



Appeal Decision

Site visit made on 25 November 2025

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

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025.

Appeal Ref: 6000992

15B, High Street, Cleobury Mortimer DY14 8DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant technical details consent.
- The appeal is made by D McGindley against the decision of Shropshire Council.
- The application Ref is 25/02799/TDC.
- The development proposed is a technical matters application for the construction of 3 dwellings (PIP23/05119/PIP).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for technical details consent following the grant of Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle has established that the location, land use, and amount of development is suitable in principle. The Technical Details Consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the Permission in Principle stage. I have determined this appeal on that basis.

Main Issues

3. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area, with particular regard to the significance of heritage assets;
- Whether the proposal would provide a suitable standard of living conditions for future occupiers;
- The effect of the proposal on the retention of trees within and around the site; and,
- Whether the proposal would provide suitable drainage for surface and foul water.

Reasons

Character and Appearance

4. The appeal site is located within the Cleobury Mortimer Conservation Area (the CA). This area is relatively compact and focuses upon the historic core of the town, primarily along the High Street and its connections. The pattern of development along the High Street still demonstrates mediaeval burgage plots and

the street scene is characterised particularly by traditional buildings built in stone, timber and brick. In part as a result of the pleached trees along the street, as well as views to fields and greenery beyond the settlement, the town's connection to the countryside and its rural history is retained. I find the significance of the CA to stem in part from the legibility of the town's history as well as its close relationship to the surrounding countryside.

5. Immediately adjacent to the appeal site are Manor House, a Grade II* listed building and Stable Block at Manor House, a Grade II listed building. These are set back from the High Street by a deep frontage, and a large garden sits behind. The Manor House is finished in brick and presents a formal design with decorations in moulded brick. The Stable Block is similarly finished but is of a smaller scale and is clearly subservient to the Manor House. The buildings appeared to be, at the time of my visit, vacant and in a state of disrepair. The appeal site access passes by the side of the stable and the wider site incorporates land that appears to have historically been part of the Manor House's grounds. In part the Manor House's significance arises from its grandeur in comparison to the modest properties that characterise the rest of the High Street. The house also demonstrates, through its alterations and extensions, the changing needs of its occupiers through time. Although sharing in some of this, the significance of the stable is more related to its group value with the Manor House and the contribution to the understanding of that building's historic use and function.
6. To the other side of the site are Nos 16 and 17 High Street which are independently Grade II listed buildings. These are later, 18th to 19th century, and much more modest buildings in comparison to the Manor House and are part of a longer commercial terrace with accommodation on the upper floors. Both are brick built and provide three floors, although the second floor at No 16 is within the roof that is served by dormer windows. The rear of these buildings relate closely to the appeal site and are visible from it. I find their significance to stem in part from their age, the intactness of their frontages and the contribution this makes to the understanding of the area's history.
7. The appeal site itself is a long irregular plot that appears to take in parts of former burgage plots and parts of the Manor House's former grounds. It stretches from the High Street downhill to a brook. The proposal includes the provision of three houses with an associated driveway and parking. Given the change in land levels, the rearmost house would be located on a lower level and separated from the front of the site by a retaining wall.
8. The close and irregular arrangement of Units 1 and 2 would lead to a cramped pair of dwellings that would be poorly related to each other and the surrounding built environment. Although I am mindful that there are examples of detached dwellings, these are primarily within larger plots, with smaller properties being terraced or more uniformly positioned within rows. The proposal would not, therefore, reflect or respect the pattern of development within the surrounding area. This is exacerbated by the irregular and almost haphazard arrangement of parking spaces that spread across the site and are insufficiently softened by the very limited area of soft landscaping.
9. These arrangements would not be prominently visible from the High Street but would be appreciated from neighbouring properties, including the above mentioned listed buildings, and would also be seen in views into the CA. It would,

therefore, introduce an incongruous arrangement of development within the setting of Manor House, the Stable Block at Manor House, and Nos 16 and 17 High Street, as well as within the CA itself. The proposal would therefore also harm the historic and architectural interest of these heritage assets.

