane. As was apparent upon inspection, this route does not exhibit stark levels changes and would be anticipated to provide a quality and realistic option for the majority of future occupiers. In this context, satisfactory bus stop accessibility would be achieved.
18. It is, however, important to acknowledge that there are bus service limitations at play, including no Sunday services and due to restricted evening operations. Further, notwithstanding the existence of early morning services and the clear potential for future occupiers to undertake daily travel to and from destinations served directly by the bus service, any possible potential to link bus travel from Tilstock with onward rail travel (from Whitchurch to Manchester, for example) for the purposes of a daily commute would be highly constrained. More generally, notwithstanding the short nature of journeys between Tilstock and Whitchurch,

these service limitations offer some degree of uncertainty that future occupiers would be able to conveniently and routinely depend upon the bus service for the purposes of satisfying their full day-to-day needs.

19. My attention has also been drawn to a community transport service that runs on a voluntary basis, that I understand offers access to Market Drayton and Whitchurch (both on a weekly basis), and that seeks to accommodate individual transport needs where possible. Whilst this is a somewhat confined service and clear assurances related to the longevity of its continued operation are not before me, it still offers some potential to serve future occupiers of the development and is a material factor relevant to my deliberations.
20. The National Planning Policy Framework (December 2024) (the Framework) indicates that significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of travel modes. To my mind, especially given the considerable scale of rural development under consideration here and the fairly anticipated number/frequency of additional private vehicular trips likely to be generated, there is some degree of conflict with this overarching policy requirement. Even so, the Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in decision-making.
21. All related matters considered, including the meaningful degree of connectivity offered by an hourly bus service accessible via walkable stops as well as the proximity of Tilstock to Whitchurch, I find that significant harmful effects would be avoided. Accordingly, it is my judgement that the proposal would cause moderate harm by virtue of the site not representing an appropriate location for housing having particular regard to access to surrounding facilities and services. It thus follows that the scheme conflicts with Policy CS6 of the CS in so far as it requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

Character and appearance, including urban design matters

22. The site comprises the westernmost part of a large, grassed field. The main body of the site is of roughly square shape and is relatively level in terms of its topography. Neighbouring land uses tend to be rural/agricultural. This is with the exception of land to the south, which comprises part of the built up area of Tilstock. Perimeter planting is in place to the site's southern, western and northern boundaries, whilst Tilstock Road, from which access to the proposed development is intended to be drawn, runs along the western of these boundaries.
23. In terms of the landscape and visual effects of the proposal, there is a considerable degree of common ground between the main parties. This has been prompted via a Council-commissioned independent review (March 2025) of the appellant's Landscape and Visual Impact Assessment (the LVIA) (October 2024). Whilst the outcome of this review suggested specific amendments be made to the LVIA, it has been agreed through appeal-stage correspondence between the parties that amended assessment would not materially alter the findings of the LVIA.

24. Thus, in landscape character terms, there is consensus that the site has medium value, medium susceptibility to change, and medium overall sensitivity, and that the proposal would have a moderate permanent adverse effect on landscape character at a site level without impacting the key characteristics of the site's wider countryside context. Having considered all relevant submissions and undertaken inspection so as to obtain an appreciation of the site's makeup and the extent to which landscape character at a site level is already influenced by the immediate proximity of the northern edge of the village, I have no reason to dispute these areas of agreement.
25. As regards visual effects, obtainable views of the proposed development from publicly accessible vantage points would often tend to be of a restricted nature and at least partially filtered by the presence of intervening features such as existing property and established planting. For example, such limitations would apply to footpathed sections of Tilstock Road, Crabmill Meadow, and the car park that serves the village hall. It is also noteworthy that the planned removal and reinstatement of hedgerow along the Tilstock Road boundary would be fairly anticipated to have localised implications in a visual sense. This is especially in view of the manner in which Tilstock Road is laid out beyond the limits of the village, with its curving alignment and strong planted edges complemented by narrow verges unsuitable for navigation on foot.
26. Even so, there is consensus that a major visual effect would, in the initial period post-construction, ensue from positions along the PRoW. This runs roughly west to east from the rear of the primary school across expansive and open pastureland situated eastward of the site. Whilst this route is not lit or hard bound, so as to restrict its useability to some degree, it still offers a valuable recreational resource that is likely to attract usage by local residents.
27. It is relevant that a limited appreciation of the wider countryside beyond the site (to the west) is obtainable from the PRoW, in-part owing to the local topography and the presence of established planting to Tilstock Road's edges. It is also noteworthy that an awareness of Tilstock's current built edge is apparent from vantage points along the PRoW. Even so, the proposed development would – at least initially – be experienced as a clear and noticeable excursion into the open countryside. The associated major visual effect would apply to views experienced on an approximate western orientation along a not insignificant stretch of the PRoW.
28. It is however fair to assert that this major effect would be temporary. Moreover, taken in the context of available westward views from the PRoW, mitigation would take the form of a 10 metre wide woodland buffer aligning the site's eastern edge. A buffer of this extent would screen/soften views over time such that, by 15 years post-construction, there is agreement between the main parties that the adverse visual effect compared to baseline would reduce from major to moderate. Having considered all relevant information before me, I have no reason to take a different stance. I also note here that such planting would comprise part of a seemingly realistic and logical Landscape Masterplan¹⁰ that incorporates the establishment and/or reinforcement of proportionate planted buffers.

¹⁰ Ref: P24-1425_EN_06C

29. As regards Tilstock's development pattern, it is evident that the village has been extended via incremental growth over time. As is apparent from historic mapping dating to the late 19th-century, it originated as a nucleated settlement concentrated around the meeting points of principal routes. Ribbon development to the east along Tilstock Lane was the predominant source of village expansion during the 20th-century, bolstered by recently implemented permissions for housing development on allocated sites (Churchfield and The Pastures).
30. Notwithstanding the linear pattern of expansion that is evident along Tilstock Lane, other modern extensions to the village have occurred. This includes in locations to the north, such as at Tilstock Close (off Tilstock Road) and Crabmill Gardens (off but setback from Tilstock Lane). Therefore, when also factoring in that dwellings can often be observed to occupy irregular plots, provide variable frontages, and exhibit differing styles/designs, it is fair to pinpoint that the village exhibits a mixed and compact pattern of development.
31. The scale of development proposed is significant, especially when considered in the context of Tilstock as a rural settlement that has retained a compact form despite its growth overtime. It is noteworthy that the number of dwellings intended considerably exceeds that offered by any other recently consented development proposal at the village and an obvious enlargement to the village's size would ensue beyond its built limits in contrast with the incremental manner in which the settlement has expanded. In this sense, most particularly due to its scale, the proposed development would not comfortably align with Tilstock's development pattern and rural identity so as to exacerbate, to some degree, the harm already identified in the specific sphere of landscape character and visual effects.
32. Even so, there are scheme-specific factors that dictate that the proposal would not be perceived as fundamentally at odds with the manner in which Tilstock has evolved through its history and exists today. For example, development would be positioned adjacent to a principal route (as is typically characteristic of previous growth).
33. Furthermore, the proposal's immediate relationship with built form to the south would mean that the development would ultimately be read and experienced as a part of the village as opposed to as a separate entity. This is even though a narrow strip of well-planted land, which a previous Inspector¹¹ in 2023 identified to form a well-defined edge to the settlement and to make a positive contribution to the rural character of the village's setting, abuts the site's southern boundary. Indeed, this neighbouring parcel of land abuts merely a portion of said boundary and newly intended accessible open space to the southeast of the site would incorporate a clear and direct pedestrian linkage so as to reinforce satisfactory integration with the village. It is also of relevance in a wider integration sense that, away from the village's built edge, existing field boundaries would be respected and reinforced wherever practicable and appropriate to do so.
34. It has been suggested that the proposal fails to embrace existing street patterns identifiable within Tilstock. It is true that no other similar arrangement of a primary street interconnected with a series of shared spaces is existent within the village. However, in view of a village street pattern that exhibits a series of ad hoc cul-de-sacs set off an irregularly aligned network of principal routes, I do not consider this

¹¹ Ref: APP/L3245/W/3320163

problematic in a character or appearance sense. In any event, the precise layout of streets would only become apparent upon entry to (and circulation of) the new development.

35. Moreover, a legible street-level environment would materialise. This is especially owing to the formation of a central area of open space and the manner in which buildings would be positioned in perimeter block formations so as to directly address the public realm. I am also satisfied that, without prejudice to my findings upon the previous Main Issue of this appeal, appropriate on-site facilities for pedestrians would be incorporated so as to endorse suitable priority for movements via sustainable travel modes.
36. Indeed, the aforementioned pedestrian link, to be of all-weather specification, would connect to a primary street served by footway to both of its sides and logically positioned tactile-paved crossing points, off which unimpeded access to multiple shared surfaces would be readily obtainable. Accordingly, a range of route choices across a distinguishable hierarchy of streets would prevail as part of a permeable environment for pedestrians. Further, whilst cyclists would not have access to the pedestrian link, a cyclable network of streets off Tilstock Road would be achieved. For the avoidance of doubt, I shall cover matters pertaining to design speeds and highway adoption under Other Matters below.
37. On the basis of my above considerations, I am of the view that the proposed development would, from a detailed site-level urban design standpoint, integrate satisfactorily with Tilstock without being fairly anticipated to materially erode social cohesion or the vitality of the settlement. However, I have identified harmful effects in a character and appearance sense which stem from encroachment into the countryside and the significant scale of development under consideration. Indeed, temporary and permanent adverse landscape and visual effects (as detailed above) would be exacerbated via a failure of the scheme to fully respect a compact development pattern informed by small-scale growth overtime. Thus, harm of a meaningful moderate extent in a character and appearance sense would ensue. The proposal therefore conflicts to some degree with Policies CS5 and CS6 of the CS and Policy MD2 of the SAMDev in so far as these policies require development proposals to respect and enhance local distinctiveness.

The extent of the housing supply shortfall

38. It is common ground between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. As such, the presumption in favour of sustainable development is brought into play – the implications of which I shall return to in my Planning Balance below. In any event, it is necessary for me to assess the extent of the acknowledged shortfall for the purposes of guiding the degree of positive weight to be rightfully apportioned to the intended delivery of 70 dwellings at the appeal site.

Housing Requirement

39. As the Council's strategic policies are in excess of five years old, the Framework sets out that housing land supply should be measured against local housing need calculated using the standard method set out in the Planning Practice Guidance (PPG). The Council's most recent assessment¹² (the Supply Statement) was

¹² Shropshire Council Five Year Housing Land Supply Statement, data to 31 March 2024, published 13 February 2025

undertaken in the context of local housing need and it is common ground between the main parties that the correct housing requirement figure¹³ was calculated/used at the point in time when the Supply Statement was published in February 2025.

40. The point of dispute between the parties in a housing requirement sense surrounds whether the calculation of local housing need should be updated to take account of subsequent updates to data inputs. For context, the relevant paragraph¹⁴ of the PPG confirms that housing stock data informs the baseline for calculating a minimum annual local housing need figure and that affordability ratio data guides an adjustment to take account of affordability. It has been brought to my attention that updated affordability ratio data was published in March 2025, and that updated housing stock data was published in May 2025.
41. Within the same aforementioned paragraph of the PPG, it is set out that, when calculating a minimum annual local housing need figure using the standard method, the most recent housing stock data published at the time should be used to assist in setting the baseline. Having considered the respective views of the parties, I am satisfied that the provision 'at the time' is apt to refer to any point in time when a housing requirement has to be calculated – for example, for the purposes of assessing the merits of this appeal. Indeed, with respect to this case, to construe that 'at the time' necessarily fixes the dataset to that available at either the base date of assessment or the publication date of the Supply Statement would represent an unduly inflexible approach to the potential detriment of objective decision-making.
42. It has been suggested that it would be inappropriate to update the 'need' side of the assessment without doing so to the 'supply' side. However, the updated data inputs are 2024-based and thus align with the relevant and agreed 1 April 2024 base date for calculating housing land supply. I am thus unpersuaded by this line of argument. Instead, in the circumstances that prevail here, it is fair to anticipate that the use of updated data inputs would promote reliable and robust assessment.
43. Whilst the Framework is explicit in its requirement for Councils to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against either their housing requirement set out in adopted strategic policies or their local housing need (as applicable here), it does not follow that any housing requirement/need adjustment should necessarily be made only on an annual basis. To the contrary and by way of example, Housing Delivery Test results produced annually by the Government can impact the relevant buffer to be applied to deliverable sites, whilst the age of strategic policies can – at a bespoke point in time – alter the methodology for calculating a housing requirement. Periodic adjustments are thus inevitable and do not, to my mind, perpetuate a constant or unmanageable state of flux.
44. On the basis of the above considerations, I find that the correct annual local housing need figure, when calculated in accordance with the latest available and relevant data inputs, equates to 2,025 dwellings. This generates a five-year housing requirement (with 5% buffer applied) of 10,631 dwellings across the five-year period 1 April 2024 to 31 March 2029.

¹³ Annual local housing need of 1,994 dwellings, generating a five-year housing requirement (with 5% buffer applied) of 10,469 dwellings across the five-year period 1 April 2024 to 31 March 2029

¹⁴ Paragraph: 004 Reference ID: 2a-004-20241212

Supply of deliverable sites – relevant context

45. It is the Council's position, following roundtable discussion at the Inquiry, that is able to demonstrate a supply of 9,344 deliverable housing units (equating to a 4.39 year supply when calculated against the correct housing requirement as set out above). The appellant's view is that 7,586 deliverable units comprise the supply (equating to a 3.56 year supply). The contributions to deliverable supply made by a total of 28 sites are disputed by the parties.
46. The term 'deliverable' is defined in the Framework's glossary. It sets out that, to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Moreover, sites which do not involve major development and have planning permission and all sites with detailed planning permission, should typically be considered deliverable unless clear evidence to the contrary were to exist. The definition also confirms that, where a site has outline planning permission for major development or has been allocated in a development plan, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
47. As set out in the PPG¹⁵, such clear evidence may relate to: progress towards approving reserved matters on larger sites (to potentially link to a planning performance agreement); progress towards the submission of an application (to potentially include confirmation/agreement of developer delivery intentions); firm progress with site assessment work; or to site viability, ownership constraints and/or infrastructure provision/funding. In the context just set out, I shall now move to assess the deliverability of individual disputed sites.

Disputed sites with planning permission

48. There are three disputed sites¹⁶ with planning permission, the Council made a sensible concession at the Inquiry so as to confirm a year slippage to anticipated delivery at Flax Mill, Spring Gardens is reasonable from its perspective. Having considered the respective submissions of the parties, I have no reason to take a different stance or to consider that any further slippage be accounted for. For the avoidance of doubt, with respect to all three of these disputed sites I am content that suitably clear progression towards realistic delivery numbers has been demonstrated against a backdrop of the principle of development having been established in each case. 144 deliverable dwellings are thus contributed to supply.

Disputed sites – allocated (adopted)

49. Five adopted allocated sites are in dispute. In terms of Land at Ludlow Road, Cleobury Mortimer¹⁷ and Land off Avenue Road, Broseley¹⁸, which comprise allocations in made neighbourhood plans, no clear evidence of progression towards applications has been provided such that no contribution to the deliverable supply is offered by either site.
50. As regards Land south of Ellesmere¹⁹, this the subject of a longstanding outline permission for 250 units permitted in December 2016. Full planning permission

¹⁵ Paragraph: 007 Reference ID: 68-007-20190722

¹⁶ Ref (as taken from Core Document 4.9): 20/05065/OUT; 21/01136/FUL; 19/02385/FUL

¹⁷ Ref: CM1

¹⁸ Ref: HO2

¹⁹ Ref: ELL003a & ELL003b

was subsequently granted for enabling works in July 2024, which, I understand, was sought to address issues encountered by past unsuccessful reserved matters applications. An application to vary the approved outline conditions was submitted in September 2024, in advance of anticipated fresh reserved matters applications. The September 2024 application is the subject of a positive January 2025 officer resolution, that is dependent upon the completion of a deed of variation to the original legal agreement – the finalisation of which has encountered unforeseen delays. To my mind, in view of the obvious progression made in recent times, there is satisfactorily clear evidence of deliverability. However, most particularly in view of the current delay, a slippage of one year when compared to the Council's forecast delivery timetable is reasonable to account for such that 101 units can be fairly attributed to the deliverable supply.

51. As regards Land at White Acres, Albrighton²⁰, it is apparent that a reserved matters application for 88 dwellings is pending consideration and that a national housebuilder has become involved at detailed planning stage. Notwithstanding an overly ambitious early trajectory for delivery from the Council's perspective, I am content that, when factoring in the standard 10% non-delivery allowance that is routinely applied, 79 units can be rightfully considered deliverable. This, I note, equates to a slight reduction when compared to the figure relied upon by the Council.
52. In terms of Eastern Gateway Sustainable Urban Extension (SUE), Oswestry²¹, it is evident that a resolution to grant outline planning permission for 85 dwellings was reached earlier this year subject to the completion of a legal agreement. This process has yet to complete. It is relevant to my considerations that the site is subject to approved funding via the Housing Infrastructure Fund (HIF). All related matters considered, when noting the realistic trajectory for delivery purported by the Council, I am content that 45 units can be fairly attributed to the deliverable supply.
53. Thus, across these five sites, 225 deliverable dwellings are contributed to the housing land supply.

Disputed sites – proposed allocations in now withdrawn Local Plan

54. There are 17 disputed sites that formerly comprised draft allocations in the WLP. I first note that sites such as this, where the principle of development has yet to be established (assuming the absence of planning permission), do not conform to any specific site type referenced within either defined category of the Framework's definition of deliverable. Whilst these categories do not comprise a closed list, this situation offers relevant context to my deliberations.
55. Even though I am led to understand that all former draft allocations went through a rigorous site assessment process, the withdrawal of the WLP has only fuelled the potential for uncertainties to arise in the sense of gathering assurances that such sites shall ultimately be supported and built out.
56. I acknowledge that it was agreed via the Council's cabinet in early 2025 that the evidence base that supported the WLP is a material consideration in decision making on relevant planning applications (to include planning applications for new

²⁰ Ref: ALB002

²¹ Ref: OSW024

development on sites formerly proposed to be allocated) in order to support the presumption in favour of sustainable development. However, in the absence of formal emerging allocations supported by emerging policies capable of being attributed material weight in decision-making, I cannot accept any assertion made that this cabinet resolution shall necessarily ensure consistency and certainty for all parties. Instead, inherent uncertainties are a natural consequence of the present situation.

57. There are various disputed sites comprising former proposed allocations where planning applications for major development have either yet to be submitted or are yet to be determined. In situations such as this, there are inevitably challenges associated with accumulating sufficient evidence to clearly demonstrate that such sites represent suitable locations for development now and that there is a realistic prospect that housing will be delivered within five years.
58. For example, at Land between Mytton Oak Road and Hanwood Road, Shrewsbury²², notwithstanding the existence of Statements of Common Ground (May 2022 and September 2024) between the Council and site promoter which sets out anticipated construction and buildout rates, an anticipated outline planning application has yet to be submitted. With a swift and successful navigation of the application process in no way guaranteed, no contribution to the deliverable supply can be fairly attributed from this site.
59. At Tasley Garden Village, Bridgnorth²³ an outline planning application for up to 1,500 units is pending consideration with national housebuilders on board. There is, I understand, a Planning Performance Agreement (PPA) in place that indicates determination by the end of December 2025. However, additional supporting documentation has stemmed from requests/objections made, and it was confirmed at the Inquiry that the scheme shall/did not make the November Committee agenda. Moreover, PPA deadlines are subject to change and, of course, cannot override formal determination processes. To my mind, in view of the absence of outline planning permission and the overriding uncertainties that prevail, no supply contribution can be fairly attributed within the relevant five year period.
60. Turning to Land west of Ellesmere Road, Shrewsbury²⁴, there is again a live outline planning application that was, in this case, submitted in 2022 for up to 450 dwellings. Delays in determination have been associated to a Council decision to pause the North West Relief Road (NWRR), although I understand a Statement of Common Ground (2024) is in place between the Council and the site promoter where indicative timescales and in-principle agreement to the delivery of 150 dwellings in advance of the NWRR is set out. It is nevertheless apparent that new modelling work has only just been received by the Council which, at the point in time of the Inquiry, had yet to be comprehensively appraised. To my mind, in the absence of outline planning permission nor any guarantees of its timely granting, no clear evidence of deliverability has been demonstrated such that no units can be fairly attributed to the deliverable supply.
61. As regards Land north of Chester Road, Whitchurch²⁵, a full planning application for 190 dwellings is pending consideration – this was validated in July 2025 and is

²² Ref: SHR060 & SHR158 & SHR161

²³ Ref: BRD030

²⁴ Ref: SHR173

²⁵ Ref: WHT037 & WHT044

due to be determined via Committee in due course. It is my understanding that objections have been received by local residents that, in some cases, relate to the principle of development. There are no guarantees that planning permission shall be granted such that, even though no detailed reserved matters approvals would be required post-determination, there is no sound justification for this site to contribute any units to the deliverable supply.

