



Committee and Date

Northern Planning Committee

22nd September 2026

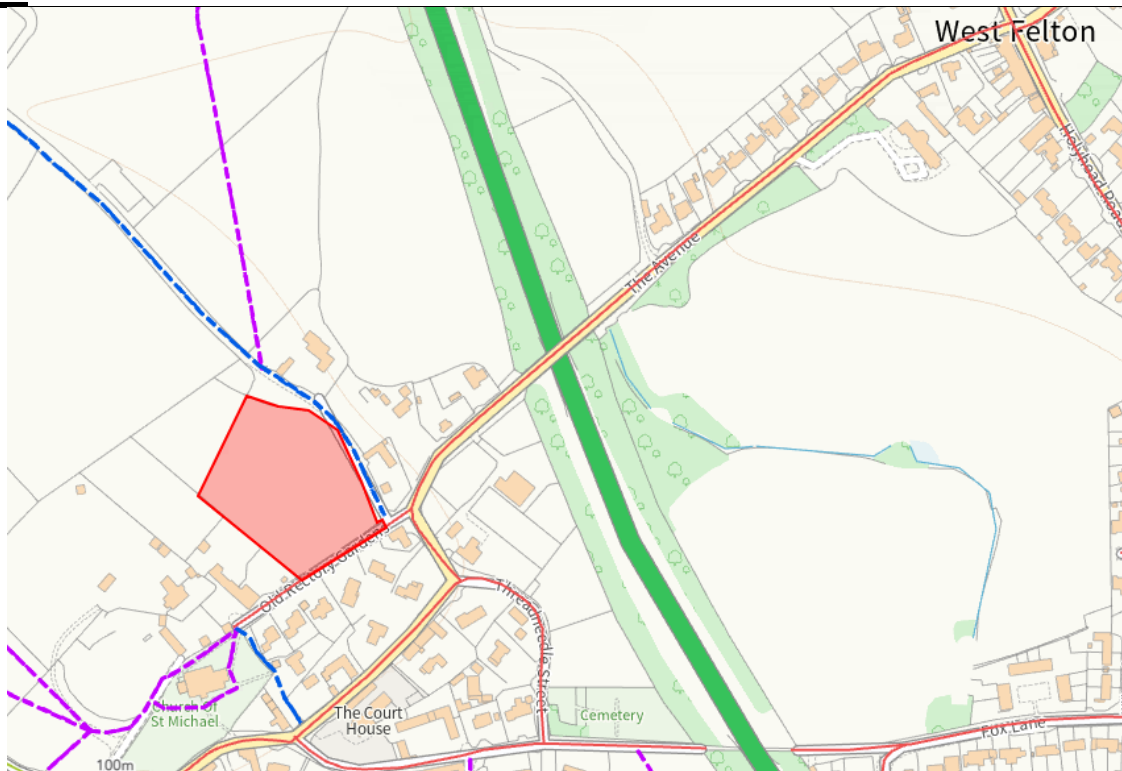
Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

Summary of Application

<u>Application Number:</u> 25/03651/FUL	<u>Parish:</u>	West Felton
<u>Proposal:</u> Proposed residential development of 10 dwellings		
<u>Site Address:</u> Proposed Residential Development Land North Of Old Rectory Gardens West Felton Shropshire		
<u>Applicant:</u> Mr Christopher Shaw		
<u>Case Officer:</u> Mark Perry	<u>email:</u> mark.perry@shropshire.gov.uk	

Grid Ref: 334180 - 325352



© Crown Copyright. All rights reserved. Shropshire Council AC0000808715. 2025 For reference purposes only. No further copies may be made.

Recommendation:- subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for 10 dwellings, including a new access, roadside footway and widening of the existing lane known as Old Rectory Gardens.
- 1.2 The scheme includes a mix of three- and four-bedroom house types, two of which are proposed as affordable dwellings.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 West Felton comprises two distinct parts separated by the A5, with the application site located in the western part of the village. The two areas are connected by two bridges over the A5, one pedestrian-only bridge and one road bridge with a footway. The latter provides the most direct route from the application site to the eastern part of West Felton.
- 2.2 The application site is part of a slightly larger agricultural field which is laid to grass and is defined by a mix of timber post and rail fencing, post and wire fencing, hedgerows and sporadic boundary trees.
- 2.3 The site is located within the West Felton Conservation Area; which covers the whole of the western portion of West Felton and also the central part of the eastern portion.
- 2.4 To the west of the site there is Manor Farm which includes 2 traditional agricultural barns which have now been converted into dwellings. The farmhouse, its outbuilding and the western most barn are grade II listed and sit 54m and 40m respectively from the edge of the application site. The eastern most barn where the residents have their gardens backing onto the application site is not listed in its own right but is likely to be considered as curtilage listed.
- 2.5 Old Rectory Gardens leads to the Church of St Michael which is grade II* listed. This sits around 80m from the edge of the application site. Further to the west, around 100m from the application site is a Motte Castle which is a scheduled monument (NHLE 1019296).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons and the Local Member has also requested the

committee determination of the application. In consultation with the Committee Chair and Vice-Chair it was agreed that material matters are raised which warrant consideration and determination by the planning committee.

4.0 Community Representations

Below is a summary of representations received during the consultation/publicity period, comments can be viewed in full online.

Consultee Comment

4.1 Parish Council – Object (reconsultation response 21st January 2026)

The application has been reconsidered by the Parish Council. Whilst the details have changed slightly, the Council's previous comments remain valid. The Council objects even more strongly given that the proposed housing estate will encroach even more significantly on the Conservation Area than it would have done in the original proposal.

Parish Council- Object (initial response 24th October 2025)

The proposal seeks to erect a housing estate in a Conservation Area. Despite apparent and perplexing efforts in the application to minimise the status of the Conservation Area, the site is in a Conservation Area the integrity of which must be protected. Under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a legal duty on the local planning authority to pay "special attention to the desirability of preserving or enhancing the character or appearance" of the conservation area. The application does not demonstrate how the proposed development will preserve or enhance the conservation area. On the contrary, the heritage assessment acknowledges that the proposed development will harm the conservation area, stating that there will be a "limited but less than substantial impact on the setting of the conservation area" and that "the partial loss of the field will result in limited harm to the conservation area". Whilst some effort seems to have been made to design the dwellings in keeping with the surrounding properties, the design of plots 4 and 5 are not at all in keeping. Furthermore, the site is on agricultural land in open countryside and the proposed development of 10 dwellings will undoubtedly have an adverse impact on the character of the rural setting. There is also concern over the resulting increase in traffic movements on The Avenue, which already suffers from speeding issues and a dangerous junction where it meets the Holyhead Road. For these reasons the application should be rejected.

4.2 Highways- No objection subject to conditions.

4.3 Conservation- In consideration of the revised submission the mix in house designs is welcome, but raise concerns about the excessive scale

and height of several dwellings—particularly Plots 1, 2 and 10, and the new farmhouse which is taller than the adjacent listed building, making it overly dominant within its setting.

Further to the above comment the Planning Officer sought revisions to the size of the dwellings to address this matter, as discussed later in this report.

The overall design approach is considered appropriate except for the scale.

Whilst alterations they have be made, they have not made any real difference as the scale along with massing of development on this currently open verdant area which is within the West Felton Conservation Area (WFCA) and is the part of the village which contains the historic origins as a settlement, heavily defined by its rural agricultural and manorial history.

Additional concerns include the lack of domestic storage and garages for Plots 1 and 2, which could lead to cluttered frontages and gardens. Maintain that the scheme would cause less than substantial harm to the site engaging Section 66 (1) and Section 72 (1).

4.4 **Ecology-** No objection subject to conditions and informatives.