10. I understand that the arrangement of the site has been in part informed by the shape of the plot, the presence of a sewer line and protected trees, and the change in land levels. However, this does not preclude me from finding harm with the layout.
11. Porches are not an uncommon sight within the CA with examples immediately surrounding the appeal site, including at No 16 High Street. However, I have not been provided with sufficient detail to demonstrate that the proposed porches would be sympathetic to the style and materials used within the wider CA and on other listed buildings. Therefore, and given the site's relationship to these heritage assets, there is a risk that the use of inappropriate materials, details or joinery would be detrimental to the historic environment. Given the level of design changes that could occur in order to create an appropriate porch, I do not find it would be possible to seek further details through a condition.
12. A similar risk arises from the proposed rooflights. However, given their scale and their positioning well above eye level, I find these would be a less prominent addition. I am also content that details of the fenestration materials and design could be provided through a condition should the appeal be allowed. Similarly, a condition could be imposed securing appropriate boundary treatments.
13. Nevertheless, against this background, and given the scale of the development, I find that a modest degree of less than substantial harm to the significance of the designated heritage asset would occur. Although less than substantial, the National Planning Policy Framework (the Framework) is clear that great weight should be given to any asset's conservation. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
14. The proposal would provide three new dwellings in a location with adequate access to services. It would also lead to a small and time-limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. These matters are all public benefits but, given the scale of the development, I attach them only moderate weight and so, in this case, they do not outweigh the identified harm.
15. The proposal would, by way of its arrangement and porches, unacceptably affect the character and appearance of the surrounding area, including the architectural and historic significance of the noted heritage assets. This harm has not been outweighed by way of any public benefits. The proposal therefore conflicts with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS), Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (the SAMDev), as well as Policy CM6 of the Cleobury Mortimer Neighbourhood Development Plan 2020-2038 (the NDP). These collectively, and amongst other matters, require proposals to be of a high-quality design, pattern and landscaping so as to conserve their local built and historic context and character. It also conflicts with the Framework, including Sections 12 and 16 which have similar aims to the

policies set out above. The proposal does not follow the guidance on character and appearance set out within the Type and Affordability of Housing Supplementary Planning Document (the SPD).

Living Conditions

16. Unit 1 and its associated garden is located against the shared driveway serving all three properties. Unit 1 is served by windows on the front and two side elevations, with only a rooflight on the rear. Behind it is Unit 2, which is accessed via a path at the side of Unit 1. To the rear of the gardens are two parking spaces for Unit 2.
17. The relationship and orientation of Units 1 and 2 require the occupiers of Unit 2 to pass by the side, front and along the garden of Unit 1 to reach their parking spaces. Vehicles associated with Units 2 and 3 would also pass close by the front elevation and garden of Unit 1. As Unit 1 is close to, and has ground floor windows looking over, the path and driveway, future occupiers would feel exposed and overlooked within their property. Depending on the boundary treatments serving the garden at Unit 1, there is a potential for this space to also be exposed and overlooked. In all, future occupiers at Unit 1 would not experience a sense of privacy and would, therefore, be provided a poor standard of living conditions.
18. As a result of the proposed developments arrangement and layout it would provide a poor standard of living conditions for future occupiers. The proposal therefore conflicts with ACS Policy CS6 which seeks for developments to contribute to wellbeing and residential amenity through high quality design. The proposal also conflicts with the Framework, including Paragraph 135, which similarly seeks to create places that promote well-being and a high standard of amenity for future users. The scheme also does not follow the guidance set out within the SPD with regards to amenity standards and privacy.

Trees

19. The appellant has provided an Arboricultural Impact Assessment and Tree Protection Plan (the AIA) with their appeal submissions. The AIA and associated plans identify a number of trees which are recommended for removal. These include T9, T10 and the trees that make up H1. However, the proposed site plan only shows the removal of T10. Given this, and that the other trees suggested for removal are outside of the appellant's ownership, I have only considered T10 to be proposed for removal.
20. The proposed passing place opposite the front of Unit 1 is located underneath the crowns of the trees making up H1. I have not been provided details as to the makeup of this passing place, but it is likely to be hard surfaced similarly to the shared driveway. The proposed works to excavate and lay a suitable surface, and the subsequent use by motor vehicles, has the potential to damage roots and unacceptably compact the surrounding soil. This would likely cause both short and long term harm to the trees and prejudice their health and retention. Although these trees are considered to be in poor condition, I note that the AIA considers they have up to 10 years of life. As such, their health is not a sufficient justification in itself to allow development to further reduce their lifespan.
21. Similarly, no details have been provided as to the method of construction of the single garage serving Unit 3. As T9 is to be retained the foundations of the garage are likely to affect the tree's roots while the building itself may affect its crown.

