



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: 6000774

Tanglewood, Wilcott, Nescliffe SY4 1BL

- 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 Ms Amy Lewis against the decision of Shropshire Council.
- The application Ref is 25/00734/FUL.
- The development proposed is the erection of a single 3 bedroom affordable dwelling with detached double garage.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a Flood Risk Assessment (FRA). Due to the nature of the information and that the Council has had the opportunity to review and comment upon 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 FRA.

Main Issues

3. The main issues are:

- whether the appeal site is in a suitable location for the proposed development, having regard to relevant local plan policies; and
- the effect of the proposed development on flood risk.

Reasons

Location

4. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (ACS) strictly controls new development within the countryside and sets out a number of developments that are considered acceptable. This includes affordable housing to meet a local need in accordance with ACS Policy CS11, which require such exception schemes to be on suitable sites in and adjoining Shrewsbury Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements. Proposals also need to be of a suitable scale, design, tenure and have prioritisation for local people as well as appropriate arrangements to ensure affordability in perpetuity.

5. Policy MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17 December 2015) (SAMDev Plan) expands on ACS Policies CS5 and CS11. In terms of protecting the long term affordability of single plot exception dwellings, they will be subject to size restriction and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions. The explanation of this policy emphasises that the detail criteria for the assessment and subsequent treatment of exception housing proposals are set out in the Council's Type and Affordability of Housing Supplementary Planning Document (TAHSPD). Paragraph 5.13 of the TAHSPD reinforces ACS Policy CS11 in that exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement.
6. Based on the evidence before me, there is agreement between the main parties that the proposed development would deliver a dwelling for the appellant who has demonstrated that their housing needs and personal circumstances satisfy the TAHSPD in relation to the '*Build You Own*' scheme.
7. The appeal site is a roughly triangular-shaped parcel of land accessed off an unnamed road via the entrance to Tanglewood, which is a detached bungalow, a number of outbuildings as well as what appeared to be a single storey workshop building and a stable block. Part of the site is gravelled, and I observed a number of vehicles and machinery situated upon it. The appeal scheme would see the erection of a detached 2-storey dwelling with a separate double garage.
8. Adjacent to Tanglewood, to the other side of the access, is a detached cottage. A linear field is located to the north and east of the appeal site and beyond that is a large open area that is predominantly clear of structures and falls within the Nesscliff Training Camp (NTC). To the other side of this open space, and still within the NTC, are multiple buildings. I observed that many of these were close to houses facing an unnamed road to the east of the NTC's boundary.
9. There is dispute between the parties on whether the appeal site is demonstrably part of, or adjacent to, Wilcott, which is a recognisable named settlement. I saw that there were a number of houses in close proximity to each other that focussed on the unnamed road to the east of the NTC that then continued to meander in a northeasterly direction. Consequently, I found Wilcott to be a broadly tight-knit settlement that was partly reinforced, in terms of its built form, by the adjoining cluster of buildings associated with the NTC along its eastern boundary.
10. Due to the expansive open gap between the appeal site and the cluster of buildings within the NTC, they appear visually detached and feel disconnected from each other. Therefore, the proposed development would neither be located within nor adjacent to Wilcott.
11. The support of a Council Member and their view that the appeal site is located in Wilcott Marsh is noted. However, neither the appellant nor the Council agree that the site is located within Wilcott Marsh. On the basis of the evidence before me there is no reason to disagree with the appellant and the Council on this matter.
12. For the above reasons, the appeal site is not in a suitable location for the proposed development having regard to relevant local plan policies. This is contrary to ACS Policy CS11 and SAMDev Plan Policy MD7a, which requires, amongst other things, exception schemes for local needs affordable housing to be on suitable sites in and adjoining recognisable named settlements.