4.5 **Education-** current forecasts indicate the need for additional school place capacity for both primary and secondary level within the local area. Using DFE pupil yield figures, 10 dwellings will create:

Early years places: 1 (yield 0.07)

Primary School places: 3 (yield 0.27)

Secondary School places: 2 (yield 0.14)

Post 16 places: 1 (yield 0.05)

SEND (special school places): 1 (0.01)

Due to the scale of development and the number of pupils not only for this development but also numbers that other developments in the area will generate it is recommended that contributions for both primary and secondary education provision are secured via CIL.

4.6 **Affordable Housing-** The applicant is proposing a slight over provision. The amendment to provide 3 and 4 bedroom properties for the affordable rental dwellings is welcomed.

4.7 **Archaeology-** Following the submission of a trial trench evaluation report no further archaeological work is required.

4.8 **Historic England-** The proposed development will be situated roughly 100m from the 'Motte castle adjacent to St Michael's Church' scheduled

monument (NHLE 1019296) and within WFCAs. Any development should be undertaken using quality materials (such as red brick) and finishes, in accordance with the conservation and design policies - CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev.

The submitted heritage impact assessment is considered to be of sufficient detail to understand the potential effects on the monument.

We agree with the recommendations and conclusions made within the impact assessment in that the development would likely not result in any change to the setting of the monument.

4.9 Severn Trent Water- No objection raised subject to planning conditions requiring the submission of details for foul and surface water flows.

4.10 Drainage- No objection subject to conditions requiring the submission of further detailed drainage details, a verification reports detailing the implementation of the approved details, management and maintenance plan for the drainage system.

4.11 Public Comments

A total of 49 public representations were received, all of which object to the proposal. The main grounds for objection are summarised as follows:

Heritage and Conservation Area Impact

- Harm to the Conservation Area.
- Loss of historic rural character.
- Impact on views and setting of heritage assets.
- Archaeological concerns relating to the motte and bailey and wider manorial complex.
- Overdevelopment of a sensitive historic site.

Highway Safety and Traffic

- Narrow roads incapable of accommodating further traffic.
- Dangerous bends and restricted visibility.
- Existing accident concerns at village junctions and A5 access points.
- Construction traffic impacts.
- Lack of suitable pedestrian infrastructure.
- Cumulative traffic impacts when considered alongside other proposed developments in West Felton.

Infrastructure Capacity

- Primary school capacity already exceeded.

- Lack of GP and healthcare provision.
- Limited local services and amenities.
- Limited public transport.
- Mobile phone, broadband, electricity and water supply constraints.
- Insufficient community facilities.

Drainage, Flooding and Sewerage

- Existing flooding within the village.
- Surface water runoff from development.
- Capacity of the foul drainage system.
- Lack of evidence of sewage treatment upgrades.
- Risk of environmental harm from sewer overflows.

Sustainability and Scale of Growth

- Village is becoming an unsustainable commuter settlement.
- Insufficient employment opportunities locally.
- Lack of evidence of housing need.
- Excessive cumulative growth.
- Concerns that development conflicts with the village's historic open countryside character.

Ecology, Landscape and Open Space

- Loss of greenfield land.
- Impact on birds of prey and other wildlife.
- Insufficient biodiversity enhancement information.
- Harm to landscape character and important views.
- Impact on public enjoyment of the rural setting.

Residential Amenity and Design

- Overlooking and loss of privacy.
- Building heights and massing.
- Relationship with nearby listed buildings.
- The "farmstead" design is an artificial form of development.
- Parking and visitor parking provision.
- Waste collection arrangements.

Members are advised that most consultation responses and consultee comments were received prior to publication of the revised NPPF on 17th August 2026. Officers have reviewed those responses against the current national policy framework. Whilst consultees generally referred to previous national policy terminology, the substantive planning issues raised remain relevant and have been assessed within the context of the current NPPF.