Although together this is likely to have a significant impact on the tree's health, I am mindful that it is currently affected by ash dieback and may already be dead. Any such impact would not, therefore, be unacceptable.

22. The trees identified as T11 to T15 are a small group intended to be retained, and a no dig geogrid area has been proposed around them to support the creation of the driveway without unacceptably affecting the trees. I am content that should such a method of construction be secured through a condition this would be sufficient to protect this group of trees. I am also content that the proposal would not unacceptably affect any other trees on or around the site.
23. The proposal would put trees proposed to be retained at risk from the development and its associated works. It therefore conflicts with ACS Policies CS6 and CS17 and SAMDev Policy MD2, which collectively seek to protect and restore Shropshire's natural environment and assets, including tree and hedges. The proposal also conflicts with Framework which sets out similar aims under Section 15.

Drainage

24. The appeal site is loosely set across two levels, that from the road to the retaining wall, and the lower section from the wall down to the brook. The front portion contains significant areas of hardstanding and a large building that was formerly used as a mechanics garage and, latterly, as part of a fencing and shed business. The lower portion is significantly overgrown and, I understand, also partly covered by Flood Zones 2 and 3. The appellant's submissions contain only a brief outline as to their plan for the drainage of surface water runoff.
25. The appellant has suggested that they would initially seek to use sustainable drainage systems (SUDS) but that if this did not work, they would instead dispose any runoff into either the sewer or watercourse. I cannot, from the information before me, be certain that any of these options would be viable or acceptable. In particular, given the presence of Flood Zones 2 and 3 at the bottom of the site, it is likely that ground saturation would not permit SUDs to work appropriately. Similarly, at times of heavy rainfall, when drainage would be most needed, the brook may not be able to accommodate additional waterflows.
26. Although additional details could be sought through a condition, I have no confidence from the information before me that any of these options have more than a theoretical potential. Should none of these options be viable it would put pressure on the Council to allow the development to go ahead with either a substandard solution, or none at all. This would likely lead to unacceptable levels of surface water runoff and flood risk, especially on the lower land surrounding Unit 3.
27. Although I note concerns were also raised as to the drainage of foul water, I am content that this is a more limited issue with the public sewer more than likely able to accommodate any increase associated with three dwellings. As such, in the event that the appeal was to be allowed, a condition could be imposed securing additional details for foul water drainage.
28. Nevertheless, the proposal, fails to demonstrate that it would be served by adequate drainage infrastructure and, therefore, would result in unacceptable levels of flood risk. The proposal therefore conflicts with NDP Policy DM8 which

seeks ensure appropriate drainage. It also conflicts with Section 14 of the Framework which seeks for developments to be supported by site-specific flood-risk assessments that demonstrate they would not increase flood risk and would reduce runoff volumes.

Planning Balance and Conclusion

29. Both parties agree that the Council cannot demonstrate a five-year housing land supply. However, the Framework provides a clear reason for refusing the development in regards to its effect on designated heritage assets. Therefore, in line with Paragraph 11(d)(i) of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.
30. The proposal would result in harm to the character and appearance of its surroundings, including designated heritage assets, would not provide a suitable standard of living conditions for future occupiers, and would unacceptably affect trees and flood risk. The proposal therefore conflicts with the development plan taken as a whole and as noted above, the Framework provides a clear reason for refusal on heritage grounds.
31. Above I have identified the benefits of the scheme as part of my assessment relating to heritage assets. These are, namely, that the proposal would provide three new dwellings, be in an accessible location, and provide economic benefits. These matters therefore weigh in support of the appeal proposal.
32. Overall, and while mindful of the Council's under provision of housing, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission.
33. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal is dismissed.

Samuel Watson

INSPECTOR