62. With respect to Land adjoining Adderley Road, Market Drayton²⁶, a full planning application for 115 dwellings has recently been validated, and a national housebuilder is involved. However, especially in the context of this most recent application having followed a previous scheme that was refused in July 2024, it would appear fair to assert that no guarantee of a successful outcome is existent. Thus, even though the pending application is in full as opposed to in outline, clear evidence of deliverability is lacking such that no units are contributed to the deliverable supply.
63. As regards Land at Longford Turning, Market Drayton²⁷, an outline planning application for up to 100 dwellings is pending consideration and it was confirmed at the Inquiry that it is/was scheduled to go before Committee in November with a positive officer recommendation despite outstanding objections from local residents. Of further relevance, despite apparent reference from the relevant land promoter to an aim of securing planning permission quickly, any meaningful progress towards the potential submission of reserved matters has not been clearly established. In the context just set out, I find that no units should be credited to the deliverable supply.
64. Turning to Land adjoining Boraston Drive on A456, Burford²⁸, no outline application has been submitted, and no clear evidence of realistic deliverability is before me. No contribution is therefore offered to the deliverable supply.
65. With respect to Land between the A53 and Poynton Road, Shawbury²⁹, a full planning application for 130 dwellings has been recently submitted. It was confirmed at the Inquiry that there are matters to go back to the applicant upon related to the quality of the submission. In this context, there is plainly no guarantee of a swift and positive resolution. On the basis of an absence of clear evidence of deliverability, no units can be rightfully credited to the housing supply from this site.
66. As regards Land adjoining But Lane on A458, Ford³⁰, whilst evidence has been supplied of pre-application engagement with the relevant Parish Council in regard to a potential scheme comprising 102 affordable dwellings, the type of envisaged application is unclear. In any event, no application has been submitted and no clear evidence that housing completions shall begin within five years of the base date of assessment is existent. As such, no units can be credited to the supply.
67. At Land at Liverpool Road, Whitchurch³¹, a full application for 67 dwellings is pending consideration and a national housebuilder is on board. The application was validated in August 2025 and follows a previous unsuccessful scheme that

²⁶ Ref: MDR006

²⁷ Ref: MDR039 & MDR043

²⁸ Ref: BUR004

²⁹ Ref: SHA019

³⁰ Ref: FRD011

³¹ Ref: WHT014

was determined in 2016. On the basis of the evidence before me, there is no guarantee that the live application shall reach a positive and timely resolution. Moreover, no clear evidence of deliverability has been provided and no contribution to the deliverable housing supply is offered.

68. Turning to Land south of Sundorne Road, Shrewsbury³², whilst awareness of progress towards the submission of a planning application has been highlighted by the Council, no such application has yet come to fruition. Clear evidence of deliverability is absent such that no units can be attributed to the deliverable housing supply.
69. At Land east of Barley Meadows, Llanymynech³³, an outline application for 48 dwellings that was validated in July 2025 is pending determination. The Council suggested at the Inquiry that its November Committee was being potentially considered for the scheme's determination, even in the context of outstanding objections having been drawn to my attention. No obvious indication of a likely positive outcome is existent. It is also relevant that no material progress towards the potential submission of reserved matters has been established. To my mind, deliverability has not been clearly established such that no units contribute towards supply.
70. As regards Land west of Shrewsbury Road, Baschurch³⁴, an outline application for 37 dwellings has been received following pre-application discussions. This was validated in August 2025 with no further update offered by the Council at the Inquiry. A likely positive outcome has not been robustly substantiated, and clear evidence of deliverability is lacking. No units are attributed to the supply.
71. Turning to Land west of A488, Minsterley³⁵, a full planning application has been recently received following pre-application discussions. It is an affordable scheme comprising 25 units. At this point, there exists no clear indication that planning permission shall be granted. Thus, even though the application is in full rather than outline form and relates to a relatively limited scale of development, a realistic prospect of delivery within the relevant five year period has not been suitably substantiated. No units are credited to the deliverable supply.
72. With respect to Land east of Villa Farm, Bicton³⁶, an outline planning application for 18 units was validated in August 2025. It is my understanding that objections have been received by local residents. In the absence of planning permission or any clear indication that any such permission shall likely be obtained in a timely fashion, sufficient and clear evidence of realistic deliverability is lacking. No units can be attributed to the deliverable supply.
73. In terms of Land north of Kingswood Road and Beamish Lane, Albrighton³⁷, this is now a site where outline planning permission for up to 150 dwellings has been established – this was granted in May 2025. The sale of the site to a national housebuilder has been recently confirmed and I have been alerted to a September 2025 statement from them suggesting that a detailed planning application is being prepared. In this context, notwithstanding an overly ambitious

³² Ref: SHR054a

³³ Ref: LYH007

³⁴ Ref: BNP024

³⁵ Ref: MIN018

³⁶ Ref: BIT022

³⁷ Ref: ALB017 & ALB021

early trajectory for delivery from the Council's perspective, I am satisfactorily content that 97 units can be rightfully considered deliverable across the relevant five year period.

74. As regards Land between Windmill View and The Monument on A464, Shifnal³⁸, a full application relating to 57 dwellings across – I understand – approximately half of the site is pending determination. It was explained at the Inquiry that a resolution to grant planning permission under delegated powers is in place subject to the completion of an associated legal agreement. It is also my understanding that this legal agreement is anticipated to be of somewhat simple composition, centred upon affordable housing and open space provisions. With a national housebuilder on board and no detailed subsequent reserved matters applications required, I am content that clear evidence of deliverability exists for this particular part of the site. However, the same conclusion cannot rightfully apply to the remaining part of the site, which is not, I understand, the present subject of a live application for development. When factoring in the standard 10% non-delivery allowance, 51 units can be attributed to the deliverable supply.
75. Thus, across these 17 disputed sites, 148 deliverable dwellings are contributed to housing land supply.

Disputed sites – Strategic Land Availability Assessment (SLAA) and affordable housing sites

76. There are three disputed sites that fall under this particular sub-heading. Land behind 18-34 Aston Road, Wem³⁹ was initially identified via the Council's SLAA. An outline planning application for 38 dwellings was submitted in September 2024 and is pending determination. I understand that additional information has been requested/required to support the application since its submission. On the basis of no clear assurances related to a likely timely and positive outcome, deliverability has not been satisfactorily demonstrated such that no units are contributed to the deliverable supply.
77. As regards New Street, Wem⁴⁰, despite stated proactive engagement with the site's promoter and a Registered Provider seemingly being on board, no application has been submitted at this point. Thus, notwithstanding any possible link to time-limited Homes England funding, clear evidence of deliverability is lacking. No units are attributed to the deliverable supply.
78. Turning to land West of Swain Close, Wem⁴¹, an outline planning application for 21 affordable units was submitted in June 2024 and a resolution to grant permission has been reached subject to the finalisation of a legal agreement. A developer and associated Registered Provider are on board, whom I understand continue to work in close collaboration with the Council's affordable housing enablement service and are actively preparing for the reserved matters process. Further, a link to Homes England funding that is dependent upon a swift completion of the project has been brought to my attention. All relevant matters considered, I am content that the deliverability of this relatively small scheme has been suitably established.

³⁸ Ref: SHF022 & SHF023 (part)

³⁹ Ref: WEM018

⁴⁰ Ref: NS, Wem

⁴¹ Ref: SC, Wem

79. Thus, with the standard 10% non-delivery allowance applied, 19 deliverable dwellings are contributed to the housing land supply across these three disputed sites

Supply of deliverable sites – conclusion

80. On the basis of my above site-by-site analysis, it can be identified that, across all 28 disputed sites combined, 536 dwellings are contributed to the deliverable housing supply. When added to the 7,586 dwellings that are not disputed by the parties (minus the 13 dwellings acknowledged by the appellant to be deliverable at the disputed site, Land to the south of Chirbury⁴²), the **total deliverable supply is 8,109 dwellings**. When measured against a five-year housing requirement (with 5% buffer applied) of 10,631 dwellings across the relevant five-year period, an **undersupply of 2,522 dwellings** is calculated. This translates to a **3.81-year supply** of deliverable housing sites.

Other Matters

Heritage

81. Christ Church (the Church) is a Grade II Listed Building of 19th-century origin. Its significance and special interest as a designated heritage asset is drawn, in-part, from its age, its relevance to the historic evolution of the village, and its role and function as a visual and social landmark. This significance and special interest is further underpinned by the asset's traditional materials – predominated by red brick and slate – and the often inherently rural nature of its wider surroundings. The appeal site, albeit separated from the Church beyond intervening modern development, comprises a part of the asset's setting.
82. Upon inspection, I noted visibility of the Church's tower from various locations that included positions upon and proximate to the appeal site. It is fair to anticipate that some views of the Church (or, more specifically, its tower) would be disrupted by the proposed development. However, most particularly owing to the present existence of intervening modern buildings, the extent of this disruption would be limited. As such, it is my judgement that, when considered in a holistic sense, the scheme would not unduly dominate or unacceptably impinge upon views currently available from publicly accessible vantage points. Moreover, when also factoring in the prevailing rural context that would continue to be contributed to by other agricultural land within the Church's wider setting post-development, I find that the proposal would have no material adverse effect upon the Church's setting and thus would result in no loss of heritage significance or special interest.

Habitat sites

83. The site lies near to the Brown Moss Special Area of Conservation, which also comprises part of the Midland Meres and Mosses Phase 1 Ramsar Site. It is also proximate to Cole Mere, which comprises part of the Midland Meres and Mosses Phase 2 Ramsar Site.
84. Therefore, I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). These regulations require that, where the project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent

⁴² Ref: 21/01136/FUL

authority must make an appropriate assessment of the implications of the project in view of relevant conservation objectives. For the purposes of this appeal, I am the competent authority. For the avoidance of doubt, whilst Ramsar sites are not protected via the Habitat Regulations, proposals affecting them still require habitat regulations assessment due to the protection afforded to them via the Framework.

85. Brown Moss is a wetland area. It consists of a series of pools set in lowland heathland and woodland. It is designated as a SAC specifically for its population of Floating Water Plantain, an aquatic plant. The Ramsar designation within which it falls stems from a range of wetland habitat and associated assemblages of rare plants and invertebrates. Cole Mere is a flora-rich mere containing open water and bog that supports a diverse range of aquatic invertebrate fauna. Recreational visits hold the possibility of damaging the designated features of both Brown Moss and Cole Mere, as is corroborated by submitted documentation that includes the Habitats Regulations Assessment (December 2020) that was undertaken in relation to the Regulation 19 Pre-Submission Draft of the WLP. The proposed development would be likely to have a significant effect on the qualifying features of these sites.
86. The legal agreement secures a contribution agreed by the main parties, calculated on the basis of £50 per bedroom (for Brown Moss and Cole Mere – so £100 per bedroom in total). This would be paid to the Council prior to the commencement of development, with the Council covenanted to direct the contribution for the purposes of providing visitor improvement measures. This would be in the interests of mitigating recreational impacts. Such visitor improvement measures include improved visitor signage, visitor infrastructure maintenance, car park improvements, and visitor monitoring.
87. Natural England (NE), in its role as the statutory nature conservation body, has stated a lack of awareness of the evidence base related to existing or projected recreational pressure impacts and has noted that no strategic solution has been agreed. Consistent with this, it is my understanding that the withdrawal of the WLP has delayed progression towards the publication of any formally agreed mitigation strategy or mitigation tariff for either Brown Moss or Cole Mere.
88. Even so, it is apparent that the Council has, over a prolonged period of time, sought to progress a detailed evidence base as a precursor to formally determining appropriate site-specific mitigation measures. For example, management plans informed by detailed visitor survey reports have been produced for both Brown Moss and Cole Mere, whilst a draft Recreation Mitigation and Monitoring Strategy was published for Cole Mere as recently as January 2023, which contains a series of detailed and costed mitigation measures. As an integral part of the explorative work carried out to date, the site falls within preliminarily identified indicative visitor catchment areas within which it has been identified additional housing may contribute to an increase in recreation pressure on either Brown Moss or Cole Mere.
89. As a consequence of the above, it is inevitable that the Council has accrued a depth of understanding related to the risks associated with recreational pressure at the designated sites in question and to what constitutes fair and proportionate mitigation. Accordingly, it has been able to pinpoint specific active mitigation measures that contributions would be directed towards, and – with respect to housing schemes situated within the respective indicative visitor catchment areas

– it has, I am led to understand, made requests on a consistent basis in recent times. Thus, whilst it would clearly be preferable for a formalised mitigation strategy and adopted tariff to be in place (a position I am content shall be realised in due course), I am suitably satisfied that sufficient and proportionate mitigation is secured to guard against an adverse effect on the integrity of any habitats site. To take a different stance would run contrary to the evidenced professional opinions of the main parties and would – in my view – be unjustified at this juncture.

90. For the above reasons, the proposal would mitigate its likely significant effect upon the Brown Moss Special Area of Conservation and the Midland Meres and Mosses Phase 1 Ramsar Site that it comprises a part of, and upon the Midland Meres and Mosses Phase 2 Ramsar Site that Cole Mere comprises part. I am thus satisfied that the development would not adversely affect the integrity of these sites. The proposal therefore accords with Policy MD12 of the SAMDev and the natural environment provisions of the Framework, in so far as these policies set out that permission will be refused where habitat regulations assessment indicates an adverse effect on the integrity of a designated site which cannot be avoided or fully mitigated.

Local Housing Need

91. A Local Housing Need Assessment (LHNA) has been produced by the appellant for the purposes of seeking to illustrate the local housing need for the local area at a neighbourhood level. However, there are factors that bring into question the reliability and robustness of the LHNA's conclusions. For example, it applies a methodology intended to support the apportionment of a wider housing requirement to a Neighbourhood Plan geography that does not align with the geographical basis of the current development plan. Further, it has drawn on no direct engagement with relevant communities to assist with understanding their needs. It is also the case that it could be interpreted that somewhat speculative assertions are sometimes drawn from the demographic profile of the area as presented. I therefore find the LHNA to attract limited evidential weight. However, especially in view of the housing requirement rightly applicable at an authority-wide level, this finding is not determinative to the outcome of this appeal.

Highway capacity and safety

92. The scheme is supported by a Transport Statement (October 2024) (the TS) that, amongst various other highway-related matters, considers anticipated trip generation and any associated off-site impact. ATC data has been collected and used to inform current traffic conditions along Tilstock Road. The TS indicates that, once anticipated trips are distributed beyond the site access, the impact upon the highway network would fall below the threshold of requiring further assessments at offsite junctions. Having considered the scale of development and fairly anticipated trip rates, I have no reason to take a different stance and note that neither has the Highway Authority (HA) raised issues in a highway capacity sense.
93. In terms of the suitability of the site's access design, it is noteworthy that the Technical Note responds to concerns raised by the HA, including in relation to the suitability of data used to inform the design of vehicular visibility splays and to the potential for queuing northbound right-turning traffic to materialise. Moreover, additional ATC data was collected and redesigned/extended splays have been

accommodated through the provision of revised plans. In addition, an absence of forecast queuing vehicles on Tilstock Road has been robustly demonstrated through related modelling work. In highway safety terms, the HA, in advance of the Inquiry, confirmed acceptance to the revised access solution. For the avoidance of doubt, I too am content that highway safety would not be prejudiced in this sense even with no associated speed limit change intended along Tilstock Road.

94. I note that forward visibility at various bends of the proposed road layout would be dependent, if only in-part, upon the continued availability of visibility across front garden spaces. The private nature of such spaces raises some prospect of future obstructions to visibility occurring that would be challenging to effectively enforce against. However, having considered matters that include the alignment/composition of intended highway bends, proposed surfacing, and the precise extent to which calculated forward visibility splays as annotated upon submitted plans⁴³ would overlay private spaces, I am content that highway and pedestrian safety would not be prejudiced as a consequence of the fairly anticipated standards of visibility to be achieved on-site.
95. I also note here that, in the absence of adopted parking standards, I take no issue with the number of parking spaces intended. Indeed, the number of proposed spaces is not excessive and the aim to avoid indiscriminate on-street parking is a legitimate one from a safety perspective.

Highway adoption

96. Concerns have been raised from the Council's perspective that the proposed road layout may not be adoptable as public highway. This position principally stems from concerns that intended block-paved shared surfaces would generate excessive routine maintenance requirements in lieu of their low design speed (15mph) and lack of tolerance to accommodate vehicle movements of greater speed.
97. It is not my role to determine the suitability of the proposed layout for future adoption. However, the evidence before me offers a clear indication that the proposed road layout has been designed with the clear aims of meeting adoptable standards and seeking subsequent adoption. For example, relevant provisions of the SMART were brought to my attention at the Inquiry and measures to reduce speed (tight bends and block paving) are embedded in the current detailed design.
98. Whilst it has been suggested that a 15mph design speed cannot be appropriately applied in view of standard speed limits, this stance has not been robustly substantiated and would appear at odds with specific design speed guidance contained within MfS. Further, it is noteworthy that discussion at the Inquiry indicated that a change to the materiality of shared surface areas (potentially governable by a hard and soft landscaping condition) could offer the realistic opportunity for an acceptable agreed solution to be reached without unduly compromising the achievement of high-quality design. This is despite the low design speed at play.
99. To my mind, should the appeal be successful and the development be implemented, any risks associated to the proposed road layout not being adopted

⁴³ Ref: SH5037-10PD-002 Rev C

and actively maintained as public highway are minimal. Indeed, it is evidently not the case that wholesale changes to the proposed layout would be necessitated to cater for the requirements of the HA and, even if adoption ultimately proved to be unobtained, the potential for on-site roads to be alternatively managed and maintained on a private basis could be legitimately explored.

100. It is also of relevance that the standards to which the roads and footpaths serving the development would be constructed could be secured via condition in the event the appeal be successful. For the avoidance of doubt, given the above context, any further condition requiring signage to be erected and maintained for the purposes of confirming the presence of private streets and footpaths would be unreasonable and inappropriate.

Biodiversity, including protected species

101. The scheme is supported by a Preliminary Ecological Appraisal (October 2024) (the PEA) informed by on-site survey work. The PEA identifies the site to predominantly comprise modified grassland of limited ecological value and contains discussion and recommendations with respect to protected species. I note that no significant impact on foraging and commuting bats is anticipated and that no evidence of badgers was identified (notwithstanding the presence of suitable habitat).
102. As regards great crested newts (GCNs), there are various ponds situated within or close to the site. As confirmed via a relevant Technical Note (June 2024), seven ponds within 250 metres of the site were surveyed in April 2024 in accordance with best practice. One of these ponds, situated eastward of the site, was found to have GCNs present and to have good suitability for the species. No other surveyed pond returned a positive result in terms of presence, but a number were found to offer good suitability.
103. As a consequence of the above, as confirmed via the PEA, it is the appellant's intention to join the District Level License Scheme that is led by Natural England so as to allow any potential adverse impacts upon GCNs to be proportionately mitigated for through the establishment of suitable mitigation off-site. An 'Impact Assessment and Conservation Payment Certificate', signed and dated (December 2024) by a representative of Natural England, has been submitted to corroborate this intention.
104. I have no reason to doubt that the relevant legal tests that apply to license applications shall be complied with. Thus, for the avoidance of doubt, should this appeal be successful, it would be unnecessary to require any further proof related to a District Level License being secured via condition. For the avoidance of doubt, there are relevant statutory duties that apply outside of the planning process.
105. In terms of birds, a Breeding Bird Report (July 2025) (the BBR) has been submitted at appeal stage which documents surveys undertaken between 12 May and 11 July 2025. Its purpose has been to establish baseline conditions and to identify the presence or otherwise of notable breeding bird species (most specifically skylarks) within the surveyed area. A total of 29 bird species were recorded via the fieldwork undertaken, which included various protected/notable species. However, no species was found to be present in sufficient number to indicate international or national level importance.

106. No skylarks, which are ground nesting, were heard or seen on the site or in immediate proximity to the site during the survey work, although one was heard singing to the east of the site and there is acknowledgement via the BBR that this species is present in the wider landscape. To promote the protection of breeding birds, reasonable avoidance measures are to be undertaken during construction (full details of which would be securable via a Construction Environmental Management Plan), and habitat creation is embedded in the overall scheme design and landscape masterplan.
107. An updated Biodiversity Net Gain Report (Submission 3) (August 2025) and associated metric calculation establish that a measurable and policy-compliant biodiversity net gain can be anticipated (in terms of both habitat units and hedgerow units). This is whilst factoring in the intended loss of an approximate 89 metre stretch of existing hedgerow along Tilstock Road. I have no reason to doubt the conclusions of this work and note that related provisions to secure biodiversity net gain are contained within the legal agreement.

Best and Most Versatile (BMV) agricultural land

108. The site has not been the subject of a site-specific assessment to determine its agricultural land classification. In accordance with the Agricultural Land Classification map, there is strong potential for it to comprise BMV agricultural land. Thus, for the purposes of this appeal, it is reasonable to proceed on the precautionary basis that the site does indeed comprise BMV land⁴⁴.
109. The Framework sets out that planning decisions should contribute to and enhance the natural environment by, as one of various wide-ranging provisions, recognising the economic and other benefits of BMV agricultural land. Its intended loss, which would remove its potential to contribute food production, constitutes an adverse effect of the development proposal. Nevertheless, owing to a prevalence of BMV land in Shropshire, it is inevitable that some such land shall require utilisation for the purposes of delivering housing in the context of the significant supply shortfall that is identifiable. As such, a loss of BMV land is not determinative to the outcome of this appeal. Limited harm is attributable, which I shall recognise in my Planning Balance below.

Further Other Matters

110. I note here that Policy MD3 (Delivery of Housing Development) of the SAMDev requires regard to be had to a number of factors – including the increase in number of dwellings relative to the guideline and the presumption in favour of sustainable development – when considering the merits of any residential proposal that would result in the relevant settlement housing guideline being exceeded (as is the case here). For the avoidance of doubt, in lieu of the outcome of my Planning Balance below, I do not identify conflict with Policy MD3. Further, in the interests of clarity, I do not identify material conflict with Policy CS7 of the CS in so far as it sets out broad aspirations for communications and transport.
111. Various appeal decisions appear before me and have been referred to in the respective submissions of the parties. In some instances, comparisons to the appeal proposal before me have been sought to be drawn. This includes an

⁴⁴ Grade 2 and/or Grade 3a

unsuccessful decision⁴⁵ from October 2025 that relates to an outline scheme for 99 dwellings at Hurst, which falls within the borough of Wokingham. Although a number of the matters that were in dispute at Hurst are replicated here, the presumption in favour of sustainable development was not engaged owing to an identified failure to meet the sequential test in a flood risk sense. When also noting that the Hurst decision was made in the context provided by a different development plan and individual site circumstances, it is a decision of little relevance to my deliberations.