5.0 THE MAIN ISSUES

- 5.1 The main issues are the principle of development, given the site's location outside any defined development boundary and whether it is an appropriate location for housing growth in West Felton. Other matters concern the visual and landscape impacts; the effect on designated heritage assets; and highway implications.

6.0 OFFICER APPRAISAL

6.1 Adopted Development Plan

- 6.1.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan.
- 6.1.2 Core Strategy Policies CS1, CS4 and CS5, and SAMDev Policies MD1 and MD3, establish a clear hierarchy directing housing to sustainable settlements. Despite its size, West Felton is not classed as either a Community Hub or Community Cluster settlement and, for planning policy purposes, the site and the village as a whole are classed as a countryside location.
- 6.1.3 In such countryside locations, Policy CS5 states that new development will be strictly controlled and sets out the limited types of development that may be acceptable as exceptions. These include small-scale economic development, agricultural or forestry development, housing for essential countryside workers, and affordable housing to meet an identified local need.
- 6.1.4 The proposed development is predominantly for open market dwellings and does not satisfy any of the exception criteria for countryside development under Core Strategy Policy CS5 or SAMDev Policy MD7a, nor does it represent development of an allocated site. Consequently, the proposal would conflict with the adopted development plan.

6.2 National Planning Policy Framework

- 6.2.1 Since the Core Strategy and SAMDev Plan were adopted, there have been various iterations of the NPPF, with the most recent and significant revision published in August 2026. The NPPF is a material consideration to which significant weight must be given.
- 6.2.2 The new NPPF introduces a rules-based policy structure, replacing the former paragraph-led approach with separate plan-making and national decision-making policies. The presumption in favour of sustainable development remains central to decision-taking but is now expressed through policies S3 to S5 requiring the decision-maker to consider

whether the proposal is within a settlement, outside a settlement, or otherwise falls within one of the categories of development supported by national policy.

- 6.2.3 For this application, the site is outside a recognised settlement for development plan purposes and the proposal must therefore be assessed against the national decision-making policies for development outside settlements, namely Policy S5, together with the development plan and all other material considerations.
- 6.2.4 The age of the adopted Core Strategy and SAMDev Plan does not, of itself, mean that the relevant policies should be disregarded. Annex A of the NPPF makes clear that policies in adopted development plans should not be considered out-of-date simply because they were prepared under previous national policy. They remain part of the adopted development plan and continue to provide the starting point for decision-making. However, any material inconsistency with the NPPF affects the weight that can be given to those policies
- 6.2.5 In this case, the adopted core strategy continues to direct open market dwellings towards settlements rather than countryside locations, but this conflict must be weighed against the national decision-making policies of the NPPF 2026, including Policy S5 and the Council's current housing land supply position.
- 6.2.6 The Council is currently unable to demonstrate a five-year supply of deliverable housing land. Policy S5(1) of the NPPF sets out the circumstances where new development outside of settlements should be approved.
- 6.2.7 The NPPF states that development outside a settlement which falls within one of the specified categories in Policy S5(1)(a)–(j), including circumstances where there is a lack of a five-year housing land supply under point (j), should be approved unless its benefits are likely to be substantially outweighed by the adverse effects. This is subject to the development being physically well-related to an existing settlement, unless the nature of the development would make this inappropriate, and being of a scale that can be accommodated having regard to existing or proposed infrastructure, as set out in Policy S5(1)(j)(i).
- 6.2.8 Policy HO7 of the revised NPPF requires substantial weight to be given to the benefits of providing homes which contribute towards meeting evidenced accommodation needs.
- 6.2.9 Policy N2(1)(b) of the NPPF requires decision-makers to take account of the quality of agricultural land, including Best and Most Versatile agricultural land. Where significant development of agricultural land is necessary, areas of poorer quality land should be used where possible. In this case, the land is classified as Grade 3, which is good to moderate

quality.

