



## 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: 19 December 2025

### Appeal Ref: 6000458

### Land to the rear of Earls Court, Main Road, Pontesbury, Shrewsbury SY5 9QD

- 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 and Mrs Randles against the decision of Shropshire Council.
- The application Ref is 25/01815/OUT.
- The development proposed is described as 'Outline application for the erection of 4 dwellings'.

### Decision

1. The appeal is allowed and planning permission is granted for outline application for the erection of 4 dwellings at Land to the rear of Earls Court, Main Road, Pontesbury, Shrewsbury SY5 9QD in accordance with the terms of the application, Ref 25/01815/OUT, and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration and I have considered the appeal accordingly. An Illustrative Block Plan has been submitted which shows how development could be accommodated on the site. I have had regard to this plan as indicative only.

### Main Issues

3. The main issues are:

- whether the site is in a suitable location for housing, having regard to the Council's development strategy;
- whether or not the proposal would make an effective use of land; and
- whether or not the proposal would make adequate provision for affordable housing with reference to both local and national planning policies.

### Reasons

#### *Suitable location*

4. The Council's development strategy is set out in the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and the Shropshire Council Site Allocations and Management of Development 2015 (the SAMDev). CS Policy CS1 sets the strategic approach to the location of development and directing development to the most accessible locations, including

Shrewsbury, Market Towns and Key Centres and in community hubs and clusters in the rural areas.

5. The appeal site is located outside of, but adjacent to the boundary of Pontesbury. Combined with Minsterley, Pontesbury is identified as a Key Centre in CS Policy CS3. The explanatory text for Policy CS3 confirms Key Centres are sustainable places where development can contribute to greater self-sufficiency within the towns. SAMDev Policy S12 sets the Development Strategy for the Minsterley and Pontesbury area, which identifies that new housing development will be delivered through a combination of allocated sites and windfall opportunities on existing brownfield land and other infill sites. In addition, Policy HOU2 of the Pontesbury Parish Neighbourhood Plan 2016-2018 (the NP) supports small infill developments within the defined development boundary which meet the needs of younger or older generations subject to clear evidence of housing need.
6. As the site is located outside of the defined settlement boundary, it is in countryside for the purposes of planning policy. Policy CS5 of the CS and Policy MD7a of the SAMDev strictly control new development in the countryside such that only limited types of residential development are permitted. The exceptions listed in Policy MD7a are not applicable to this appeal proposal. The proposal would therefore conflict with Policy CS5 of the CS and SAMDev Policy MD7a insofar as the Council's development strategy seeks to control new development in the countryside.
7. Notwithstanding that conflict, whilst the site is located outside of the defined Pontesbury boundary, it is adjacent to it. The site is adjoined by existing residential development to the west and south and a public house and sports pavilion to the east. The site would be accessed from Main Road via Earls Court which serves existing residential development. Given the close proximity of the site to the existing built form of the settlement, its location would not conflict with the Council's development strategy in its aims of directing development to Key Centres such as Pontesbury. The Council's case confirms that Pontesbury benefits from a number of services and facilities and is therefore considered a sustainable location.
8. I note the comments from interested parties regarding the amount of housing development which has been permitted in Pontesbury since 2010 and the suggestion that local services and facilities may not have the capacity to accommodate a further increase in population. However, there is no evidence submitted to demonstrate that the services and facilities in Pontesbury could not accommodate an increase in population from 4 additional dwellings.
9. Taking all of the above into account, the appeal site location conflicts with Policy CS5 of the CS, Policy MD7a of the SAMDev and NP Policy HOU2, due to its location outside of the development boundary. Nevertheless, I have also found that the site's location would not conflict with the Council's aim of directing development to Key Centres, as set out in CS Policy CS3.

#### *Effective use of land*

10. Policy MD2 of the SAMDev and Policy CS6 of the Core Strategy require the scale and density of development to respond appropriately to the form and layout of existing development. The existing residential development to the south and west

of the site is characterised predominantly by large, detached dwellings set in generous plots.

