



Appeal Decision

Site visit made on 24 July 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2024

Appeal Ref: APP/L3245/W/24/3341007

The Eagles Inn, Harley Road, Cressage, Shrewsbury SY5 6DF

- 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 Eagle Mews Ltd against the decision of Shropshire Council.
 - The application Ref is 23/00525/OUT.
 - The development proposed is described as: 'Outline application for 4 self-build houses on vacant land adjacent to the former Eagles Inn (all matters reserved). Resubmission of 22/00283/OUT'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been received from Eagle Mews Ltd against Shropshire Council.

Preliminary Matters

3. The planning application was submitted in outline form seeking approval for access with scale, layout, appearance and landscaping reserved for future consideration. I have dealt with the appeal on this basis and I have treated the submitted plans as being illustrative only, insofar as they relate to matters of scale, layout, appearance and landscaping.
4. The appeal site is located immediately adjacent to a Grade II listed building¹ referred to on the National Heritage List for England as, 'The Eagles Inn'. I have therefore had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The former public house building has received planning permission² and listed building consent³ to be converted into two dwellings. Whilst there was no evidence of any works taking place when I visited the site, I am not provided with any information in respect of the implementation of those permissions.
6. The Council's third reason for refusal relates to highway safety. As access is reserved for later consideration, the Council does not wish to defend this reason for refusal. I therefore do not address this matter in the reasoning below.

¹ List Entry Number: 1375000.

² 20/02597/FUL, 21/02078/FUL.

³ 21/02123/LBC.

7. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. A direction of travel has been outlined within the Written Ministerial Statement (WMS), which proposes altering Council's housing targets and sets out that the Government's aspiration is to change planning policy to support the delivery of more housing.
8. These matters also form part of the draft Framework. The proposed changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties have been provided with an opportunity to comment on these documents and their responses have been taken into account, where received.

Main Issues:

9. The main issues are:
 - whether the appeal site is a suitable location for housing having regard to local and national policies; and
 - the effect of the proposed development on the special interest and significance of the adjacent Grade II listed building at The Eagles Inn, with particular regard to its setting.

Reasons

Location

10. The appeal site is the predominantly hardsurfaced car park serving a former public house. The public house and its car park are located in a prominent location within the centre of the village of Cressage.
11. Policies CS1 and CS3 of the Shropshire Core Strategy (2011) (the CS) seek to achieve managed, targeted growth by steering new market housing to both allocated and windfall sites within market towns and other 'key centres' in line with Policies MD1 and MD3 of the Site Allocations and Management of Development Plan (2015) (the SAMDev Plan).
12. CS Policy CS4 states that in rural areas, development, including housing, should be focused into identified Community Hubs and Community Clusters. The appeal site is not located within one of these settlements. Lying within a rural area outside of the Community Hubs, the appeal site is within the countryside for planning purposes. CS Policy CS5 and SAMDev Policy MD7a seek to strictly control new development in the countryside which should be limited to community uses, conversion of rural buildings, tourism development, and agriculture. New market housing is not supported by the policies.
13. Both parties have referred to the emerging Shropshire Local Plan 2016-2038 (ELP) in the appeal submissions. This has been submitted for examination to the Secretary of State. Paragraph 48 of the National Planning Policy Framework (the Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with the Framework.
14. As part of the ELP, the settlement of Cressage would become a Community Hub where residential development may be acceptable subject to all material

matters being addressed. The appeal site also forms part of an allocation for housing within the ELP (CES006). The ELP is at an advanced stage of preparation. However, I note from the evidence that there remain unresolved objections to housing policies, including the site's allocation for housing. Furthermore, the information with regard to the emerging policies is limited in the evidence before me. I have not been provided with copies of the relevant draft policies or the precise nature of the objections by either party. I therefore afford limited weight to the ELP in my determination of this appeal.

