



Appeal Decision

Site visit made on 20 June 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/L3245/W/22/3310764

Hadnall Hall, Shrewsbury Road, Hadnall, Shropshire SY4 4AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Groves against the decision of Shropshire Council.
 - The application Ref 22/01290/FUL, dated 14 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is construction of 4 detached houses with garages, alterations to access and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 4 detached houses with garages, alterations to access and associated works at Hadnall Hall, Shrewsbury Road, Hadnall, Shropshire SY4 4AQ in accordance with the terms of the application, Ref 22/01290/FUL, dated 14 March 2022, subject to the conditions set out in the schedule attached.

Applications for costs

2. An application for costs was made by Mr S Groves against Shropshire Council, and that is the subject of a separate decision.

Preliminary Matters

3. The appellant submitted an amended site plan (drawing no: 10418-AP-003) during the appeal. This plan removed plot 1 from the scheme. These details were referred to in the appellant's statement of case. However, the removal of plot 1 from the scheme would materially alter the nature of the original application and if I were to accept it, I may prejudice the interested parties to comment. I have therefore determined the appeal on the basis of the plans considered by the Council.
4. The emerging Shropshire Local Plan was submitted in September 2021 for examination by the Secretary of State. Paragraph 48 of the National Planning Policy Framework (Framework) enables me to ascribe weight to the policies of an emerging plan depending on its progress, extent of objections against a particular policy, and degree of consistency with the Framework.
5. The emerging Local Plan proposes a change in the approach to development in Hadnall, with the village being identified as a Community Hub with a residential guideline of 125 new dwellings which would be delivered through any identified saved SAMDev residential allocations, identified Local Plan residential allocations, and appropriate small-scale windfall residential development within the settlement's development boundary. I also acknowledge the suggestion

that Hadnall is to be given a development boundary, which the appeal site would sit within. Nevertheless, the examination process has yet to reach formal main modifications. Consequently, there is no certainty on the outcome of the emerging plan and whether there are any unresolved objections relating to Hadnall. Due to this early stage, I have afforded only limited weight to this matter.

Main Issues

6. The main issues are:

- whether the site is a suitable location for the proposed development having regard to local and national policy; and
- the effect of the proposal on the non-designated heritage asset.

Reasons

Suitability of Location

7. The development plan for the area includes the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). Policy CS4 of the CS 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 CS.
8. In order to provide for sustainable patterns of development Policy CS5 of the CS strictly controls development in the countryside. However, the policy does allow for new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. While Policy CS5 sets out a list of types of development that it particularly relates to, it does not explicitly restrict market housing in the open countryside.
9. Policy MD7a of the SAMDev though does include strict control against market housing development in areas defined as countryside. Policy MD3 of the SAMDev recognises that windfall residential development, including on sites within the countryside, will play an important part in meeting Shropshire's housing needs. However, Policy MD3 requires proposals to comply with other relevant development plan policies, such as Policies CS4 and CS5 of the CS.
10. The appeal site is located within Hadnall village. Hadnall is not an identified Community Hub or Community Cluster within the adopted plan. Therefore, in policy terms, Hadnall is considered to be in open countryside. As such, the proposal for new market housing would be in conflict with the development plan policies outlined above. Together these policies seek to direct development to the most accessible locations, protect the character of the countryside, and support the well-being and vitality of rural communities.
11. While the site is situated in the countryside, it lacks a visual connection to the open fields and broader countryside that extend beyond it. The site is contained by existing residential development in the form of Hadnall Hall and additional residential properties surrounding the site to the north, north-east and west, with a modern residential estate to the immediate south. As a result,

the appeal site can be described as an infill plot that shares a stronger visual and functional relationship with the neighbouring built form which is readily apparent in the immediate vicinity.

