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## Appeal Decision

Site visit made on 11 November 2025

**by H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 November 2025**

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**Appeal Ref: APP/L3245/W/25/3370652**

**Tern Hill Hall, Shrewsbury Road, Tern Hill, Shropshire TF9 3PU**

- 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 Peter Marson (Marson Garages (Wolstanton) Limited) against the decision of Shropshire Council.
  - The application Ref is 25/01161/OUT.
  - The development proposed is outline self-build and custom housebuilding (2 plots) off existing access to Tern Hill Hall Hotel.
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### Decision

1. The appeal is allowed and planning permission is granted for outline self-build and custom housebuilding (2 plots) off existing access at Tern Hill Hall, Shrewsbury Road, Tern Hill, Shropshire TF9 3PU in accordance with the terms of the application, Ref 25/01161/OUT, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The proposal was submitted in outline form, with all matters reserved except for access and layout. I have therefore determined the appeal on this basis.
3. The appeal documents include a Section 106 Unilateral Undertaking (UU) to the Council which in general terms seeks to limit the construction of the dwellings, if permitted, to Self and Custom Build dwellings as defined in the UU.

### Main Issue

4. The main issue is whether the appeal site would be a suitable location for housing, with particular reference to reliance on the private car.

### Reasons

5. The appeal site is an undeveloped parcel of land sited near to Tern Hill Hall Hotel. Tern Hill Hall is a restored hall set within landscaped gardens located in Tern Hill. Within the vicinity of the site are three existing dwellings, known as 'The Lodge', 'The Coachman's House', and 'Garden View'. There are open fields to the north and west of the site.
6. The development plan for the area includes the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev). Policy CS1 of the CS establishes the strategic approach including the broad distribution of development between Shrewsbury, Market Towns and Key Centres, and the rural area. Policy CS4 of the CS indicates that development in the rural area will be

focused in Community Hubs and Community Clusters, and states that development outside of these hubs and clusters will not be allowed unless it complies with the requirements of Policy CS5 of the CS.

7. In order to provide for sustainable patterns of development Policy CS5 of the CS strictly controls development in the countryside. However, the policy does allow for new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. While Policy CS5 sets out a list of types of development that it particularly relates to, it does not explicitly restrict market housing in open countryside.
8. Nevertheless, Policy CS5 is supported by Policy MD7a of the SAMDev, which does include strict control against market housing development in areas defined as countryside. MD7a provides for some exceptions where evidence of local housing needs would be met or where there are particular heritage matters which would be addressed, however these matters are not relevant to the proposal before me.
9. Policy MD1 of the SAMDev identifies the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements. Tern Hill is not designated as any of these under the SAMDev Plan and is considered as countryside for planning policy purposes. Thus, the appeal site is not located within any defined development boundary and, consequently, is within the open countryside, albeit near to existing residential development.
10. There are some limited facilities within a short walking distance of the appeal site, which include a shell petrol station with deli and a Little Waitrose convenience store. As such, there is reasonable access to some day-to-day facilities without relying on a private car.
11. Furthermore, the appeal site is located near to a National Cycle Route. It is within cycling distance of Market Drayton where there is a range of services and facilities, and within easy cycling distance of Hodnet, which has a post office, primary school, medical centre and church.
12. The appeal site is also within walking distance of bus stops. The nearest bus stops are located on the A53, positioned on both eastbound and westbound routes. Both bus stops are served by the number Arriva 64 bus service. The appellant confirms that there are regular bus services during the day for those residents travelling to the larger urban centres of Shrewsbury, Market Drayton and Hanley. These services allow for residents to travel to these major centres for education, employment, retail, and leisure purposes using public transport.
13. Consequently, there are public transport links to other settlements and towns with facilities, services and employment opportunities. As such, the appeal site is within reasonable proximity to services and facilities, and future occupants would have a genuine choice of transport modes rather than an over-reliance on private vehicles.
14. However, the Council is concerned that future occupants would need to cross the A53 highway, which they describe as a busy, highly trafficked and fast road. Whilst the A53 would have to be crossed to reach the nearest bus stop and convenience store, the road nearest the site is straight, with good visibility, and could be safely crossed with caution. There is also a pavement along the A53 with street lighting

towards the nearest bus stop. The shell garage/convenience store can be accessed via safe pedestrian crossing points with refuge islands including tactile paving and dropped curbs. I also observed that a reasonably wide grass verge leads directly to the roundabout crossing points from the driveway to Tern Hill Hotel.

15. The route is well lit, including the driveway leading to Turn Hill Hotel, and relatively flat with no steep inclines or declines that may deter some future residents from walking and would involve a moderate level of activity. I observed on the opposite side of the A53 a dedicated cycle path.
16. Therefore, in my judgement, the site is within a reasonable distance of bus stops and the convenience store, and there are suitable places along the road for pedestrians to cross. It is also noted that the Highway Authority raised no objection to the scheme.
17. Consequently, there are services, facilities and employment opportunities that would be easily accessible to everyday needs by sustainable modes of transport. However, the proposal conflicts with the location strategy of the development plan, as the site is located in open countryside and the proposal would not meet any of the exceptions where development in the open countryside is considered appropriate.
18. Accordingly, the appeal site would not be a suitable location for the proposed dwellings as it would conflict with Policies CS1, CS5, CS6 and CS11 of the CS, and Policies MD1, MD2 and MD7a of the SAMDev. Collectively, these policies restrict development in open countryside, and seek to ensure that new residential development in rural areas is directed to locations within Community Hubs and Community Clusters.

