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## Appeal Decision

Site visit made on 17 June 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

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**Appeal Ref: APP/L3245/W/25/3363136**

**Glen View, Ludlow Road, Bridgnorth, Shropshire WV16 5NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr & Mrs Matthews against Shropshire Council.
  - The application Ref is 24/04105/FUL.
  - The development proposed is the erection of children's activity & learning centre.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of children's activity & learning centre at Glen View, Ludlow Road, Bridgnorth WV16 5NQ in accordance with the terms of the application, Ref 24/04105/FUL, subject to the conditions in the attached schedule.

### Preliminary Matters and Main Issues

2. This appeal follows the failure of the Council to determine the planning application within the prescribed period. Had it been able to determine the application, the Council has indicated that the application would have been refused.
3. I note the reasons set out within the Council's submissions. While this is not the application decision, as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.
4. Therefore, the main issues are whether the location of the appeal site is suitable for the proposed development and whether future visitors would be reliant upon private motor vehicles.

### Reasons

#### *Suitability of Location*

5. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) sets out where development within the countryside can be supported. The policy requires that development be located so as to maintain, or if possible, enhance the vitality and character of the countryside and improve the sustainability of rural communities through local economic and community benefits.
6. The policy goes on to cover specific types of development that are particularly supported. These include small scale economic developments that diversify the

rural economy, the expansion of existing businesses, and tourism, leisure or recreational uses that require a countryside location.

7. It is clear from the submissions before me that the proposal would be a small economic development that would, by introducing a tourist or leisure use, diversify the rural economy. Although the proposal would include activities and entertainment not directly related to animals, it is clear that a large element of the scheme revolves around a rural setting and the presence of animals. To ensure the appropriate welfare of these animals when on-show or stabled, a large area with access to paddocks would be necessary. It is very unlikely that this could be found within an urban area, even within a small town such as Bridgnorth, and so a countryside location is required.
8. I am mindful that the appeal site's location is not well related to any rural communities. However, given its close relationship with Bridgnorth, a small rural town, any community or economic uplift would benefit Bridgnorth. It is also likely that there would be some benefit to the nearby public house. Therefore, in light of the above and as the proposal would preserve the vitality and character of the countryside, it would meet the requirements of ACS Policy CS5.
9. The location of the appeal site would be suitable for the proposed development in line with the Council's spatial strategy set out by ACS Policy CS5 as outlined above.

#### *Reliance Upon Private Motor Vehicles*

10. The appeal site comprises a small group of fields adjacent to an existing nursery within the appellant's ownership. It is located outside of Bridgnorth and is separated from the town by fields and a bypass. The surrounding area, this side of the bypass, is predominantly characterised by fields interspersed with sporadic development.
11. The national speed limit road leading up to the appeal site is a narrow and winding route that is not served by footpaths or continuous lighting. I am mindful that this section of road from the nearby roundabout and pavements is only short. However, given the nature of the road it would not be a safe or attractive route for future visitors to walk or cycle. This is especially so given the proposal is aimed at children who, even when walking with adults, are more vulnerable.
12. I note the public right of way that passes near the appeal site, this route appears to end at the abovementioned bypass which is served by a pavement and links into residential areas of Bridgnorth. There does not appear to be a crossing at the bypass and, during inclement weather the path is likely to be unattractive. I nevertheless find that this route would have some modest use.
13. I am mindful that the road and public right of way routes would not, in this instance, be viable options for those with additional accessibility requirements. In light of the above and, as there are no public transport options serving the site, it is very likely that visitors would be primarily reliant upon private motor vehicles to reach the site.
14. I understand that the proposal would be available for schools trips, which are often carried out by bus. I am also mindful that the proposal would, on certain days, be closed for use only by the adjacent nursery. In these ways the demand for travel to and from the site would be reduced. It is also likely that visitors to the site may car

share with multiple children or families being driven in one car. Likewise, staff may car share. This would further aid in the reduction of demand for travel but, as this could not be controlled, any benefit would be modest.

15. As I have concluded above, the proposal is for a type of countryside development supported by the local plan. The Framework is clear that access to sustainable transport options is likely to be poorer within the countryside and I have no reason to believe that this was not accounted for in the writing of ACS Policy CS5. As such, some reliance upon private motor vehicles is to be expected. In this instance this reliance is reduced as outlined above and so, I consider it would not conflict with the aim of Policy CS5 to promote sustainability.
16. I am mindful of the outline application currently submitted to the Council for Tasley Garden Village. This would bring development close to the boundary with the appeal site and likely significantly improve access via more sustainable means. However, given the early stages of the application and that, even if approved, build out may take some significant time, it has not been determinative in my considerations.
17. In conclusion the proposal's reliance upon private motor vehicles would not be so excessive as to result in an unsustainably located site. The proposal therefore complies with the requirements of ACS Policy CS5 as outlined above, and which supports some rural development.