12. The appeal site comprises an area of extended garden land to the rear of Hadnall Hall. It appears severed from the formal rear garden area of the hall by a landscaped earth mound with a band of trees and vegetation. The site is relatively flat with dwellings along Abbott Drive to its rear, and Plas Coch to its side. Due to the established planting around the site's boundaries, it is largely enclosed without substantially contributing to wider views through the area.
13. The proposed dwellings would form a small cul-de-sac located behind the hall and existing dwellings. However, the surrounding area consists of several cul-de-sac developments, including 4 dwellings at the end of Hall Drive, Plas Coch and Coppice House, Hall Cottage and two large cul-de-sacs in the modern development to the south. Therefore, the layout of the proposed development would be appropriate in character with the local area with small cul de sac configuration.
14. Plots 3 and 4 would be located to the rear of the site with a front elevation that addresses the proposal's cul-de-sac driveway. Plot 1 and 2 would be orientated to face towards plots 3 and 4, with their rear and side gardens facing towards the hall. The scheme would create a fairly regimented layout with two short rows of dwellings that follow a similar arrangement of dwellings found at the end of Hall Drive. The proposed driveway would be relatively long, but this would be necessary to connect to this backland site. It would therefore appear discrete and subservient in character, enabling the scheme to blend in with its surroundings.
15. The width, depth and height of the proposed dwellings would be comparable in scale to many of the properties adjacent to the site. As the land levels are largely flat, the proposed dwellings would not appear unreasonably dominant in neighbouring rear gardens or within the outlook from the adjacent hall. Consequently, the scale of the scheme would be in keeping with the area and would represent development that would be subservient in this context.
16. The proposed plot sizes would fall between the larger, more spacious plots of the existing development along Hall Drive and the smaller plots of the modern development along Abbott Drive. However, they would be comparable in size to the small cul-de-sac of dwellings located at the end of Hall Drive. In my opinion, this comparison clearly indicates that the proposed development aligns with the typical plot sizes found in the surrounding area.
17. Consequently, the proposal for 4 dwellings would integrate well with the existing pattern of development and thus would not result in harm to the character and appearance of the area.
18. The appeal site is located adjacent to existing development and within easy reach of local services and facilities in Hadnall, which the Council identify as a sustainable village. The proposal's future residents would be able to walk or cycle to the services and facilities within Hadnall, rather than relying on private motor vehicle to access services and facilities further away. In addition, the presence of accessible public transport would further enable them to reach other settlements. The proposal would therefore contribute towards social and economic vitality by resident spending in the local area and the increased use

of services, such as the primary school, village store, bus service, mobile library, local pub and village hall. This would provide benefits to the local community.

19. Accordingly, the appeal site would not be a suitable location for residential development as it would conflict with Policies CS4 and CS5 of the CS, and Policies MD3 and MD7a of the SAMDev. However, collectively, these policies seek to ensure that rural housing developments are sustainable and of a high-quality design which reflects local context, character and environment in accordance with paragraph 79 of the Framework, in its aim to locate housing where it will enhance or maintain the vitality of rural communities.

Heritage asset

20. Hadnall Hall is a substantial 19th century building of stone and tile construction in a gothic style with ornate detailing including a prominent early 20th century tower to the north elevation. The hall, and its associated outbuildings to the east, is recognised as a non-designated heritage asset.
21. The domestic curtilage of the hall contains a formal garden area, a large outdoor pool, pool house and an area of patio, as well as a large modern ground floor extension to the hall.
22. Although the appeal site has been in the ownership of the hall since the 19th Century, there is no substantial evidence before me to indicate that the site was formally landscaped or adopted as domestic curtilage to the hall. Indeed, the appellant's Heritage Impact Assessment (dated February 2022) indicates that the site was historically a field that formed part of the wider countryside.
23. The proposal would result in the loss of this undeveloped parcel of land which is largely green and open. Nonetheless, I am not persuaded that this green gap between the hall and existing residential development forms an essential component to the setting of the hall. In my judgement, the proposal would not interrupt the soft rural setting of the hall as the formal gardens would remain within its formal curtilage.
24. Therefore, although the proposal would be near to the hall, the rural setting of the hall would be maintained by the spacious open curtilage that encompasses the hall. Moreover, the raised landscaped earth mound that severs the site from the hall's formal garden and pool area, contains extensive mature vegetation, including established trees. This would act as a green buffer, minimising the proposal's impact on the setting of the hall.
25. As the proposal would be accessed via a private driveway, and given the mature planting on the surrounding boundaries, public views of the proposal would be limited from the street-scene. Furthermore, due to the sufficient space to the side of the hall and the intervening tree cover, there would be minimal impact of the proposed driveway on the significance of the non-designated heritage asset.
26. For the reasons explained above, the overall design, scale and location of the proposed development would reflect the characteristics of the existing built form surrounding the site. The proposal would therefore respect the character and context of the site and surrounds and would not adversely impact the setting of the hall. Consequently, the effect of the proposal would be neutral

and would not be harmful to the character and appearance of the area or the significance of the non-designated heritage asset.

27. The Council is concerned that the existing planting could be removed at any time and therefore cannot be relied upon. However, the development would be landscaped to ensure that it integrates with the mature planting, which could be secured by conditions.
28. With the above in mind, the scale, siting, and design of the proposed development would not be harmful to the setting or the significance of the non-designated heritage asset. The proposal would therefore accord with Policies CS6 and CS17 of the CS (2011), which seeks to protect, restore, conserve, and enhance the built and historic environment. The proposal would also accord with Policies MD2 and MD13 of the SAMDev (2015), which seeks to protect, conserve and enhance the historic context and character of heritage assets.
29. The appellant claims that Policy MD13.3 is not relevant and is out of date. However, Policy MD13 is part of the current adopted local plan and is generally consistent with the Framework (2021). The Framework, at paragraph 203, requires that a balanced judgement is made with regard to non-designated heritage assets. As I have explained above, the effect of the proposal would be neutral in the balance, and therefore would be acceptable in this regard.

