



Appeal Decision

Site visit made on 7 January 2026

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

Appeal Ref: 6001017

Land East of 15 Woodlands Close, Broseley, TF12 5PY

- 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 J Gough against the decision of Shropshire Council.
 - The application Ref is 25/00645/OUT.
 - The development proposed is a single self-build dwelling with access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed that the reference to a company name on the planning application form was an error and that the appeal should proceed only in the name shown in the banner heading above.
3. The description of development above has been taken from the application form. However, I have removed the words describing the type of application and the address, in the interest of conciseness.
4. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. A Proposed Block Plan has been submitted showing how development could be accommodated on the site. I have taken this plan into account for indicative purposes only.
5. In response to refusal reason 2, the appellant submitted a Preliminary Coal Mining Risk Assessment. The Council and the Coal authority have been given the opportunity to comment on the assessment. Consequently, the Council has confirmed that its concerns regarding land stability, expressed in refusal reason 2, could be overcome by planning conditions, should the appeal be allowed. Based on the evidence before me, I find no reason to conclude otherwise.

Main Issues

6. Having regard to the above, the main issues are:
 - whether the site is in a suitable location for the proposed development having regard to the spatial strategy in the Development Plan;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of neighbouring occupiers at 15 Woodlands Close with particular regard to outlook; and

- the effect of the proposal on the safety of highway users.

Reasons

Suitable location

7. The adopted Development Plan relevant to this proposal is the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS), the Shropshire Council Site Allocations and Management of Development 2015 (the SAMDev) and the Broseley Town Council Neighbourhood Development Plan 2020 – 2038 (the BNP).
8. CS Policy CS1 sets the strategic approach to the location of development and directs development to the most accessible locations, including Shrewsbury, Market Towns and Key Centres and in community hubs and clusters in the rural areas.
9. The appeal site is located adjacent to, but outside of the boundary of Broseley, which is a Key Centre. The site is therefore 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 those policies are not applicable to this appeal proposal. The proposal would therefore conflict with the spatial strategy in the development plan insofar as it seeks to control new development in the countryside.
10. SAMDev Policy S4 sets the Development Strategy for the Broseley Area for the period 2006-2026, with reference to the Broseley Town Plan. However, this has been superseded by the more recently adopted BNP. Policy HO1 of the BNP supports new housing development on windfall sites within the Broseley development boundary and requires development to meet at least one of the stated criteria. The appeal site is located outside of the BNP development boundary and would not meet any of the Policy's criteria. The proposal would therefore conflict with the BNP's strategy for the location of new housing.
11. Notwithstanding the conflicts identified above, whilst the site is located outside of the defined Broseley development boundary, it is adjacent to it. The site is adjoined by existing residential development to the west and would be accessed from Woodlands Close which serves that existing residential development. Given the close proximity of the site to the existing built form of the settlement and access to services, its location would not conflict with the strategy set out in CS policy CS1 in terms of its aims of directing development to Key Centres such as Broseley.
12. Taking all of the above into account, the appeal site location conflicts with Policy CS5 of the CS, Policy MD7a of the SAMDev and BNP Policy HO1, due to its location outside of the Broseley development boundary. Nevertheless, I have also found that the site's location would not conflict with the Council's strategic approach of directing development to Key Centres, as set out in CS Policy CS1.

Character and appearance

13. The appeal site is part of a larger parcel of open land located at the edge of the built-up area of Broseley. The western boundary of the site adjoins existing residential development on Woodlands Close. The other boundaries of the site are with undeveloped countryside land with no physical features to define them.

Cockbird Cottage to the north and Woodlands Farmhouse to the south protrude a short distance further east of the appeal site, but they do not adjoin it. The open countryside land continues to the east of the site beyond the access road to Cockbird Cottage and includes a parcel of land which is designated as Local Green Space (LGS) in the BNP.

14. The boundary treatments to the existing residential properties at the edge of the settlement serve as a clear demarcation between the built-up part of the settlement and the surrounding countryside. The site itself has an open and verdant appearance which reflects its countryside setting and contributes positively to the character and appearance of the area.
15. It is suggested the proposal would be an extension to Woodlands Close. However, the plot for the proposed dwelling would project into the open countryside land, resulting in a built form at odds with the surrounding layout of development. The proposed development would therefore appear as an incongruous feature in the landscape. The introduction of built development and the likely associated domestic paraphernalia to the site would erode its open and verdant character. This harm could not, in my judgement, be fully overcome through a landscaping scheme, as suggested.
16. I acknowledge that the site is not subject to any landscape designations and has not been identified as a LGS. I also recognise that views of the site from the public right of way to the north would be limited. However, the proposed development would be clearly and unavoidably visible from the adjacent residential properties and would result in a noticeable and harmful change to the character and appearance of the area.
17. Taking all of the above into account, I find that the proposal would unacceptably harm the character and appearance of the area. As such, it would conflict with CS Policies CS5, CS6 and CS17 as well as SAMDev Policies MD2, MD7a and MD12. Taken together these policies require development proposals to be of high-quality design which respects local context and character, including countryside character, and responds appropriately to the form and layout of existing development. The proposal would also conflict with BNP Policies HO1 and GR7 which together support development which promotes local landscape character and has a positive impact on the open countryside around Broseley.

