
Appeal Decision

Site visit made on 13 June 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/L3245/W/25/3361427

Land adjacent to No.2 Farm Cottages, Arscott SY5 0XP

- 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 Joseph Hamer against the decision of Shropshire Council.
 - The application Ref is 24/02529/FUL.
 - The development proposed is 4-bedroom dwelling with detached double garage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the Council against the appellant. This is the subject of a separate decision.

Preliminary Matters

3. As part of the appeal, the appellant reaffirmed that the application subject to this appeal is not for a rural workers' dwelling. This is because he considers this type of dwelling would be restricted to a size that would not meet the needs of his family. The Council determined the application and consulted on it on the basis that the proposed dwelling was an open market dwelling. I have determined this appeal on the same basis.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would be suitably located having regard to the Council's spatial strategy for the area and its accessibility to services and facilities; and
 - the effect of the proposal on protected species, with specific regard to Great Crested Newts.

Reasons

Spatial strategy

5. Policy CS1 of the Shropshire Local Development Plan Adopted Core Strategy (2011) (Core Strategy) sets out the strategic approach for growth in Shropshire. It states that, in rural areas, development and investment will be located predominantly in community hubs and community clusters and will contribute to social and economic vitality. Outside these settlements, development will primarily

be for economic diversification and to meet the needs of the local communities for affordable housing.

6. This approach is supported by Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) (SAMDev), which specifically supports sustainable development in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1.
7. The appeal site is not located within a Community Hub or Community Cluster identified in Schedule MD1.1 of the SAMDev. For the purposes of the Council's strategic approach the appeal site would therefore be located in the open countryside. Given this, Policy CS4 of the Core Strategy, which deals with development within Community Hubs and Community Clusters, would appear not to be directly relevant in this case.
8. In terms of new development in the countryside, Policy CS5 of the Core Strategy permits development proposals on appropriate sites which maintain and enhance countryside vitality and character and where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy provides examples of certain types of development that it particularly relates to. However, it does not explicitly restrict market housing in the open countryside.
9. Although located within the open countryside for the purposes of the Council's strategic approach, there is no dispute between the parties that the proposal would be located within Arscott and would therefore not result in the development of an isolated home in the countryside.
10. Arscott is a small hamlet without significant services and facilities. It has an organic pattern of development derived from farmsteads, which follows Pound Lane and is surrounded by open fields. While there are several houses and buildings not far from the appeal site, the immediate area surrounding the site, especially the side of Pound Lane where the site is located, is not very built-up.
11. I saw on my visit that the appeal site is positioned between a parking area and barn that form part of Arscott Farm and an open paddock. The site backs onto open fields and has a strong visual connection with the wider landscape setting of Arscott. On the opposite side of Pound Lane is a generous garden space serving the Granary. It has been brought to my attention that a 4-bay carport was permitted in 2007¹ on the site opposite. Nonetheless, this has not been implemented and therefore I afford it limited weight in my decision.
12. I appreciate that further along Pound Lane, adjacent to the paddock to the north, and Arscott Farm to the south, there are houses. Nevertheless, the gap between these houses is significant and the barn at Arscott Farm is set back quite a distance from the highway. From my observations on the ground, I am therefore of the view that the proposal would not constitute infilling.
13. In coming to this view, I have had regard to an appeal decision² brought to my attention by the appellant where the Inspector found the site to relate to a single infill plot. However, while I have limited details before me regarding this appeal decision, the site in that case related to another settlement and was positioned

¹ Planning Reference: SA/07/0835/F

² Appeal References: APP/L3245/W/17/3188617, APP/L3245/W/17/3189268, APP/L3245/W/18/3194193

between two roads, which would not be the case for the appeal site. Therefore, I can only afford it limited weight in my decision. In any event, I have determined the appeal on its own planning merits.

14. Notwithstanding the above, the appeal site would follow the broad linear pattern of development on this side of Pound Lane. It would be set back from the highway a similar distance to No. 1 and 2 New Farm Cottages and would not noticeably extend the built form of the hamlet any further into the open countryside. While the proposal would erode the openness of the appeal site and the proposed dwelling would urbanise the rural landscape to a degree, I am of the view that, subject to a condition requiring a landscaping scheme, the proposal could be successfully integrated with its surroundings. Given this, the proposal would maintain the character of the countryside.
15. Nevertheless, the strategic approach for growth in Shropshire and Policy CS5 of the Core Strategy are centred on sustainability and a rural rebalance. They seek to improve the sustainability of communities in rural areas by providing employment opportunities, affordable housing or services and facilities for local needs. As a single open market dwelling, the proposal's contribution to the sustainability of the rural communities would be very limited, as would any economic and community benefits arising from it. Overall, the proposal would not enhance the vitality of the countryside or broader social and economic well-being of the rural communities to any appreciable degree.
16. I note that the proposed dwelling is intended for the appellant and his family so they can be located close to his agricultural business, and I appreciate that the continued management of this business would maintain and enhance the rural community by providing produce to residents and businesses and through rural tourism. Nonetheless, as an open market dwelling, there would be no tie between the proposed dwelling and the appellant's agricultural business. The Council would have no control over who occupied the dwelling, and the house could be sold at any time. Given this, the benefits arising from the appellant's farming business in terms of it enhancing the well-being of the rural farming community of Arscott would not be secured in this case.
17. In addition, the accessibility of the appeal site to local facilities and services is limited. While the future occupants of the proposed dwelling would likely use some of the facilities and services in the nearby villages, the closest villages, Hanwood and Longden, are over a mile away. Moreover, I saw on my visit that the routes to these villages comprise narrow country lanes with no footways or streetlights. Given this, despite there being a low number of vehicles using the lanes, which generally travel at low speeds, pedestrians and cyclist would likely feel vulnerable and unsafe, especially those with children and those who are less mobile.
18. Overall, these routes do not provide an appealing environment for pedestrians or cyclists and, as such, future occupants of the proposed dwelling would not be encouraged to walk or cycle to the nearest villages, especially outside of daylight hours. This includes access to bus stops and would be the same for nearer services and facilities such as Arscott Golf Club. Consequently, future occupants of the proposed dwellings would be heavily reliant on the private car to access day-to-day services and facilities, rather than more sustainable forms of transport.

19. I have had regard to the appeal decisions³ referred to by the appellant as examples of where a site within walking distance of local service and facilities was found to be sustainable. However, I have limited details before me regarding these appeal decisions. Neither of the examples provided are within Arscott, or even within Shropshire, meaning that their accessibility to local services and facilities will likely differ to the appeal site. In addition, one of the examples relates to a gypsy pitch and, as such, was considered in the context of Planning Policy for Traveller Sites (PPTS), which is not the case for the appeal proposal. I have therefore afforded these examples limited weight in my decision. In any event, I have determined the appeal on its own planning merits.
20. Despite reaffirming that the application subject to this appeal is not for a rural workers' dwelling, the appellant contends that the proposed dwelling would be a local needs dwelling for an agricultural worker, just larger than the guidance set out in the Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document (2012) (SPD). He considers the proposed dwelling would provide a necessary but conservative home for him and his family, enabling the running and management of the farm.
21. To support this, the appellant is willing to have it conditioned as part of a grant of planning permission that the proposed dwelling is to be secured as an agricultural worker's dwelling in association with Arscott Farm, thus removing the ability to sell and profit from the property as an independent market dwelling.
22. Policy CS5 of the Core Strategy supports dwellings to house agricultural, forestry or other essential countryside workers subject to the need and benefit for the proposed development being demonstrated. Development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.
23. Policy MD7a of the SAMDev builds on this, permitting dwellings to house essential rural workers where (a) there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and (b) in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling.
24. In this case, Arscott is a named settlement, and the proposed dwelling would be linked to the appellant's agricultural business. It is set out in the Council's pre-application advice⁴ that the principle of an affordable dwelling in Arscott is deemed acceptable in planning terms and the proposed erection of a dwelling on the appeal site, is likely to be supported, if the applicant satisfies the affordable housing criteria. The appellant would need to demonstrate that his family are in housing need and either cannot afford to purchase a suitable home currently available in the local area or cannot identify a suitable home in that area that

³ Appeal References: APP/H3510/A/13/2193875 & APP/E0915/A/12/2182881

⁴ Letter dated 19th July 2023, Ref: PREAPP/23/00497.

meets their needs to rent or buy; that they have a strong local connection to the area and that their housing need should be met in the local area e.g. they need to live in the local area for employment reasons, or there is a requirement for support from/to a close relative etc.