Other Matters

30. My attention has been drawn to a previous appeal decision (APP/L3245/W/20/3263143) for a single storey bungalow located in Hadnall. The Inspector indicated that the location of the proposed bungalow outside any settlement boundary would undermine the Council's plan-led approach to the delivery of housing and protection of the countryside. However, this site was located on the edge of Hadnall; this is therefore different to the current appeal which is located within Hadnall and surrounded by existing residential development.
31. My attention has also been drawn to another previous appeal (APP/L3245/W/20/3254150) relating to an outline application for 4 dwellings in Hadnall. However, the Inspector found that this other site was separated from the main part of the village with poor highway conditions that would deter future residents from walking or cycling to access local services and facilities. The Inspector also concluded that the existing cluster of development was clearly separate from Hadnall, but the proposed development would erode the gap, causing harm to the setting of the village and the rural character of the area. Therefore, it is not directly comparable to the proposal before me, which would be contained by existing built form and centrally located within Hadnall. In any event, I have determined this appeal on its own merit based on the evidence before me and my observations on site.
32. I acknowledge that there were a number of representations, including those by Hadnall Parish Council in respect of the proposal, which in addition to the main issues included concerns relating to biodiversity, highway safety and parking issues, flood risk and drainage issues, and impact on neighbouring residential amenity. These factors are not in dispute between the main parties and were addressed in the Officer's Report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view. Given my findings above, and

the suggested conditions by the Council, I have found no justification to dismiss the appeal or the benefits associated with the provision of 4 new dwellings.

33. Highway safety and parking issues has been cited as a concern, but the Council and the relevant highway authority have raised no objection, subject to appropriate conditions which are included in the schedule. I have no reason to form a different view.

Conditions

34. The Council suggested a number of conditions and the appellant had the opportunity to comment on them. I have considered the suggested conditions in light of the Framework and Planning Practice Guidance (PPG) and where necessary I have edited for clarity and precision.
35. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty.
36. I have imposed a condition relating to existing trees and hedgerows. This is necessary to ensure their protection during the construction phase. Conditions relating to site access and parking and a traffic management plan are necessary in the interests of highway safety.
37. A condition relating to foul drainage details and surface water drainage is necessary in the interests of securing satisfactory drainage of the site and managing flood risk.
38. I have also imposed conditions relating to external materials, windows, and doors. These are necessary to ensure the external appearance of the dwellings are satisfactory.
39. I have imposed a condition relating to hard and soft landscaping to ensure no harm is caused to the character and appearance of the area. Further conditions relating to biodiversity are necessary to ensure the provision of roosting opportunities for bats, and the provision of nesting opportunities for wild birds. A condition relating to lighting is also necessary to protect wildlife and neighbouring residential amenities.
40. The appeal site is located close to a military airfield. As requested by the Ministry of Defence, I have included a condition relating to sound insulation against external noise.
41. I have given consideration to the Council's suggested condition relating to the removal of certain permitted development rights. However, no clear justification to restrict these rights has been presented to me. Moreover, I have not been made aware that such restrictions apply to other properties nearby. It would therefore be unnecessary and inequitable to restrict permitted development rights in relation to this development. Therefore, I have not imposed the suggested condition.

Planning Balance and Conclusion

42. There is dispute between the main parties as to whether the Council is able to demonstrate a five-year supply of housing. The Framework seeks to significantly boost the supply of housing. The proposal would contribute

towards the Government's objective of significantly boosting that supply. This is an important consideration in favour of the appeal scheme, especially as it is located within a sustainable location. In that context whether or not a five year supply can be demonstrated I give the provision of 4 units substantial weight.

43. There would be associated social and economic benefits associated with construction jobs and the contribution of future occupiers to the local economy. In the context of four houses, I give these modest weight.
44. For the purpose of this appeal, I shall adopt the position of the Council. That should not be interpreted as any indication that I necessarily agree with that position. I simply adopt the higher figure as a best case scenario in order to carry out the planning balance. In that case the proposal would be in conflict with locational strategy policies and therefore the development plan as a whole.
45. However, I have found that the proposal would be in an accessible location and would cause no harm to the character and appearance of the countryside that would enhance the vitality of the countryside by bringing local economic and community benefits. Together with the contribution to housing supply these amount to sufficient material considerations to indicate that the plan should not be followed.
46. For the reasons given above, I conclude that the appeal should be allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development shall be carried out strictly in accordance with the following approved drawings:
 - Location Plan – 4558080
 - Site Plan – Dwg No: 10418-003, date: Jan 2022
 - Access Plan – Dwg No: 10418-004, date: Feb 2022
 - Amended Plot 1 Elevations – Dwg No: 10418-102, Rev A, date: Jan 2022
 - Amended Plot 1 Floor Plans – Dwg No: 10418-101, Rev A, date: Jan 2022
 - Plot 1 Garage Layout – Dwg No: 10418-103, date: Jan 2022
 - Amended Plot 2 Elevations – Dwg No: 10418-201, Rev A, date: Jan 2022
 - Amended Plot 2 Floor Plans – Dwg No: 10418-201, Rev A, date: Jan 2022
 - Plot 2 Garage Layout – Dwg No: 10418-203, date: Jan 2022
 - Amended Plot 3 Elevations – Dwg No: 10418-302, Rev A, date: Jan 2022
 - Amended Plot 3 Floor Plans – Dwg No: 10418-301, Rev A, date: Jan 2022
 - Plot 3 Garage Layout – Dwg No: 10418-303, date: Jan 2022
 - Amended Plot 4 Elevations – Dwg No: 10418-402, Rev A, date: Jan 2022
 - Amended Plot 4 Floor Plans – Dwg No: 10418-401, Rev A, date: Jan 2022
 - Plot 4 Garage Layout – Dwg No: 10418-403, Date: Jan 2022
 - Drainage Layout Plan – Dwg No: HH-DL-300, Date: Feb 2022
 - Proposed Landscape Plan – Dwg No: 10418-003, date: Jan 2022
 - Topography Plan – Dwg No: 2009-4-P-3, date: 01/03/22
- 3) No ground clearance or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to ensure that there will be no damage to any existing trees or hedgerows within the site. The submitted scheme shall include the provision of chestnut paling or similar form of protective fencing to BS5837: 1991 standard, at least 1.25m high and securely mounted on timber posts driven into the ground, has been erected around each tree, tree group or hedge to be preserved on site or on immediately adjoining land. The fencing shall be located at least 1m beyond the line described by the furthest extent of the canopy of each tree, tree group or hedge. The approved scheme shall be retained on site for the duration of the construction works.
- 4) The approved access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Access Plan (drawing number 10418-004, dated Feb 2022) prior to the dwellings being first occupied. The access, parking and turning areas shall thereafter be maintained and available for use at all times, without impediment to their designated purposes.
- 5) No development shall take place until a Traffic Management Plan for construction traffic has been submitted to and approved in writing by the local planning authority. The approved scheme shall be complied with throughout the construction period.
- 6) No development shall take place until a scheme of foul 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 first occupied.

- 7) 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 accordance with the approved details.
- 8) Prior to the above groundwork commencing, details of the brick bond and type, shall be submitted to and agreed in writing by the local planning authority. Following this approval, a freestanding sample panel of brickwork of approximately 1m square shall be provided on site and the mortar mix, colour, texture and joint finish shall be inspected and approved in writing by the local planning authority before the relevant works commence.
- 9) Prior to the above groundwork commencing, details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the local planning authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.
- 10) No above ground works shall commence until full details of both hard and soft landscape works 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 are removed, die or become seriously damaged or defective within a period of five years after planting, shall be replaced with others of similar species, size and number as those originally approved, by the end of the first available planting season following notification.
- 11) Development shall be undertaken in complete accordance with the 'Ecological Impact Assessment of land within the grounds of Hadnall Hall' prepared by Churton Ecology, dated February 2022.
- 12) Details of bat and bird enhancements to be installed on site shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the first dwelling being occupied and retained thereafter for the lifetime of the development.
- 13) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which has been 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, such as bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take account of the advice on lighting set out in Guidance Note 08/18 Bats and artificial lighting in the UK, produced by the Bat Conservation Trust and Institute of Lighting Professional. The lighting shall be installed and operated in accordance with the approved details. Thereafter, no additional lighting shall be installed without the prior written permission of the local planning authority.

- 14) Prior to first occupation of the development, a detailed scheme for sound insulation against externally generated noise shall be submitted to and approved in writing by the local planning authority. The sound insulation scheme shall include measures to achieve daytime noise levels of 35dB LAeq (16hrs) within living rooms between 0700 and 2300 hours, and night-time levels of 30dB LAeq (8 hrs) within bedrooms between 2300 and 0700 hours. The approved details shall be installed and completed before the use of the buildings begins and retained thereafter.

****End of Conditions****