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## Appeal Decision

Site visit made on 11 November 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

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### Appeal Ref: 6000590

### East Of Oak House, Ford, Shrewsbury SY5 9LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr Brendan Critchlow against the decision of Shropshire Council.
  - The application Ref is 25/02374/PIP.
  - The development proposed is described as: Erection of 1 dwelling.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for an award of costs was made by Mr Brendan Critchlow against Shropshire Council. This application will be the subject of a separate decision.

### Preliminary Matters

3. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle (PIP) consent route has two stages: the first establishes whether a site is suitable in-principle and the second (technical details consent - TDC) is when the detailed development proposals are assessed. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.
5. In respect of residential development an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings. In this case, permission in principle is sought for one dwelling.
6. A site layout plan has been submitted as part of the appeal. Whilst an appeal should not be used to evolve a scheme, I have considered the plans in response to the *Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823* judgement and whether accepting the information would cause procedural unfairness to interested parties. As this is an indicative plan only and shows only one way that the scheme could be developed, the acceptance of the proposed revisions would not unfairly deprive those entitled to be consulted on an

application, the opportunity to make a representation. I have therefore considered it on this basis.

7. The appeal site is within the Ford Conservation Area (FCA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
8. I also have a duty under Section 66(1) of the Act to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. The listed buildings, identified in evidence are the curtilage listed barns to the Grade II\* listed Mansion House.
9. Following examination of the Draft Shropshire Local Plan (2016-2038) (DSLPL), the Council was advised that the plan would be found unsound and the plan was consequently withdrawn on 25 July 2025. Nonetheless, the Council's cabinet, on 12 February 2025, determined that the evidence base relating to the DSLP formed a material consideration when determining planning applications. I have assessed the proposal accordingly.
10. The Council refers within its reason for refusal, to its five-year housing supply figure as being 4.68 years. However, the Council has confirmed within its evidence that its five-year housing supply stands at 4.73 years. This is disputed by the appellant who considers the supply to be at 3.74 years. For the purpose of this appeal, I shall adopt the position of the appellant. That should not be interpreted as any indication that I necessarily agree with that position. I simply adopt the lower figure as a worst-case scenario in order to carry out the planning balance.
11. The permission in principle has been refused on, amongst other things, its open countryside location. However, Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015, which establishes the settlement hierarchy, is not referred to within the Council's reason for refusal. Whilst there is no dispute between the main parties regarding the site's location in open countryside, I have assessed the proposal on this basis. Therefore, Policy MD1 of the SAMDev is referred to below.

## **Main Issues**

12. The main issues are:
  - whether the site is suitable for residential development in terms of accessibility to local services and facilities, having regard to its location, the proposed land use, and the amount of development; and
  - the effect of the proposed development upon the character and appearance of the rural area, focussing upon its effect upon the settings and thereby the significance of relevant designated heritage assets and its effect on trees, having regard to the proposed development's location, the proposed land use, and the amount of development.

## Reasons

### *Suitability for residential development*

13. Policy MD1 of the SAMDev establishes the Council's approach to the sustainable distribution of housing across the area. Partly through the use of development boundaries, it seeks to focus housing within Shrewsbury, followed by its market towns and key centres and then the community hubs and community cluster settlements identified within Schedule M1.1 of the policy. The appeal site is in Ford, a village to the west of Shrewsbury. Ford is not identified within Schedule M1.1 of Policy MD1 as a settlement with a defined boundary. Consequently, the appeal site is not located in or adjacent to a defined settlement and falls within the open countryside for planning purposes.
14. Policy CS5 of the Shropshire Council Adopted Core Strategy 2011 (CS) identifies that new development in the countryside will be strictly controlled in accordance with national policies protecting the countryside. Proposals on appropriate sites which maintain and enhance vitality and character of the countryside will be permitted where they improve the sustainability of rural communities. For dwellings, proposals to house agricultural, forestry or other essential countryside workers and other affordable housing / accommodation to meet a local need will be supported along with the conversion of rural buildings. The proposal for one open market dwelling would not meet the exceptions identified within Policy CS5.
15. Housing development in the countryside is addressed through Policy MD7a of the SAMDev and supports the requirements of Policy CS5 and MD1 where new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.
16. The DSLP proposed to allocate the village of Ford as a 'Community Hub.' Community Hub villages provide a combination of services and facilities, public transport links, and high-speed broadband. Alongside the community hub allocation, the DSLP also proposed a development boundary for the village, which excluded parts of the FCA, and supported small windfall sites within the development boundary. However, the development boundary excluded the appeal site which is 200m outside of and to the northwest of the DSLP development boundary for Ford. As such, even affording the evidence base considerable weight, the appeal site would have remained in the open countryside in any event.
17. Ford village is identified within the evidence base to the DSLP as having several services and facilities including a primary school, convenience store, public house, church, restaurant and takeaways, a petrol station, and a regular bus service during peak travel times. The National Design Guide advises that to be within a walkable distance, local facilities should be within a 10-minute walk, or an 800m radius of a site.
18. The village hall and church are within an 800m walking distance of the site. Most of the other identified facilities are located within around 1km, apart from the petrol station, restaurant and takeaway which are around 1.3km from the site on the A458. A wider range of services and facilities is available in Shrewsbury which, from the site, would require to be accessed by car or the local bus service.
19. Whilst some services are within walking distance of the site, the northern side of the village, which includes the appeal site, comprises narrow, single-track, dead-