Living conditions

18. 15 Woodlands Close is a dormer bungalow situated to the west of the appeal site. Two large first-floor windows in its side elevation, serving a stairwell and a bedroom, have unobstructed views across the site.
19. The detailed design and siting of the dwelling would be determined at reserved matters stage, but it is suggested that the proposed dwelling would be a single storey bungalow and it would be sited to follow the building line of 15 Woodlands Close.
20. During my site visit, I observed that the ground levels of the site and 15 Woodlands Close are comparable. On this basis, even a single-storey bungalow, positioned as suggested and sited away from the adjoining property, has the potential to impinge upon the outlook from the first-floor windows of 15 Woodlands Close.

Consequently, I cannot be satisfied that the proposal would avoid an adverse effect on the living conditions of those neighbouring occupiers in this regard.

21. I therefore find that the proposal would harm the living conditions of the occupiers of 15 Woodlands Close with regard to outlook. As such, the proposal would conflict with SC Policy CS6 insofar as it requires development to safeguard residential amenity.

Highway safety

22. The planning application form confirms that approval is sought for access as part of this outline application. It is not a matter reserved for later consideration. The Proposed Block Plan indicates access from the turning head on Woodlands Close. However, there is no detail submitted showing how the vehicular access would be laid out to ensure acceptable visibility can be achieved and to avoid conflicts between vehicles using the turning head and vehicles accessing the site. An access in this location would also require the relocation of existing services and, from what I saw during my site visit, the removal of a tree, which has not been shown. Furthermore, there is nothing submitted to show how pedestrians would safely access the site. In the absence of such details, there is no reasonable assurance that the proposal would not adversely affect the safety of highway users.
23. It is suggested that details of the access could be conditioned for submission at the reserved matters stage. However, this would not be appropriate, because access is not a reserved matter in this case (Planning Practice Guidance 'Use of Conditions' Paragraph 21a-005-20190723).
24. Accordingly, I find that the information submitted fails to demonstrate that the proposal would not be harmful to the safety of highway users. As such, the proposal would conflict with paragraphs 115, 116 and 117 of the National Planning Policy Framework (the Framework). These paragraphs require, amongst other things, safe and suitable access to be achieved for users, for priority to be given to pedestrian movements and state that development should be refused if there would be an unacceptable impact on highway safety.

Other Matters

25. The proposed development would have limited social and economic benefits. One additional house, although positive, would make little difference to the overall supply of housing and the support that its construction and future occupancy would provide to construction employment, and the local economy would be limited.
26. The proposal is described as a self-build dwelling. This is a benefit in that it would contribute to meeting the Council's statutory duty in this regard. However, I have not been provided with any mechanism by which to secure its provision as a self-build dwelling. It is suggested that a Unilateral Undertaking could be required, by condition, to be submitted at reserved matters stage. However, this would not be appropriate as reserved matters deal with only certain matters, and it is the outline proposal which establishes the principle of development. I therefore attribute the provision of a self-build dwelling limited weight.
27. I understand the proposed dwelling would be occupied by the appellant's parents. It is stated that a bungalow in this location would cater for their future needs and ensure that family support and care is readily available. However, this would largely

be a private benefit. It is a well-founded principle that the planning system does not exist to protect private interests. Therefore, this consideration does not alter my overall conclusions.

28. SAMDev Policy MD13 is cited in refusal reason 4. This Policy seeks to avoid harm to designated heritage assets and their settings. The Broseley Conservation Area boundary is located to the north and west of the site, beyond Cockbird Cottage and the existing development on Woodland Close. However, there is no substantive evidence before me to demonstrate that the proposal would affect the setting of this Conservation Area and the Council's case does not raise any concerns in this regard. Based on the evidence submitted, and my observations on site, I have no reason to reach an alternative conclusion. As such, I find no conflict with Policy MD13 in relation to the need to preserve or enhance the character or appearance of the Conservation Area.
29. The Ironbridge Gorge World Heritage Site (WHS) lies to the north of the site beyond a dense woodland buffer. Although I have found that the proposal would harm the character and appearance of the area, its small scale, its distance from the WHS, and the presence of the intervening woodland mean it would not, in my judgement, significantly harm the wider countryside between Broseley and the WHS. Accordingly, I find no conflict with SAMDev Policy MD13 or BNP Policy VE2 which seeks to avoid any significant adverse impact on the character of the countryside between the Broseley development boundary and the WHS.
30. The site is part of an agricultural pasture field and there are concerns that the proposed development would compromise the ability to use the rest of the field for agriculture. There is little before me to demonstrate that the field comprises best, and most versatile agricultural land (BMV) as defined in the Framework. 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.
31. Although not cited in the reasons for refusal, the Council's Development Management Report identifies issues related to the living conditions of future occupiers of the proposed dwelling. Whilst acknowledging that the layout would be determined at reserved matters stage, based on my observations on site, direct overlooking from the first-floor side elevation windows of 15 Woodlands Close, into the outdoor amenity area of the proposed dwelling would be unavoidable and at close proximity. This would have an unacceptable effect on the privacy of future occupiers.
32. The Council also refers to possible overlooking from the rear dormer window of 15 Woodlands Close. Any such views, however, would be oblique and limited, a situation that is common in residential environments and which I find would not unduly harm the privacy of future occupiers. Nevertheless, I find that the proposal is unlikely to provide adequate living conditions for future occupiers with regard to privacy, and this adds to my concerns regarding the proposal.
33. My attention has been drawn to an appeal decision concerning a site adjacent to another Key Centre in Shropshire which was allowed (Appeal Ref:

