
Appeal Decision

Site visit made on 24 June 2026

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2026

Appeal Ref: 6008835

Former Sand Quarry, Land North of Olden Lane, Ruyton Xi Towns SY4 1JD

- 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 Jones on behalf of Bear&Co against the decision of Shropshire Council.
 - The application Ref is 24/03767/OUT.
 - The development proposed is 5no. self-build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with all matters reserved for future consideration apart from access and scale. I have determined the appeal on this basis, treating the submitted plans which show details of the matters reserved as illustrative.

Main Issues

3. The main issues are the effect of the proposed development on:
 - highway safety with regard to access, and
 - the integrity of a European site.

Reasons

Highway safety

4. The appeal site is served by an existing access onto Olden Lane which is proposed to be reconfigured and improved as part of the appeal proposal. The Council state their concerns relate to access to the highway and the safety of users.
5. The speed limit of the road immediately outside the sites entrance is 40mph which then changes to 30mph closely afterwards on approach to Ruyton Xi Towns. The application was accompanied by a topographical survey and maximum visibility splay drawing which identified that the required visibility splay could not be achieved within land under the appellants ownership, on the basis of the speeds measured.

6. In response, the appellant has proposed to relocate the 40mph to 30mph speed limit change so that the sites frontage is within the 30mph zone, thereby reducing the required visibility splays, which can then be achieved within the appellant's control. A single lane chicane/build out is also proposed to reinforce and further reduce the speed of vehicles.
7. The Council state that the information provided in relation to highway matters is generic and lacking clarity of the ground truth. However, the Council have provided little evidence to demonstrate this, and I find that the information provided is accurate and is reflective of the situation on the appeal site and includes speed data and topographical data. I note that information in regard to ATC location positions, breakdown of HGV and bus traffic and elevational changes over the highway carriageway have not been provided, but there is little evidence to suggest that if these were provided, the findings would differ.
8. I acknowledge that the proposed traffic calming measures would be unnatural in the context of the rural area and that the proposed measures may not be proportionate to the modest sized proposal before me. However, the evidence suggests that these changes would result in an improved situation for users of the highway and have been submitted on the basis of the comments made by the highway authority.
9. It is therefore evident, based on the information before me that safe and suitable access to the highway can be achieved, even with the road and visibility constraints on the ground. The proposal would therefore not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network, following mitigation, would not be severe. The extent of the proposed mitigation measures could be secured by a suitably worded planning condition. I note the Council's suggestion that a road safety audit should be submitted, particularly for the proposed change in speed limit, however, I am mindful that this could also be secured by a suitably worded planning condition.
10. I therefore conclude that the proposed development would not unacceptably harm highway safety with regard to access. There would be no conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan 17th December 2015 and Paragraph 116 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that developments are safe and accessible to all and that proposals do not result in an unacceptable impact on highway safety.

European site

11. The appeal scheme proposes a dwelling on a site that lies within the Zone of Influence of the Cole Mere Ramsar which forms part of the Midlands Meres and Mosses Phase 2 Ramsar site. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other projects, the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.

12. The Ramsar site is designated for its natural or near natural wetland, which includes a range of habitats from open water to raised bog, rare wetland plants and invertebrates, including several rare wetland species. Increased recreational pressure, predominantly from additional visitors is likely to give rise to significant adverse effects upon the structure, function and integrity of the site and have an impact upon the aim of bringing it to a favourable condition. There is, therefore, potential that the proposed residential development at the site, in combination with other development, could result in adverse effects on the integrity of Cole Mere.
13. The Council advise that recreational pressures could be mitigated through the provision of visitor management measures including improved signage, visitor infrastructure maintenance, car park improvements, and visitor monitoring, so as to avoid such adverse effects. This is to be funded through developer contributions towards the implementation of the onsite mitigation measures as set out in the Cole Mere Heritage Site Management Plan 2020-25 which requires a contribution of £50 per bedroom.
14. The appellant has suggested a willingness to provide the required contributions; however, no completed legal agreement has been provided with the appeal. I acknowledge both the Council and appellants concerns that due to the proposal being submitted in outline form, the exact number of bedrooms are not known. However, the Regulations are clear that I must be satisfied at the point of decision that the proposal would not have an adverse effect on the integrity of the European site, even when considering outline planning permissions¹.
15. As the competent authority in this case, I must be able to rule out all reasonable scientific doubt that the proposal would have an adverse effect on the integrity of the European site. Given that there is no legal agreement to secure any mitigation or commitment to such, and the high level of statutory protection afforded to the European sites, I am not satisfied that adverse effects on the integrity of the European site would be avoided.
16. Consequently, I cannot conclude that the appeal scheme would not have an adverse effect on the integrity of the European site. The proposal would therefore conflict with the Regulations.

Other Matters

17. The appellant has claimed an exemption for biodiversity net gain through the proposed development being for self-build dwellings, however, there is nothing before me that secures the proposed dwellings as self-build. The Council has suggested a condition; however, a planning condition is unlikely to meet the tests outlined in Planning Practice Guidance to secure self-build dwellings. The parties were consulted on this matter but provided no comments. However, as I am dismissing the appeal for other reasons, I have not sought to explore this matter further.
18. The appellant suggests that they intend to make financial contributions towards affordable housing and towards the Parish Council's neighbourhood fund. However, there is no planning obligation to secure these contributions before me so they have not attracted any weight in favour of the proposed scheme.

¹ Regulation 70 (3)

Planning Balance

19. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The appellant states that the Council is only able to demonstrate a 3.81 year supply which represents a significant undersupply. The proposed development of five units would make a modest contribution to addressing this undersupply on a site with access to services and facilities by sustainable means and is therefore a benefit that attracts significant weight. The proposal also includes bungalows and varied housing which would attract limited weight in favour of the proposed scheme.
20. Paragraph 11d) of the Framework states that where the policies which are most important for determining the proposal are out-of-date (including situations where the Local Planning Authority cannot demonstrate a necessary housing land supply) permission should be granted unless (i) the application of policies in the Framework provide a strong reason for refusing the development proposed or (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
21. I have not been able to conclude that the appeal scheme would not have an adverse effect on the integrity of a European site which would provide a strong reason for refusing the proposed development and as such, Paragraph 11d (i) of the Framework therefore would apply. This means that paragraph 11d (ii). of the Framework is not engaged and the proposed development would not benefit from the presumption in favour of sustainable development.

Conclusion

22. The proposal would conflict 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, for the reasons given, the appeal should not succeed.

D Wilson

INSPECTOR