25. Based on the evidence before me, the appellant's agricultural business includes the breeding of pigs, cows and shire horses. These types of activities can warrant an on-site presence, and the appellant has referred me to an appeal decision⁵ relating to a farm manager's dwelling (Keppel Gate Farm appeal) where the Inspector found there to be a need for someone to be on-site 24 hours a day.
26. It has been put to me that the livestock enterprise in the Keppel Gate Farm appeal is considered highly reflective of the appellant's work. Nonetheless, it is unclear, from the evidence before me, how many breeding animals the appellant's farming business includes or how often they farrow/calf/foal throughout the year. It is therefore difficult to compare the businesses and consequently the need for a rural worker to live permanently on the site. I can therefore only afford this limited weight in my decision.
27. Furthermore, while I note the unsocial hours associated with the appellant's strawberry picking enterprise, this, in itself, would not require on-site living, neither would the threat of inclement weather.
28. In terms of security, there are a range of mechanisms that could be put in place to provide effective surveillance. There are also several houses and buildings not too far from the appellant's farming business, which would help deter crime. Although I appreciate that crime, especially theft is a growing concern in rural communities, there is no substantive evidence before me that the appellant's farm business has been a victim of any crime or is particularly vulnerable to it. I note that in the Keppel Gate Farm appeal the Inspector gave weight to the natural surveillance provided by an on-site worker as effective security. Nonetheless, in that case, the site was considered isolated, which is not the case for the appeal site.
29. Furthermore, there is no substantive evidence before me that the agricultural or rural parts of the business would remain viable in the foreseeable future. I appreciate that the appellant's family have farmed in the immediate area for many years as livestock and arable farmers and the appellant himself has been farming here for 15 years. Nonetheless, the appellant has recently diversified the business, as it had been difficult to make the more traditional elements of the business, livestock and arable crops, sufficiently profitable. The business now includes a variety of other activities, including the sale of other local foods and produce not sourced from the business itself.
30. Overall, from the evidence before me, it has not been demonstrated that there is an essential need for a rural worker to live permanently at or near to the agricultural business to ensure its effective operation. Also, I am not confident that the business will remain viable for the foreseeable future. While the principle of a rural workers' dwelling is supported by the Council, achieving a similar permission by imposing a restrictive condition on an open market dwelling would circumvent the requirements of Policies CS5 and MD7a with regards to demonstrating that there is a need for the development.

⁵ Appeal Reference: APP/L3245/W/22/3293953.

31. For the reasons above, in this case, it would not be necessary or reasonable for me to impose a condition securing the proposed dwelling as an agricultural worker's dwelling in association with Arscott Farm. As such, there is no need for me to consider the potential future removal of this condition.
32. In conclusion, for the reasons above, the proposal would conflict with Policy CS5 of the Core Strategy and Policies MD1 and MD7a of the SAMDev. Thus, the appeal site would not be a suitable location for the appeal proposal when applying the Council's spatial strategy set out in the development plan. The appeal site is in a less sustainable part of Shropshire in terms of accessibility and, as a single open market dwelling, the proposal would not maintain or enhance the sustainability of the countryside or the broader social and economic well-being of the rural communities. In addition, the conflict with the Council's spatial strategy would also harm the public interest of having a genuinely plan-led system that provides consistency and direction.
33. In the absence of an appropriate contribution to the provisions of local need affordable housing, the proposal would also conflict with Policy CS11 of the Core Strategy which seeks to ensure that all open market housing development provides this.

Protected species

34. As part of the appeal, a Preliminary Ecological Appraisal⁶ (PEA) has been submitted to support the proposal. The PEA notes that there are three ponds within 250m of the proposed development boundary. However, two of the ponds were not accessible on the day of the survey. As two of the three ponds could not be surveyed and a HSI could therefore not be calculated, it recommends a precautionary method during the construction of the dwelling to avoid an offence to great crested newts (GCN) being caused and sets out the necessary avoidance measures and method to achieve this.
35. The appellant considers that securing the avoidance measures and method set out in the PEA, prior to construction, through a pre-commencement condition would ensure the proposal would cause no harm in terms of ecology, including GCN.
36. Nevertheless, Paragraph 99 of Circular 06/2005⁷ advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Surveys should be required where there is a reasonable likelihood of the species being present and affected by the development.
37. Natural England's standing advice for GCN is that a survey should be requested if there's a suitable water body such as a pond or ditch within 500 metres, although it explains that surveys of water bodies within 250m of the development are usually sufficient. Therefore, while I note the PEA found the appeal site to be a sub-optimal terrestrial habitat for GCN, in the absence of a presence or absence survey for the two ponds that were not accessible on the day of the survey, I

⁶ Preliminary Ecological Appraisal, Land at Pound Lane, Arscott, Pontesford, SY5 0XP for Ashton Planning and Development, prepared by Zoe Adlington-Munro Msc, MArborA, Arborist & Ecological Services Ltd, dated 16th October 2024, Updated 20th October 2024.

⁷ Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, dated 16 August 2005.

cannot rule out a reasonable likelihood of GCN being present and affected by the development.

38. Accordingly, it has not been demonstrated that the proposal would not harm European protected species. The proposal would therefore conflict with Policy CS17 of the Core Strategy and Policy MD12 of the SAMDev. These policies seek to protect the quality of Shropshire's environment, including biodiversity, by ensuring that proposals which are likely to have a significant adverse effect on priority species are only permitted in certain circumstances.