112. A recent September 2025 appeal decision⁴⁶, also unsuccessful, has also been drawn to my specific attention. This relates to a scheme for 75 units at the settlement of Tytherington in South Gloucestershire. It is again the case that similar matters of dispute were at play. It is nevertheless apparent that the Inspector at Tytherington was unable to identify the existence of a bus service that could be fairly thought of as an established service, with significant uncertainties surrounding associated funding. In this sense, when again noting that a different development plan was in place and variant individual site circumstances would have prevailed, it is difficult to draw direct parallels between the Tytherington decision and the proposal that is before me for determination. It is thus a decision of little relevance.
113. Concerns have been raised in relation to the extent of public engagement carried out at (and prior to) planning application stage, and I am led to understand that at no stage did the appellant attend a Parish Council meeting to present the scheme. However, the evidence before me indicates that some direct engagement with the local community did occur at pre-application stage. For example, a consultation meeting in the village hall has been referenced in the submissions of the Parish Council. In any event, there is no clear reason to suspect that any statutory requirement in an engagement/consultation sense was not met.
114. A suggestion has been made that the new pedestrian link to the southeast of the site raises safeguarding concerns and the prospect for criminal/anti-social behaviour to arise. However, the new link, which is intended to be lit, would be in-part overlooked by newly proposed housing. It would also connect to the PRow, which already affords public access alongside and to land to the rear of the primary school. I find the proposal to be acceptable from a safeguarding/crime prevention perspective.
115. I have noted concerns raised by an adjacent farmer as regards the potential for noise disturbance to occur during the construction and occupational phases of development, and for future occupiers to enter his land. However, there is no clear reason to suspect the noise to be generated by either construction activities (which would temporary/time-limited) or future residential occupiers would be to an extent likely to cause undue stress for adjacent livestock. Further, it would be unlawful for any future occupier to commit trespass and a clear distinction between the appeal site and neighbouring private land would prevail post-construction. In this context, the concerns raised do not offer a legitimate basis by which to resist the development proposal.
116. Concerns have been raised by interested parties that further growth at Tilstock shall place undue pressure upon local infrastructure. I have also noted comments

⁴⁵ Ref: APP/X0360/W/25/3364304

⁴⁶ Ref: APP/P0119/W/25/3360622

made that Tilstock Primary School is currently over-subscribed. However, the development would be subject to a Community Infrastructure Levy used to fund infrastructure in Shropshire needed to support new development (including with respect to education and health facilities). There is thus no fair reason for me to suspect that a proportionate contribution to support infrastructure provision would not be forthcoming. Moreover, it has not been clearly demonstrated that any unduly disruptive effect upon the village's school would be fairly anticipated as a consequence of the proposal.

117. An interested party with a disability and restricted mobility has raised concerns related to traffic conditions and infrastructure capacity. As such, the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 is applicable. The PSED requires, amongst other provisions, due regard to be had to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not. In view of the specific implications of the scheme and my associated reasoning above, the PSED does not alter the outcome of my highways and infrastructure related deliberations.

Legal Agreement

118. The legal agreement secures the on-site provision of 10 on-site affordable dwellings, to be comprised of seven social rented dwellings and three shared ownership dwellings. This level of provision would exceed the current plan requirement (10%) and be supplemented by an Affordable Housing Contribution calculated in accordance with the Type and Affordability of Housing Supplementary Planning Document (September 2012) so as to achieve 15% provision.
119. Also secured, is the delivery of Public Open Space (POS) in compliance with the overarching provisions of Policy MD2 of the SAMDev and in accordance with a detailed POS specification to be agreed. Management and maintenance provisions would be undertaken via either an appointed management company or the Parish Council (following land transfer and the provision of a commuted sum for maintenance purposes). In accordance with the Detailed POS Hard and Soft Landscaping Proposals⁴⁷ submitted, the POS is to incorporate features that would include a wide array of new planting, unadopted footpaths, and both a Local Equipped Area for Play and Local Area of Play which I am content would be fit-for-purpose.
120. The submission and implementation of a Habitat Management and Monitoring Plan related to the management and maintenance of Biodiversity Gain Land for a period of not less than 30 years is secured via the legal agreement in association with the payment of a Biodiversity Gain Land Monitoring Contribution. This approach is consistent with national policy and associated statutory requirements. Whilst it is not ideal that the calculation used to generate the monitoring contribution is unclear, the £20,613.77 figure would appear broadly proportionate for its intended purpose, and to not secure a meaningful monitoring fee would bring into question the credibility of the scheme's BNG provisions.

⁴⁷ Sheets 1-4 P24-1425_EN_07C

121. A Ramsar contribution is secured towards providing a suite of visitor improvement measures to mitigate recreational impacts consistent with the terms discussed under the relevant habitat sites section of Other Matters above.
122. I am satisfied that the various contributions and provisions secured through the legal agreement would be necessary to make the development acceptable in planning terms, would be directly related to the development, and be fairly and reasonably related in scale and kind.

Planning Balance

The presumption in favour of sustainable development

123. As a consequence of the housing supply situation identified above, the policies most important for determining the scheme are deemed out-of-date. As such, given that the policies of the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing planning permission, the presumption in favour of sustainable development is engaged.
124. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole. This is, as set out in the Framework, whilst having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Adverse impacts, including the apportionment of weight to identifiable development plan policy conflicts

125. In terms of the scheme's adverse impacts, I have identified conflict with Policies CS1, CS4 and CS5 of the CS and Policies MD1, MD7a and S18.2 of the SAMDev in so far as they establish a spatial strategy for the distribution of development. This is a strategy that incorporates the designation of settlement-based development boundaries and places strict controls over new development in countryside locations situated beyond said boundaries, such as the appeal site.
126. I acknowledge that development boundaries were not drawn on an arbitrary basis. Even so, in circumstances where the policies most important for determination are deemed out-of-date as a consequence of the housing supply situation in Shropshire, the site's position outside of Tilstock's development boundary (a boundary that has acted to restrict housing delivery) is not decisive to my considerations. Moreover, in such circumstances, the level of weight to be fairly attributed to the harm brought about by identifiable conflict with the suite of policies directing the distribution of new development is limited.
127. Notwithstanding my above finding in a locational sense, I have identified conflict with Policies CS5 and CS6 of the CS and Policy MD2 of the SAMDev in so far as they relate to safeguarding character and appearance and local distinctiveness. They are policies that exhibit consistency with the Framework in so far as it seeks to recognise the intrinsic character and beauty of the countryside and promote development that is sympathetic to local character. For reasons that are set out in detail in my reasoning above, the proposal would cause moderate associated harm in a character and appearance sense.

128. I have additionally identified conflict with Policy CS6 of the CS in so far as it concerns the accessibility of facilities and services and supports sustainable transport choices. It is a policy that is consistent with the Framework in so far as it promotes the provision of sustainable travel opportunities. For reasons set out in detail above, the proposal would cause moderate associated harm by virtue of the site not representing an appropriate location for housing having particular regard to access to surrounding facilities and services.
129. Further, the loss of BMV agricultural land necessitated by the scheme constitutes a harm that is fairly attributed limited weight for reasons that are set out under Other Matters above.

Scheme benefits

130. The proposal involves the creation of 70 additional housing units in a location within a local authority area where I have identified the housing land supply to currently sit at 3.81 years, an undersupply of 2,522 units. This represents a significant shortfall when compared to the minimum five-year supply threshold endorsed by the Framework. Whilst an identifiable supply shortfall across the county has not been longstanding, having been brought about by a recent change in national calculation methodology, any suggestion that a temporary methodological anomaly is in existence has not been robustly substantiated. This is especially so in the absence of any realistic prospect of up-to-date strategic policies obtaining adoption in the near future. In such circumstances, the additional dwellings would make a meaningful and important contribution to the supply-deficit and attract very significant weight as a scheme benefit.
131. Further, the above policy requirement delivery of 15% affordable homes principally as part of the housing to be developed would promote the delivery of distinct social benefits that carry significant weight. In addition, there would be job creation during the construction phase and increased household spending generated once the development becomes occupied which are benefits that attract moderate weight. Further, a net gain in biodiversity of at least 10% is a benefit that attracts moderate positive weight, whilst the provision of open space and PRow upgrades principally intended to serve future occupiers of the development attract minimal positive weight. Moreover, the scheme's benefits would be very significant when assessed in cumulative terms and attract substantial weight.

Final Balance

132. Having considered the adverse impacts and benefits of the scheme before me, I conclude that the adverse impacts identified, comprising limited harm by virtue of conflict with the Council's spatial strategy for distributing development, moderate harm by virtue of the site not representing an appropriate location for development having particular regard to the accessibility of facilities and services, moderate harm to the character and appearance of the area, and limited harm as a consequence of lost BMV farmland, would not, in combination, significantly and demonstrably outweigh the proposal's substantial benefits when assessed against the Framework's policies taken as a whole whilst having particular regard to key policies as presented above. Thus, the presumption in favour of sustainable development, as set out in the Framework, applies.
133. Therefore, notwithstanding identifiable conflict with a number of the most important policies for determining this appeal, there are material considerations, including

the Framework, that indicate that the proposal should be determined otherwise than in accordance with the development plan in this instance.

Conditions

134. A list of draft planning conditions was worked upon by the parties in advance of the Inquiry. Following further discussion at the event, I have considered the conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made minor amendments to the list for consistency and clarity purposes. Pre-commencement conditions have only been applied where agreed to by the appellant and where necessary to guide initial works on site. In the interests of certainty, a condition setting out the approved plans is required.
135. In the interests of minimising risks to human health, a condition is necessary to ensure that any unexpected contamination encountered during the construction phase is properly investigated and remediated as required. A further condition requiring the implementation of a programme of archaeological work is reasonable to ensure the archaeological interest of the site is suitably investigated and recorded.
136. In the interests of protecting the character and appearance of the area, conditions are required to secure a comprehensive scheme of hard and soft landscaping, a scheme of tree protection to be implemented during the construction phase, and full details of the external wall and roof materials to be utilised.
137. In the interests of highway and pedestrian safety, conditions are reasonable to impose that secure the submission and implementation of a Construction Method Statement (CMS), full details of the standards to which roads and footpaths are to be constructed, and the provision of means of vehicle/pedestrian access and on-site parking in accordance with submitted details. The CMS condition would also be in the interests of safeguarding neighbouring living conditions. Further, in the interests of promoting sustainable travel choices and safeguarding pedestrian safety, a specific scheme of works to improve the PRow is reasonable and necessary to condition.
138. In the interests of nature conservation and preserving wildlife, conditions are reasonable and necessary that secure full details of a range of wildlife boxes to be installed and the undertaking of a pre-commencement badger inspection as well as the submission of an associated mitigation strategy if necessitated. For the same reason, the submission and implementation of a Construction Environmental Management Plan is a reasonable requirement to condition. Further, to minimise disturbance to bats in the interests of nature conservation, an external lighting plan is necessary to secure via condition.
139. In the interests of guarding against flood risk and ensuring the appropriate management of foul and surface water, full details and the subsequent implementation of a drainage scheme is reasonable and necessary to condition.

Conclusion

140. For the reasons given above, the appeal is allowed such that planning permission is granted subject to conditions.

Andrew Smith
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2) The development shall be carried out strictly in accordance with the following approved plans:
 - House type H P24-1425_DE_003_07B;
 - House type E P24-1425_DE_003_05B;
 - House type G P24-1425_DE_003_06B;
 - House type D P24-1425_DE_003_03B;
 - House type C2 P24-1425_DE_003_02B;
 - House type L1 P24-1425_DE_003_04-1B;
 - House type L P24-1425_DE_003_04B;
 - House type L2 P24-1425_DE_003_04-2B;
 - House type C P24-1425_DE_003_01B;
 - House type AH3B P24-1425_DE_003_09B;
 - House type AH1B Bungalow P24-1425_DE_003_08B;
 - Garages P24-1425_DE_003_10B;
 - Garages P24-1425_DE_003_11B;
 - Affordable Housing Plan P24-1425_DE_002_C_10;
 - Building Heights Plan P24-1425_DE_002_C_09;
 - Parking Plan P24-1425_DE_002_D_07;
 - Enclosures and Surfaces Plan P24-1425_DE_002_C_05;
 - Materials Plan P24-1425_DE_002_C_04;
 - Site Location Plan P24-1425_DE_001_A_01;
 - Refuse Strategy P24-1425_DE_002_D_08;
 - Site Layout P24-1425_DE_002_E_02;
 - Street Scenes P24-1425_DE_008_B_01;
 - Proposed Site Layout SH5037-10PD-002 REV C;
 - Refuse Vehicle Track SH5037-10PD-003 REV C;
 - Proposed Vehicle Site Access Arrangement via Tilstock Road SH5037-11PD-002;
 - Pedestrian Access SH5037-11PD-004;
 - Landscape and Ecological Management Plan P24-1425-EN_08B;
 - Landscape Masterplan P24-1425_EN_06C;
 - Detailed POS Hard and Soft Landscape Proposals Sheets 1-4 P24-1425_EN_07C;
 - Detailed Soft On-plot Landscape Proposals Sheet 1-4 P24-1425_EN_010B;
 - Revised Levels Strategy 48888ECEXXXDRC0005P04;
 - Revised Drainage Areas 48888ECEXXXDRC0004P04.
- 3)
 - a) No development permitted by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include post-fieldwork reporting and appropriate publication.
 - b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report provided to the Local Planning Authority prior to first use or occupancy of the development. The report shall include post fieldwork assessments and analyses that shall have been completed in accordance with the approved written scheme of investigation, and shall include evidence that the publication and dissemination of the results and archive deposition has been secured.

- 4) No ground clearance, or construction work shall commence until a scheme to safeguard trees to be retained on site as part of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the commencement of any construction or ground clearance and thereafter retained on site for the duration of the construction works.
- 5) No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied or brought into use (whichever is the sooner).
- 6) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - access
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from construction works
 - delivery and construction working hours.

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

- 7) No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
 - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) Requirements and proposals for any site lighting required during the construction phase;
 - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
 - e) The times during construction when an ecological clerk of works is required to be present on site to oversee works;
 - f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site;
 - g) Pollution prevention measures;

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

- 8) Within eight weeks prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for approval prior to the commencement of development that sets out appropriate actions to be taken during the works. These measures shall be implemented as approved.
- 9) No above ground works shall commence until full details of both hard and soft landscape works including surfaces, means of enclosures, structures, lighting, street furniture, and timescales for implementation have been submitted to and approved in writing by the Local Planning Authority. The landscape works shall be carried out in full compliance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the Local Planning Authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 10) No above ground works shall commence until details of the roofing materials and the materials to be used in the construction of the external walls of buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 11) No development above ground level shall take place until details of the standards to which the roads and footpaths serving the development are to be constructed have been submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the agreed highway areas fronting that dwelling have been constructed in accordance with the approved details up to binder course level.
- 12) The development hereby permitted shall not be occupied until the means of access for vehicles (including the provision of vehicular visibility splays) has been constructed in accordance with the approved plan SH5037-11PD-002. The vehicle access shall be retained as permitted thereafter, and vehicular visibility splays shall at all times be retained free from any obstruction exceeding 0.6 metres in height.
- 13) The development hereby permitted shall not be occupied until the means of access for pedestrians has been constructed generally in accordance with approved plans SH5037-11PD-002 and SH5037-11PD-004. Pedestrian access shall be retained as permitted thereafter.
- 14) No part of the development hereby approved shall be occupied until a scheme of works to upgrade PROW Footpath 0233/28/1 has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with that approval.
- 15) The development hereby permitted shall not be occupied until the makes, models and locations of wildlife boxes and a timetable for their installation have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 30 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species
- A minimum of 15 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species
- A minimum of 10 invertebrate boxes
- A minimum of 5 hedgehog boxes
- A minimum of 5 insect refugia.

The boxes shall be sited in appropriate locations, at an appropriate height above the ground and with a clear flight path (where applicable), and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

- 16) Prior to the first occupation of each of the residential units hereby granted permission the parking facilities for each dwelling shall have been implemented in accordance with approved plan P24-1425_DE_002_D_07 and those spaces shall thereafter be kept available at all times for the parking of vehicles including garages.
- 17) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting shall not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. The development shall be carried out strictly in accordance with the approved details, which shall thereafter be retained for the lifetime of the development.
- 18) a) In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. No further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until an investigation and risk assessment has been undertaken and, where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
- b) Following completion of measures identified in any approved remediation scheme and prior to first occupation of the development, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and that the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

APPEARANCES

FOR THE APPELLANT

Martin Carter

Counsel

He called:

Ben Pycroft

Director, Emery Planning

Anna Meer

Director, DLP Planning Ltd

Kurt Hardy

Principal Transport Planner, DLP Planning Ltd

Neil Furber

Senior Director, Pegasus Group

Colin Pullan

Senior Design Director, Pegasus Group

Megan Wilson

Planning Director, Marrons

Sarah MacPherson

Principal Planner, Marrons

Shruti Trivedi

Managing Director, Devello Legal Limited

FOR THE COUNCIL

Sarah Clover

Counsel

She called:

Christopher Mead

Senior Developing Highways Manager

Daniel Corden

Principal Planning Policy Officer

Ollie Thomas

Principal Planning Officer

INTERESTED PARTIES

Greg Ebbs

Local Councillor

Richard Thompson

Whitchurch Rural Parish Council

Neil Hughes

Local resident

Stephen Brookshaw

Local resident

INQUIRY DOCUMENTS

- ID1 Opening statement of the appellant
- ID2 Opening statement of the Council
- ID3 Transcript of statement made by Cllr Greg Ebbs
- ID4 Transcript of statement made by Richard Thompson
- ID5 Transcript of statement made by Neil Hughes
- ID6 Transcript of statement made by Stephen Brookshaw
- ID7 Updated Statement of Common Ground – Housing Land Supply
- ID8 Cole Mere Countryside Heritage Site, Management Plan 2020-2025, Dec 2019
- ID9 Cole Mere Countryside Heritage Site, Visitor Survey Report, May 2018
- ID10 Cole Mere Countryside Heritage Site, Visitor Survey Report and Management Plan, Consultation Draft, June 2018
- ID11 Appeal Decision APP/L3245/W/20/3263642, Land off Lowe Hill Road, Wem, 28 January 2022
- ID12 Cole Mere Ramsar/SSSI, Recreation Mitigation and Monitoring Strategy, draft version, January 2023
- ID13 Brown Moss Countryside Heritage Site, Visitor Survey Report and Management Plan, Consultation Draft, June 2018
- ID14 Brown Moss Management Plan 2014-2018
- ID15 Planning Practice Guidance – Neighbourhood planning
- ID16 Housing Need Assessments at Neighbourhood Plan Level – a toolkit for neighbourhood planners
- ID17 Additional suggested draft planning condition – road adoption
- ID18 Closing statement of the Council
- ID19 Closing statement of the appellant

DOCUMENTS RECEIVED AFTER THE INQUIRY

- A Note from appellant confirming acceptance to pre-commencement planning conditions, submitted via email 7 November 2025
- B Completed Section 106 agreement, dated 7 November 2025, submitted via email 7 November 2025
- C Email from Natural England in response to a request from the Inspector for written observations, submitted 18 November 2025
- D Email from the Council in response to the written observations of Natural England, submitted 21 November 2025
- E Letter and associated documents⁴⁸ from the appellant in response to the written observations of Natural England, submitted via email 25 November 2025

⁴⁸ Regulation 19 Pre-Submission Draft Shropshire Local Plan 2016 to 2038 Habitats Regulations Assessment (December 2020); Shropshire Council Local Plan 2016 to 3038 Statement of Common Ground between Natural England and Shropshire Council (September 2021); Research Document – examples of financial contributions

This page is intentionally left blank

Appeal Decisions

Site visit made on 22 October 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal A: APP/L3245/W/25/3369679

Barn at Walford Barns, Walford Barns, Walford, Baschurch, Shrewsbury SY4 2HL

- 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 “Whitrick” of RMW Facilities Management Company against the decision of Shropshire Council.
 - The application reference is 25/00130/FUL.
 - The development proposed is described as ‘residential conversion/change of use’.
-

Appeal B: APP/L3245/Y/25/3369808

Barn at Walford Barns, Walford Barns, Walford, Baschurch, Shrewsbury SY4 2HL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by “Whitrick” of RMW Facilities Management Company against the decision of Shropshire Council.
 - The application reference is 25/00680/LBC.
 - The works proposed are described as ‘the change of use of converted barn into residential dwelling’.
-

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The Council considers that the appeal barn is curtilage listed. The appellant’s Heritage Impact Assessment (by Winterburn Heritage and Planning, June 2025) and their Heritage Assessment (by Roger Parry & Partners, February 2025) also both identify the appeal barn as curtilage listed. The appeal is determined on that basis.
4. As the proposal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

5. The appellant's evidence makes reference to a number of listed buildings in the vicinity of the appeal site¹. The Council did not identify harm to the significance of these or any their features of special architectural or historic interest as a result of the proposal. On the evidence before me, including my own observations, I am satisfied that the proposal would preserve the significance of those assets.
6. The appellant has only provided their surname on the application and appeal forms which means that no title could be attributed to this appeal decision.

Main Issues

7. The main issues are whether the proposal:
 - would preserve a Grade II listed building known as "2 Barns about 75 metres north west of farm at Walford College of Agriculture" (Ref 1255390) (the LB) and any features of special architectural or historic interest that it possesses;
 - would provide acceptable living conditions for its future occupants, with particular regard to privacy, outlook, noise and disturbance, and access to private outside space; and
 - would provide acceptable living conditions for neighbouring occupants, with particular regard to privacy.