Flood Risk

13. The National Planning Policy Framework (the Framework) sets strict tests to protect people and property from all sources of flooding and states that where these tests are not met new development should not be allowed.
14. The Planning Practice Guidance (PPG) explains that 'flood risk' is a combination of the probability and the potential consequences of flooding, and areas at risk of flooding are those at risk of flooding from any source, now or in the future. The PPG adds that for areas at risk of river and sea flooding, this is principally land within Flood Zone (FZ) 2 and FZ 3 and it identifies that the Environment Agency's 'Flood Map for Planning' (FMP) shows river and sea flooding.
15. The appellant's FRA includes an extract of the FMP that clearly illustrates that part of the appeal site containing the access road falls within FZ2. However, the FRA, which is site specific, has compared the Environment Agency's flood level and a flood extent map with the findings of a topographic survey. This demonstrates that the proposed built development and the access road would be more than 0.6m above the 1000-year event, which would have a higher flood level than the 1 in 30-year and 1 in 100-year events. Taking climate change into account, the access road would have a low chance of surface water flooding at a depth of 0.2m, which is unlikely to pose a risk to evacuation. Consequently, as per the definitions in the PPG, the appeal site falls within FZ1, which has a low risk of flooding and based on the evidence before me, a sequential test is not required in this case, which would have been required if any part of the developed area of the appeal site fell within FZ2.
16. Had I been minded to allow the appeal, measures to manage surface water runoff could have been dealt with via a condition so that stormwater would not affect adjoining land or increase the risk of flooding elsewhere. Although it has been demonstrated that the proposed development would not be at risk of flooding in this case, I see no harm in the occupants of dwellings close to FZs 2 and 3 being registered to receive flood warnings.
17. In conclusion, the proposed development would accord with national policy in the Framework, which seeks to ensure that new development is directed away from areas at risk of flooding.

Other Matters

18. There is no legal agreement before me that would secure the proposed dwelling as affordable housing in perpetuity. Had the proposal been acceptable in all other respects, this is a matter I would have raised with the main parties.
19. I note the Council's concerns about the access to the proposed dwelling if it were later occupied by somebody who was not associated with Tanglewood. There is a clear access via the existing vehicular entrance to Tanglewood off the public highway and past the workshop and stable buildings, and I see no issue with this. Nevertheless, this is not a determinative factor in this case.

Planning Balance

20. The Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. I give significant weight to the conflict with ACS Policy CS11 and SAMDev Plan Policy

MD7a, which are consistent with the Framework in supporting opportunities to bring forward rural exception sites that will provide affordable housing to meet identified needs. A key qualifying criterion of these policies is that proposals are in or adjoining a recognisable named settlement. As a result, I find that there is conflict with the development plan as a whole.

21. The parties agree that the Council has a deliverable housing land supply of 4.73 years. Consequently, paragraph 11 d) of the Framework is applicable. Paragraph 11 d) ii) identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The proposed development would make a positive contribution in the delivery of a new dwelling that meets an identified local need as part of the Council's '*Build Your Own*' scheme, that would represent the efficient use of land and is partly on previously developed land. There would also be associated social and economic benefits during the period of construction and once the dwelling is occupied, as well as the opportunity for biodiversity enhancements.
23. However, the limited scale of the development means that I afford the provision of a new dwelling within the context of the current shortfall, along with the other benefits listed above, moderate weight in favour of the proposal.
24. I understand the appellant's strong local connection, the personal and business-related benefits associated with locating the new dwelling on the site, and the support from the Parish Council as well as from public representations. Whilst sympathetic to these personal circumstances, I am mindful that the courts, in general, have taken the view that planning is concerned with land use in the public interest. Moreover, there is little evidence before me to demonstrate that these benefits could not be delivered in a less harmful way. Consequently, I afford this moderate weight.
25. Paragraph 83 of the Framework promotes sustainable development in rural areas and housing should be located where it would enhance or maintain the vitality of rural communities. The closest services, including a shop, school and bus stop, are in Nesscliffe. I saw that the route to this nearby village was along unlit roads with limited stretches of footpath. Whilst a small part of the route is along National Cycle Route 81, the road conditions would not be particularly inviting for walkers and those with mobility issues, as well as many cyclists, particularly during adverse weather and during the hours of darkness. Due to a lack of genuine sustainable travel choices, the occupants of the proposed house would be heavily reliant on private motor vehicles to access services and facilities on a regular basis. Consequently, I give this factor limited weight.
26. There is no compelling evidence to support the appellant's claim that the proposal would result in a cumulative reduction in vehicle movements. There is no comparison of likely vehicle movements associated with accessing day-to-day services and facilities, including shops and schools. As such, I afford this limited weight.
27. A lack of harm or policy compliance in respect of character, living conditions and highway safety would have a neutral effect which weigh neither for nor against the proposed development.

28. On the other side of the balance, the appeal site would not be in a suitable location for the proposed development having regard to relevant local plan policies, which would be contrary to paragraph 82 of the Framework. Given the long-lasting nature of locating the proposed development neither in nor adjoining a recognisable named settlement, I attribute significant weight to this conflict.
29. Therefore, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework does not apply.

Conclusion

30. 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