### **Other Matters**

19. The Council state that the proposal would result in the loss of 'best and most versatile agricultural land'. However, the appellant disputes this claim stating that the land is not agriculture and instead forms part of the former formal garden and tennis courts to Tern Hill Hall. The Council have not provided any substantive evidence to the contrary. I therefore attach little weight to it.
20. My attention has been drawn to other appeal decisions. However, I do not have the full details of these cases before me, and they appear to relate to different sites and settlements. The Inspector for the appeal<sup>1</sup> case at land north of Station Road, Woofferton considered the appeal site to be located a considerable distance from many essential services and facilities, which is not the case here. I also note that there was no legal agreement before the Inspector to secure it as a self-build dwelling.
21. The Inspector for the appeal<sup>2</sup> relating to land adjacent to No 2 Farm Cottages, Arscott found that the accessibility to local facilities and services was limited. While future occupants would likely use some of the facilities and services in nearby villages, the routes to these villages comprised narrow country lanes with no footways or streetlight. This differs to the proposal before me, as there are

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<sup>1</sup> APP/L3245/W/25/3363781

<sup>2</sup> APP/L3245/W/25/3361427

services and facilities nearby, a dedicated footpath to Market Drayton and good access to National Cycle Routes and bus services.

22. The Inspector for the appeal<sup>3</sup> case relating to Overton Grange Farm, Overton concluded that there was no evidence that the occupants would have access to a frequent bus service, and the level of services and amenities within Overton or nearby, was unknown. This differs to the proposal before me which is accessible to services and facilities for the reasons explained.
23. The Inspector for the appeal<sup>4</sup> case relating to land adjacent to 11 Corfton Bache, Craven Arms found that there was no dispute between the parties that the proposed dwelling would have limited accessibility to services and facilities. Future occupants would therefore be heavily reliant on private vehicles. This differs to the case before me.
24. Consequently, I do not find that these other appeal cases are wholly comparable to the proposal before me. In any event, I have determined this appeal on its own merits, based on the evidence before me and my own observations.

### **Planning Obligation**

25. The appellant has submitted a planning obligation in the form of a Unilateral Undertaking (UU) dated June 2025. I am satisfied that its content is fit for purpose and secures the self-build nature of the proposal. With reference to paragraph 58 of the National Planning Policy Framework (Framework), the UU is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

### **Conditions**

26. The Council suggested a number of conditions and the appellant had the opportunity to comment on them. I have considered the suggested conditions in light of the Framework and Planning Practice Guidance (PPG) and where necessary I have edited for clarity and precision.
27. In the interests of certainty, I have imposed the relevant conditions concerning the timescales for the commencement of development, the submission of the reserved matters and the approved plans.
28. I have imposed conditions relating to highway safety and to ensure the adequate drainage of the site, and the protection of trees. A Construction Management Plan is required to protect the living conditions of neighbouring occupiers and for the purposes of highway safety throughout the development works.
29. I have omitted suggested conditions by the appellant relating to electric vehicle charging points, bird boxes and bat boxes as they relate to the reserved matters. A planning obligation has been submitted regarding self-build.

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<sup>3</sup> APP/L3245/W/25/3363880

<sup>4</sup> APP/L3245/W/25/3365531

## Planning Balance and Conclusion

30. The proposal would result in harm to the Council's spatial strategy and therefore conflicts with Policies CS1, CS5, CS6 and CS11 of the CS, and Policies MD1, MD2 and MD7a of the SAMDev.
31. However, the Council are currently unable to demonstrate a five-year housing land supply, said to be 4.73 years. Therefore, paragraph 11d of the Framework is engaged.
32. The proposal would contribute towards the Government's objective of significantly boosting the supply of housing contributing 2 houses to the Council's housing land supply. There is a shortfall in housing supply, and I give this significant weight given that the site is located within an accessible location with sustainable travel options. There would be economic benefits from the construction of jobs created during the construction phase and the ongoing expenditure in the local area from the new residents. The proposal would deliver self/custom build housing in accordance with the Framework.
33. In addition, Paragraph 73(b) of the Framework supports small sites to come forward for self-build and custom-build housing. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements. The benefits of self-build and custom-build housing are recognised by the Planning Practice Guidance (PPG) finding that it helps to diversify the housing market and increase customer choice. These matters weigh considerably in favour of the proposal.
34. As such, I am satisfied that when taken together, the matters above, with particular merit afforded to boosting the supply of housing, would outweigh the conflict with the development plan in this particular instance.
35. For the reasons set out above, I conclude that the appeal is allowed.

*H Smith*

INSPECTOR

### **Schedule of Conditions**

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission.
- 2) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) Approval of the details of internal access arrangements, scale, and the landscaping of the site shall be submitted to and approved in writing by the local planning authority before any development commences on site.
- 4) Any reserved matters application shall be accompanied by a Tree Protection Plan and an Arboricultural Method Statement in accordance with BS5837:2012.
- 5) The access and visibility splays shall be satisfactorily completed and laid out in accordance with the Junction Visibility Splay Plan Drawing No. 110103-PEF-VIS-XX-DR-C-00001 prior to the dwellings being occupied.
- 6) Prior to the dwellings hereby permitted being first occupied the parking and turning areas shall be satisfactorily completed, laid out and maintained in accordance with the Block Plan Drawing Nos 4 and 5.
- 7) 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 approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).
- 8) Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The plan should include the following details:
  - i) Location of site compound.
  - ii) Parking of vehicles of site personnel, operatives and visitors.
  - iii) Loading and unloading of plant and materials.
  - iv) Storage of plant and materials in constructing the development.
  - v) Storage of oil, fuel and chemicals.
  - vi) Prevention of mud being deposited on highway.
  - vii) Measure for the control and reduction of noise from construction works.
  - viii) Hours of operation of construction works and other works on the site.

The agreed plan shall be complied with at all times during construction work.

**\*\*\*End of Conditions\*\*\***