Reasons

Listed Building

8. The LB comprises adjoining barns that are described as mid-late 17th century, extended in circa 18th century with remodelling and extensions in late 19th century. These timber framed buildings are infilled with brick and weatherboarding, with slate roofs and gable ends. These have the appearance of two storey buildings and have been converted to residential use but retain their historic form. The appeal building is situated in front of the barns, within the historic farmstead. It comprises a lower rise, single storey barn and is also timber framed. One long elevation and its two short elevations are comprised of brick. Its other long elevation is infilled with weatherboarding.
9. Internally, cast iron pillars are visible along this infilled elevation, supporting the timber framed roof structure. This indicates that this was historically an open sided barn and given its position and modest height, was likely used either as a cart shed or a shelter for cattle. Although much of the roof structure appears to have been renewed, the cast iron pillars and rafters appear historic. An historic internal brick wall separates one end of the barn from the other.
10. Therefore, insofar as it relates to these appeals the significance of the LB is primarily derived from the simple, functional form of the appeal barn and its historic materials which are characteristic of its role within the farmstead.
11. The proposal would see the appeal barn that is currently used for storage, being converted into a residential unit. This would involve the insertion of windows and doors on its weatherboarded elevation. Although the existing window and door

¹ Including the following grade II listed buildings: Milepost at NGR SJ 4334 2060; Walford Farmhouse; Farmhouse at Walford College of Agriculture; L-shaped barn approximately 30m north of Walford Hall; Section of garden wall approximately 15 metres south west of Walford Hall; Walford Hall and Garden Wall Attached to Rear Right Corner.

openings do not appear to be of historic value, they are modest and understated and provide the building with a basic, functional appearance. The extent of the proposed window and doors was reduced during the course of the Council's determination of the proposal. Also, the proposal would reduce the extent of the modern weatherboarding. Nonetheless, the extent of glazing in the proposed windows and doors would result in an overly domesticated appearance. This domestication would be emphasised by the proposed marking out of private amenity space and parking alongside this elevation. Together this would detract from the barn's functional appearance.

12. Roof lights are not typical features of open fronted sheds. Consequently, the insertion of roof lights into both planes of its roof, although modest in scale, would further detract from the functional appearance of the unbroken roof surface. The presence of roof lights in the already converted surrounding barns does not remove the harm from insertion of roof lights as proposed here. In addition, a door would be inserted into the internal brick wall to connect the two ends of the barn, resulting in the loss of historic fabric.
13. Within the building, the proposal is to isolate the loft space from the living space below. Although this is said to preserve the roof structure, it would diminish the ability to appreciate the historic, timber framed form of the roof that is characteristic of its historic use and would introduce an incongruent ceiling that would not have been present in the historic structure. Furthermore, it is unclear whether the cast iron pillars would be retained and remain visible following the proposed conversion, or whether they would be enclosed to provide internal walls. Consequently, insufficient information is before me to conclude that internal alterations to the building would not further diminish the ability to appreciate the historic form of the barn.
14. The appellant submitted a bin store drawing at appeal (Ref HP-WB-01) demonstrating that the proposed store would accommodate 20 wheelie bins. Therefore, in the absence of evidence to the contrary, I am satisfied that the proposal would make adequate provision for bin storage on the appeal site. Nonetheless, without further details of the materials to be used in construction of the store, I cannot be sufficiently certain that it would avoid harm to the setting of the LB.
15. Consequently, the proposal would result in unsympathetic alterations to the historic form and features of the building. Thus, it would fail to preserve the special interest of the LB. Paragraph 212 of the National Planning Policy Framework 2024 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.
16. Given the scope of the works, I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.

17. The proposal would provide an additional residential dwelling through conversion of an existing building, thus contributing to the mix and supply of housing in circumstances where the Council is unable to demonstrate a five-year housing land supply. Economic and social benefits would flow from the proposal's construction phase, as well as from the occupation of the accommodation with any occupiers supporting local services and facilities. Bearing in mind that these benefits only relate to a single dwelling I give them limited weight.
18. I do not find that the public benefits are sufficient to outweigh the harm that I have identified in this instance and the great weight that should be given to the asset's preservation. I also note that the continued viable use of the appeal building is not dependent on the proposal as it has an ongoing use that would not cease in its absence.
19. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the LB.
20. This would fail to satisfy the requirements of the Act, paragraph 210(a) of the Framework and conflict with policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) and policies MD7a and MD13 of the Shropshire Council Locations and Management of Development (December 2015). These seek, among other things, to ensure that harm is not caused to heritage assets, any harm that is caused is to be outweighed by public benefits and that rural building conversions contribute positively to its character.

Living conditions for future occupants

21. The appeal barn is located centrally within the hard surfaced area of the appeal site such that vehicular movement would take place in close proximity to three of its four elevations. However, given the limited space around the appeal barn, these movements would likely be at low speed. In addition, aside from two modest roof lights, no windows are proposed on long brick elevation and the short elevation forming the end wall of the proposed kitchen. This would considerably limit the extent to which noise and disturbance would be experienced by future occupants of the appeal barn. Furthermore, the proposed parking area for the appeal barn would result in a degree of separation between windows on that façade and the wider parking and circulation space. Consequently, I find that the living conditions of future occupants of the proposal would be acceptable with respect to noise and disturbance.
22. The east elevation of the appeal barn is directly opposite the west elevation of the already converted residential barns. The opposing facades are separated by circa 15 metres which is not uncommon in modern housing schemes. In any event, the window and door openings on the existing residential barns are moderate in size. Also, the proposed windows on the appeal barn are not extensive in size. Consequently, I find that any overlooking from windows on the western elevation of the existing barns would not be to the extent that it would create unacceptable living conditions for future occupants of the proposal. Although windows on the southern elevation of the existing barns would be closer to the appeal barn, those views would be sufficiently oblique as to create acceptable living conditions for future occupants of the proposal with respect to privacy within its internal living space.

23. The proposed outside space alongside the appeal barn would be conveniently located for future occupants of the proposal. Nonetheless, the space is shown to provide parking spaces for the appeal scheme. As such, the extent of usable private outside space for occupants of the appeal scheme would be very limited to the extent that it would not provide sufficient space for day-to-day activities, such as the drying of clothes. Furthermore, it would be positioned in very close proximity to windows on existing living accommodation in the converted barns immediately to the north. As such it would be overlooked at close range. Although there is said to be ample communal garden space for future occupants of the proposal, the lack of sufficient private garden space would be unacceptable in circumstances where it appears that all of the surrounding barns have good sized, private rear gardens.
24. Turning to consideration of outlook for future occupants of the proposal, the proposed bedroom window would look out on to the enclosed area shown to be used for parking by its future occupants. Consequently, in the absence of any other windows for that room, the outlook from that bedroom would be oppressive. In addition, the only natural daylight to the study/bedroom and the bathroom would be roof lights. Consequently, outlook from those rooms would be highly limited. The combined effect of this would be a highly constrained outlook that would result in unacceptable living conditions for future occupants of the proposal.
25. Concluding on this main issue, the proposal would achieve acceptable living conditions for its future occupants with respect to noise and disturbance and privacy within the building. However, in the particular circumstances of this appeal it would not achieve acceptable living conditions for its future occupants in relation access to private outside space and outlook. Accordingly, it would conflict with Policy CS6 of the Core Strategy, and SAMDev Policy MD2. These generally seek to ensure developments achieve high quality design.

Living conditions of neighbours

26. I have reasoned above that the proposal would provide acceptable living conditions for its future occupants with respect to privacy of its internal living space. Similarly, sufficient separation would be provided such that the proposed windows on the appeal barn would not lead to an unacceptable loss of privacy for existing occupants of the surrounding barns. However, the proximity of the proposed outside space for the appeal barn would result in overlooking of living space within the barns immediately to the north. This would be a such a close range as to be intrusive for occupants of those barns (labelled as The Grain and The Byre on the Proposed Block Plan). Therefore, with respect to this main issue the proposal would not accord with Policy CS6 of Core Strategy and SAMDev Policy MD2.

Other Matter

27. The Council advised at appeal that it can currently only demonstrate a 4.68-year housing land supply. As a consequence, policies that are most important for determining the proposal are out of date based on Framework paragraph 11(d) and footnote 8. However, I have found that the harm to a designated heritage asset would not be outweighed by the public benefits. Having regard to Framework paragraph 11(d)(i) and footnote 7, this provides a clear reason for refusing the proposal. Therefore, the presumption in favour of sustainable development would

not apply. The proposal would be contrary to the development plan which indicates that planning permission should not be granted.

Conclusions

28. For the reasons give and having regard to all other matters raised, the appeals are dismissed.

Rachel Hall

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: 17 December 2025

Appeal Ref: 6000876

The Smithfield Hotel, 1 Salop Road, Oswestry, Shropshire SY11 2NR

- 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 Jassy Sidhu of Your Property Ventures against the decision of Shropshire Council.
 - The application Ref is 25/02361/FUL.
 - The development proposed is change of use of the existing building to create a large 22-bedroom HMO.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of the existing building to create a large 22-bedroom HMO at The Smithfield Hotel, 1 Salop Road, Oswestry, Shropshire SY11 2NR in accordance with the terms of the application, Ref 25/02361/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of internal and external communal spaces;
 - whether the proposed development would make adequate provision for refuse storage;
 - the effect of the proposed parking provision on highway safety and public car parks in the town centre; and
 - whether the proposed development would preserve or enhance the character or appearance of the Oswestry Conservation Area (OCA), and its effect on the significance of the host building, a non-designated heritage asset (NDHA).

Reasons

3. The Smithfield Hotel is a 3-storey building that turns the corner at the junction of Salop Road and English Walls within Oswestry Town Centre. The surrounding area is predominantly mixed use.

Living conditions

4. The proposed development would convert the existing vacant building to create a 22-bedroom house in multiple occupation (HMO) with bedrooms on its ground, first and second floors. Each of these bedrooms would contain a single bed, a separate en-suite, as well as a good amount of space for furniture and circulation. Its occupancy rate would be similar to its previous use as a hotel or the extant planning permission¹ for flats on the site.
5. Internally, a communal kitchen and living space would be provided to the ground floor, with a further smaller kitchen to the first floor, and a laundry to the cellar. An external amenity space would be located to the rear.
6. The proposed ground floor plan² illustrates a total of 7 seats within the communal living space. Whilst this would not be able to comfortably accommodate all 22 residents, it could hold a good proportion of the residents at any one time that would enable social interaction and reduce time spent in their respective bedrooms. This space would benefit from daylight and outlook from a window facing the external amenity space and the removal of an existing redundant external staircase would further enhance this arrangement.
7. Although the kitchens would be narrow, they would contain multiple hobs and ovens, sinks and drainers, as well as generous lengths of work surfaces. These rooms would also have at least 1 window allowing daylight and outlook. Consequently, they would not feel constrained and would enable further social interaction between residents.
8. Despite being enclosed on 2 sides by 3-storey elevations containing bedroom windows, the external communal space would have a low-profile single storey elevation and an open aspect to the other sides that are south and west facing. I found this space not to feel overbearing or unwelcoming and that it would provide sufficient space for the needs of future occupants, such as outdoor socialising and clothes drying. I see no reason why people crossing this space to gain access to the building's rear entrance and its cycle storage, or the occupation of the adjacent bedrooms, would create a conflict with its use. Moreover, the site is in walking distance of public parks, which would provide suitable space for other outdoor recreational activities.
9. For the above reasons, the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of internal and external communal spaces. This complies with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (ACS), Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17 December 2015) (SAMDev Plan) and the Council's Type and Affordability of Housing Supplementary Planning Document (12 September 2012) (TAHSPD). Together these seek, amongst other things, high quality design with reasonable living space that contributes to health and wellbeing.

Refuse storage

10. Use of the existing boiler house, adjacent to the car park and separate from the external communal space, as refuse storage would be conveniently located for

¹ Planning Permission Ref: 21/02940/VAR

² Drawing No. PL-004 Rev. A

future occupants and for collection. An undisputed claim from the appellant indicates that this could store 4 general waste and 4 recycling bins.

11. On the basis of my observations on site and in the absence of compelling contrary evidence before me, including that HMOs generate a high level of waste, I am satisfied that the proposed development would make adequate provision for refuse storage. This is in accordance with ACS Policy CS19, SAMDev Plan Policy MD2 and the TAHSPPD, which includes the need for acceptable facilities for the storage of waste and recycling as well as information regarding the management of waste.

Parking provision

12. The vehicular access off English Walls to the 7 on-site parking spaces also serves other spaces that appeared to belong to nearby commercial premises.
13. With the site being located within the town centre, where a wide range of facilities and services are close by, sustainable modes of transport such as walking, cycling and public transport are a realistic option for future occupants. There is no substantiated evidence before me to indicate that the on-site parking provision is unlikely to meet the needs of the future occupants of the proposed development. Any occasion where off-site provision was required, I observed that a large central car park was in close proximity to the site and this has free parking between 06:00PM and 08:00AM and there were spaces available when I visited during the day. Due to the on-site parking provision, the scale and nature of the proposed development, and the extent of public car parking available, any parking from the proposed development outside the site would be negligible and would not impact upon the overall availability of public car parking in the town centre. Nevertheless, the provision of nearby public car parks is not a determinative factor in this case.
14. Moreover, there are multiple parking regulations surrounding the appeal site that would control on-street parking issues.
15. For these reasons, the proposed parking provision would have an acceptable effect on highway safety and public car parking in the town centre. There would be no conflict with ACS Policy CS6 and SAMDev Plan Policy MD2 which require, amongst other things, development to be designed to a high quality, including appropriate car parking provision and to ensure there is sufficient infrastructure capacity.

Heritage

16. The appeal site is located within the OCA, 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.
17. I have been provided with the boundary of the OCA, which covers large areas of the town centre, but no Conservation Area Appraisal or Statement. From my observations, the significance of the OCA primarily lies in the number and variety of buildings of architectural and historical interest in the town centre.
18. Character is what a place feels like, how it is used and can also include historical associations. I saw that Salop Road and English Walls carry a significant amount of vehicular and pedestrian traffic that is representative of other areas of the town centre. Comings and goings associated with the occupation of the building by no

more than 22 residents would be insignificant within the context of this bustling town centre location. It would also be of a similar occupation rate compared to its previous use as a hotel as well as the extant planning permission for 7 flats. Moreover, there is no cogent evidence before me to demonstrate that the proposed development would result in a materially greater level of refuse storage compared to the previous hotel use, which would have likely generated a noticeable level of waste.

19. There is no dispute between the parties that The Smithfield Hotel is a NDHA, due to its age, the relative intact nature of its architectural design, detailing and materials, all of which contribute to its heritage significance and also contribute to the character and appearance of the OCA. From my own observations I have no reason to disagree.
20. Existing windows to the ground floor facing Salop Road and English Walls appear to be the result of previous alterations. The proposed replacement windows would reflect the window proportions and arrangement of those to the upper floors. The cill level of the new windows would correlate with those shown in historical photographic evidence.
21. Section 66(1) of the Act contains a statutory duty to consider whether to grant planning permission for development which affects a listed building or its setting. Special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
22. The appeal site is adjacent to 7 Salop Road, a Grade II listed building, constructed in around 1600 and subsequently altered. It is believed to have been constructed as a house and is currently used as a bakery and café to the ground floor with residential accommodation above. Its significance rests primarily with its historical and architectural interest. The Council has raised no concerns on the effect of the appeal scheme on the setting and significance of this listed building and from my own observations, I have come to the same conclusion.
23. To conclude, the proposed development would preserve the character and appearance of the OCA as well as result in no harm to the significance of the host building, a NDHA. It would accord with ACS Policy CS17 and SAMDev Plan Policy MD13, which stipulate that proposals should avoid harm or loss of significance to designated or non-designated heritage assets.

Other Matters

24. Objections have been received from local residents and Oswestry Town Council, raising a range of concerns in addition to those already considered under the main issues.
25. The Council's officer report addresses these concerns and include relevant technical consultee responses. Based on the information before me, I have no compelling reason to reach a different view on those matters.
26. It has also been brought to my attention that a matter has been reported to the Information Commissioner's Office. This is a matter between the relevant parties and is not within my jurisdiction. I have had regard solely to the planning merits of the proposed development.

Conditions

27. I have considered that conditions suggested by the Council in light of the National Planning Policy Framework and the Planning Policy Guidance. Where appropriate, the wording from that proposed by the Council has been amended for clarity.
28. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans as this provides certainty.
29. I have attached conditions relating to no more than 22 persons residing at the appeal property at any one time, a Parking Management Strategy as well as the provision of cycle and refuse storage, in the interests of living conditions and highway safety.
30. As the proposed development is for a large HMO, the Council's suggested condition to remove permitted development rights relating to development within the curtilage of a dwellinghouse is not necessary.

Conclusion

31. For the reasons given above, the appeal is allowed, subject to the conditions set out below.

P Barton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. PL-001 Location Plan, PL-002 Block Plan, PL-004 Rev. A Proposed Ground Floor and Cellar, PL-005 Rev. A Proposed First Floor, PL-006 Rev A Proposed Second Floor, and PL-007 Proposed Elevations.
- 3) The development hereby permitted shall be occupied by no more than 22 persons at any one time. The owner/operator shall maintain an up-to-date register of all residents, including names and dates of occupancy, which shall be made available to the local planning authority upon request.
- 4) Prior to the first occupation of the development hereby permitted, a Parking Management Strategy shall be submitted to and approved in writing by the local planning authority. The Strategy shall include details of:
 - The allocation and management of parking spaces.
 - Measures to prevent unauthorised parking.
 - Arrangements for monitoring and enforcement.
 - Any signage or physical measures to support the strategy.The approved Parking Management Strategy shall be implemented in full prior to first occupation and shall be adhered to thereafter for the lifetime of the development.
- 5) Prior to the first occupation of the development hereby permitted, details and specification for the cycle and bin storage in the areas indicated on the approved plans shall be submitted to and approved in writing by the local planning authority. The approved details and specification shall be implemented in full prior to first occupation and shall be retained and available for use for the lifetime of the development.

****END OF SCHEDULE****



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: 6000790

Agricultural Building B at Rose Cottage, Prees Green, Whitchurch, Shropshire SY13 2BN

- 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 Don Carissimo against the decision of Shropshire Council.
 - The application Ref is 25/00733/FUL.
 - The development proposed is change of use from agricultural building to residential dwelling and internal alterations.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the appeal site address given in the Council's Decision Notice, as it better describes the location of the building. I have also added the postcode for completeness.

Main Issue

3. The main issue is whether the proposed development would be suitable for conversion to residential use, having regard to relevant local plan policies.

Reasons

4. The appeal site consists of a single storey building that I understand was last used for agricultural purposes in 2015. There is no substantive evidence to support the claim that the building has been on the site for around 120 years. It forms part of a small cluster of buildings with a shared access off the A49, which includes a 2-storey cottage and a residential conversion, referred to as agricultural building A. The proposal would see its conversion to a 3-bedroom dwelling.
5. The surrounding wider area, shown as Prees Green on the Ordnance Survey map, consists of sporadically positioned dwellings and other buildings separated by open fields. Therefore, whilst the appeal building is not isolated from the small cluster of adjoining dwellings, it is a considerable distance from a built-up area, isolated from a settlement and located in the countryside.
6. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (ACS) strictly controls new development within the countryside and sets out a number of developments that are considered acceptable. This includes the conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the

countryside. The policy emphasises that open market residential conversions will only be considered where respect for the heritage asset is achieved.

7. Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17 December 2015) (SAMDev Plan) expands on ACS Policy CS5. The policy stipulates that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. It adds that in the case for market residential conversions, requiring planning permission, the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage / landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character.
8. The National Planning Policy Framework (the Framework) contains a definition of a heritage asset at Annex 2: Glossary. It states “*A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)*”.
9. The Planning Practice Guidance (PPG) also identifies what are non-designated heritage assets¹, including buildings, sites, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration, but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. A local planning authority may also identify non-designated heritage assets as part of the decision-making process on planning applications.
10. Paragraph 2.29 of the Council’s Type and Affordability of Housing Supplementary Planning Document (12 September 2012) (TAHSPD) describes heritage assets as normally pre-dating 1950, comprising of traditional materials and building methods, being of permanent and substantial construction, and being of local significance and add value to the landscape.
11. Evidence indicates that works were undertaken to the appeal building between November 2023 and January 2024, but the building outline remained unchanged. This involved, amongst other things, the replacement of the perished exterior cladding, the replacement of hardwood roof timbers and framework where necessary, brickwork was repointed and perished bricks were replaced where necessary, the renovation and treatment of the original trusses as well as the replacement of the concrete floor with the incorporation of a damp proof membrane and insulation.
12. I saw that, with the exception of the brickwork to its base, the external cladding and roof gave the building a new appearance. The overall result is a simplistic timber framed building that does not read as a historic structure and holds no architectural value. Moreover, the building is screened from the A49 by a high brick boundary wall, and I could see no value added to the landscape from its presence.

¹ Paragraph: 039 Reference ID: 18a-039-20190723 Revision Date: 23 07 2019

13. The Council's case refers to insufficient evidence relating to the provision of affordable housing to meet local need or an essential rural worker's accommodation. Other than the appellant's wish to make the building a family home, these exceptions contained within ACS Policy CS5 and SAMDev Plan Policy MD7a have not been presented by the appellant in support of their case.
14. For the above reasons, the proposed development would not be suitable for conversion to residential use, having regard to relevant local plan policies. It would be contrary to ACS Policy CS5 and SAMDev Plan Policy MD7a, which include the requirement that open market residential conversions in the countryside will only be acceptable where the building is of a design and form which is of merit for its heritage / landscape value. It would also conflict with the guidance contained within the TAHSPD.

Other Matters

15. A number of approved developments have been brought to my attention, and the Council has responded to these as relating to the conversion of brick and stone built agricultural buildings with architectural or heritage merit. I do not have full details of all these developments before me and whether the circumstances are comparable to the appeal scheme. As such a comparison is of limited relevance in this instance. In any case, I have considered the appeal before me on its individual planning merits.
16. The appellant has referred to a previous proposal at the appeal site and development that is acceptable under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Nevertheless, this relates to prior approval consent, which considers specific prior approval matters and not the wider planning considerations. Consequently, it is not directly comparable with the appeal scheme, which is seeking full planning permission, and has limited bearing on my findings. Moreover, based on the evidence before me, agricultural building A was granted prior approval under Class Q and considered under those specific prior approval matters.

Planning Balance

17. The Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. I give significant weight to the conflict with ACS Policy CS5 and SAMDev Plan MD7a, which are consistent with the Framework in being responsive to local circumstances and support housing developments that reflects local needs. A key qualifying criterion of these policies is that buildings in the countryside subject to open market residential conversions must be considered heritage assets. As a result, I find that there is conflict with the development plan as a whole.
18. The Council has stated that it has a deliverable housing land supply of 4.73 years. Consequently, paragraph 11 d) of the Framework is applicable. Paragraph 11 d) ii) identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposed development would make a positive contribution in the delivery of a dwelling, that would be suitable for occupation by a family. There would also be

associated social and economic benefits during the period of construction and once the dwelling is occupied.