15. It is common ground that the Council is able to demonstrate a deliverable 5-year supply of housing sites, and so the policies most relevant for determining the appeal are not out-of-date in this regard. Moreover, whilst I note that the Policies in the CS pre-date the publication of the Framework, this states that existing policies should not be considered out-of-date simply because they were adopted prior to its publication. Similarly, the existence of an emerging plan is not reason to consider the current policies as out-of-date.
16. The appellant considers that the development plan is silent on the matter of self-build and custom housing. However, the Council is not required by the legislation to have specific policies for self-build although they are required to have policies that seek to meet the differing housing needs of the area. From the evidence before me, the relevant housing supply policies do allow, amongst other things, single plot developments within areas that the Council consider to be suitable locations as identified in Policies CS4 and CS5 of the CS and Policies MD1 and MD7a of the SAMDev. This assessment is supported by the Inspector's Decisions⁴ provided to me by the Council. Consequently, pertinent to the appeal, it is considered that the relevant local planning policies as defined within the adopted development plan remain up-to-date with regard to housing and contribute to achieving sustainable development.
17. The proposal is for four self-build plots. Much of the appellant's submission relates to the need for self-build plots and the Council's record on delivery in that regard. The Council has a duty under the Self Build and Custom Housing Act 2015 (the 2015 Act) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. If insufficient permissions have been given to meet demand in accordance with the statutory duty, then this will be a material consideration in favour of granting permission.
18. Both parties set out that there were 129 applications to go on the register over the 3-year monitoring period between 31 October 2019 and 30 October 2022. During the same period, the Council's evidence indicates that it granted planning permissions for 288 open market self-build and custom build plots, and 37 affordable self-build and custom build plots. These figures therefore indicate that the Council granted more planning permissions for self-build and custom housebuilding than there were registrants on the register for the duration of the period.
19. However, the appellant considers that, because these permissions have no limitations on planning permissions restricting them to self-build, they have been incorrectly recorded as such. However, the legislation does not specify how such permissions should be recorded. The Council uses declarations that exempt self-build development from the community infrastructure levy

⁴ APP/L3245/W/19/3224985 and APP/L3245/W/20/3246734.

together with other sources of information to identify self-build permissions. This approach is supported by the legislation and the Planning Practice Guidance⁵ which also confirms that it is the responsibility of the relevant authority to ensure development permissions being counted meet the legislative requirements. I am therefore satisfied that the Council is meeting its responsibilities in this regard.

20. On the basis of the evidence and within the context of the Council's duties under the 2015 Act, I am satisfied that the Council has granted planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the Council's area.
21. I have had regard to an Appeal Decision⁶ in Leicestershire referred to by the appellant. In that case the Local Authority was not meeting the demand for self-build and custom housebuilding within its area, based on its own figures. This therefore does not represent a parallel with the appeal proposal.
22. For the above reasons, I therefore conclude that the appeal site is not in a suitable location for new residential development having regard to local and national policies. The proposed development would therefore be contrary to Policies CS1 and CS5 of the CS and Policies MD1, MD3 and MD7a of the SAMDev Plan in this regard.

Listed Building

23. The Grade II listed building originated as a farmhouse, had become an alehouse by 1746, and was known as the Eagles Inn by 1823. I am provided with limited information with regard to its significance. Nonetheless, pertinent to the appeal, I consider the special interest and significance of the building derives from its architectural and historic interest as a multi-phase part timber-framed building, originating as a high-status building and evolving to become a focal point within the village as a public house.
24. Important contributors in these regards are the surviving historic fabric, indicative of the historic vernacular building traditions of the area, the legibility of its evolution over time and its prominence, sited on a large plot at the junction of two roads, indicative of its origins and focal point as a public house. Part of its prominence derives from its setting, within a large plot. The setting of a heritage asset is defined as the surroundings in which it is experienced, and its importance therefore lies in what it contributes to the significance of the heritage asset⁷.
25. Whilst the appeal site predominantly comprises of a modern hardsurfaced car park, it forms the immediate surroundings in which the listed building is experienced. Its open, undeveloped nature enhances the ability to appreciate the special interest and significance of the building. Moreover, the relatively expansive nature of this open space accentuates the prominence of the building as a focal point within the village. Due, in part, to this open setting, the building is visible in views on all of the approaching roads, including from a substantial distance on the approach from the south. Furthermore, whilst the appeal site is bounded by modern housing developments to two sides, its open

⁵ 038 Reference ID: 57-038-20210508.

⁶ APP/F2415/W/22/3303898.

⁷ National Planning Policy Framework – Glossary.

- and undeveloped nature provides a degree of separation between the historic building and this more recent development.
26. I am provided with very little information as to the historic use of the spaces around the building. Nonetheless, for the above reasons, the appeal site makes a key contribution to the significance of the asset.
 27. When considering the impact of a development on the significance of a designated heritage asset, the Framework also provides that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.
 28. The proposal is in outline with all matters reserved. As such, the illustrative layout, scale, appearance and landscaping of the development is not part of the scheme before me, and it is not possible to make assumptions regarding the detail of these aspects or any resulting impact. Nevertheless, the outline nature of the proposal does not prevent any consideration of the effect of the proposed development on the listed building.
 29. Whilst the car park is a sizeable plot, the construction of four dwellings would nonetheless likely represent a considerable amount of built form in the spaces around the listed building. I accept that it may be possible to locate dwellings within the site to retain some of the views of the listed building across the site. However, in the absence of full details to demonstrate otherwise, the development of the site for four dwellings would, by their very presence, considerably reduce the existing open nature of the site and the setting and separation it provides around the listed building. This could be exacerbated by features such as outbuildings, driveways and boundary treatments. The infilling of the visual separation around the listed building would additionally harm its significance, as well as the ability to appreciate this significance.
 30. Moreover, the lack of supporting information such as a detailed assessment of the significance of the Eagles Inn, or an appraisal of the historic importance and relevance of the appeal site to the listed building, severely limits my ability to conclude that the proposal would not adversely affect the special interest and significance of the asset.
 31. As such, for the above reasons, I conclude that the proposed development would have a harmful effect on the special interest of the Grade II listed building, The Eagles Inn, with particular regard to its setting. This would be contrary to the requirements of section 66(1) of the Act. As such, it would cause harm to the significance of this designated heritage asset.
 32. With reference to Paragraphs 207 and 208 of the Framework, in finding harm to a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and nature of the proposal, I find that the harm in this instance would be less than substantial but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
 33. The appellant considers that there would be heritage benefits from the redevelopment of the public house car park, however, given my conclusions with regard to lack of information and the harm that would ensue, I cannot conclude that the redevelopment would amount to a clear benefit.

34. I have also not been provided with any convincing evidence that the proposal would realistically constitute enabling development in relation to the heritage asset. In that regard, I note that planning permission and listed building consent has already been granted separately for conversion of the public house to two dwellings.
35. The proposal would provide four new homes on a brownfield site that would contribute, albeit modestly, to housing supply and to the local economy during the construction phase. It would also make a limited contribution to maintaining the vitality of rural communities and supporting services in nearby villages. Through the provision of four self-build plots, a form of development which is promoted by the Framework, the proposal would also contribute to the housing mix of the area. Together these amount to moderate public benefits that weigh in favour of the appeal scheme.
36. Nonetheless, collectively, the moderate weight I have attributed to recognised public benefits, is not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage asset.
37. The proposed development would have a harmful effect on the special interest and significance of the adjacent Grade II listed building at The Eagles Inn, with particular regard to its setting. This would be contrary to the requirements of section 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
38. The harmful impact would also be contrary to CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD13 which, together and amongst other things, seek to ensure new developments constitute high quality design that safeguards the historic environment and conserves and enhances heritage assets.

Planning Balance and Conclusion

39. As set out above, the WMS is a material consideration. This proposes altering Council's housing targets, and the appeal site would contribute to any additional requirement. The WMS sets out the Government's aspiration is to change planning policy to support the delivery of more housing. This also forms part of the draft Framework which makes reference to self-build and custom housing with regard to support for mixed tenure schemes.
40. The WMS weighs in favour of the appeal scheme. However, given the harm identified above, I have concluded that the provision of four self-build homes would not justify taking an approach contrary to the adopted development plan having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework. As such, there are no material considerations of such weight to outweigh the harm identified in relation to the Council's housing strategy and the listed building. The appeal is dismissed.

Paul Martinson

INSPECTOR