APP/L3245/W/23/3324882, 24th April 2024). I have not been provided with the full details of that case, but from the information available, I find that the site-specific circumstances and issues arising in that case are not directly comparable to those before me now. Accordingly, I have considered the proposal based on its own merits and this consideration does not alter my conclusions.

Whether paragraph 14 of the Framework is relevant

34. Paragraph 14 of the Framework states that in situations where paragraph 11d) is triggered, the adverse impacts of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits if the neighbourhood plan is less than five years old and it contains policies and allocations to meet its identified housing requirement. It is common ground between the main parties that the BNP is less than five years old.
35. Paragraph 69 of the Framework requires strategic policies to set out a housing requirement for neighbourhood areas which reflects the overall strategy for the pattern and scale of development. The BNP has a housing requirement of 50 dwellings which was derived from an emerging Shropshire Local Plan, but which has subsequently been withdrawn.
36. The appellant contends that the BNP is out of date because its housing requirement is derived from that withdrawn plan. Nevertheless, there is nothing before me to suggest that the housing figure was not provided in accordance with paragraph 69. Moreover, the housing requirement and the strategy for delivering it was independently tested at the BNP examination. It is not within the remit of a section 78 appeal to review those matters.
37. Planning Practice Guidance advises that for a neighbourhood plan to meet the criteria set out in paragraph 14b) of the Framework the policies and allocations in the plan should meet the identified housing requirement in full (Paragraph: 097 Reference ID: 41-097-20190509). The BNP contains an allocation and a policy permitting windfall dwellings to meet its identified housing requirement in full. Therefore, I conclude that paragraph 14 of the Framework is engaged.
38. The appellant has drawn my attention to two appeal decisions in which the Inspector determined that paragraph 14 of the Framework did not apply (Appeal Refs: APP/K2420/W/24/3351678, 28 April 2025 and APP/H1705/W/25/3363048, 14 July 2025). I have not been provided with the full details of these cases, nor the evidence on which they were determined. However, both decisions indicate that, in those cases, the relevant neighbourhood plan could no longer meet its identified housing requirements. Both the Council and Broseley Town Council submit that the housing requirement in the BNP is likely to be exceeded as a result of the number of windfall dwellings which have received planning permission, in addition to the housing site allocated. The appellant has not disputed this. Therefore, I do not find the cited examples directly comparable to the case before me now and, as such, they do not lead me to an alternative conclusion on the status of the BNP.

Planning Balance

39. The Council have confirmed that they cannot demonstrate an adequate supply of deliverable housing land, with the current number of years supply being 4.73. In such circumstances, paragraph 11 d) of the Framework is relevant. As such, it is necessary for me to determine whether the adverse impacts of the proposal would

significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply.

40. However, as I have set out above, paragraph 14 of the Framework states that in situations where paragraph 11d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan (where the two criteria are met) is likely to significantly and demonstrably outweigh the benefits.
41. The limited scale of the development means that I afford the provision of a new house within the context of the current shortfall, along with the other benefits listed above, limited weight in favour of the proposed development. I have considered the economic, social and environmental objectives of the Framework referred to, as well as paragraph 73, which emphasises the important contribution small and medium sized sites can make to meeting the housing requirement. Additionally, a dwelling in this location would not conflict with the strategic aims of CS Policy CS1 in terms of directing development to Key Centres.
42. On the other side of the balance, the site location conflicts with Policy CS5 of the CS, Policy MD7a of the SAMDev and BNP Policy HO1, which together seek to control new development in the countryside outside of settlement development boundaries. Additionally, the proposal would result in permanent harm to the character and appearance of the area. It would also harm the living conditions of neighbouring occupiers and the safety of highway users. These matters attract significant weight in the planning balance. Finally, the proposal is unlikely to provide adequate living conditions for future occupiers, to which I attribute moderate weight.
43. Consequently, the benefits of the proposal do not outweigh the conflict with the BNP having regard to Framework paragraph 14, including the harm that I have found to the character and appearance of the area, living conditions and highway safety. Instead, the harm would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole.

Conclusion

44. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR