



Appeal Decision

Site visit made on 24 April 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/L3245/W/24/3352264

Delbury Hall, Mill Lane, Diddlebury, Shropshire, SY7 9DH

- 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 Jack Wrigley (Delbury Building Limited) against the decision of Shropshire Council.
 - The application Ref is 24/02080/FUL.
 - The development proposed is 10 Shepherds Huts for wedding accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - Whether the appeal site is an acceptable location for development having regard to flood risk; and
 - The effect of the proposed development on the significance of the Grade II listed Delbury Hall and associated curtilage listed walled garden.

Reasons

Flood Risk

3. The submitted Flood Risk Assessment (FRA) includes an extract from the Environment Agency's Flood Map for Planning which details the site being located within Flood Zone 3. The FRA states that the likelihood of flooding from fluvial or tidal sources is between 1% and 3.3% each year and that the shepherd's huts would sit within potentially flooded areas.
4. Paragraph 170 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk.
5. The Framework further sets out in paragraph 175 that the sequential test should be used, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

6. The appellant's FRA does not include any additional modelling and reaffirms the location of the site within Flood Zone 3. Therefore, in accordance with guidance in the Framework, the sequential test applies.
7. The PPG gives advice on how the sequential test should be applied to planning applications in areas at risk of flooding. The area to apply the test will generally be defined by local circumstances relating to the catchment area for the type of development proposed. Only where other sites are not available would the proposal, as a 'more vulnerable' development, be subject to a further exception test to demonstrate that the sustainability benefits of the development would outweigh flood risk and that the site would be safe from flooding for its lifetime.
8. No sequential test has been submitted by the appellant, despite the appellant's own FRA identifying at paragraph 3.4 that the proposal may require the application of the sequential test. Consequently, there is insufficient information regarding the risks and effects of flooding at the site and elsewhere, or the availability of alternative sites. As such, on the basis of the information before me, it has not been satisfactorily demonstrated that the principle of development at this site is acceptable.
9. For these reasons, the proposal would be contrary to Policies CS6 and CS18 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) which seek to ensure that developments are designed to be safe taking account the lifetime of the development, and the need to adapt to climate change. It would also be contrary to the principles within Chapter 14 of the Framework, which seek to steer development to areas with the lowest risk of flooding and where it requires a sequential test to be provided for schemes in Flood Zone 3.

Listed Building

10. Delbury Hall, a Grade II listed building, is an impressive 18th century brick mansion. A dovecote and coach house/stables are separately listed. The historic landscape surrounding Delbury Hall includes parkland, ponds/lakes, the aforementioned listed buildings and a walled garden. These features illustrate the functions of the surrounding grounds for pleasure and as a source of produce and support to Delbury Hall.
11. The significance of the listed buildings is derived from their architectural interest and their historic use in the operation of a country house and grounds. Whilst the walled garden is enclosed on all sides by a 4m tall brick wall, the lack of built form, apart from some small structures relating to its historic use as a nursery, gives it an open character.
12. The proposed shepherd huts would be sited within the walled garden and finished with timber cladding. The shepherds' huts would be distributed around the walled garden area, retaining some of the traditional garden layout.
13. The proposed shepherds' huts would largely be screened from the surrounding area and buildings by the existing 4m tall garden walls. Nevertheless, the introduction of 10 shepherds' huts would dominate the walled garden. Whilst some of the traditional layout of the gardens would be reinstated, the introduction of shepherds huts in a formal layout would substantially erode the openness of the garden, which coupled with their design, would mean that it would be particularly

noticeable and harmful to the historic form of the garden and setting of the listed buildings.

14. I have had regard to the appellants submission that the design of the shepherds' huts would be akin to bait huts which would have been historically used on the land. However, these would likely have been located around the wider estate and not grouped together in a formal layout within the walled garden.
15. Further the appellant has stated that the proposal would provide funds which would help to sustain the property and enterprise as a whole and contribute to its upkeep and restoration and provide additional overnight accommodation for the wedding business. I have considered this matter in arriving at my conclusions. The harm to the heritage assets that I have identified would amount to 'less than substantial harm' as set out in the Framework. The Framework advises that great weight should be given to an asset's conservation and the more important the asset the greater the weight should be. It confirms that this is irrespective of the level of harm.
16. Whilst I have acknowledged the financial gains that the appellant envisages, I consider that the harm to this very important assemblage of heritage assets would be considerable (within the 'less than substantial' category). In my judgement, the public benefits that would arise would be insufficient to outweigh that harm.
17. The proposed development would therefore conflict with CS Policies CS6 and CS17 and policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015). Together these seek to ensure that developments avoid harm to a designated asset, including their setting.

Conclusion

18. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, which would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR