
Appeal Decision

Site visit made on 7 October 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/L3245/W/25/3369253

Roden Farm Barn, Brandwood, Myddle, Shrewsbury SY4 3RF

- 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 Gareth Stephens against the decision of Shropshire Council.
 - The application Ref is 24/04865/FUL.
 - The development proposed is the change of use of a paddock area to install a domestic tennis court/sports pitch with surrounding planting.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site is within the recreational impact zone for the Cole Mere, part of the Midlands Meres and Mosses Phase 2 Ramsar. Whilst not cited as a reason for refusal by the Council, the Court of Justice of the European Union has ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA). This responsibility now falls to me within this appeal. With this in mind I have considered whether or not the proposal has the potential to affect the protected area within my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - protected species, with specific regard to great crested newts.

Reasons

Character and Appearance

4. The appeal site is located in a paddock area which is adjacent to Roden Farm Barn, a residential property. Beyond the buildings which form this property, the site is surrounded by undeveloped fields with boundaries defined by mature trees and hedges. The area therefore has a traditional open, rural character and appearance, to which the paddock area makes a positive contribution.
5. The residential curtilage of Roden Farm Barn is defined by a loose row of trees and vegetation to the south of the site. The proposed tennis court would be located approximately 20 metres beyond the residential curtilage, within the adjoining

paddock. Due to this separation, it would be an isolated and incongruous feature, unrelated to the residential property. Whilst I appreciate that the court would not be visible from Noneley Turning, it would be prominently visible from the public footpath which crosses the paddock to the north of the site. The proposal would appear as an alien addition in the otherwise open and undeveloped landscape.

6. It is stated that the tennis court would be enclosed with fencing, although there is scant detail in the submission about its appearance. The application form refers to variable height fencing, including up to 2.75metres in height, but again, there is very little before me on what scale of enclosure is proposed. Reference is made to an image in a tennis court provider's brochure (En-Tous-Cas Group), which shows black wire fencing with obelisk supports. This fencing would be visually discordant with the rural character of the area, further emphasising the incongruity of the proposal's appearance in the landscape.
7. While it is suggested that trees and hedgerows could be planted around the tennis court to help integrate it into its verdant surroundings, no details of a planting scheme have been submitted. Moreover, I note that the site location was chosen to avoid proximity to existing trees, to prevent leaf fall onto the court. It is therefore not clear whether planting around the court would be feasible. The appellant suggests that the detail of a landscaping scheme could be secured by condition but given the relatively limited information on the overall detail of the scheme before me and the open, rural context I do not find that imposing a landscaping condition would overcome the harm identified.
8. Other reasons given for the site being detached from the residential curtilage, include the presence of a septic tank and visibility of the site from the house. There is little before me to substantiate these reasons and in any event, these considerations do not justify the location of the proposal in light of the harm I have found.
9. Taking all of the above into account, I find that the proposal would unacceptably harm the character and appearance of the area. As such, it would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev). Taken together these policies require development proposals to be of high quality design which respects local context and character and responds appropriately to the form and layout of existing development.

Protected Species

10. Great crested newts (GCN) are European protected species, protected under the Conservation of Habitats and Species Regulations 2017 (as amended). According to Natural England's standing advice, a survey should be undertaken if there is a suitable waterbody, such as a pond or ditch, within 500 metres of the proposed development.
11. There is a pond located approximately 60 metres from the site of the proposed court. Although the appellant contends that this is a man-made feature, this does not preclude the potential presence of GCN. Furthermore, no survey evidence has been provided to confirm the presence or likely absence of protected species.

12. In the absence of this information, the presence of GCN cannot be ruled out, nor can I be certain as to the extent to which they may be affected. Moreover, if protected species were affected, I cannot be satisfied that appropriate mitigation measures could be secured.
13. I therefore conclude that insufficient evidence has been submitted to demonstrate that the proposal would not have an adverse impact on protected species, specifically GCN. Consequently, the proposal conflicts with Core Strategy Policy CS17 and SAMDev Policy MD12, which together require development to identify and protect Shropshire's environmental assets, including protected species.

Other Matters

14. The site is within the recreational impact zone for the Cole Mere which is part of the Midlands Meres and Mosses Phase 2 Ramsar. The Council has confirmed that it has not identified any potential effect pathway by which the proposal might impact upon the Cole Mere. Given the proposal would not increase the number of households residing in the catchment, I am satisfied it would not result in additional recreational pressure on Cole Mere.
15. Although not cited in the reasons for refusal, the Council's Officer Report identifies that the application had failed to demonstrate a 10% net gain in biodiversity. As part of their appeal submission, the appellant has submitted a Biodiversity Net Gain Assessment which demonstrates the development could achieve a 28.1% gain in biodiversity. Nevertheless, this consideration does not outweigh the harms I have found in relation to the main issues of this appeal.
16. The appellant asserts that the proposal would provide them with access to a health and fitness facility including for the health and well-being of a child with specific needs. However, this would largely be a private benefit. It is a well-founded principle that the planning system does not exist to protect private interests. Allied to this, the appellant submits that the facility would reduce the need to travel, thereby lowering carbon emissions. There is, however, relatively little information before me on the extent to which travel could be reduced. As such I can only conclude minimal environmental benefits would arise in this regard. Therefore, these considerations do not alter my conclusions.

Conclusion

17. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

A O'Neill

INSPECTOR