Other Matters

39. In terms of benefits, the proposal would provide an additional open market dwelling on a brownfield site. The Council does not currently have a five-year supply of deliverable housing sites. The latest land supply position was 4.73 years.
40. The appellant considers that both the lack of a five-year supply of deliverable housing sites and the failure of the Council to provide up-to-date policy should be afforded significant weight in the same way that the PPTS requires this for decisions relating to traveller sites. However, there is no policy requirement for this in terms of open market dwellings. The weight afforded to the lack of a five-year supply of deliverable housing sites, including whether there is any mechanism or strategy in place to address it, is a matter of planning judgement.
41. In this case, the shortfall in supply is reasonably modest. Nonetheless, the Council's emerging local plan has been at examination for some time, and there is nothing before me to suggest that the shortfall will be addressed any time soon. The additional dwelling would therefore make a meaningful contribution to the Council's housing supply. However, as a single dwelling, with limited accessibility, I afford it moderate weight. The proposal would also provide some modest economic and social benefits arising from the spending associated with its construction and subsequent occupation.
42. The proposal is for an open market dwelling and, as such, I can only afford very limited weight to the benefits resulting from its proximity to the appellant's agricultural business, including the continued management of the business and its contribution to the vitality of the rural communities.
43. I acknowledge the personal circumstances of the appellant, whereby the proposal would provide his two children with separate bedrooms. Also, that the appellant's eldest child suffers from asthma, which is aggravated by the lack of central heating in their current home. I am therefore mindful of the requirement under the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010 to have regard to eliminate discrimination and promote equality for those who have disabilities.
44. I note that the appellant has attempted to extend his current home, but to date has not been successful in obtaining planning permission due to potential heritage impacts.
45. The appellant refers to his human rights to live with his family. I have therefore had due regard to the rights of the family under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, including the

best interests of the children. Article 8 affords the right to respect for private and family life and home.

46. I recognise that, in this case, the best interests of the children would be to live in a house that benefits from separate bedrooms and central heating. This would be provided by the proposed dwelling and is a primary consideration that weighs in favour of the appeal.
47. Nevertheless, as an open market dwelling any planning permission would run with the proposed dwelling and therefore the house could be occupied by others, now and in the future, who do not have the same needs. Dismissing the appeal would not render the appellant and his family homeless nor require them to live apart. Having regard to legitimate and well-established planning policy aims to direct development to the most sustainable locations, in this case I consider that greater weight should be attached to the public interest. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant.
48. Moreover, there is no substantive evidence before me that the appeal proposal would be the only means of meeting the needs of the children or the minimum necessary to solely meet their needs. The best interests of the children are therefore not a compelling point in this case.
49. The proposal has the support of the Parish Council. However, this support stems from the benefits the proposed dwelling would provide to the appellant's family, the continued management of his agricultural business and its contribution to the vitality of the rural communities, which would not be secured by the proposal.

Planning Balance

50. Given the shortfall in housing supply, paragraph 11d) of the National Planning Policy Framework (the Framework) falls to be considered. Permission should therefore be granted unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 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.
51. I have found that the proposal would conflict with the Council's spatial strategy and would not be well located in relation to accessing day-to-day services and facilities by more sustainable forms of transport. I afford this significant weight. In addition, in the absence of evidence to the contrary, the proposal would harm a European protected species. Consequently, the proposal would conflict with the development plan, read as a whole.
52. Although the Core Strategy and SAMDev were adopted quite some time ago, the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to them, according to their degree of consistency with the Framework
53. The development strategy is broadly consistent with the Framework in terms of supporting housing developments in rural areas that reflect local needs. Like the

Framework, Policy CS5 of the Core Strategy promotes housing in rural areas where it would enhance or maintain the vitality of rural communities.

54. I understand that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making. However, Paragraph 117 of the Framework, seeks to ensure that applications for development give priority first to pedestrian and cycle movements; and second – so far as possible – to facilitating access to high quality public transport with, among other things, appropriate facilities that encourage public transport use. Also, that they address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive – which minimise the scope for conflict between pedestrians, cyclists and vehicles. The proposal's limited accessibility to day-to-day services and facilities in terms of walking and cycling would mean that it would conflict with these aims of the Framework.
55. The appellant refers to the Framework's aims to promote thriving communities and opportunities for growth where appropriate, including the support for a rural worker's needs in countryside locations. Nevertheless, as an open market dwelling the proposal would not fulfil these aims.
56. Overall, I find that the significant adverse impacts of the proposal would significantly and demonstrably outweigh its moderate benefits. Thus, in this case, material considerations do not justify allowing the appeal.

Conclusion

57. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR