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## Appeal Decision

Site visit made on 1 July 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

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**Appeal Ref: APP/L3245/W/25/3363880**

**Overton Grange Farm, Overton, Ludlow, Shropshire SY8 4DX**

- 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 Mr & Mrs Ray & Catherine Mantle against the decision of Shropshire Council.
  - The application Ref is 25/00041/OUT.
  - The development proposed is erection of one dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The address on the application form includes reference to 'Track Heading South From B4361 To Overton Grange Farm'. This is a description of the location, rather than part of the address. For this reason, I have omitted this from the banner heading. I also note that the appeal form does not use this part of the address line either.
3. The application was submitted in outline with all matters (access, appearance, landscaping, layout, and scale) reserved for subsequent approval. I have therefore dealt with the appeal on that basis.

### Main Issue

4. Whether the proposed development accords with the development plan strategy for housing and would be in a sustainable location.

### Reasons

5. The appeal site comprises a parcel of undeveloped, sloping land, accessed off a narrow track leading from the B4361. The track serves a number of residential properties and a modern farm building. The proposed dwelling would be located on land in between the end house of the small linear row of properties along the track and the adjacent farm building.
6. The surrounding area has a prevailing rural character, with open fields, bounded by tall hedgerows and an abundance of mature trees within the landscape. Aside from a small cluster of dwellings within Overton, houses and buildings in the area are generally sporadic.
7. Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan, December 2015 (SAMDev), identifies the market towns, key

centres, community hubs and community clusters as prime locations for sustainable development.

8. Although the appellant suggests that Overton has been regarded as a sustainable settlement in various development plans over a period of 70 years and Richards Castle Parish Council support the proposal, it is not a settlement listed in Policy MD1 of the SAMDev, and the site is therefore located within the open countryside.
9. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (CS), allows new development in the open countryside only where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities, particularly where it relates to certain types of development. There is no evidence before me to suggest that the proposal falls within any of the development listed in Policy CS5.
10. Policy MD7(a) of the SAMDev states that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. It sets out various types of residential development that would be permitted in the countryside. Policy CS11 of the CS also sets out the Council's approach to meeting the diverse housing needs of Shropshire residents now and in the future to create mixed, balanced and inclusive communities. The proposal would be for an open market dwelling in the open countryside and therefore would fail to satisfy these policies. Consequently, the proposed development is contrary to the Council's development plan strategy for housing.
11. Policy CS6 of the CS seeks proposals that are in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel to be reduced. This is consistent with the National Planning Policy Framework (the Framework).
12. The appeal site is located approximately 1.6 miles away from the market town of Ludlow. The route to the town is along the B4361 which carries fast moving traffic and although the road has a footway on one side, streetlighting is limited. Future occupants of the proposal would also need to travel down the relatively long track to access the main road. For these reasons, and in combination with the distance to the town centre, future occupiers would be discouraged from walking and cycling to access services, facilities and public transport in the town, particularly during hours of darkness and poor weather conditions. This would particularly be the case for families with young children, older people or those with mobility issues.
13. Furthermore, there is no evidence before me that the occupants would have access to a frequent bus service, thereby providing a realistic alternative mode of transport. Likewise, the level of services and amenities, if any, including schools, within Overton or nearby, is also not known. Therefore, even though a new dwelling would not be isolated development, future occupants would be highly dependent on the use of private cars, including electric vehicles, for their day-to-day needs, and it is not clear how the proposal would enhance or maintain the vitality of the nearby community.
14. The Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Even so, I consider that the site is not readily accessible to the nearest town and other settlements via a range of modes of transport.

15. That the appellant suggests that other less sustainable settlements, including Hopton Cangeford, are identified as Community Cluster Settlements in Policy MD1 of the SAMDev, does not add weight in favour of the proposed development. Indeed, I have determined the appeal on the evidence before me, the site-specific circumstances and on its own merits.
16. For the above reasons, I conclude that the proposed development does not accord with the development plan strategy for housing, and it would not be in a sustainable location. It would thereby conflict with Policies CS5, CS6 and CS11 of the CS and Policies MD1 and MD7(a) of the SAMDev. It would also conflict with the overall plan-led approach of the Framework.
17. The Council's reason for refusal also refers to Policy MD2 of the SAMDev which primarily sets out design considerations. As the proposal is for outline planning permission, with all matters of detail reserved for subsequent approval, the policy is not clearly related to the reason for refusal and is not directly relevant.

### **Other Matters**

18. The proposal has been put forward as Self Build and Custom Housing (self-build). The Framework at Paragraph 73 b) supports small sites to come forward for self-build housing. However, the appellant does not identify an appropriate mechanism for securing the dwelling as a self-build plot. In particular, a signed legal agreement has not been submitted with the appeal. As such, without an appropriate means to secure the development as self-build, I attach limited weight to the matter.

### **Planning Balance**

19. At 4.68 years the Council cannot demonstrate a five-year supply of housing land. While the short fall is modest, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The Framework makes it clear that weight should be afforded to policies of the development plan according to their degree of consistency with the Framework. In this regard, the Framework seeks rural housing to be located where it will enhance or maintain the vitality of rural communities. The Framework also seeks to direct development towards locations with good access to services and facilities and ensure that sustainable transport modes are prioritised. Therefore, the conflict between the proposal and Policies CS5, CS6 and CS11 of the CS and Policies MD1 and MD7(a) of the SAMDev should be given significant weight in this appeal.
21. An additional infill dwelling would contribute to boosting the supply of new housing, as referenced in the Framework. The development could also be delivered relatively quickly due to it representing a small, windfall site. A new dwelling would also help the appellants, who are a long-established farming family in the Parish, to downsize. There would also be social and economic benefits to local services during the construction phases, including to local trades, without conflict with neighbouring land uses. The proposal would also contribute to social sustainability

and allow children to remain in the area and to assist future generations retain their home.

22. In combination, and taking into account the shortfall in housing land, the housing delivery provisions in the Framework, and the Written Ministerial Statement entitled 'Building the homes we need', the benefits attract positive weight in my determination. However, due to the small-scale nature of the proposed development the benefits of the scheme would attract modest weight overall.
23. No objections have been raised with regards to residential amenity, access arrangements, highway safety, ecology, flooding and drainage. A dwelling could be designed to meet high standards and protect the landscape, as well as being highly energy efficient. Nonetheless, these are requirements of planning policy and taken together they are neutral matters that carry limited weight.
24. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

### **Conclusion**

25. For the above reasons, I conclude that the proposed development would conflict with the development plan when considered as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it.
26. Given the above, the appeal should be dismissed.

*N Bromley*

INSPECTOR