



Appeal Decision

Site visit made on 2 December 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: 6000846

**Near Gatten Farm, footpath from junction west of Far Gatten to Stitt Farm,
Ratlinghope, Shrewsbury SY5 0SN**

Grid Ref Easting: 339384, Grid Ref Northing: 298104

- 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 Matthew Gurden against the decision of Shropshire Council.
- The application Ref is 25/01945/FUL.
- The development proposed is erection of 1 No. holiday cabin.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a 'Great crested newt habitat suitability assessment and mitigation strategy' (the assessment). Due to the nature of the information and that the Council has had the opportunity to review and comment on it, I am satisfied that taking it into account would not cause procedural unfairness to anyone involved in the appeal. As such I have accepted the assessment.

Main Issues

3. The main issues are:

- whether the site would be a suitable location for the proposed development, having regard to local and national policies; and
- the effect of the proposed development on protected species, namely great crested newts (GCNs).

Reasons

Location

4. The site is located on a valley slope and forms part of a wider farm complex that includes a variety of buildings and structures, as well as the outdoor storage of, amongst other things, materials, machinery and vehicles. Access is along a narrow track that passes a large pond with a number of structures surrounding it that form what is known as TA Fisheries. There is no dispute between the parties that the site is located in the open countryside.
5. Details of the closest settlement and local public transport provisions are not before me. From my observations, it appears that the closest settlement would be

some distance away via narrow country lanes with no footpaths or street lighting, which would create an uninviting environment for walking or cycling. I did not see any bus stops close to the appeal site. Whilst reduced access to public transport in rural locations is recognised by the National Planning Policy Framework (the Framework), this does not give reason to locate development within locations which are inherently inaccessible by means other than private motor vehicles. Moreover, the Framework also seeks to promote sustainable rural tourism. Consequently, the site would not offer any real alternative for visitors other than to use the private car, even when accepting that the site is in a rural location. The appellant recognises that visitors would need to travel a few miles to the nearest shop. As such, the site is not in an accessible location served by a range of services and facilities as well as public transport. Moreover, the site is remote and neither close to nor within a settlement.

6. The appeal site and wider farm complex holds the annual 'Farmer Phil's Music Festival' that takes place on the wider farm complex for a limited period during the summer and includes use of the land as a camp site. As the proposed development would be available to visitors throughout the year, I am not persuaded that the festival represents an established and viable tourism enterprise in support of the proposal. Moreover, there is limited information before me that the accommodation is required for, or forms part of, a farm diversification scheme.
7. My attention has been drawn to the adjoining TC Fisheries site, which it is claimed has received permission for a total of 3 holiday lets and an associated dwelling. Whilst there is limited information before me relating to the particular circumstances of these developments and whether the circumstances are comparable to the proposed development, it appears that the most recent permission for 2 holiday lets related to an established tourism enterprise. As such a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
8. Concern has been raised regarding the age of the relevant policies in the development plan, referencing the changes in tourism since the pandemic, as well as neither supporting new businesses nor reflecting the current economic climate. Nevertheless, I have found that the relevant policies in the development plan are broadly consistent with the Framework.
9. For the above reasons, the site would not be a suitable location for the proposed development, having regard to local and national policies. It is contrary to Policies CS5, CS13 and CS16 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (ACS) and Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17 December 2015) (SAMDev Plan). These collectively seek, amongst other things, sustainable rural tourism development that is in an accessible location served by a range of services and facilities, close to or within a settlement, or an established and viable tourism enterprise where accommodation is required. Moreover, the proposed development conflicts with paragraph 88 of the Framework, which supports a prosperous rural economy and sustainable rural tourism.

Protected species

10. The Conservation of Habitats and Species Regulations 2017 (as amended) imposes a duty on me to consider whether European Protected Species would be affected by the development and whether associated mitigation measures would be effective. GCNs are a protected species.
11. The assessment identified that of the 5 ponds within 200m of the site, 2 ponds had some low to moderate potential to support breeding populations of GCNs. Due to the habitat immediately adjacent to these ponds that would reduce the need for wide ranging migrations, the assessment concludes that it is unlikely that GCNs would be an important ecological feature of the appeal site, subject to precautionary measures. It also highlights that a further survey of the ponds is not deemed necessary and an application for a mitigation licence to develop the site is not needed.
12. Circular 06/2005 advises that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. On the basis of the assessment, including its conclusions, and in the absence of contrary evidence before me, I have no strong reason to reach a different view.
13. Therefore, the proposed development would have an acceptable effect on protected species, namely GCNs. This accords with ACS Policies CS6 and CS17 and SAMDev Plan Policy MD2 and MD12, which include the requirement for development to identify and protect Shropshire's environmental assets, including protected species.

Other Matters

14. The appeal site is within the Shropshire Hills National Landscape (SHNL). Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires that regard be had to the purpose of conserving and enhancing the natural beauty of National Landscapes. There is also a duty under Section 245 of the Levelling-up and Regeneration Act 2023 to seek to further the purpose of conserving and enhancing the natural beauty of these areas. These purposes also include increasing the understanding and enjoyment by the public of the special qualities of the National Landscapes. The Council has not raised an objection to the development's impact on the SHNL and from my own observations, I see no reason to come to a different conclusion on this matter.
15. The provision of a holiday cabin would add to the mix of tourism facilities in the area and bring associated social and economic benefits, such as supporting local businesses. However, the limited scale of the development means that I afford these benefits limited weight in favour of the proposed development and they do not outweigh the harm I have found associated with its location.
16. A lack of harm or policy compliance on highway safety, drainage and character, as well as the unsuitability of the accommodation for permanent housing, are neutral considerations that weigh neither for nor against the development.

Conclusion

17. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

P Barton

INSPECTOR