### **Conditions**

18. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
19. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
20. To ensure no harm to the character and appearance of the surrounding area, further details are required as to any external materials proposed. Additionally, a soft and hard landscaping scheme is also necessary to protect the character and appearance of the surrounding area and the site's contribution to it. It is necessary this condition is pre-commencement so that no works prejudice an appropriate scheme. The Appellant has not objected to this.
21. In the interests of protected species and their habitats a condition is required for the development to comply with the recommendations set out within the Preliminary Ecological Appraisal. A condition is also necessary to ensure the provision of bat and bird boxes to support the enhancement at the site. A condition controlling any external lighting is also required to minimise any impacts on protected species. To protect the trees on and around the site, the recommendations set out in the arboricultural report are necessary and so I have attached a condition to this end.
22. To ensure proper drainage and prevent flood risk, details of surface and foul water drainage are required to be submitted and followed. As any works on site may

prejudice an appropriate drainage scheme, this must be a pre-commencement condition. The appellant has confirmed they have no objection with this.

23. In the interests of highway safety, a construction management statement is necessary, and visibility splays are required to be provided. The management statement must be provided prior to the commencement of works so as to ensure highway safety throughout the works and the appellant has not objected to this. It is also necessary that the parking and turning areas proposed are provided on site and the redundant access is closed. In order to support cycling to and from the site bicycle storage is required and I have imposed a condition to this end. An additional condition is necessary ensuring that any gates serving the vehicular access are set back from the road to protect highway safety.
24. To protect the amenity of the area, I have attached a condition setting out the operating hours of the business and a further condition controlling the use class of the proposal.
25. Suitable parking arrangements are already shown on the agreed plans and are supported by a transport statement. Requiring additional information would be overly onerous and would not be necessary in the interests of highway safety or minimising hardstanding. Furthermore, there is sufficient space available for waste collection and it is not clear why operating times and shift patterns are required. As such I have not attached the condition requiring these elements.

### **Conclusion**

26. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

*Samuel Watson*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 010, 011 Rev A, 013, 100, 101, 300, 01 Rev A, 4000 Rev D, and 3000.
- 3) No development above ground level shall commence until details of all external materials have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats and birds as provided in Section 5 of the Preliminary Ecological Appraisal (BiOME Consulting, September 2024).
- 5) No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The submitted information shall include:
  - Details of site infiltration testing and associated results.

- Updated causeway flow calculations with site determined infiltration coefficients.
  - Details of updated network simulation results.
  - Details, calculations and locations of percolation tests.
  - Details, calculations and locations of appropriately sized soakaways, shown on a drainage layout plan.
  - Full details and sizing of the proposed Package Treatment Plant including calculations using a site measured Vp value, to size the drainage field.
  - An appropriately sized drainage field shown on a drainage layout plan.
  - Details of a positive means of drainage to ensure that surface water from the vehicular access does not discharge onto the highway.
- Such details as may be approved shall thereafter be installed and operational prior to first use and thereafter be maintained.

- 6) Prior to the commencement of the development hereby permitted, details of a Construction Method Statement (CMS) shall be submitted to and shall be approved in writing by the local planning authority. The Plan shall include:
- Arrangements for parking of vehicles for site operatives and visitors.
  - Storage areas for plant and materials used in the construction of the development
  - The location of site compounds.
  - Details of wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
  - Suitable road sweeping measures.
  - A programme of measures for the control of (construction) traffic to and from the site (including routing plan), and within the site, during construction.
  - A scheme for recycling/disposing of waste resulting from construction works.
  - Details on hours of construction, deliveries, types of machinery to be used, noise mitigation and details of any monitoring and compliance with relevant standards.
- The CMS shall be implemented fully in accordance with the approved details and maintained for the duration of the construction period.
- 7) No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a hard and soft landscaping scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape ' Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include details as relevant of:
- proposed hard and soft landscaping materials,
  - ground preparation,
  - planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting),
  - means of protection and support and
  - measures for post-planting maintenance.
- The approved landscaping scheme shall be implemented as specified and completed prior to first use of the development for its intended purpose, or otherwise in accordance with a phased programme of delivery to the written approval of the LPA. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

- 8) Prior to first use of the development hereby permitted, vehicular visibility splays shall be provided as per approved plan 23072\_013; the visibility splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9m in height above level of the adjoining highway carriageway.
- 9) Prior to the first use of the development hereby permitted, the vehicular access, parking and turning facilities shall be provided in accordance with the approved plans. These areas shall be laid out in a hard surface and an internal one-way loop shall be clearly marked. They shall thereafter be set aside and retained for those purposes.
- 10) Prior to the first use of the new access hereby permitted, any existing access made redundant by this permission shall be removed.
- 11) The approved cycle parking arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 12) The development shall be implemented in accordance with the 'Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement' document (Forester and Arborist Services Ltd, 7.11.2024) and the Tree Protection Plan (LR 19-24 01 Rev A). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.
- 13) Prior to first use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
  - A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
  - A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
- 14) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
- 15) Customer opening hours shall be restricted to 9am to 5pm Monday to Friday, 9am to 6pm on Saturday and 10am to 4pm on Sundays and Bank Holidays.
- 16) No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary. Any such feature erected beyond that distance should be hung to open inwards away from the highway.



- 17) The premises shall be used for Class E(d); and for no other purpose including any other purpose in Class E; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.