



Appeal Decision

Site visit made on 6 May 2025

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/L3245/W/25/3358745

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 24/04199/PIP.
 - The development proposed is construction of between 2 No. and 4 No. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of between 2 No. and 4 No. dwellings at land adjacent to White House, Porth-y-Waen, Oswestry SY10 8LY in accordance with the terms of the application, Ref 24/04199/PIP.

Preliminary Matters

2. The proposal is for permission in principle, which is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages. The first stage establishes whether a site is suitable in principle, and the second, 'technical details consent', stage is when the detailed development proposals are assessed. Full planning permission is only secured if and when both stages have been passed.
3. This appeal is concerned with the first, permission in principle stage. The Planning Practice Guidance (PPG) advises that the only matters to be considered at this stage are location, land use and the amount of development. I have assessed the appeal accordingly.
4. According to the PPG, the amount of development must be expressed as a range in any grant of permission in principle. In this case, the proposal is for between 2 and 4 dwellings. I have treated the proposed site layout plan, which shows how 4 dwellings could be accommodated, as being indicative.

Main Issue

5. 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

6. The Council's approach to the location of new housing development is set out in Policy CS1 of the Core Strategy 2011. In order to accommodate growth to help make more sustainable, balanced, vibrant and self-reliant places, residential development over the plan period will be focussed in the larger towns and key centres, with around 35% of residential development within the rural areas. Policy CS1 explains that rural development and investment will be located predominately in community hubs and community clusters. Outside of the identified settlements, within the wider rural area, new development will be strictly controlled in accordance with Core Strategy Policy CS5.
7. Schedule MD1.1 of the Site Allocations and Management of Development Plan 2015 (SAMDev), provides a list of community cluster settlements, which includes the Llanyblodwel, Porth-y-Waen Dolgoch, Llynclys and Bryn Melyn cluster. According to SAMDev Policy S14.2(viii), this cluster will provide future housing growth of around 15 dwellings during the period to 2026. This growth is intended to help meet a need for affordable housing, to allow young people to stay in the area. The Policy goes on to say that no specific sites are allocated, but that sustainable development on suitable sites may be acceptable within the established development boundaries of the community cluster.
8. The appeal site is an area of undeveloped land on Coopers Lane, on the edge of the small settlement of Porth-y-Waen. The site is immediately adjacent to, but outside of, the development boundary for the community cluster. The site is therefore treated as countryside for the purposes of the development plan. The proposed construction of open market housing here would not comply with the requirements for development in the countryside set out in Core Strategy Policy CS5.
9. Policy MD3 of the SAMDev, which is concerned with the delivery of housing development, is also relevant. Part 3 of Policy MD3 says that additional sites outside a settlement development boundary may be acceptable in circumstances where a settlement housing guideline appears unlikely to be met, subject to the other considerations set out in part 2 of that policy.
10. The planning officer's report suggests that, at the time of writing, there was a shortfall of 3 dwellings against the housing guideline figure for the Llanyblodwel and Porth-y-Waen community cluster. More recent information in the latest Five Year Housing Land Supply Statement, published in February 2025 and provided as part of the appeal, suggests that the shortfall may now be 4 dwellings¹.
11. The plan period ends in 2026, which is not far off. Other permissions within the community cluster may have been granted recently, but on the basis of the information provided, there is uncertainty as to whether the guideline housing figure of 15 additional homes will be delivered within the plan period. That said, whilst questions remain about this matter, it has not been clearly demonstrated that the appeal proposal is needed to achieve the community cluster housing figure. I am therefore unable to conclude that the proposal meets the exception for

¹ Annex 1, Table 12: Housing Commitments and Completions in SAMDev Plan Community Hubs and Community Clusters

development on sites outside of settlement boundaries, set out in part 3 of SAMDev Policy MD3.

12. There is no suggestion that the appeal proposal would contribute to any affordable housing need, but as there would be less than 5 houses, the requirement for on-site affordable housing in Core Strategy Policy CS11 would not apply. SAMDev Policy S14.2(viii) does not explain how small-scale developments would be expected to contribute towards the community cluster objective of providing affordable housing to assist young people to stay in the area. However, relevant factors could include the scale, type and tenure of housing to be provided, which would be considerations for the second, technical details consent stage.
13. To conclude, the proposal would be unacceptable in terms of its location. The proposed development of between 2 and 4 market houses outside of the settlement boundary would conflict with the overall strategy for the scale and distribution of development set out in Core Strategy Policy CS1 and SAMDev Policy MD1. The proposal would not meet any of the criteria for development which might be acceptable in the countryside, contained in Core Strategy Policy CS5 and SAMDev Policy MD7a. In the absence of further information, it has not been clearly demonstrated that the exception for development outside of settlement boundaries, in Part 3 of SAMDev Policy MD3, would be met either.
14. At this first, permission in principle stage, I have identified no conflict with the requirements for meeting Shropshire's diverse housing needs contained in Core Strategy Policy CS11 and the Type and Affordability of Housing Supplementary Planning Document 2012. However, this does not outweigh the policy conflict referred to above.

Land use and amount of development

15. The site could be used for other purposes appropriate within a rural area, but the proposed development would be consistent with the surrounding residential uses. Notwithstanding my comments about the acceptability of the location, the proposed land use would be acceptable here.
16. The submitted plan shows how four houses could be accommodated on the site, although the final number of units would need to be established at technical details consent stage. In principle, the amount of development proposed is acceptable.
17. The proposed land use and amount of development are acceptable, but the development in this location does not comply with development plan policy, as explained above. The requirements for permission in principle are not, therefore met.

Other Matters

18. The site forms part of a modest sized rectangular field, which slopes up from the thick boundary hedge along the roadside to an area of woodland above. It is distinctly rural in character, and marks the limit of existing built development on this side of Coopers Lane.
19. There is existing development immediately opposite the appeal site, on the other side of the narrow lane. Development on the appeal site would relate fairly well to existing residences, but nonetheless, the proposed development of between 2 – 4 houses would elongate built form along this side of the road.

20. A development of 3 houses is currently under construction very close by, just across the lane. That site is within the settlement boundary, but the cumulative effect of two new developments, quite close together, would further increase the sense of built form, eroding the rural character of this part of Porth-y-Waen.
21. The extent to which the proposal would impact on the rural character of the area would depend on the number, form and scale of houses built, as well as the extent and appearance of soft and hard landscaping. It may be possible to deliver a sensitive scheme here, which minimised its visual impact. That said, the creation of new built form on the site, with one or more accesses and associated hardstanding for parking, would inevitably erode the rural character of the area to some extent.
22. I note local residents' comments about the scale and appearance of other developments which have been approved nearby. However, this is an application for permission in principle, and such matters would need to be addressed at the second, technical details consent stage.
23. Neighbouring residents have highlighted other potential impacts of the scheme, including surface water drainage and the effect on wildlife. These important matters would need to be addressed at the technical details stage.
24. The neighbouring occupier has explained that their septic tank is located on the appeal site, and has provided details of their legal rights to access the site for this use. This is a civil matter between the appellant and neighbour, but from the information provided it seems that the septic tank, and associated infrastructure, does not occupy the whole of the site. If the tank remained in situ, it could limit the amount of the site which could be developed, and therefore the quantum of houses which could be built on the site, but would not necessarily preclude development from taking place, on part of the site at least. This matter, and any implications for the site layout, would be a matter for the technical details stage.

Other considerations

Planning policy

25. The most important policies for determining the appeal are those directly relevant to the acceptability of new housing development in this location, namely Core Strategy Policies CS1, CS5 and SAMDev Policies MD1, MD3, MD7a and S14.2(viii).
26. The development plan predates the National Planning Policy Framework (the Framework). However, the adopted spatial strategy for the borough, in which development is targeted towards larger settlements with better access to services and facilities, is consistent with national policy. In the rural area, the policy of supporting limited development in community hubs and clusters, where it reflects local needs, is consistent with Framework paragraph 82.
27. However, the plan is now more than five years old, and the new standard methodology for assessing local housing need, introduced in the 2024 version of the Framework, results in a significant uplift to the housing figure for Shropshire. Consequently, the Plan's overall housing requirement figure is out of date, along with the disaggregated guideline figures for settlements, and the associated settlement development boundaries. I therefore give reduced weight to the conflict

with the policies listed above, insofar as they relate to development outside of settlement boundaries.

Housing supply

28. The Council has confirmed that, based on its most recent data, it is unable to demonstrate a five-year supply of deliverable housing sites. The current housing supply figure is calculated to be 4.73 years. Whilst the Council alleges that the level of under provision is small in the context of the overall need figure, I also note the appellant's comments that housing delivery in recent years has consistently been below the higher housing need figure for the borough which is required by the revised national guidance.
29. A new strategy to address the borough's housing need is necessary, but following the recent local plan examination hearing sessions, it appears that a revised local plan is now required. This is likely to be some time off. Significantly increasing supply in the near future, to meet the increased need figure, is likely to be challenging.

Planning balance

30. The proposal would provide between 2-4 additional homes, in a borough with an acknowledged shortfall in supply. This would be a significant benefit.
31. I acknowledge that the benefit of providing additional housing here would be no greater than in any other locations within the community cluster, which has very limited local services or facilities. Future residents would likely drive to meet their day-to-day needs. However, the development plan does provide for new housing here, and there is uncertainty as to whether the guideline housing requirement set out in SAMDev Policy S14.2(viii) will be achieved through development of other sites within the cluster.
32. The proposal would enable the guideline housing requirement figure to be met, on a site on the edge of the settlement which relates well to existing built form. Depending on the scale and type of houses provided, the proposal could contribute to the policy objective of assisting young people to stay in the area, with associated social and economic benefits.
33. There would also be minor economic benefits relating to construction and, beyond that, future residents support for services and facilities in the local area.
34. Set against these benefits, new built development here would inevitably affect the rural character of the area. That said, the extent of any harm would depend on the detail of the scheme, including the scale and number of the homes. These matters would need to be addressed at the second, technical details stage.
35. There would be additional vehicle movements associated with construction and occupation of the homes, which would negatively impact on the tranquillity of the area. However, the amount of traffic associated with this level of development would be small in overall terms, and in any case, the development plan does provide for additional housing in this community cluster, so a certain amount of extra vehicle movements has already been accepted.
36. Overall, I find that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework as a whole. In accordance with Framework paragraph 11, permission in principle should therefore be granted.

Conditions

37. There is no scope to impose conditions when granting permission in principle. Any necessary conditions would need to be imposed at the technical details stage.

Conclusion

38. For the reasons set out above, the appeal is allowed and permission in principle for between 2 and 4 houses is granted.

R Morgan

INSPECTOR