20. However, the limited scale of the development means that I afford the provision of a new dwelling within the context of the current shortfall, along with the other benefits listed above, limited weight in favour of the proposal.
21. Paragraph 83 of the Framework promotes sustainable development in rural areas and housing should be located where it would enhance or maintain the vitality of rural communities. Prees is located some distance to the north of the site and contains a number of services and facilities as well as public transport links. I saw that the route to this settlement was along the fast and busy A49 which was unlit and has limited stretches of footpath. These road conditions would not be an attractive option for cyclists and walkers and those with mobility issues, particularly during adverse weather and during the hours of darkness. Due to a lack of genuine sustainable travel choices, the occupants of the proposed conversion would be heavily reliant on private motor vehicles to access services and facilities on a regular basis. Consequently, I give this factor limited weight in support of the proposed development.
22. A lack of harm or policy compliance in respect of highway safety, living conditions, contamination, flood risk, external appearance, and drainage would have a neutral effect which weigh neither for nor against the proposed development.
23. On the other side of the balance, the proposed development would not be suitable for conversion to residential use, having regard to relevant local plan policies, which would be contrary to paragraph 82 of the Framework. Given the long-lasting nature of converting the existing building in the countryside, I attribute significant weight to this conflict.
24. Therefore, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As such the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework does not apply.

Conclusion

25. 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 Decision

Site visit made on 9 April 2026

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

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

Appeal Ref: 6004659

Yewbank, Woodseaves, Market Drayton, Shropshire TF9 2AW

- 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 Lorac Healthcare Limited against the decision of Shropshire Council.
 - The application Ref is 25/02672/FUL.
 - The development proposed is for a change of use from Class C3 (Dwellinghouse) to Class C2 (Residential Institution) to facilitate the provision of care to children with emotional and behavioural needs. The home will provide short- and medium-term placements for children aged 7 to 16 years, with a maximum of three resident children at any one time.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the description of development taken from the appeal form, as opposed to the application form, as it more accurately and succinctly describes that for which permission is sought. However, I have also had full regard in my reasoning to the description on the application form.
3. The address on the application form includes reference to 'Sutton Grange Junction To A529 Junction Four Alls'. This is a description of the location, rather than part of the address. For this reason, I have omitted it from the banner heading above.

Main Issue

4. The effect of the proposal on highway safety, with regard to parking.

Reasons

5. The appeal site comprises a four-bedroom detached house located along Sutton Lane, a narrow lane within the open countryside. The property is one of three newly constructed houses that are accessed off the lane via a shared driveway. The shared driveway is a small, paved area, serving each property.
6. The three houses are located at the end of a small, linear row of properties that extend along the lane, in an otherwise rural landscape. The properties along the lane each have off road parking at the front, accessed off the lane.
7. The appeal property has a single detached garage to the side, as do the two neighbouring properties. In addition to the detached garages, the three houses each have designated parking spaces and turning areas to the side and front, accessed via the shared driveway.

8. The proposed site plan shows two tandem parking spaces in front of the garage and one space to the front of the dwelling. Even though the garage would provide a parking space, the use of that space would be hindered by staff members parking in front of the garage. Indeed, with two staff members at night and two in the day, during shift change over times there could be four vehicles at the property at the same time. As such, any of the two staff members parked in the tandem spaces or the garage would need to leave before arriving members of staff could park in front of the garage.
9. As a four-bedroom family house, there would be vehicle movements and activity on the site frontage during certain times of the day and in the evening period, as residents attend school, appointments and activities. The use of the parking spaces throughout the day and in the evening would also be similar. However, although movements during shift change over times would be predictable, they would not be comparable to the movements of a family. In particular, although as a family home the tandem parking arrangements would require one vehicle to let the other vehicle out, during shift change over times, vehicle movements at the site would be greater.
10. While the appellant suggests that vehicle movements would be carefully managed, no further details have been provided. As a consequence, I am not persuaded that during the two staff change over periods vehicles would not impede the shared access driveway or have to park on the lane.
11. As a narrow country lane with tall hedgerows, opportunities to park a vehicle safely on the road are limited. Existing driveways and field entrances also restrict safe parking along the lane. Indeed, larger vehicles, in particular those associated with nearby agricultural enterprises could be frequent and would be impeded by vehicles parked on the road. Likewise, vehicles parked on the highway would impede visibility from the shared driveway and / or the access and parking areas of other neighbouring properties. In these circumstances, even though the instances would be for a relatively short period and no recorded accidents have occurred to date, the access arrangements and parking provision for the proposal would not be suitable and safe. As a result, unacceptable highway safety implications would arise.
12. Based on the evidence before me, planning conditions limiting the number of children to two would not overcome those concerns to an acceptable degree. Furthermore, without a management plan before me, there is no certainty that a suitably worded planning condition would secure appropriate measures to control and manage parking during shift change overtimes.
13. Consequently, for the above reasons, I conclude that the proposal would have an unacceptable impact on highway safety, with regard to parking. Therefore, it would not accord with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011, which seeks, amongst other things, to create sustainable places, ensuring that all development is safe with appropriate car parking provision. It would also be contrary to Paragraphs 115 and 116 of the National Planning Policy Framework (the Framework), which seek to ensure safe and suitable access to the site for all users, that prevents unacceptable impact on highway safety.

Other Matters

14. The proposed development would make an efficient and appropriate use of an existing residential property to meet an identified local social need by providing safe, inclusive, and accessible accommodation for two young people in the community. The proposal would also avoid the need to create a new care facility elsewhere and it would add to the range and mix of homes in the area, to meet the needs of present and future generations. The appeal scheme would also support the local economy through the creation and retention of employment for care staff, as well as ongoing engagement with local service providers and suppliers. However, I have no substantive evidence before me that this site is the only option available, and that there are no alternative sites which would have a less harmful impact on highway safety. In these circumstances I only attach modest weight to the benefits of the scheme.
15. The development respects and preserves the character and quality of the local built environment, and it would safeguard the living conditions of neighbouring properties. Nevertheless, these are requirements of planning policy and taken together they carry neutral weight.
16. My attention has been drawn to a previous appeal decision¹ elsewhere in England, also for a children's home. However, that scheme related to a six-bedroom home in a residential area. In that case, the Inspector found no conflict with the policies of the development plan. Inevitably, it is the detail and specific context of any development which determines whether it is acceptable in practice. As such, that previous appeal decision is not comparable to the scheme before me for a four-bedroom house, located within the open countryside with unacceptable parking provision. Given this, it does not add weight in favour of the development. Accordingly, as I am required to do, I have determined the case before me on its own merits.
17. Overall, taking all other matters into consideration, for the reasons set out, the benefits of the scheme would not outweigh the harm to highway safety that would result from the proposed development.

Conclusion

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

N Bromley

INSPECTOR

¹ Appeal Ref: APP/B0230/W/25/3367033 - 21 Swan Mead, Luton LU4 0YP

This page is intentionally left blank

Appeal Decision

Site visit made on 9 April 2026

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

an Inspector appointed by the Secretary of State

Decision date: 05 May 2026

Appeal Ref: 6004043

Marche Buildings, Unit B2, Marche Lane, Halfway House, Shrewsbury, Shropshire SY5 9DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr. Kevin Peake against the decision of Shropshire Council.
 - The application Ref 25/02334/FUL was approved on 11 August 2025 and planning permission was granted subject to conditions.
 - The development permitted is extension and alterations to existing industrial outbuildings.
 - The conditions in dispute are Nos 4, 5 and 8 which state that:
 4. No development works or vegetation clearance shall take place at any time within the bird breeding season (March to August inclusive) unless and until the applicant submits written confirmation from a suitably qualified ecologist to the Local Planning Authority that a survey has been undertaken and found that there are no breeding birds, their young, nests or eggs that would be disturbed by the works to be carried out. If breeding birds, their young or eggs are found, no works may take place until the bird breeding season is completed or it can be ascertained that the chicks have left the nest and there is no evidence of their returning.
 5. Prior to first use of the building(s), the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of two artificial nests, of either integrated brick design or external box design, suitable for; Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Sparrows (32mm hole, terrace design), Starlings (42mm hole, starling specific) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.
 8. No work shall be carried out at the premises between 19:00 hours and 07:00 hours Monday to Saturday, nor at any time on Sundays, Bank or Public Holidays.
 - The reasons given for the conditions are:
 4. To ensure the protection of nesting birds, which are protected under the Wildlife and Countryside Act 1981 (as amended).
 5. To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and Section 180 of the NPPF.
 8. To protect the amenities of occupiers of nearby properties from potential nuisance.
-

Decision

1. The appeal is allowed and the planning permission Ref 25/02334/FUL for extension and alterations to existing industrial outbuildings at Marche Buildings, Unit B2, Marche Lane, Halfway House, Shrewsbury, Shropshire SY5 9DE, granted on 11 August 2025 by Shropshire Council, is varied by deleting conditions 4, 5 and 8 and substituting them with the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the Preliminary Ecological Appraisal, reference FP/3219/24.1, by Star Ecology.

Applications for costs

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

Preliminary Matters

3. This appeal principally seeks the removal of Conditions 4, 5 and 8 which relate to the prevention of development during the bird breeding season (Condition 4), the prior approval and subsequent installation of bird boxes (Condition 5) and a restriction on the hours of operation (Condition 8).
4. Section 79(1) of the Town and Country Planning Act 1990 allows me to allow or dismiss the appeal or reverse or vary any part of the decision (whether the appeal relates to that part or not) and I may deal with the proposal as if it had been made to me in the first instance.
5. The Planning Practice Guidance and Paragraph 57 of the National Planning Policy Framework (the Framework) state that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Main Issues

6. The main issues are:
 - whether Conditions 4 and 5 are reasonable and necessary having regard to the effect of the proposed development on ecology; and
 - whether Condition 8 is reasonable and necessary having regard to the effect of the proposed development on the living conditions of neighbouring occupiers in respect of noise and disturbance.

Reasons

Ecology

7. The appeal site comprises two buildings located on an established industrial estate, within the open countryside. Aside from the existing buildings on the industrial estate, the surrounding area has a prevailing rural character, dominated by open fields, with occasional houses and agricultural buildings. There are an abundance of trees and hedgerows within the landscape.
8. Although small, the industrial estate has a commercial character, comprising modest buildings with associated external storage and parking areas, which are relatively contained. The proposed extensions to units B2 and B3 would be modest and the alterations would be unassuming within the context of the commercial appearance of the site and adjacent buildings.
9. The planning application was accompanied by a Preliminary Ecological Appraisal (the PEA), which concludes that units B2 and B3 are of very low / negligible ecological value. Even though the PEA was undertaken outside the bird breeding season, its conclusions are robust.

10. While the Framework seeks to avoid significant harm to biodiversity, including wildlife, as units B2 and B3 do not provide nesting opportunity for birds, and the proposals are for alterations to existing buildings, located amongst other industrial uses, Condition 4 which restricts development to during the bird breeding season is not justified.
11. Likewise, as the proposals would not result in the loss of existing bird nesting opportunities, I am not persuaded, on the evidence before me, that buildings with an industrial / commercial use, on an industrial estate, would be an obvious location for bird nest boxes as a means of biodiversity enhancement. In addition, it is not clear whether there are suitable trees that could support bird boxes on land within the appellant's control. The Council also suggest that the proposed development would be exempt from Biodiversity Net Gain. In these circumstances, the submission and approval of bird nest boxes is not reasonable and necessary to make the development acceptable.
12. Although I conclude that Conditions 4 and 5 are not justified, I note that the PEA makes a number of sensible, but less stringent, suggestions to safeguard ecology. As such, it is reasonable and necessary to condition that the development is undertaken in accordance with the PEA. Therefore, Conditions 4 and 5 are replaced with a new condition to secure this.
13. Accordingly, for the reasons given, and with a substituted condition, the proposed development would continue to accord with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (the CS) and Policy MD12 of the Shropshire Council Site Allocations and Management of Development Plan, December 2015, which together and amongst other things, require development to protect, conserve and enhance the natural environment.

Hours of operation

14. With a rural character, the surrounding area is quiet. The small industrial estate consists of five commercial buildings and a barn. The estate also includes compounds, parking and manoeuvring space and outside storage areas. The industrial estate is set significantly back from Marche Lane, and the appeal buildings are established and uncontrolled.
15. During my site visit, on a weekday morning, I observed that noise from operations being carried out in one of the existing units was audible within the estate. That building is closer to the road than units B2 and B3. The noise was not continuous, and it was not audible along the lane.
16. Even though my site visit represents a snapshot in time, on the basis that the existing buildings and uses are unrestricted, there is no substantive evidence that the modest increased floor space to units B2 and B3 would generate a significant and harmful level of additional noise and disturbance, which would reasonably necessitate a need to restrict hours of operation of those two buildings. Particularly in the context that there are other buildings closer to residential dwellings than the appeal scheme. In addition, Condition 7, which restricts the use classes of units B2 and B3, would further ensure that the living conditions of nearby houses would be safeguarded.
17. Consequently, in these circumstances, and for the above reasons, I conclude that Condition 8 is not reasonable or necessary to safeguard the living conditions of

neighbouring occupiers in respect of noise and disturbance. Without the condition the proposed development would continue to accord with Policy CS6 of the CS and the Framework, which together and amongst other things, seek to safeguard residential and local amenity. I shall therefore delete Condition 8.

Conclusion

18. For the reasons given above, the appeal is allowed and the planning permission is varied by deleting Conditions 4, 5 and 8 and substituting them with a new condition which requires the development to be carried out in accordance with the PEA. This decision sits alongside the previous decision and therefore both sets of conditions remain engaged.

N Bromley

INSPECTOR

Costs Decision

Site visit made on 9 April 2026

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

an Inspector appointed by the Secretary of State

Decision date: 05 May 2026

Costs application in relation to Appeal Ref: 6004043

Marche Buildings, Unit B2, Marche Lane, Halfway House, Shrewsbury, Shropshire SY5 9DE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr. Kevin Peake for a full award of costs against Shropshire Council.
 - The appeal was against condition numbers 4, 5 and 8 of planning permission Ref 25/02334/FUL approved on 11 August 2025 for extension and alterations to existing industrial outbuildings.
-

Decision

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

Preliminary Matter

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

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. Amongst other things, the PPG sets out that a local planning authority (the LPA) is at risk of an award of costs for imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework (the Framework). Also, that refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal.
5. The appellant has set out that the appeal could have been avoided had the LPA agreed to engage with the appellant's suggested compromise wording for the conditions.
6. In response, the LPA suggest that they responded appropriately and within reasonable timeframes to the appellants 'Letter before Claim'. The LPA also suggest that if the applicant did not agree with or wished to alter the conditions subsequently appealed against, then there was an opportunity to submit a Section

73 application which would have allowed the appellant to justify the removal or alteration of the conditions. However, the LPA highlight that the appellant chose not to do this.

7. Each of the planning conditions included a reason for the condition and although justification for the conditions, within the delegated officer report, was brief, the LPA had clearly taken into account the appellant's Preliminary Ecological Appraisal (the PEA), the consultation comments of the Council's Ecology Officer and its own Ecology Standing Advice, when reaching its decision and imposing the conditions. Indeed, the PEA makes similar, albeit less stringent suggestions to the subsequently imposed ecology-based conditions that are in dispute.
8. The LPA also responded to the appellant's 'Letter before Claim', setting out its stance on those conditions. The subsequent Statement of Case prepared by the LPA continues to defend their position and maintains that all three conditions meet the statutory and policy tests set out in the Framework and PPG.
9. I acknowledge the significant number of previous planning permissions highlighted by the applicant where restrictions on hours of operation were not imposed. However, while an LPA should behave in a consistent manner, the issue of noise is highly fact sensitive and site specific, turning on the individual circumstances of each case. As such, it is difficult to draw sufficient comparisons between those cases and the appeal scheme. In any event, the imposition of a restriction on the hours of operation, for industrial / commercial uses in a quiet rural location, close to houses, is not without logic.
10. In the above circumstances, although I have found that all three disputed conditions are not reasonable and necessary to make the development acceptable, on balance I am satisfied that the Council's reasoning and planning judgement for imposing the conditions is credible.
11. The applicant could have submitted a planning application under Section 73 of the Town and Country Planning Act 1990 (as amended), to vary or remove the conditions, rather than pursue the appeal. Therefore, it seems to me that the appellant chose to lodge an appeal, as opposed to a new planning application. As such, I am satisfied that the applicant has not been put to unnecessary or wasted expense as a result of the actions of the Council.
12. Consequently, for the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bromley

INSPECTOR

Appeal Decision

Site visit made on 7 April 2026

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2026

Appeal Ref: 6003667

Land at Weston Lullingfields, Baschurch, Shrewsbury, SY4 2AA

- 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 R Lea against the decision of Shropshire Council.
 - The application Ref is 25/02864/OUT.
 - The development proposed is the erection of 4 no. dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is for outline planning permission with all matters reserved. Whilst an indicative layout has been provided, I have only considered this as an example of how the proposed development could potentially come forward.

Main Issues

3. The main issues are:
 - Whether the appeal site is a suitable location for residential development having regard to the adopted local development strategy and access to facilities and services;
 - Whether the proposed development would cause harm to the character and appearance of the area, in particular with regards to its effects on trees and hedgerows; and
 - Whether the proposal would affect the integrity of a European Designated Site.

Reasons

Location

4. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) sets out the overarching spatial strategy for the County. It includes a “rural rebalance” approach, directing around 35% of new housing to rural areas over the plan period. This development is to be focused primarily within Community Hubs and Community Clusters, with development outside these locations generally limited to economic diversification and meeting local affordable housing needs. The supporting text to policy CS1 highlights that the spatial

strategy is intended to accommodate growth in a manner that promotes sustainable places to live and work.

5. Policy CS4 of the Shropshire Local Development Framework Adopted Core Strategy (2011) (the Core Strategy) further sets out the approach to development in rural areas, seeking to support more sustainable communities by directing development to Community Hubs and Community Clusters. Development outside these settlements is resisted unless it accords with other relevant policies.
6. Meanwhile, Policy MD1 of the of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015) (the SAMDev) identifies those settlements that fall within a Community Hub or Community Cluster. With Policy S16.2(xvi) of the SAMDev identifying Weston Lullingfields, Weston Wharf and Weston Common as a Community Cluster with a housing guideline of 15-20 additional dwellings over the plan period to 2026. It states that these dwellings will be delivered through infilling, conversions, and small groups of up to 5 dwellings on suitable sites within the villages.
7. Whilst the number of dwellings that have been completed or received permission within this community cluster exceed that outlined under Policy S16.2(xvi), the figure is a guideline as opposed to a cap on residential development. Still the proposal does not involve a conversion and so it falls to a consideration of whether the appeal site involves development within the village or infilling.
8. As the development plan does not define a settlement boundary for Weston Lullingfields, whether the appeal site lies within the village is a matter of planning judgment, informed by the evidence before me and my site visit.
9. The appeal site lies at the edge of the settlement and comprises agricultural land enclosed by mature boundary vegetation, with surrounding land largely in agricultural use.
10. Weston Lullingfields exhibits a predominantly linear pattern of development, with residential properties to the north of the site on both sides of the main highway. However, intervening open land separates the appeal site from the established built form, such that it is not contiguous with it. The site also does not form part of a cohesive block of development, nor is it enclosed by built form or perceived as a gap within the settlement.
11. Instead, the site occupies a peripheral position beyond the established built limits of the village, marking the transition to the surrounding countryside. Its development would therefore extend the settlement into land currently experienced as open countryside, rather than represent development within the village or acceptable infill. As such, the proposal conflicts with the spatial objectives of Policy CS4 and Policies MD1 and S16.2(xvi) of the SAMDev.
12. Additionally, Core Strategy Policy CS5 and SAMDev Policy MD7 seek to strictly control developments in the countryside subject to specific exceptions, include for some new dwellings. None of these exceptions have been suitably demonstrated to apply to the appeal scheme.
13. Weston Lullingfields contains a limited range of facilities, including a primary school, village hall, and church. However, these are located a considerable distance from the appeal site. Moreover, the road leading to the appeal site is rural

in character, being unlit and without separate footpath provision within the vicinity of the site. The wider surrounding area is also subject to very limited footpath provision, mainly without streetlighting and often limited surveillance.

14. Given the distances involved and the nature of the surrounding highway network, it is highly likely that most future residents would be deterred from walking or cycling to access local facilities and services. This deterrent would be even greater for the elderly, those with young children, or during adverse weather and hours of darkness.
15. Wider facilities required to meet most day-to-day needs are located further afield. Although the appellant has made reference to bus services within the village, no detailed evidence has been provided concerning their extent or frequency. As such, I cannot verify whether the use of buses would be a realistic and practical option for future residents of the appeal proposal.
16. Based on the available information, including the distances involved and the rural context of the site, future occupiers would be likely to rely heavily on private car use. This would be the least sustainable travel option.
17. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport will vary between urban and rural areas, still, the absence of appropriate infrastructure to support walking, cycling or evidence of suitable public transport options, means that I do not consider the site to be accessible by sustainable travel modes.
18. I therefore find the appeal site is not a suitable location for residential development having regard to the adopted local development strategy and its access to facilities and services. The proposal therefore conflicts with Core Strategy Policies CS4 and CS5 and Policies MD1 and MD7a of the SAMDev.

Character and Appearance

19. The appeal site has a verdant, rural character due to its undeveloped nature and presence of mature vegetation, particularly boundary hedgerows.
20. Although all matters are reserved, the submitted Arboricultural Impact Assessment (AIA) identifies that approximately 10 metres of boundary hedgerow would need to be removed to provide vehicular access. However, the AIA and indicative layout demonstrate that appropriate compensatory planting could be provided, and this could be suitably secured through future reserved matters applications and/or the imposition of conditions.
21. A mature Ash tree is located close to the site boundary. While categorised as a quality 'C' specimen in the AIA, I find that it makes a positive contribution to the rural character of the area due to its size, maturity and prominence within the landscape.
22. The indicative layout shows that the Ash tree would be retained, with no built development proposed in close proximity, while the AIA sets out that no works are required within the root protection areas of retained trees. The AIA also indicates that canopy pruning would not be necessary. Subject to appropriate conditions relating to tree protection and construction practices, I am satisfied that retained trees would not be adversely affected.

23. The Council has provided no substantive evidence to counter the findings of the AIA or to suitably support its assertion that significant reduction in the height of the Ash tree's canopy would be required to accommodate the development.
24. Given that layout, scale, appearance, and landscaping are all reserved matters, I consider it reasonable to conclude that a scheme could come forward that satisfactorily retains the Ash tree and incorporates appropriate soft landscaping. Indeed, there is no clear evidence before me that a scheme could not be designed to complement the character and appearance of the area, including the rural edge of the village and surrounding landscape character.
25. I therefore conclude that the proposal would not cause harm to the character and appearance of the area, in particular with regards to its effects on trees and hedgerows. Accordingly, I find no conflict with Core Strategy Policies CS6 and CS17, and Policies MD2 and MD12 of the adopted SAMDev Plan. Together, amongst other matters, these policies seek to promote high-quality design that protects local character including the natural environment.

European Designated Site

26. The appeal site is within the Zone of Influence (ZOI) of Cole Mere, which forms part of the Midland Meres and Mosses Phase 2 Ramsar site and is a Site of Scientific Interest (herein referred to as the 'designated site').
27. The designated site consists of a diverse range of habitats from open water to raised bog. It also supports several rare species of plants associated with wetlands, whilst it also supports an assemblage of invertebrates including several rare species. Evidence indicates that increased recreational pressures, from additional visitors, is likely to give rise to significant adverse effects upon the structure, function, and integrity of the site, thus impacting upon the aim of bringing it into a favourable condition.
28. The proposed development would increase the residential population within the designated site's ZOI and therefore has the potential to increase visitor numbers to the area and exacerbate existing recreational pressures.
29. The Habitat Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the relevant protected sites. However, as I am dismissing the appeal on other grounds it has not been necessary for me to consider this further. This includes consideration of whether the appellant's submitted Unilateral Undertaking would suitably secure appropriate mitigation for any potential impacts on the designated site.

Other Matters

30. Various decisions have been presented to me from both the appellant and the Council to support their respective cases. I do not have the full background details of these other decisions. However, from the available evidence it is apparent that there are material differences, for example, the specific site or development context, and/or planning histories of the relevant sites.

Planning Balance & Conclusion

31. The proposal would make a contribution to the supply of housing in an authority area where there is currently a shortfall. It would also deliver socio-economic

benefits associated with the construction and occupation of up to four dwellings. However, given the limited scale of the development, these benefits would be modest.

32. The absence of harm to the character and appearance of the area, together with compliance with other development plan policies, are neutral factors in the planning balance.
33. By reason of its countryside location and limited access to services and facilities, the proposal runs contrary to the Council's adopted spatial strategy and therefore conflicts with the development plan when considered as a whole.
34. Although the Council's development plan is time-expired, it remains the starting point for decision-making under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). The evidence indicates that the replacement plan is at an early stage of preparation, having been withdrawn during the examination process in late 2024/early 2025. While the Council's settlement boundaries may be subject to review, the future spatial strategy under a replacement development plan remains to be established.
35. Notwithstanding the above, the Council accepts that it cannot demonstrate a five-year supply of deliverable housing land. Accordingly, paragraph 11(d) of the Framework is engaged.
36. The proposal would support the Framework's objective of significantly boosting the supply of housing and reflects its recognition that small sites can contribute to meeting housing needs. It would also generate some economic benefits during construction. Post-construction there are also likely to be socio-economic benefits associated with future occupiers spending, as well as support for local services in line with paragraph 83 of the Framework. Biodiversity gains are also likely to arise through the need to comply with mandatory net gain requirements¹. Nevertheless, notwithstanding the housing land supply position, the overall benefits associated with up to four dwellings would remain modest.
37. The need to deliver sustainable patterns of growth is an important consideration that is embedded in the Framework. In this case, the site's relatively poor accessibility to everyday services and facilities by sustainable modes of transport results in harm to the social and environmental dimensions of sustainable development. I attach significant weight to this harm.
38. Considered together, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply.
39. In conclusion, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR

¹ Under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021)

This page is intentionally left blank

Appeal Decision

Site visit made on 7 April 2026

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2026

Appeal Ref: 6003404

Land at Pentreheylin, Dudleston Heath, Shropshire SY12 9LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms. Doo Rickett against the decision of Shropshire Council.
 - The application Ref is 25/03090/FUL.
 - The development proposed is temporary consent (3 years) for the continuing residential occupation of 4 no. static caravans.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the original planning application form, albeit I have removed text that does not involve an act of development.
3. The appeal scheme is retrospective in nature and has been determined on this basis.
4. During the appeal, the Council withdrew its reason for refusal relating to foul and surface water drainage. This follows the appellant's submission of a Drainage Technical Note demonstrating that the development is served by adequate drainage arrangements that do not result in increased flood or pollution risk. In the absence of substantive evidence to the contrary, I have no reason to disagree.

Main Issues

5. In light of the above, the main issues are:
 - Whether the appeal site is an appropriate location for the temporary residential development having regard to the adopted local development strategy and access to facilities and services; and
 - The effect of the development on the character and appearance of the area.

Reasons

Location

6. Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev, adopted 2015) establishes the strategy for the scale and distribution of development, supporting sustainable development within Community Hubs and Clusters, subject to defined criteria. This approach is

reinforced by Policy CS4 of the Shropshire Local Development Framework Adopted Core Strategy (2011), which directs development in rural areas to such settlements to promote more sustainable communities, resisting development elsewhere unless it complies with other relevant policies.

7. Although the caravans are located alongside existing built development, the appeal site lies well outside the settlement boundary of Dudleston Heath, a Community Hub. It is therefore regarded in policy terms as open countryside under the Core Strategy and SAMDev.
8. Of pertinence to the appeal are Core Strategy Policy CS5 and SAMDev Policy MD7a. Together, these policies seek to strictly control development in the countryside to promote sustainable patterns of growth and protect rural character, while allowing for limited exceptions such as dwellings to house agricultural, forestry or other essential countryside workers, replacement housing or conversion schemes, or provision of affordable housing
9. Although the appeal scheme seeks only temporary residential use of the caravans, the above development plan policies remain applicable.
10. The caravans may be intended to accommodate workers associated with the wider equestrian use of the site, but this has not been adequately evidenced. Additionally, no clear justification has been provided for an on-site residential need in relation to the scale or nature of the equestrian operations, whilst no essential agricultural need has been demonstrated. Nor has it been shown that the proposal falls within any of the exceptions set out in Policies CS5 or MD7a.
11. No detailed information has been provided regarding the availability of local services. From my observations, Dudleston Heath offers only a limited range of facilities, notably a Parish Hall incorporating a Post Office. Although these are within walking distance of the site via a footpath along the highway opposite the site entrance, they are unlikely to meet the day-to-day needs of future occupiers.
12. Furthermore, there is also no detailed evidence regarding the availability of services and facilities in wider settlements, such as distances and routes to schools, shops or employment areas. The surrounding highway network in the vicinity of the site is rural in character, with intermittent footpath provision, a general lack of streetlighting and natural surveillance, whilst roads are typically subject to relatively high-speed limits. As such, walking or cycling to wider facilities or services is unlikely to be an attractive or realistic option to occupiers of the appeal development, particularly in periods of darkness or inclement weather.
13. Bus stops are located within walking distance, on either side of the main road that runs past the entrance to the appeal site. However, no detailed information is before me as to the frequency of services, the available routes, or if the services remain operational.
14. Based on the available evidence and my site observations, future occupiers would be likely to rely heavily on private car use, the least sustainable mode of transport.
15. The National Planning Policy Framework (the Framework) acknowledges that opportunities to utilise sustainable transport varies between urban and rural areas. Even so, there is insufficient evidence that the site is accessible to a suitable range of services via sustainable modes.

16. I therefore conclude that the appeal site is not an appropriate location for the temporary residential development, having regard to the adopted local development strategy and its access to facilities and services. The proposal consequently conflicts with Core Strategy Policies CS4 and CS5 and SAMDev Policies MD1 and MD7a, which collectively guide the location of new development.
17. The Council's reason for refusal also refers to Core Strategy Policy CS3. However, as Dudleston Heath is not identified as a Market Town or Key Centre, I don't not consider the policy directly relevant to the appeal scheme.

Character and Appearance

18. The caravans are located within a larger site comprising a range of equestrian buildings and structures, of varying condition, which nonetheless exhibit a strong rural vernacular through their form, detailing and materials. The caravans are set well back from the main highway, accessed via a long shared driveway that also serves a separate large dwelling, and are screened from public vantage points by intervening built form. The site is otherwise predominantly surrounded by open fields and pockets of woodland.
19. Although in proximity to existing built form, the dispersed siting of the four caravans has resulted in a sprawl of development across the appeal site and has introduced a more domesticated appearance to this rural setting. The basic form and appearance of the caravans also contrasts poorly with the established rural vernacular of buildings on the site and nearby.
20. There is a lack of public views whilst the development is proposed to be temporary. Nevertheless, the scheme represents an unsympathetic form of development that fails to respect or integrate effectively with its surroundings. The fact that the caravans have been present for some time as unauthorised development does not diminish this harm. While the temporary nature of the proposal may moderate the degree of harm, it does not remove the requirement for development to be sympathetic to its context nor render the Council's design policies inconsequential.
21. Accordingly, the development causes harm to the character and appearance of the area. Although the level of harm is modest, it remains that the appeal scheme conflicts with Core Strategy Policy CS6 and SAMDev Policy MD2. Together, amongst other matters, these policies matters seek to deliver development that is of a high-quality design and reflective of local context.

Other Matters

22. There is no robust evidence before me to verify the appellant's claims that the caravans have been in situ for in excess of 10 years.
23. I have limited information regarding application ref: 26/00474/FUL, including whether it has been determined. In any event, the available evidence indicates that it is materially different from the proposal before me, notably involving the conversion of existing buildings, including potential heritage assets. As such, the policy context and possible benefits of that scheme differ from those of the current appeal.
24. Moreover, the appeal scheme is premature in seeking to secure temporary residential accommodation in connection with development that does not have

planning permission. While the appellant may have received positive pre-application advice in relation to the above planning application, this does not guarantee that permission will be granted. Indeed, the Council's evidence indicates that previous applications for the conversion of buildings on the site to residential use have been refused.

25. Even if application ref: 26/00474/FUL is to be/has been approved, it remains that no robust justification has been provided for the need for four temporary residential units at the site until such time as that development is available for occupation. Furthermore, I am not persuaded that the proposal would offer any betterment over the use of typical temporary site cabins or paraphernalia associated with construction activities on new developments.
26. It is for the Council to decide whether or not to pursue enforcement action against any unauthorised development. However, in this case, I attach no meaningful weight to the certainty that granting permission would provide, nor to any potential cost savings from avoiding enforcement action. To do so would undermine the proper functioning and purpose of the planning system.
27. At the time of my site visit at least some of the caravan units appeared to be occupied. Article 1 of the First Protocol of the Human Rights Act 1998 (the HRA) states that every person is entitled to the peaceful enjoyment of their home. Additionally, Article 8 of the HRA affords the right to respect for private and family life. Dismissal of the appeal would interfere with the occupier's rights under both Article 1 of the First Protocol and Article 8. However, these are qualified rights, and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality.
28. The consequence of dismissing the appeal may lead to the occupiers of the development losing their current residence. However, the identified harms in respect of the development taking place in an unsustainable location and resulting in adverse effects on the character and appearance of the area are such that dismissal of the appeal would be a proportionate and necessary response that would not violate the appellant's rights under the HRA.

Planning Balance and Conclusion

29. The appeal scheme likely provides some socio-economic benefits associated with the occupation of the units, albeit these have not been quantified by the appellant. Given the scale and nature of the proposal, I consider such benefits are likely to be modest in nature.
30. Compliance with development plan policies, for example, in respect of flood risk and pollution are neutral matters in the planning balance.
31. For the reasons set out above—including its countryside location, poor access to services and facilities, harm to the character and appearance of the area, and conflict with the development plan policies—I conclude that the appeal scheme is contrary to the development plan as a whole. These policies broadly align with the Framework's objectives of directing development to sustainable locations and securing development that is of a high-quality design.
32. The Council cannot demonstrate a five-year housing land supply. Consequently, Paragraph 11d) of the Framework is engaged.

33. The proposal would align with the aims of the Framework to significantly boost the supply of housing and its recognition that small-scale developments can make an important contribution to meeting housing requirements. It also would utilise previously developed land and likely provide some socio-economic benefits associated with the occupation of the units.
34. Notwithstanding the Council's housing shortfall, and the fact that the appeal scheme will be of great importance to its residence, the proposal relates to a small number of temporary units and therefore the associated benefits would be modest.
35. Delivering sustainable patterns of development is a fundamental objective of the Framework. In this case, the site's poor accessibility to services and facilities by sustainable modes gives rise to harm to the social and environmental dimensions of sustainable development. Despite the temporary nature of the proposal somewhat moderating this harm, I still find it to attract significant weight.
36. The appeal scheme also conflicts with the Framework's objective of achieving well-designed places. While the harm to the character and appearance of the area is modest and tempered by its temporary nature, it nonetheless attracts moderate weight.
37. Taken together, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply.
38. In conclusion, the proposal conflicts with the development plan taken as a whole and there are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 17 April 2026

by Andrew Fulford BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2026.

Appeal Ref: 6006406

Little Lyth Barn, Little Lyth, Shrewsbury, Shropshire SY3 0AX

- 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 Carl Griffiths against the decision of Shropshire Council.
 - The application Ref is 25/04345/FUL.
 - The development proposed is the reconstruction of dilapidated outbuilding to form a garage, workshop and garden room.
-

Decision

1. The appeal is allowed and planning permission is granted for the reconstruction of dilapidated outbuilding to form a garage, workshop and garden room at Little Lyth Barn, Little Lyth, Shrewsbury, Shropshire SY3 0AX in accordance with the terms of the application Ref 25/04345/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the Location Plan and Drawing No 1000.10 B.
 - 3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

Preliminary Matter

2. I have taken the property address in the banner heading above from the Appeal Form as it more accurately sets out the postal address of the appeal property than that on the Application Form. Given that the location plan clearly outlines the appeal site I am satisfied that neither party is prejudiced by this course of action.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area taking into account any effects on heritage significance.

Reasons

4. The appeal property, Little Lyth Barn is located within open countryside in close proximity to a small number of other dwellings, all of which were former agricultural buildings. The appeal proposal would be constructed on the site of a former barn

range which included a gin house which is located within the garden of Little Lyth Barn.

5. On my site visit it was apparent that the barn range were heavily dilapidated with no roof and in places only parts of the original walls were remaining. The proposal seeks to construct an outbuilding on a similar footprint that broadly reflects the form of the original rural buildings.
6. Neither the dilapidated barn range nor any of the surrounding converted buildings are statutorily listed and the site is not within a conservation area. However, they formed part of an historic farmstead dating back to the 18th Century and in their original form would have been of notable architectural merit that reflected historic land uses within rural Shropshire. I therefore consider the dilapidated barn and the surrounding converted rural buildings have a degree of heritage significance which makes them worthy of being treated as non-designated heritage assets. Paragraph 197 of the National Planning Policy Framework (the Framework) confirms that the effect on the significance of a non-designated heritage asset should be taken into account in determining an application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The Council accepted within the Decision Notice that the former gin house is in a ruinous and heavily degraded condition, with very limited surviving historic fabric. Furthermore, there is an acknowledgement that substantial modern alteration and replacement during the late 20th century and more recently have further eroded its historic integrity and significance as a heritage asset.
8. The submitted Heritage Impact Assessment includes an aerial photograph from the mid 20th century of the original farmstead. The proposed replacement building would have a smaller footprint but would retain a similar layout and design to the original agricultural buildings. Whilst it is accepted that the scheme fails to incorporate the full height open bays seen in the original building such a feature would not be practical given the domestic nature of the proposed use. However, the brick columns framing the large windows serving the garden room would mimic the historic form of the original building. The new building would be primarily constructed in stone, slate and brick reflecting the materials used in the original building. I am therefore satisfied that the proposed outbuilding would not appear overly domesticated in this rural setting.
9. The structure by virtue of its more modest scale, would appear subservient to the main dwelling house. Also, with the use of matching materials the proposed building would appear complementary.
10. It has been suggested that the proposed building would not constitute a faithful or accurate rebuilding of the rural building. However, I have not been directed to any local policy that requires a like for like replacement of the building, especially given how little of the original remains. The key assessment is therefore the impact of the proposal on the character and appearance of the area. As set out above, I have determined the impact to be acceptable.
11. Given that the original barn range would be lost in its entirety there would be harm to the remains of this non-designated heritage asset. However, the replacement building would broadly respect the appearance and form of the original barn range thereby re-creating the relationship with Little Lyth Barn and the other former

agricultural buildings that formed part of the historic farmstead. The proposal therefore has a positive impact on the remaining non-designated heritage assets. Within this context, the loss of the remaining elements of the original buildings can be accepted.

12. I conclude that the proposal represents high quality design which compensates for the modest loss of heritage significance arising from the demolition of the remains of the non-designated heritage asset. It would accord with Policies CS6 and CS17 of the Shropshire Council Adopted Core Strategy and Policies MD2, MD7b and MD13 of the Shropshire Council Site Allocations and Management of Development Plan. Amongst other matters, these policies require that development will be designed to a high quality which respects and enhances local distinctiveness, protects and enhances the diversity, high quality and local character of Shropshire's built and historic environment and where possible avoid the loss of non-designated heritage assets.

Other Matters

13. Concerns have been raised over whether the appellant is lawfully able to access the proposed outbuilding. However, this is a private matter between the relevant landowners.
14. I note the concerns from neighbours over a loss of privacy. However, the north-west elevation and the south-west gable end contain no windows. Also, given existing boundary treatments no overlooking could arise from the window in the north-east gable end. The proposal would therefore have no adverse impact on the living conditions of the adjacent occupiers in terms of a loss of privacy.

Conditions

15. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out following the approved plans, in the interests of certainty. Given the architectural quality of the surrounding buildings the submission of samples of external materials is necessary to ensure that the character and appearance of the area is maintained.

Conclusion

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

Andrew Fulford

INSPECTOR

This page is intentionally left blank

Appeal Decision

by B Plenty BSc (Hons) DipTP MRTPI

Site visit made on 1 June 2026

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Appeal Ref: 6006234

Stanton Mill, Stanton Upon Hine Heath SY4 4LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs George Daniels against the decision of Shropshire Council.
 - The application Ref is 25/01980/FUL.
 - The development proposed is Creation of a 3-bedroom open market dwelling (residential C3) following demolition of existing barn.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed dwelling would be located within a suitable location with respect to local and national policies, and
 - the effect of the proposal on flood related matters.

Reasons

Locational matters

3. The Shropshire Core Strategy [2011] (CS) establishes the Council's approach to the distribution of housing across the borough. CS policy CS4 seeks to focus development within its 'Community Hubs' and 'Community Clusters' in its rural areas. Outside of these, CS policy CS5 supports development that would maintain and enhance the countryside vitality and character. It supports development that would bring economic and community benefits. Nonetheless, it states that new development would be strictly controlled and limited to housing for agriculture and forestry and the conversion of suitable rural buildings. Policy MD7a of the Site Allocations and Management of Development (SAMDev) Plan [2015] reiterates this in seeking to strictly control housing outside of identified urban area types, mostly only supporting residential schemes in the countryside that consist of either rural exception sites, essential rural worker dwellings or conversions.
4. The small settlement of Stanton Upon Hine Heath is neither a hub or cluster and therefore is over-washed by the countryside in policy terms. This settlement provides a limited range of services consisting of a village hall, public house, church and play park. Further, the appeal site is outside the envelope of this small settlement.

5. The appeal site consists of a barn and includes crushed rubble hardstanding areas. Although the appellant asserts that the site is on the edge of the village boundary, it is some distance from the settlement edge, separated by several fields and dense vegetation. Access to the settlement for pedestrians would be via a narrow country lane with no footpath, limited grass verges to offer safe refuge and no streetlighting. As such, to access the limited services available in Stanton Upon Hine Heath, future occupiers would face a hazardous walk. Consequently, pedestrians would be likely to find this to be unattractive and unappealing, especially in poor weather or darkness. Whilst it is noted that the village itself also has no footpaths forcing pedestrians to walk in the highway, this environment is markedly different to the experience of pedestrians attempting to walk from the site into the village, along a narrow country lane with tall roadside hedging.
6. The appellant's Sustainability Report states that Stanton Upon Hine Heath benefits from excellent network links to a range of established settlements. However, it appears that such links to the local stated settlements would be via the highway network, using the private car, eroding the convenience of such links. Moreover, future occupiers would need to travel to Shawbury, being around 3km away, to reach the closest settlement with a good range of goods and services. The appellant suggests that Stanton Upon Hine Heath benefits from a bus service, but during my visit I saw no bus stops in the village itself, and the Council asserts no service runs through it, making any local service hard to access. As such, future occupiers of the proposed dwelling would be heavily reliant on the private car to access goods and services.
7. The site is not physically connected to the village, and its functional connection is eroded by distance, topography, vegetation and poor accessibility. As such, the site and the scheme would not be well related to the existing modest settlement pattern of Stanton Upon Hine Heath. Furthermore, the site is not within a transitional location on the settlement fringe but is divorced from the settlement within the open countryside.
8. The National Planning Policy Framework (the Framework) seeks to locate significant development which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Therefore, whilst the Framework is clear that opportunities to maximise sustainable travel solutions will vary between urban and rural areas, which should be considered in decision-making, the site is not within an accessible location.
9. Accordingly, the site has poor access to sustainable transport solutions where future occupiers would be reliant on the private car. In being located outside of a settlement boundary the proposal would undermine the Council's spatial and settlement strategy for the location of new housing and in supporting sustainable patterns of development. Consequently, the proposal would conflict with CS policies CS5 and CS6 and SAMDev policies MD2 and MD7a whose objectives I have already set out above.

Flood risk

10. The site is at risk from fluvial flooding and surface water flooding, with a medium potential of risk to both types. The site is located alongside the River Roden, within Flood Zones 2 and 3, which therefore includes zones at intermediate and high risk of flooding. The flood zone includes a large area of land to the south and west of

the site, where agricultural land slopes away from the site. The proposal is for residential development, which is classed as being 'More Vulnerable' to the effects of flooding.

11. The Compatibility Test, at table 2 of Planning Policy Guidance, identifies that 'More Vulnerable' development is appropriate in flood zone 2 and that 'Less Vulnerable' development is appropriate in flood zone 3a, but not in flood zone 3b.
12. The Framework requires a Sequential Test to be undertaken to explore whether there are 'reasonably available' sites appropriate for the proposed development in areas with a lower risk of flooding. Planning Policy Guidance states that alternative sites should be considered 'reasonably available' for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal. It also states that such alternative sites do not need to be owned by the applicant to be considered 'reasonably available'.
13. A Flood Risk Assessment (FRA), including a Drainage Assessment (March 2026) has been submitted in support of the appeal. Despite the site having no recorded flood incidents, it acknowledges that the Sequential Test must be met as the footprint of the proposed dwelling would be within both flood zones 2 and 3. It asserts that as the proposal relates to the redevelopment of an existing barn structure on Previously Developed Land (PDL) associated with the historic mill, as a site-specific scheme, the Sequential Test is passed.
14. In considering the site as a redevelopment opportunity, the Sequential Test assumes that the site is suitable for housing development and there is a compelling reason for the site to be developed in such a manner. However, once this presumption is correctly set aside, the Sequential Test should be applied to take into consideration sites, within a reasonable search area, that could instead accommodate the proposal. As the FRA does not consider alternative 'reasonably available' sites, within a defined search area, it does not pass the Sequential Test.
15. Furthermore, the Framework provides a limited range of exceptions for development that is not subject to the Sequential Test at paragraph 176. This exception includes some minor development and changes of use. Footnote 62 explains the exception includes householder development, non-residential extensions and most changes of use of land. As the proposal would not meet these exemptions, the FRA should undertake an assessment of alternative sites that could accommodate development before considering the appeal site.
16. Whilst the Council's drainage consultee has suggested that the proposal would be unlikely to significantly increase flood risk elsewhere, but this comment would not bypass the requirement for the proposal to satisfy a Sequential Test. Moreover, whilst the FRA notes that the garage should be considered as 'less vulnerable' to flooding, proposes minimum floor levels, flood compensation and drainage attenuation measures, these are matters that should be considered as part of an exception test. Such a test should only be undertaken once a Sequential Test is passed.
17. Accordingly, the proposal fails the Sequential Test and therefore does not demonstrate that 'reasonably available' sites do not exist for the proposed development in areas where it would be subject to reduced flood risk.

Consequently, the proposal would conflict with CS policy CS18 which requires, among other matters, for development to reduce flood risk.

Other Matters

18. The appellant asserts that the design of the proposal responds to both the form and scale of the existing 'Dutch' barn on site and the historic use of the site as a mill. The dwelling is of contemporary design and provides a modern connection to the site's historic identity. As such, the proposal would complement the character and appearance of the area, a view shared by the Council. However, in finding no harm to the appearance of the area and thus complying with the Council's relevant design policies can only be considered as neutral factors in the planning balance. Furthermore, I do not concur with the appellant that the site is visually poor as it is relatively well screened, and occupied by a barn that is intact, and therefore it does not require new development to 'remedy' the site's appearance.
19. For similar reasons, despite the scheme having received no highway safety, environmental protection or ecological related concerns from the Council, these are only neutral factors in the planning balance.
20. The proposal is identified by the appellants as a self-build project, this weighs in favour of the proposal as it would support the provision of housing for different groups of the community, including for people wishing to commission or build their own homes. However, as this is not secured with a suitable legal mechanism, and a condition would be an unsuitable method to do so, it can only weigh to a modest extent in favour of the scheme. Nevertheless, it is recognised that the dwelling would be constructed as a sustainable, highly thermally efficient home. It would also include electric car charging points, although such provision is a necessity of building regulations approval.
21. Interested parties have raised several important points about the proposal in support of the scheme. These comments include recognition that the site is in an important and prominent location when entering the village, that it is a previously developed site and deemed suitable for redevelopment, that its untidy state brings health and safety concerns and that the design has been carefully considered to reflect its rural location. Despite the many letters of support submitted in favour of the proposal, this is not a reason in itself to allow development which would be poorly located and within a flood zone.
22. The Framework supports the redevelopment of PDL. However, the definition of PDL in the Framework excludes land that was last occupied by agricultural buildings. Also, the footprint of the existing barn is only partly shared by the proposed dwelling and occupies a significantly smaller area of land than the proposal. The original mill is to the rear of the site, but no part of the structure appears to remain other than its river boundary walls and the 'race' and has largely been absorbed back into the local landscape. As such, whilst part of the site may possibly be regarded as PDL, for the above reasons, this conveys only modest weight in favour of the scheme.
23. The site was previously occupied by a water mill which was demolished in the 1960's. As such, the site is regarded to have high archaeological potential. The proposal includes the restoration of the historic bridge and stonework sluice mill race. Based on the archaeological interest of the site, the Council's Archaeologist, whilst raising no objection, has requested conditions for a written scheme of

investigation and a programme of archaeological work. The effect of the proposal on the heritage asset can be adequately addressed by condition and the efforts to improve the historic understanding of the site weigh moderately in favour of the proposal.

Planning Balance

24. In consideration of the Council's five-year housing land supply position at 4.61 years and that the proposal relates to the provision of housing, paragraph 11(d) of the Framework is engaged. Sub paragraph (i) states that permission should be granted unless the application of policies in the Framework, that protect areas or assets of particular importance, provide a strong reason for refusing the development proposed. Footnote 7 of paragraph 11(d) of the Framework lists areas at risk of flooding as one such asset of particular importance.
25. I have found that the appeal site is located within an area identified as at risk of intermediate and high risk of flooding and that the proposal fails to demonstrate that no other sites are reasonably available in locations that are outside flood zones 2 and 3 and it therefore fails the Sequential Test. This therefore causes conflict with paragraph 170 of the Framework, in seeking to direct development away from areas at highest risk of flooding and provides a clear reason to refuse the scheme by affecting an area of particular importance as defined by footnote 7.
26. Nonetheless, failing a Sequential Test may not provide a strong reason to refuse the development proposed. In its merit the FRA demonstrates that the proposed dwelling would be elevated out of flood areas. It would have a floor level that would be 0.6m freeboard above the modelled flood level and thus would prevent the habitable spaces from flooding. Only the garage would be within flood zone 3 and liable to flooding during flood events.
27. However, the FRA fails to adequately demonstrate that a safe means of access would be available to occupiers during flood events and inadequate hydraulic modelling has been provided to illustrate that the floodplain compensation would be sufficient to illustrate that the scheme would not increase flood risk elsewhere. For these reasons, in combination with the absence of a Sequential Test, demonstrate that the identified flood risk concerns provide a strong reason to refuse the scheme and as such the presumption in favour of sustainable development does not apply.
28. The proposal would not be in an accessible location where future occupiers would be able to access goods and services without reliance on a private car and is separate from the nearby small village. As such, its location would undermine the Council's spatial housing policies, the spatial requirements of which are consistent with the Framework.
29. The proposal would enhance the vitality of a rural community, gaining support from paragraph 83 of the Framework. Furthermore, the proposal would help boost the supply of housing as promoted under the Framework, where even a single unit would make a valuable contribution to housing supply. There would also be some, albeit limited, benefits in terms of the generation of construction employment and support from future occupiers to local services, contributing to the local community's long-term viability. Nonetheless, whilst a self-build new dwelling is proposed, this has not been secured by a legal mechanism, gaining only moderate further support for the scheme.

30. The identified additional conflict with spatial housing policy and the site's poor accessibility weighs further against the proposal. Therefore, for the avoidance of doubt, the adverse impacts of the development would also significantly and demonstrably outweigh the benefits, when the proposal is assessed against the policies of the Framework when taken as a whole.
31. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the proposal does not benefit from the presumption in favour of sustainable development and material considerations do not outweigh the harm that would arise from the conflict with the development plan policies and the development plan as a whole.

Conclusion

32. For the above reasons, the appeal is dismissed.

B Plenty

INSPECTOR

Appeal Decision

Site visit made on 5 May 2026

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Appeal Ref: 6004374

Land South of Pear Tree Lane, Whitchurch, SY13 3NG

- 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 R and C Fearnall against the decision of Shropshire Council.
 - The application Ref is 25/03837/PIP.
 - The development proposed is described as: residential development of between 3 and 5 dwelling houses.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by R and C Fearnall against Shropshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or PiP) establishes whether a site is suitable in principle, and the second, technical details consent (TDC), stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly.

Main Issues

5. Having regard to the above, the main issues are whether the location, land use and the amount of development is suitable, with particular regard to:
 - the effect of the proposal on the character and appearance of the area; and,
 - the council's strategy for the location of housing.

Reasons

Character and Appearance

6. The appeal site comprises undeveloped grassland located to the rear of existing residential properties which front Pear Tree Lane. There are steep slopes across the site, with the lowest point in the south eastern corner. The boundaries of the site are defined by mature trees and hedges, apart from where it adjoins the residential property known as Partridge House where there is a low, timber post and wire fence.
7. Pear Tree Lane, in the vicinity of the appeal site is characterised by a ribbon of predominantly detached dwellings which front the road. Beyond the residential curtilages to the south of Pear Tree Lane there is a distinct change, and the character is defined by expansive undeveloped countryside land, giving the area an open and verdant character. Whilst the access to the site is located close to existing built development, the site is otherwise surrounded by undeveloped land. The site has a visual and physical relationship to the surrounding countryside and, as such, it makes a strong positive contribution to the character of the area.
8. The shape of the site means that the proposed dwellings would be set back from Pear Tree Lane at the end of an access road. They would not have a street frontage and would project into the open countryside. This would not be characteristic of the layout of development in this part of Pear Tree Lane. The lack of built development to the east, south and west of the site, means that the development would not constitute infill development, nor would it represent a rounding off of the settlement edge. Conversely, the appeal development would appear as an incongruous feature in the landscape.
9. As the appeal relates to the PiP stage, there are no detailed plans of the development. However, the construction of three to five dwellings would result in built development where there is presently none. The proposed residential use would alter the visual appearance of the site with the likely introduction of driveways, garden areas and associated domestic paraphernalia. The resultant development and domestication of the land would erode its open and verdant character.
10. I appreciate that the site is not subject to any landscape designations. Nevertheless, built development would be readily visible within the landscape. Whilst landscaping could be secured at the TDC stage, this would not materially alter my finding of harm. This is because the harm derives not only from visibility, but also from the site's disconnected siting away from the ribbon development along Pear Tree Lane, and the resulting domestication of land that presently reads as countryside. Accordingly, even if landscaping softened views, it would not overcome these harms or the resulting erosion of countryside character.
11. Taking all of the above into account, I find that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development 2015 (the SAMDev). Taken together, these policies require, amongst other things, for development to contribute to and respect local context and respond appropriately to the form and layout of existing development and maintain and enhance countryside character.

Location

12. Together, CS Policy CS1 and SAMDev Policy MD1 set the strategic approach to the location of development in the district. The policies direct development to the most accessible locations, including Shrewsbury, Market Towns and Key Centres and in community hubs and clusters which are identified in CS Policies CS3 and CS4.
13. The appeal site is located outside of the defined settlement boundary of Whitchurch which is one of the Market Towns and Key Centres. SAMDev Policy S18 sets out the development strategy for Whitchurch including allocated sites for residential development.
14. As the site is not within the settlement boundary and not an allocated site, it is therefore in open countryside for planning policy purposes. Policy MD3 of the SAMDev allows for development outside settlement boundaries having regard to other local plan policies including CS Policy CS5 and SAMDev Policy MD7a. These policies limit new residential development in the open countryside to a number of exceptions. It is common ground between the main parties that none of the policy exceptions are applicable to this proposal.
15. Policy MD3 also seeks residential proposals which meet the design requirements of relevant local plan policies including, amongst others, CS Policies CS6 and CS17 and SAMDev Policy MD2. I have already identified above that the appeal proposal conflicts with these policies.
16. Consequently, the appeal site location conflicts with the Council's strategy for the location of housing. Permitting the proposed dwellings would be harmful in that the strategy for the distribution of housing would be undermined. Given that the proposal is inconsistent with an important element of the Council's approach to development I have judged the magnitude of harm to be substantial.
17. Taking all of the above into account, I find that the appeal site is not in a suitable location having regard to the Council's strategy for the location of housing. As such, the proposal would conflict with CS Policies CS1, CS3, CS4 and CS5 and SAMDev Policies MD1, MD3, MD7a and S18, as set out above.

Other Matters

18. The contribution of three to five dwellings to the housing supply, although positive, would be limited. Nevertheless, in light of the Council's housing land supply position, I attribute this moderate weight. There would be some economic uplift in the local economy during the construction process and from the future spending of occupiers and this also attracts moderate weight.
19. The main parties refer to another site on Pear Tree Lane which has been granted PiP for residential development (Application Ref: 25/04392/PIP). However, I have not been provided with the location, full plans and details of that application. Therefore, I cannot make a direct and reasoned comparison between that scheme and the appeal proposal. From what is provided by the Council, I note that the other site has different characteristics to the appeal site. This includes direct road frontage and a clearer integration with the existing settlement pattern. I have not been provided with any evidence to the contrary. Given the unique nature of land and development proposals, the effects on the immediate context are highly likely

to be materially different. As such, this consideration has had little bearing on my assessment of this case, which I have determined on its own merits.

20. The appellant suggests that development on other nearby sites (Planning Application Refs: 14/05617/OUT, 14/01329/OUT and 25/02878/OUT) have a greater impact on the appearance of the landscape than the appeal proposal. Reference is also made to development in other streets nearby, the layout of which the appellant contends are comparable to the appeal proposal (Chester Road, Chester Avenue, Orchard Avenue, Croft Gardens, The Brambles, The Firs, Bryn Estyn Avenue, The Beeches and Oak Tree Way). I have not been provided with the location of these sites, nor any other details pertaining to the applications. I therefore cannot be certain that these examples are directly comparable to the proposal before me now. However, from what is provided by the Council, the cited examples have materially different relationships with the surrounding built form and landscape compared with the appeal site. Accordingly, I have considered the proposal based on its own merits and these considerations do not alter my conclusions.
21. In addition, the appellant's submission cites the following applications and appeals: 15/00680/FUL3, 24/04176/FUL (the Tilstock Appeal) and 24/04199/PIP (the Whitehouse Appeal). However, there is limited detail provided on these cases, and so I cannot make a direct and reasoned comparison between those examples and the appeal proposal.
22. The appellant asserts that the proposal would be in line with the draft revised National Planning Policy Framework which was published for consultation in December 2025. As this document has not been adopted and is likely to be the subject of modification, it can attract only limited weight. Moreover, the appellant has not further substantiated their point in this regard. Consequently, this consideration does not alter my overall conclusions.

Planning Balance

23. The proposal would conflict with CS Policies CS5, CS6 and CS17 and SAMDev Policy MD2 insofar as they expect development to protect and enhance local character. Additionally, the appeal site location would conflict with CS Policies CS1, CS3, CS4 and CS5 and SAMDev Policies MD1, MD3, MD7a and S18. The proposal therefore conflicts with the development plan as a whole.
24. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework recognises the intrinsic character and beauty of the countryside and seeks development that is sympathetic to its context. Therefore, the conflict between the proposal and the aforementioned policies should be given significant weight in this appeal.
25. It is common ground between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes that paragraph 11d) is engaged. There is nothing before me to suggest that the policies identified in footnote 7 of the Framework provide a strong reason for refusing the development proposed under paragraph 11 d) i). Hence, the balance in paragraph 11 d) ii) applies.

26. Paragraph 11 d) ii) states planning permission should be granted unless 'any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole...'. Measures set out to achieve development that is sympathetic to local character and landscape setting in paragraph 135 constitute key policies for the purposes of paragraph 11 d) ii).
27. The Framework seeks to significantly boost the supply of homes. The Council has confirmed that it currently has a supply of 4.73 years of deliverable housing land. Whilst the Framework does recognise the contribution that small sites can make to meeting the housing requirement for an area, as described above, the benefits of three to five dwellings would be moderate.
28. Consequently, the adverse impacts on the character and appearance of the area and on the Council's development strategy would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

29. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR

This page is intentionally left blank

Costs Decision

Site visit made on 5 May 2026

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Costs application in relation to Appeal Ref: 6004374 Land South of Pear Tree Lane, Whitchurch, SY13 3NG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by R & C Fearnall for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of permission in principle for: residential development of between 3 and 5 dwelling houses.
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour on the part of a local planning authority may include not determining similar cases in a consistent manner and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. In this regard, the applicant's case asserts unreasonable behaviour on the part of the Council for the following reasons. First that the Council's decision was not consistent with the decision on another site on Pear Tree Lane. Second that the Council went beyond the scope of what can be considered for an application for Permission in Principle (PiP). Finally, the appellant asserts that the Council failed to apply the tilted balance when determining the application.
5. With respect to consistency in decision making, as I have set out in my appeal decision, the Council's evidence indicates that the other site on Pear Tree Lane (application ref 25/04392/PIP) has materially different characteristics to the appeal site in terms of its relationship to existing development. Therefore, although both sites are located outside of the settlement boundary and are determined according to the same development plan policies, the differing site contexts may reasonably result in different decisions. As such, I have no substantive evidence to show that the Council has been inconsistent in its approach to decision making.
6. The applicant asserts that the Council went beyond the scope of what can be considered for an application for PiP by considering settlement pattern and landscape character. The scope of PiP is limited to location, land use and amount of development. Planning Practice Guidance (PPG) states that issues relevant to

these 'in principle' matters should be considered at the PiP stage (Paragraph: 012 Reference ID: 58-012-20180615). PPG also states that a decision on whether to grant PiP must be made in accordance with relevant policies in the development plan unless there are material considerations which indicate otherwise (Paragraph: 011 Reference ID: 58-011-20180615).

7. In this case, in the context of relevant development plan policies, as set out in my appeal decision, the type of development and the location of the site, relative to existing built form and the surrounding landscape, are 'in principle' considerations. Accordingly, I do not find that the Council went beyond the scope of what can be considered for an application for PiP.
8. Finally, the applicant asserts that the Council failed to apply the tilted balance set out at paragraph 11d) of the National Planning Policy Framework (the Framework). The Council's officer report sets out the housing land supply position and weighs the benefits and harms of the proposal, in the context of paragraph 11d). The Council therefore did not fail to apply the titled balance to the appeal proposal.
9. It is asserted that, for the other site on Pear Tree Lane, the Council determined that the benefits of the proposal in that case significantly and demonstrably outweighed any harms. However, each proposal is determined on its own merits and so that does not mean that the same conclusion should automatically be reached for the appeal site. In this case, as I have set out above and in my appeal decision, the evidence before me indicates there are material differences between the two sites. Therefore, it is not unreasonable to reach different conclusions on the two sites, in the context of the tilted balance.

Conclusion

10. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

A O'Neill

INSPECTOR

Appeal Decision

Site visit made on 5 May 2026

by A O'Neill BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2026

Appeal Ref: 6005224

Proposed Dwelling at Oakdene, Greenhill Bank, Criftins, Shropshire SY12 9LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Jane Bailey against the decision of Shropshire Council.
 - The application Ref is 25/02235/FUL.
 - The development proposed is the erection of 1 No self-build dwelling with means of access following the demolition of an existing equestrian building and installation of package treatment plant.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description above are taken from the appeal form which is the same as the decision notice. These differ from the application form, but more appropriately describe the proposal and the site location.

Main Issues

3. The main issues are:
 - whether the site is in a suitable location, having regard to the Council's strategy for the location of housing and the site's access to services and facilities; and,
 - the effect of the proposal on the integrity of the Midlands Meres and Mosses Phase 2 Ramsar site.

Reasons

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).
5. Together, CS Policy CS1 and SAMDev Policy MD1 set the strategic approach to the location of development in the district. The policies direct development to the most accessible locations, including Shrewsbury, Market Towns and Key Centres and in community hubs and clusters in the rural areas. The appeal site is not within any of these defined settlements or areas and so it is located in open countryside for planning policy purposes.

6. I appreciate that the site is not isolated as it is located close to other existing development. However, CS Policy CS5 and SAMDev Policy MD7a limit new residential development in the open countryside to a number of exceptions, none of which are applicable to this proposal. As such, the site location does not accord with the Council's strategy for the location of housing.
7. Turning to the site's access to services and facilities, the National Planning Policy Framework (the Framework) expects development to promote walking, cycling, and the use of public transport, while recognising that sustainable transport solutions will vary between urban and rural areas.
8. There is a primary school located close to the site, but future occupiers would need to travel to Dudleston Heath or Ellesmere town centre to access other services and facilities. There are no dedicated footpaths, cycle lanes or streetlights for much of the route between the site and Dudleston Heath. Whilst the appellant asserts that the roads have low numbers of vehicle movements, this is not further substantiated. In any event, the absence of pedestrian and cycling infrastructure means that, even with low traffic volumes, this would not be a desirable route for walking and cycling, particularly during winter months.
9. It is stated that there is a bus service between Dudleston Heath and Ellesmere. However, access to the bus service would require walking to Dudleston Heath, which I have already found would not be an attractive route for pedestrians.
10. Permitting the proposed dwelling would be harmful in that the strategy for the distribution for housing would be undermined and the site location does not offer convenient access to sustainable travel. Given that the proposal is inconsistent with an important element of the Council's approach to development I have judged the magnitude of harm to be substantial.
11. Taking all of the above into account, I find that the appeal site is not in a suitable location having regard to the Council's strategy for the location of housing and its access to services and facilities. As such, the proposal would conflict with CS Policies CS1 and CS5, SAMDev Policies MD1 and MD7a, and the sustainable travel aims of the Framework, as set out above.