end roads which have no footpaths or street lighting. To the south, after crossing the river, unlit footpaths are available. However, walking in the unlit road/public footpath for even a short distance, would not be an attractive alternative to using a car especially at night or in inclement weather. Neither would cycling be a practicable alternative for many journeys due to the distance to a range of goods and services. Accordingly, future occupants would likely be generally dependent on the use of a private car to access services and facilities in larger settlements. Consequently, the location of the site would not minimise the demand for travel or reduce the reliance on the use of a private car which is a requirement of Policy CS6 of the CS. Therefore, the proposal would not help achieve sustainable development.

20. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, a likely reliance upon travel by private modes of transportation sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner.
21. The appellant has drawn my attention to the Council's 2014 decision on the adjacent site for one open-market dwelling where it determined that the site was in a sustainable location. The officer report for the 2014 decision referenced the site's location in the open countryside and its conflict with the development plan and assessed the proposal against the three dimensions of sustainable development within the Framework. However, development plan policy has changed since 2014 following several reiterations of the Framework and the adoption of the SAMDev which supported CS policies that restricted development in the countryside unless it met one of a number of exceptions. As the proposed development does not meet any of the exceptions and the site would have remained in the open countryside, despite the proposed allocation of the village as a Community Hub, the proposal is therefore assessed under a different policy context.
22. For the above reasons, the appeal site, whilst of a size and composition capable of accommodating one dwelling, would not be suitable for the residential development proposed, having regard to its location and the proposed land use. Accordingly, the proposed development would conflict with Policies MD1 and MD7A of the SAMDev and Policy CS5 and CS6 of the CS whose requirements have been outlined above.

### *Character and appearance*

23. The appeal site is within the curtilage of Oak House, forming part of its garden. Formerly, the site would have formed part of the wider farmstead and landholding at Mansion House and Farm. The site is located on the northern edge of the FCA on the edge of an open agrarian landscape with a public bridleway and footpath running along the northern and western boundaries.
24. The FCA is centred around the Church of St Michael which occupies an elevated position within the village, and Cardeston Brook. The special interest and significance of the FCA is largely derived from the architectural richness and variety of its buildings. Its historical significance derives from its growth as a small rural village of medieval origin whose form, size and layout were established in the early 17<sup>th</sup> Century and its key Grade II\* manor houses, which make a significant contribution to the character of the FCA. This special interest and significance are

further underpinned by the open spaces within the FCA which provide a sense of space and maintain the boundary between village and countryside.

25. I appreciate the FCA has changed since its original designation through the addition of new housing however, it is generally characterised by several large houses and farmsteads alongside smaller houses, cottages, outbuildings, and farms set within low density plots. The FCA can be divided into three distinct parts. The appeal site sits within the part of the FCA to the northwest of the brook which is centred on the Church and characterised by the mature landscaped and parkland setting of Ford House, the open space of the churchyard, the cottages adjacent to the brook and the farm buildings of Mansion House farm. Due to its open character, the site assists in maintaining the open and spacious boundary between the village and the agricultural land beyond and therefore makes a positive contribution to the character and appearance of the area.
26. The proposal would involve the construction of one dwelling on existing open garden land to the east of Oak House. Whilst the appellant's evidence refers to the proposed development being single storey and having limited effect on views in and out of the FCA, the proposal is for a PIP with detailed design to be considered at TDC stage. As such, the scale of the proposed dwelling has not been considered.
27. The proposal would introduce further built form along the northern boundary of the FCA, eroding the open and spacious characteristic of the FCA's northern edge and further occupying the view into the FCA from the adjacent public bridleway and footpath. As a consequence, a further built excursion into the open countryside would be observable and the rural openness of the FCA's setting would be materially eroded at a prominent location readily experienceable when entering and exiting the village via the public rights of way. This would be the case whatever the precise format and design of the proposed development.
28. The proposed development would also reduce the generous plot and garden area that Oak House currently enjoys, increasing the density of development within this part of the FCA leading to a harmful urbanising effect on the character and appearance of the FCA.