11. I have not been provided with the density of the proposal or the density of dwellings in the surrounding area. However, based on the information submitted, and my observations on site, I find that a development of 4 dwellings on the appeal site would not be out of keeping with the prevailing density of the surrounding area.
12. Concern is also expressed about the indicative layout submitted, particularly with regard to the location of the Biodiversity Net Gain area and the inclusion of long driveways. Nevertheless, the detailed design and layout of the development would be determined at Reserved Matters stage. Moreover, the Council Officer Report indicates these concerns could be overcome at that stage, and I have no reason to conclude differently in this regard.
13. I acknowledge that the NP has an objective to provide small sized homes, with a particular need for small bungalows identified. However, it does not preclude the provision of larger homes and there is little before me to demonstrate that there is not also a demand for such homes in Pontesbury. In any event, the size of the proposed dwellings is a matter for future consideration.
14. Taking all of the above into account, I find that the proposal would make an effective use of land. As such I find no conflict with Policy MD2 of the SAMDev and CS6 of the Core Strategy, as set out above.

#### *Provision of affordable housing*

15. Although not cited in the Council's reason for refusal, the Council's case refers to Policy CS11 of the CS with regard to the provision of affordable housing. Policy CS11 seeks to ensure all new open market housing development makes appropriate contributions to the provision of local needs affordable housing. The submitted proposal does not include any affordable housing contributions.
16. The Written Ministerial Statement published 28 November 2014 indicated that affordable housing should not be sought for sites of 10 units or less, or 5 units or less in designated rural areas. This requirement is also reflected in paragraph 65 of the National Planning Policy Framework (the Framework). The appeal site is not within a designated rural area and as such, the proposal is not required to make affordable housing contributions under the provisions of the Framework.
17. The requirements of Policy CS11 are therefore inconsistent with the Framework in this regard. The CS was adopted in 2011, and the current version of the Framework was published in December 2024. In line with paragraph 232 of the Framework, I have afforded limited weight to Policy CS11. Furthermore, I note that the Council's Affordable Housing consultee confirms that the proposed development falls below the threshold at which affordable housing contributions are required.
18. Having regard to the national and local policies set out above, I find that the proposal is not required to make affordable housing contributions and so the proposal would not conflict with the Framework in this regard.

## Other Matters

19. An interested party describes the site as productive agricultural land. There is little before me to demonstrate that the site comprises best, and most versatile agricultural land (BMV) as defined in the Framework, although I saw that it was being used for sheep grazing during my site visit.
20. Paragraph 187 of the Framework does not set a blanket presumption against developing on agricultural land. Rather, it highlights the economic and other benefits of BMV land. Given the relatively small size of the site and the limited information submitted regarding its agricultural grade, the associated economic and other benefits of the site being agricultural land would be limited. Therefore, the loss of agricultural land and harm to the associated economic and other benefits would be limited.
21. I have had regard to the objections raised to the proposal based on access to the site and highway safety. However, as this is an outline proposal with all matters reserved, this matter would be addressed at the reserved matters stage. Moreover, I note that whilst the Council's Highways consultee identifies some concerns that would need to be addressed at the reserved matters stage, they offer no objection to the outline proposal.

## Planning Balance

22. The proposed development would conflict with the development strategy insofar as it seeks to control new development in the countryside. However, the site location would not conflict with the development strategy's aim of directing development to Key Centres.
23. The Council have confirmed that they cannot demonstrate an adequate supply of housing land, with the current number of years supply being 4.68. In such circumstances paragraph 11 of the National Planning Policy Framework (the Framework) indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including those directing development to sustainable locations and making effective use of land.
24. The Framework seeks to significantly boost the supply of housing provision, and 4 dwellings would make a positive contribution in this regard. Economic benefits would also arise from employment during the construction works, and occupation of the new units through additional expenditure in the area. The site is in a sustainable location, and I have found that the proposal would make an effective use of land and would not conflict with policies regarding the provision of affordable housing.
25. Thus, in this case, the adverse impacts of the conflict with the development plan would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would benefit from the presumption in favour of sustainable development, set out at paragraph 11 of the Framework. The Framework is a material consideration of significant weight and, in this case, indicates that a decision should be made otherwise than in accordance with the development plan. Therefore, having regard

to all other relevant material considerations, I conclude that planning permission should be granted.

## Conditions

26. Conditions were suggested by consultees to the planning application, which both main parties were given the opportunity to comment on during the appeal process. I have taken these comments into consideration, in my conclusions below. I have also had regard to the advice provided in the Planning Practice Guidance and I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
27. In addition to the standard conditions relating to the submission and timing of the reserved matters and the commencement of the development, I have imposed a condition specifying the relevant drawing, in so far as it depicts the site location, as all other matters are reserved.
28. A condition requiring works in accordance with the submitted Preliminary Ecological Assessment and Biodiversity Net Gain document is necessary to secure the proposed enhancements are delivered. This report makes provision for some wildlife enhancements and a wildlife sensitive lighting scheme. Consequently, I have not attached the suggested lighting plan condition, and I have amended the suggested bird and bat condition to require only swift boxes as this is not covered by the report.
29. The site is located within a development high risk area as defined by the Coal Authority, where the potential exists for below ground mine gas emissions to be released as a consequence of the development. Therefore, a condition requiring a mine gas risk assessment is necessary prior to the commencement of development.

## Conclusion

30. For the reasons given above, having had regard to the development plan as a whole and all other matters raised, the appeal should be allowed.

*A O'Neill*

INSPECTOR

## Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) 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.

- 4) The development hereby permitted shall be carried out in accordance with drawing no 79454/25/01.
- 5) All works to the site shall occur strictly in accordance with the mitigation and enhancement measures as provided in Section 6 of the Preliminary Ecological Appraisal & Biodiversity Net Gain (Arbor Vitae, May 2025). The measures shall be implemented in accordance with the approved details before the first occupation of the development hereby approved and shall be retained thereafter.
- 6) Prior to the first occupation of the development hereby approved, a minimum of 3 artificial nests, of integrated brick design, suitable for swifts ("swift bricks") shall be erected on the site. The swift bricks should be positioned 1) Out of direct sunlight, 2) At the highest possible position in the building's wall, 3) In clusters of at least three, 4) 50 to 100cm apart, 5) Not directly above windows 6) With a clear flightpath to the entrance, 7) North or east/west aspects preferred. The makes, models and locations of the swift bricks shall be submitted to and approved in writing by the Local Planning Authority. The approved swift bricks shall be implemented in accordance with the approved details before the first occupation of the development hereby approved and shall be retained thereafter.
- 7) **A. Risk assessment coal mine gases**  
No development shall commence until an assessment of the risks posed by coal mine gases has been submitted to and approved in writing by the Local Planning Authority. This shall be carried out in accordance with authoritative UK guidance, CL:AIRE, 2021 Good Practice for Risk Assessment for Coal Mine Gas Emissions (ISBN 978-1-905046-39-3).

**B. Submission and implementation of remediation scheme**  
Where the approved risk assessment (required by condition A above) identifies coal mine gases posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such coal mine gases has been submitted to and approved in writing by the Local Planning Authority. A validation and verification plan must be formulated, form part of the remediation scheme and be approved by the Local Planning Authority. The remediation scheme and verification plan shall be undertaken in accordance with authoritative UK guidance. Following approval, such remediation scheme shall be implemented on site in complete accordance with the approved details.

**C. Verification of remediation scheme**  
Following implementation and completion of the approved remediation scheme and the associated approved validation and verification plan (required by condition B above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details. The verification report shall be carried out in accordance with authoritative UK guidance.

## **End Of Conditions**