Ramsar

12. The appeal site is located within the indicative catchment area of Cole Mere, part of the Midlands Meres and Mosses Phase 2 Ramsar, which is also a designated Site of Special Scientific Interest (SSSI). The Ramsar is protected by the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) which impose a duty on the competent authority to consider whether the development would be likely to have a significant effect, either alone or in combination with other projects, on the designated site; and if so, to make an appropriate assessment of the implications of the project for that site in view of the site's conservation objectives.
13. The Ramsar site is designated for its range of habitats, from open water to raised bog, supporting rare wetland species. These include nationally scarce plants such as cowbane and elongated sedge, bryophytes including *Dicranum affine* and *Sphagnum pulchrum*, and invertebrates such as the moth, caddisfly and sawfly. The Colemere Countryside Heritage Site Management Plan 2020 – 2025

indicates that the conservations objectives for the Ramsar site are to restore and maintain its features in favourable condition.

14. The Management Plan sets out that increased public access and disturbance, as a result of new development, can have an impact on the nature conservation interest of the Ramsar site. As the proposal would result in an additional residential unit, it would increase the local population and would likely lead to additional recreational pressure on the Ramsar. It is therefore likely that, alone and in combination with other projects, the proposal would have a significant effect on the designated site through increased recreational disturbance; and without mitigation, it would not be possible to ascertain that the residential accommodation proposed would not adversely affect the integrity of the Ramsar site.
15. The Management Plan identifies measures that could be implemented at the site, to mitigate recreational impacts, including improved visitor signage, car park improvements and protection of the rare Least Water Lily. The Council's case indicates that a financial contribution would be required to assist in implementing visitor management measures to mitigate increased recreational pressure arising from the proposed development.
16. While I note the appellant's willingness to address the requirement for mitigation, there is nothing before me, such as a legal agreement, to secure a financial contribution or any other form of mitigation. Therefore, in the absence of a mechanism to secure the necessary mitigation, following appropriate assessment under the regulations, as the competent authority I am unable to conclude, beyond all reasonable scientific doubt, that the appeal scheme would not have an adverse effect on the integrity of the Ramsar.
17. In the light of a negative assessment on the implications on the designated site, the Habitats Regulations require consideration as to whether there are any alternative solutions and if not, whether there are any imperative reasons of overriding public interest. However, irrespective of whether there may be any alternative solutions to the project, the provision of one dwelling is not sufficient to amount to imperative reasons of overriding public interest. The Habitats Regulations indicate that permission must therefore not be granted. For the above reasons, the proposal would also fail to accord with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12. Taken together, these policies seek to ensure that development protects, restores, conserves and enhances the natural environment, including the Ramsar.

Other Matters

18. There would be some economic uplift in the local economy during the construction process and from the future spending of occupiers. The appeal proposal would also add to the supply of housing in the area. However, the contribution to the economy and housing supply would be minimal given the scale of the proposed development. As such, these benefits only attract limited weight.
19. The proposal is described as a self-build dwelling. This is a benefit in that it would contribute to meeting the Council's statutory duty in this regard, although there is nothing before me to demonstrate that the Council is not currently meeting this duty. Accordingly, I attribute this limited weight in the planning balance.

20. My attention has been drawn to a number of approved planning applications for new single dwellings in the vicinity of the site. The appellant contends that these permissions were granted without consideration as to whether the sites were in a sustainable location. There is limited information before me on those cases. However, the Council's evidence indicates that they complied with the requirements of relevant policies to be approved as affordable single plot exception dwellings. The appeal proposal before me now is not for an affordable dwelling. As such, the cited examples are not directly comparable to the appeal proposal. This consideration therefore does not lead me to an alternative conclusion on the first main issue of this appeal.
21. It is suggested that the site falls within the Framework definition of 'Previously Developed Land' (PDL), although this is disputed by the Council. Paragraph 125c of the Framework gives substantial weight to the value of using suitable brownfield land within settlements for homes unless substantial harm would be caused. However, as identified above, the site is not within a defined settlement. Therefore, even if the site would meet the definition of PDL, this consideration does not lead me to an alternative conclusion on the locational suitability of the site.
22. The fact that the proposed dwelling would replace an existing structure and may not be readily visible from public viewpoints do not materially alter my conclusions on the main issues of this appeal.

Planning Balance

23. The appeal proposal would conflict with the Council's strategy for the location of housing. It would also conflict with development plan policies which seek to ensure that development causes no adverse effect on the integrity of the Midlands Meres and Mosses Phase 2 Ramsar.
24. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework expects development to promote sustainable travel modes, and it seeks to protect and enhance biodiversity. Therefore, the conflict between the proposal and the aforementioned policies should be given significant weight in this appeal.
25. The Council has confirmed that it cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes paragraph 11 d) of the Framework is engaged. This states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 confirms the policies referred to are those in the Framework relating to, amongst others, Ramsar sites. Given my findings in relation to the Ramsar site, there is a strong reason for refusing the development proposed. The presumption in favour of sustainable development is therefore not applicable in this instance.
26. The Council's current housing supply is 4.68 years. However, as described above, the benefits of a single dwelling would be limited, even taking into account the Framework's objective of significantly boosting housing land supply. The benefits therefore neither outweigh the harm I have identified nor form considerations of

such weight that they warrant a decision to be made other than in accordance with the development plan.

Conclusion

27. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A O'Neill

INSPECTOR

This page is intentionally left blank

Appeal Decision

Site visit made on 24 June 2026

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026.

Appeal Ref: 6006550

Land adjacent to White House, Coopers Lane, Porth-y-Waen, Oswestry SY10 8LY

- 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 T Dunkerley against the decision of Shropshire Council.
 - The application Ref is 26/00214/PIP.
 - The development proposed is Permission in Principle for the construction of between 2 No and 8 No dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development

Reasons

Location

5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) sets out the Council's strategic approach to housing, which seeks to focus most development in Shrewsbury, market towns and other key centres. Some residential development is identified within rural settlements which include community hubs and clusters.

¹ Paragraph: 012 Reference ID: 58-012-20180615

6. Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan 17/12/2015 identifies Porth-y-Waen as part of a community cluster whereby Policy S14.2 of the SAMDev outlines a future housing growth of 15 dwellings to help meet a need for affordable housing to allow young people to stay in the area. No specific site allocations are proposed, but Policy S14.2 of the SAMDev outlines that sustainable development by infilling, conversions and small groups of houses may be acceptable on suitable sites.
7. The appeal site is a modest, undeveloped parcel of land which is located outside of the development boundary for the community cluster. As such, the appeal site is classed as the open countryside whereby Policy CS5 of the CS sets out that new developed will be strictly controlled and subject to certain criteria, none of which would be met by the proposed development.
8. Policy MD3 of the SAMDev allows for additional sites outside of a settlement boundary in circumstances where a settlement housing guideline appears unlikely to be met, subject to other considerations. However, based on the information before me, it would appear that it is likely that the settlement housing guideline of 15 houses is likely to be met, based on those permissions granted by the Council.
9. I therefore conclude that the proposed development would be unacceptable in terms of its location. The magnitude of harm would be substantial given that I have found clear conflict with the provisions of Policies CS1 and CS5 of the CS, Policies MD1, MD3 and MD7a of the SAMDev and Paragraph 129 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure development proposals on appropriate sites which maintain and enhance countryside viability where they improve the sustainability of rural communities.

Land use and amount of development

10. The appeal site has extant permission in principle for between 2 No. and 4 No. dwellings² and as such the use of the land for residential use has been established. The appeal proposal however seeks to provide up to 8 dwellings and as such there is the potential for double the number of dwellings when compared to the extant permission.
11. The appeal site is modest in size and is mostly laid to grass with woodland surrounding the borders. The wider area is residential with a limited number of total dwellings that follow the sloping land. Dwellings are mostly large, detached and predominantly front the road with moderately sized front gardens or driveways. As a result, and due to the appeal site's location towards the edge of built form, the area has an open and rural character and appearance.
12. I am mindful that the details of the proposed houses, including their form, layout and appearance are not before me and the plans are indicative; however, the modest size of the site would mean that more than 4 dwellings are unlikely to be able to be accommodated in a layout that follows the established linear pattern of development within the wider area, particularly when taking account of the potential for up to 8 dwellings.

² APP/L3245/W/25/3358745

13. This could result in dwellings being located further within the appeal site, on higher ground as well as being particularly small as shown on the indicative plans. This would also extend the amount of built form where there is currently nothing, appear cramped and erode the open and rural character and appearance of the area.
14. I therefore conclude that while the proposed development would be an acceptable land use, that the amount of development would be unacceptable. The magnitude of harm would be substantial. It would be contrary to Policies CS5 and CS6 of the CS and Paragraph 135 of the Framework which amongst other things, seek to ensure that development protects, conserves and enhances the natural and built environment and is appropriate in scale, density and design taking into account the local context and character.

Other Matter

15. The Council have not found that the proposed development would harm highway safety and that specific details can be addressed at technical details stage. While I have no reason to conclude otherwise, this is a neutral matter.

Planning Balance

16. The proposed development would be unacceptable in terms of its location and the amount of development. I have judged the magnitude of harm in both cases to be substantial.
17. The proposed development would be contrary to Policies CS1, CS5 and CS6 of the CS and Policies MD1, MD3 and MD7a of the SAMDev. These Policies are generally consistent with the Framework in supporting housing developments that reflect local needs and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. The conflict with these Policies should therefore be given significant weight in this appeal.
18. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be conflict with the development plan as a whole.
19. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The shortfall is disputed by the parties, however taking the appellants lower figure, the Council are only able to demonstrate a 3.81 year supply which represents a significant undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.

20. The proposed development would make a small contribution to the supply of new homes in a situation where there is a shortfall. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. The proposal also has the potential to provide housing for young people in accordance with the Council's objectives albeit these details are not before me and could represent a more efficient use of land. However, the totality of the benefits would only be modest over those as a result of the extant permission.
21. Consequently, the substantial harm caused by the proposed development's unacceptable location and amount of development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

22. The proposal would conflict 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, for the reasons given, the appeal should not succeed.

D Wilson

INSPECTOR

Appeal Decision

Site visit made on 24 June 2026

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal Ref: 6005338

Land to the rear of Darby Close, Nesscliffe, Shrewsbury SY4 1DN

- 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 DM Brisbane & Sons against the decision of Shropshire Council.
 - The application Ref is 25/02010/OUT.
 - The development proposed is outline planning for the erection of up to 26 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans which show details of the matters reserved, as illustrative.
3. The appellant has submitted additional documents with the appeal which include a Transport Statement, Visual Impact Assessment Study and Noise Assessment. These additional documents were available when the appeal was submitted, and the Council had the opportunity to comment. The additional documents provide clarity rather than propose any significant changes to the proposed scheme. Accordingly, I am satisfied that no one would be prejudiced were my decision to have had regard to the additional documents.
4. The appeal is accompanied by a unilateral undertaking (UU) dated 18th February 2026 which seeks to secure affordable housing provision. I comment further on the UU below.

Main Issues

5. The main issues are:
 - whether the proposed development would be appropriately located having regard to the Council's development plan policies and access to services and facilities,
 - the effect of the proposed development on the character and appearance of the area,
 - whether adequate living conditions would be provided for future occupiers with regard to noise,

- the effect of the proposed development on highway safety with regard to whether the appeal site can be accessed in a safe and satisfactory manner, and
- whether adequate affordable housing provision would be provided.

Reasons

Location

6. Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan 17/12/2015 relates to the scale and distribution of development and identifies Nesscliffe as a community hub. Nesscliffe does not have a defined settlement boundary, however, the appeal site does not form part of an allocated site for development.
7. Policy CS4 of the Shropshire Council Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) seeks to ensure that, amongst other things, that communities will become more sustainable by allowing development in community hubs that helps rebalance rural communities by providing facilities, economic development or housing for local needs.
8. The Council consider that while Nesscliffe does not have a defined settlement boundary, that the appeal site would be visibly located outside of the settlement and thereby lie within the open countryside. Nesscliffe has a predominately linear pattern of development with houses mostly following the road with this pattern of development extending up until the edge of the appeal site. Notwithstanding this, the appeal site is distinctly open and rural in appearance and expansive views of undeveloped land are possible from the appeal site and on approach for some distance which means the appeal site has the visible connection to the countryside.
9. The nearby housing is not appreciable on approach due to the dense vegetation and as such, while the appeal site has a physical connection by being next to existing housing, it does not have a visual connection to Nesscliffe, and the proposed development would therefore not form a logical addition to Nesscliffe. I therefore consider that the appeal site would be located outside of the settlement and would constitute the open countryside.
10. Policy CS5 of the CS and MD7a of the SAMDev seek to control development in the open countryside by meeting a set criteria, none of which would be met by the proposed development.
11. Nesscliffe has several services and facilities which include a pub, school, village hall, convenience store and petrol station. These facilities are all located within a moderate walking distance. There is also a bus stop which can be accessed by a modest walk. However, access to such facilities is not possible by a continuous footway and would require walking on a narrow road for most of the distance with limited verges and no lighting.
12. Walking is therefore unlikely to be an attractive option for future occupiers and particularly those with mobility issues and pushchairs would be discouraged. The lack of cycleways and lighting would also discourage cycling. As such, while there are some limited options for walking and cycling, due to the above reasons future occupiers are likely to be reliant on the use of a private car to access services and facilities.

13. I therefore conclude that the appeal site would not be appropriately located and access to services and facilities would be reliant on the use of a private car. The magnitude of harm would be substantial given that I have found clear conflict with the provisions of Policies CS1, CS4, CS5 and CS8 of the CS and Policies MD1, MD3, and MD7a of the SAMDev. Amongst other things, these seek to support sustainable development and improving access to services and facilities.
14. The Council have alleged conflict with Policy CS9 of the CS, however, this relates to infrastructure contributions which is not relevant to this main issue.

Character and appearance

15. The appeal site is a large and open parcel of land which is mostly grassed. It is generally flat but there are sloping views beyond the appeal site towards agricultural fields which are distinctly open and rural due to a limited amount of tree coverage, which results in an open character and appearance.
16. The precise details of the layout and appearance of the proposed scheme are not before me, however, due to the distinctly open character and appearance of the area, any proposed development on the appeal site would be visible and prominent in this context. There are a number of public rights of way and routes that provide access to the surrounding area which would allow clear and also glimpsed views towards the appeal site which would further highlight the proposed development, eroding the open character and appearance of the area.
17. The appeal site is particularly large and open and due to the sloping levels, the surrounding fields and woodland are notable which makes the appeal site appear as open countryside as oppose to an obvious end or beginning to Nesscliffe. The proposed development would therefore appear odd in this context and would not appear as a logical extension to Nesscliffe.
18. I have had regard to the appellants landscape visual assessment study, however, this focuses on viewpoints from a bridleway that is located a modest distance away from the appeal site, as well as a high viewpoint even further away. It identifies some partial views from these viewpoints, despite their distance away, however, due to the distance this does not outweigh my findings on the character and appearance of the area.
19. Dwellings in the area follow a predominantly linear pattern with most dwellings fronting the road with small front gardens or driveways. Layout is not a matter before me and as such there is very little evidence to suggest that an appropriate layout, in keeping with the pattern of development within the wider area could not be achieved. However, this does not outweigh the harm I have found to the character and appearance of the area.
20. I therefore conclude that the proposed development would harm the character and appearance of the area. The magnitude of harm would be significant. It would be contrary Policies CS4, CS5, CS6 and CS17 of the CS and Policies MD2 and MD12 of the SAMDev. Amongst other things, these seek to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's Natural and built environment and contribute positively to the special characteristics and local distinctiveness of an area.

21. The Council have referred to Policy MD11 of the SAMDev, however, this relates to tourism and visitor accommodation which is not relevant to the proposed development.

Whether adequate living conditions would be provided for future occupiers

22. The appeal site would be located close to the Nesscliffe Bypass. The appellant has submitted a noise assessment in support of their appeal which found that the dominant noise source affecting the site was observed to be road traffic on the Nesscliffe Bypass and sections of the appeal site closest to the bypass would be most affected by the noise.
23. The noise assessment also recommends a number of measures to mitigate noise throughout the appeal site, however, details are limited with regard to the precise measures and what effect this would have.
24. However, based on the evidence before me, there is scope to incorporate sufficient measures within a layout to ensure that future occupiers would not be adversely affected by noise.
25. I therefore conclude that the proposed development would provide adequate living conditions for future occupiers with regard to noise. I find no conflict with Policy CS6 of the CS, Policy MD2 and of the SAMDev and Paragraph 135 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure developments provide a high standard of amenity for existing and future users.
26. The Council have alleged conflict with Policy S16.2 of the CS, however this relates to the provision of housing within Nesscliffe which is not relevant to this main issue.

Highway safety

27. The appeal before me is for outline planning permission with all matters reserved and as such, there was limited information submitted with the application in regard to highway impacts of the proposed development. The appeal has been accompanied by a transport statement but much of the information is on the basis of estimates in terms of the number of proposed occupiers and vehicle movements.
28. However, the appellant has illustrated proposed access to the appeal site and on the basis of the transport statement, it would appear to be capable of providing adequate visibility splays and accommodating the proposed traffic generation from the appeal site. The Council have not provided any conclusive evidence to the contrary and I am therefore satisfied that this matter is capable of being addressed at the subsequent reserved matters stage.
29. Notwithstanding the above, I have already found that the appeal site would not be appropriately located and access to services and facilities would be reliant on the use of the private car. The transport statement supports this by outlining the limited facilities that are located close to the appeal site as well as the lack of footways and cycleways.

30. In regard to accessing the nearest facilities within Nesscliffe, this would require walking on a road with no footways or lighting which is unlikely to be an attractive and safe option for future occupiers, particularly families, pushchair users or those with mobility issues. The transport statement considers the use of signage to warn of potential pedestrians in the road; however, this is unlikely to improve pedestrian safety to a degree that would make walking acceptable.
31. I therefore conclude that while access to the appeal site by vehicles is likely to be safe and satisfactory, the appeal site would not provide safe and satisfactory access for pedestrians. The magnitude of harm would be substantial. The proposed development would therefore be contrary to Policy CS6 of the CS and Policies MD2 of the SAMDev. Amongst other things, these seek to ensure that developments are safe and accessible for all.
32. The Council have alleged conflict with Policy S16.2 of the CS, however this relates to the provision of housing within Nesscliffe which is not relevant to this main issue.

Affordable housing

33. Policy CS11 of the CS seeks to create mixed, balanced and inclusive communities through requiring contributions to affordable housing. Sites of 5 dwellings and above are expected to provide affordable housing on site and should be a mix of size, type and tenure based on housing needs at local level.
34. The appellant is proposing 6 affordable dwellings which is more than is required but the proposed mix would not meet those that are considered to be required by the Council. The appellant has provided a UU with the appeal which seeks to secure affordable housing. However, while there is some commitment to provide affordable housing within the obligation, the housing mix, tenure and amount is not secured. Page one of the UU is also undated.
35. I therefore conclude that adequate affordable housing provision would not be provided, the magnitude of harm would be significant. The proposed development would be contrary to Policies CS1, CS9 and CS11 of the CS and Policy S16.2(iv) of the SAMDev. Amongst other things, these seek to ensure developments make adequate provision towards affordable housing that meet the needs of local people.

Other Matters

36. The appellant has referred to other developments in an attempt to justify their case. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
37. In regard to 14/03259/OUT (Council's reference), this relates to a housing development close to the appeal site. The Council found harm to highway safety, however determined the benefits of the development outweighed the harm which differs from the appeal before me. It is also noted that the application site is located closer to Nesscliffe and a pedestrian path was provided, reducing the amount of road that future occupiers would require to walk on which differs from the appeal scheme before me where a greater distance of walking would be required.
38. The appellant considers that adequate parking would be provided and that future occupiers would not park on the surrounding roads, while I have no reason to conclude otherwise, this is a neutral matter.

Planning Balance

39. The proposal would not be appropriately located in terms of access to services and facilities, would harm the character and appearance of the area, would not provide safe and satisfactory access for pedestrians and would fail to provide adequate affordable housing provision. When combined, the magnitude of harm would be substantial.
40. The proposed development would be contrary to Policies CS1, CS4, CS5, CS6, CS8, CS9, CS11 and CS17 of the CS and Policies MD1, MD2, MD3, MD7a, MD12 and S16.2(iv) of the SAMDev. These Policies are generally consistent with the Framework in seeking to ensure that developments should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, are sympathetic to local character, create places that are safe, inclusive and accessible and provide affordable housing to meet local needs. The conflict with these Policies should therefore be given significant weight in this appeal.
41. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be conflict with the development plan as a whole.
42. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The appellant states that the Council is only able to demonstrate a 3.81 supply which is not disputed by the Council and therefore represents a significant undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
43. The proposed development would make a contribution to housing where there is shortfall which is a benefit that attracts significant weight. There would also be some short-term economic benefits through the building out of the scheme and longer-term benefits through future occupiers spending. There would be some social benefits through providing a mix of housing and also maintaining the viability of local services, however this only attracts limited weight as the identified local need of affordable housing would not be provided and future occupiers would be reliant on the use of a private car. There would also be some moderate environmental benefits through building energy efficient homes.
44. I have found that adequate affordable housing would not be provided and the proposed development would conflict with Policy CS11 of the CS. However, the submitted UU would have secured affordable housing in some form and while page one was undated this would have been resolved by straightforward administrative request for a date by the appellant. For this reason, and while not Policy compliant, the proposed development would still secure affordable housing in some form which is a significant benefit in favour of the proposed scheme.

45. However, on the basis of the substantial harm caused by the proposed development, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

46. The proposal would conflict 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, for the reasons given, the appeal should not succeed

D Wilson

INSPECTOR

This page is intentionally left blank