#### Effect on trees

29. The appellant's evidence includes an Arboricultural Impact Assessment (AIA) covering six trees on the appeal site including a notable veteran Oak tree that is located towards the northeastern corner of the existing Oak House curtilage. The AIA was not submitted to the Council as part of the PIP application. However, the Council acknowledge that the AIA has been submitted and was initially provided in support of a previous planning application.
30. The revised site layout plan outlines the tree's location, canopy and root protection area (RPA) and identifies that the red line site boundary for the proposal runs alongside the RPA for the tree. The plan also indicates that the dwelling and associated driveway could be accommodated on the appeal site without encroachment into the tree's RPA.
31. The contribution made by trees within the FCA is noted as being moderate within the Ford Conservation Area Appraisal. This is primarily due to lack of mature indigenous trees within the village, although the existence of large individual



specimens and groups is noted. Trees and hedges form an important characteristic of rural conservation areas, particularly where they are sited in a prominent public position. The veteran Oak is located adjacent to an existing field boundary along which a public footpath and bridleway run. The Oak tree is notable within the landscape and on the edge of the FCA and therefore makes a positive contribution to the character and appearance of the area.

32. Whilst I acknowledge the Council's concerns regarding potential impacts to the tree, matters relating to construction zones, foundation and drainage design, alongside siting and scale of the dwelling can all be addressed at TDC stage. Based on the information before me, the findings of the AIA and the proposed retention of all the trees on site, the proposed development is unlikely to have a harmful effect on either the noted veteran Oak tree or the other five smaller trees on site. Consequently, the effect on the character and appearance of the FCA as a result of impacts on trees as an irreplaceable habitat would be minimal.

#### Effect on the setting of Mansion House and its barns

33. The proposed development is close to Mansion House which is a Grade II\* listed building and dates from 1779 with 18<sup>th</sup> Century alterations and additions. It is a two-storey with attic, red brick farmhouse with three framed bays, rear wing, notable brick stacks, and blind windows. Its significance largely derives from its age, internal and external architectural detailing, traditional materials, and internal composition including its staircase.
34. The setting to Mansion House also includes the Church of St Michael and Mansion House's three barns which the Council has identified as Grade II\* curtilage listed. As such, the statutory duty under Section 66(1) of the Act is also applicable for this heritage asset.
35. The three barns have been converted to dwellings with a further two new dwellings and a small cul-de-sac road added. This enclave of three dwellings, whilst altering the setting of the Mansion House, is not to its detriment. The addition of the cul-de-sac road and a further two dwellings has changed the setting of both the barns and Mansion House itself, with the link between the barns and the house having been severed. The domestication of the barns has also changed their setting through the inclusion of driveways, gardens, boundary treatments, and domestic paraphernalia.
36. The proposed dwelling would bring development closer to Mansion House and its curtilage barns. However, and without prejudice to my findings respective of the FCA taken as a whole, I consider the setting of Mansion House and its curtilage barns would be preserved, and its significance would not be harmed by the proposed development if ultimately brought forward at a modest scale and designed/sited in a sympathetic manner.
37. The position of the three converted barns already restricts views from the appeal site and the public right of way towards Mansion House and there is limited intervisibility between the barns and the appeal site. The proposed development, whilst increasing built form on the edge of the village and within the open and spacious northern boundary of the FCA, would not significantly or harmfully further restrict the view of Mansion House.

38. For the above reasons, the proposed development would preserve the settings and thereby the significance of Mansion House and its curtilage listed barns. However, it is my judgement that, despite not finding harm to the character and appearance in relation to trees, the proposed development would fail to preserve the character and appearance of the rural area specifically relating to the open and spacious boundary between the village and the agricultural land beyond and thus the setting and thereby the significance of the FCA as a designated heritage asset. Consequently, the appeal site would not be suitable for the residential development proposed, having regard to its location, the proposed land use, and the amount of development.
39. Accordingly, I find conflict with Policies CS16 and CS17 of the CS and Policies MD2 and MD13 of the SAMDev. These policies support development proposals where they conserve and enhance the significance of heritage assets, including their setting, and require development proposals to be appropriate to, and integrate with, the character of the surrounding area. Policy MD12 of the SAMDev is also referred to in the reason for refusal, however as the development would have a negligible impact on trees within the appeal site and specifically the veteran Oak, there would be no conflict with this policy.
40. Under the terms of the Framework, the degree of harm to the significance of the FCA as a designated heritage asset would be at the lower end of less than substantial. Paragraph 215 of the Framework requires, for development to be found to be acceptable, less than substantial harm must be outweighed by public benefits, which I shall turn to in the Heritage Balance below.

### **Other Matters**

41. The evidence before me indicates that the proposal would be for a self-build dwelling. However, as the appeal relates to a PIP and the Planning Policy Guidance advises that planning obligations cannot be secured at the PIP stage, I have not considered the self-build element in detail. However, where necessary, this alongside requirements for Biodiversity Net Gain and the Community Infrastructure Levy, could be addressed at the TDC stage.
42. The appellant has indicated that the proposal would allow them to downsize from the adjacent dwelling at Oak House, as it would provide more appropriate accommodation as they grow older. However, there is no evidence to demonstrate that a similar property could not be developed elsewhere in Ford, where it would not harm the character and appearance of the area. I therefore afford limited weight in favour of the proposal.
43. The appellant has drawn my attention to several appeal decisions where development has been allowed in the open countryside, namely Pontesbury, Oswestry and Hadnall and I note the comparisons made. Whilst the details of each of these cases is not before me, in each case the proposed development was not located within a conservation area. Whilst these decisions have been informative, the sites referred to me are read in a different context to the appeal site. Consequently, they are not directly comparable with this appeal, which I have determined on its individual planning merits having regard to the site's specific characteristics.

## **Heritage Balance**

44. I have identified above that the scheme would cause less than substantial harm, at the lower end of the scale, to the heritage significance of the FCA as a consequence of development within its setting. It must be noted that even less than substantial harm to a designated heritage asset carries importance and attracts great weight.
45. In terms of public benefits, the proposal would deliver one dwelling within a District where, on a worst-case scenario, a 3.74-year housing land supply is in existence, which falls significantly below the level of supply required by national policy. One additional dwelling would make a valuable contribution to the Council's housing land supply and thus would contribute to the Government's objective to significantly boost the supply of homes. I attach considerable weight to this benefit of the scheme given the supply shortfall that avails. This would also be the case were I to consider the proposal as a self-build.
46. The appeal scheme would also provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy. Additional landscaping would also provide biodiversity enhancements. Overall, these benefits would have modest weight when considering the scale of development proposed and the modest size of the site in question.
47. Whilst the proposed development's public benefits attract considerable weight when considered cumulatively, they would not, in my judgement, outweigh the less than substantial harm that would be caused to the heritage significance of the FCA by virtue of a further built excursion into the open countryside eroding the open and spacious characteristic of the FCA's northern edge that would materially erode the rural openness of the FCA's setting.

## **Overall Planning Balance**

48. On consideration of the Council's housing land supply position, paragraph 11(d) i) of the Framework indicates that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of paragraph 11(d) of the Framework lists designated heritage assets as one such asset of particular importance.
49. For the avoidance of doubt, as I have found harm to the significance of the FCA which, provides a strong reason for refusing planning permission, the presumption in favour of sustainable development is not engaged.
50. In addition to the harm identified to the character and appearance of the rural area and thus the significance of the FCA, I have separately identified harm by virtue of the site's lack of suitability for residential development in terms of accessibility to local services and facilities.
51. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. Dismissing this appeal could lead to the intended future occupiers of the proposed dwelling being unable to find a suitable home for retirement accommodation. The harm caused by the appeal development outweighs its benefits in terms of eliminating discrimination and to advance equality of



opportunity and foster good relations between persons who share a relevant protected characteristic (which includes age), and persons who do not. In having due regard to the PSED, the adverse effects of dismissing this appeal on persons with protected characteristics would, on the basis of the evidence before me, be proportionate in this instance when balanced against the well-established and legitimate planning purposes of national and local planning policies.

52. Consequently, the proposal, having regard to its location, the proposed land use, and the amount of development, conflicts with the development plan when read as a whole, even giving limited weight to the conflict with the spatial strategy policies given the Council's lack of housing land supply. The material considerations I have identified above – even though attracting of considerable positive weight in the context of a housing land supply shortfall – do not outweigh that conflict.

### **Conclusion**

53. For the reasons given above, the appeal should be dismissed.

*P Brennan*

INSPECTOR