6.3 Draft Local Plan

- 6.3.1 The Draft Local Plan has been withdrawn from examination, meaning its settlement strategies, development boundaries and proposed allocations no longer carry weight as material considerations. The site was not proposed for allocation in the withdrawn plan, although West Felton as a whole was proposed to be reclassified as a Community Hub.
- 6.3.2 Although the Draft Local Plan itself carries no weight, the evidence base that supported it has been endorsed by Cabinet for use as a material consideration in decision-making. That evidence identified West Felton as a sustainable location suitable for growth, having regard to available infrastructure. The withdrawn plan anticipated that the village would deliver around 60 additional dwellings on an allocated site, together with further housing on other sustainable sites within the proposed development boundary over the plan period.

6.4 Whether the site is in a sustainable location

- 6.4.1 Although the site lies outside any defined development boundary, it is closely related to the western part of West Felton. It fronts Old Rectory Gardens, a narrow no-through road leading to the church. To the south are the rear boundaries of two detached dwellings and the front elevations of three further detached properties, while the site's south-western boundary adjoins the residential curtilages of two converted barns.
- 6.4.2 Given the extent of surrounding built development, the site closely relates to existing built development along three of its sides. A narrow track, which is also a public right of way, runs along its eastern boundary, with existing residential curtilages beyond. Further residential curtilages adjoin the south-western side, while only the north-eastern boundary faces open countryside. During the course of the application, the site area was reduced so that it would not extend beyond a line drawn between the outer limits of the adjoining residential curtilages.
- 6.4.3 The village benefits from a range of amenities, including a shop, public house, primary school, play and recreation areas, churches and a village hall. It is also served by the Shrewsbury to Oswestry bus route, with hourly services. With the exception of one church, these facilities are located in the northern part of the village.
- 6.4.4 Road and pedestrian links between the two parts of the village are provided by a generally quiet, straight section of road that crosses the A5 by bridge. The route also benefits from street lighting. The distances and walking times from the site to local amenities are as follows:

Village shop / public house / bus stop — 550m / 8-minute walk

Primary school — 800m / 11-minute walk

Village hall — 590m / 9-minute walk

Play and recreation areas — 860m / 14-minute walk

- 6.4.5 The site is not isolated in planning terms. Given its relationship with surrounding development, future occupiers would have reasonable access to day-to-day services and facilities.

6.5 Access and Highways

- 6.5.1 A Highways Technical Note has been submitted with the application. It assesses the proposed access, visibility splays, local speed environment and likely traffic generation, and identifies potential off-site highway measures in response to comments made by the Highways team at pre-application stage.
- 6.5.2 A single access is proposed centrally on the Old Rectory Gardens frontage, serving the dwellings via a 5.5m-wide private road. Pedestrian provision would be improved through a new 2m-wide footway along the highway edge, linking to the existing pavement opposite via dropped kerbs and tactile paving.
- 6.5.3 The proposed development would generate a modest increase in traffic, estimated at 11 vehicle movements in each peak hour and 60 two-way movements per day. This level of traffic can be accommodated on the existing highway network without harming its safety or capacity.
- 6.5.4 The Council's Highways Officer has reviewed the application and supporting information and raises no objection, subject to conditions securing the visibility splays, footway works and carriageway improvements shown on the submitted plans.

6.6 Site Layout, Scale and Design

- 6.6.1 The application seeks full planning permission for a scheme comprising a range of dwelling types, sizes and designs. The overall approach is based on a farmstead-led concept, responding to the site's semi-rural setting and its relationship with Manor Farm.
- 6.6.2 The layout includes more traditional dwellings on the western side, while the eastern buildings draw from agricultural forms. Plots 8 and 9 are contemporary interpretations of traditional farm buildings, Plot 10 is designed to read as a farmhouse, and Plots 1 and 2 are smaller in scale, reflecting agricultural workers' cottages.
- 6.6.3 Plot 7 is intended as a more modern agricultural building, helping to suggest a traditional farmstead that has evolved over time. Officers consider that this approach creates a clear and distinctive character,

reflecting the local vernacular while incorporating contemporary design principles.

- 6.6.4 The buildings are arranged around a central landscaped open space, creating a focal point and helping to establish a sense of place. The varied building forms, plot sizes and orientations avoid the appearance of a standard suburban estate and instead reinforce the character of a rural farmstead and the more informal pattern of development found in this part of the village.
- 6.6.5 The proposed density is lower than would normally be expected for a new housing scheme. Policy L3 of the NPPF seeks to make effective use of land and, within settlements, expects residential development to contribute to appropriate increases in local density.
- 6.6.6 In this case, the lower density is justified by the site's historic context and the prevailing character and pattern of development in the surrounding area. A higher-density scheme would be less appropriate in this sensitive setting.
- 6.6.7 The application indicates that existing boundary vegetation would be largely retained and reinforced with new landscaping, helping the development integrate with its surroundings and soften its visual impact.
- 6.6.8 The Conservation Officer raised concerns about the height of the proposed dwellings, particularly Plots 1, 2 and 10 at the front of the site. Following those comments, Plot 10 has been reduced in height by 0.9m and would now sit below the height of the listed farmhouse at Manor Farm. Its width has also been reduced by 2.05m to achieve more appropriate proportions. With regards to the proposed dwellings on plots 1 and 2, the dwellings opposite have a ridge height of 8.6m and eaves height of 4.9m. The proposed dwellings would be lower, with a ridge height of 7.8m and eaves height of 4.2m. Officers therefore consider that the amended plans that have been received for these plots have addressed the comments made by the Conservation Officer and that their height and scale are now appropriate, having regard to the site context and the scale and massing of surrounding development.
- 6.6.9 Overall, the scheme demonstrates a coherent design approach that responds to local character, provides architectural variety and creates an attractive and distinctive place. The development is therefore considered to represent a well-designed scheme that accords with the objectives of Policy CS6, Policy MD2 and the design principles that are set out in policy DP3 of the NPPF.

6.7 Impact on Heritage Assets

- 6.7.1 The application site lies within the WFCA and close to several designated heritage assets, including the Grade II listed buildings at Manor Farm, the

Grade II* listed Church of St Michael and the scheduled motte castle. NPPF Policy HE4 requires decision-makers to give great weight to the conservation of designated heritage assets, irrespective of the level of harm identified. The more important the asset, the greater the weight that should be given to its conservation. Any harm to the significance of the designated heritage asset requires clear and convincing justification and must subsequently be weighed against the public benefits of the proposal.

- 6.7.2 The applicant has submitted a Heritage Impact Assessment (HIA) and an Archaeology Assessment in support of the application which have been considered by Officers.
- 6.7.3 The submitted HIA identifies that the level of harm to the Manor Farm farmstead complex would be less than substantial, and Officers concur with that assessment. It should be noted that the new NPPF published in August has removed the previous policy test of 'less than substantial harm'. The distinction in levels of harm now comprises 'total loss', 'substantial harm' and 'harm', as set out in Policies HE5 and HE6.
- 6.7.4 The heritage evidence before the Council was prepared under the previous NPPF and refers to 'less than substantial harm'. Whilst that terminology is no longer used in the current NPPF, officers consider that the identified impact falls within the category of 'harm' rather than 'substantial harm' or 'total loss'.
- 6.7.5 As harm to designated heritage assets has been identified, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged. Decision-makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of conservation areas. These statutory duties are matters of considerable importance in the planning balance and have been afforded significant weight in the assessment of this application.
- 6.7.6 Officers have fully considered the Conservation Officer's comments and, as set out above, sought amendments to the scheme. The revisions have secured a better mix of dwellings and a clearer design approach for the site. The dwellings are now considered appropriate in design and scale when assessed against surrounding properties and designated heritage assets. Officers therefore consider that the revisions have reduced the level of harm to designated heritage assets.
- 6.7.7 As required by policy HE6(4) of the NPPF, where a development would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal.
- 6.7.8 The public benefits of the proposal include the delivery of 10 dwellings in

a location closely related to the existing village, including two affordable rented homes. The scheme would also make a modest contribution to housing supply in the context of the Council's current housing land supply position, provide economic benefits through construction activity and future household spending, and secure highway improvements. These benefits are considered to outweigh the harm that would be caused to the significance of the identified designated heritage assets.

6.8 Flood Risk and Drainage

- 6.8.1 The site lies wholly within Flood Zone 1, where fluvial flood risk is low. Residential development is therefore acceptable in sequential flood risk terms.
- 6.8.2 A Flood Risk Assessment and drainage strategy have been submitted. These indicate that surface water would be managed on site using sustainable drainage principles, including an infiltration basin that would also provide biodiversity benefits. Infiltration testing has been undertaken to demonstrate that this approach would function effectively in this location, and the applicant has confirmed that the shared basin would be managed and maintained by a management company. Following the submission of additional information, the Council's Drainage team raises no objection.
- 6.8.3 Foul drainage would connect to the existing foul sewer in Old Rectory Gardens. Severn Trent Water has raised no objection to this arrangement.
- 6.8.4 Public concerns about flooding are acknowledged. However, Officers are satisfied that an appropriate on-site surface water drainage system and connection to the mains sewer can be secured to ensure the development does not increase flood risk on or off site.

6.9 Ecology and Biodiversity

- 6.9.1 The application is supported by an Ecological Appraisal which confirms that the site consists of pasture grassland and a large area of bare ground, and that there were no signs of any protected species on the site.
- 6.9.2 The biodiversity net gain assessment predicts a net gain on site of 0.28 (10.34%) habitat units and 0.16 (12.17%) hedgerow units. This will be achieved via the creation of other neutral grassland, vegetated gardens and planting of rural trees and native hedgerow. A Biodiversity Gain Plan and Habitat Management and Monitoring Plan will need to be submitted post permission in order to discharge the mandatory General Biodiversity Gain Condition.
- 6.9.3 The Council's Ecologist is satisfied by the level of survey work carried out

and raises no objection to the scheme subject to conditions to secure mitigation in the form of bat and bird boxes.

6.10 Affordable Housing

- 6.10.1 Shropshire's adopted affordable housing policy requires qualifying residential developments to provide 10% affordable housing. On a scheme of 10 dwellings, this would equate to one affordable unit. The proposal would provide two affordable dwellings, comprising one three-bedroom and one four-bedroom property, both to be delivered as affordable rented homes. This represents an over-provision against the policy requirement, weighs in favour of the development and should be afforded weight as a planning benefit.

6.11 Residential Amenity

- 6.11.1 The proposed development will increase the number of dwellings on the site and would therefore result in additional residential activity and vehicle movements. However, given the scale of the scheme and its relationship with existing neighbouring properties, these impacts are not considered to be so significant as to cause unacceptable harm to residential amenity.
- 6.11.2 The layout maintains appropriate separation distances from neighbouring occupiers and would not result in unacceptable overlooking, loss of privacy or loss of light. The proposal is therefore considered to provide an acceptable relationship with surrounding dwellings and accords with the Council's adopted Supplementary Planning Document, *Design of New Dwellings*.

7.0 PLANNING BALANCE

- 7.1 In assessing this application, the Council is required to determine in accordance with the Development Plan, unless material considerations indicate otherwise. As set out above, the proposal does conflict with the adopted Development Plan, by virtue of the site lying outside of an identified Community Hub or Community Cluster settlement as West Felton is not identified as such. This conflict does carry weight against the proposal.
- 7.2 As the Council cannot currently demonstrate a five-year supply of deliverable housing land, the proposal must be considered in the context of the new NPPF. Policy S5(1)(j) supports development outside settlements where it would help address an evidenced unmet housing need, provided the site is physically well-related to an existing settlement and the scale of development can be accommodated having regard to existing or proposed infrastructure. In these circumstances, planning permission should be granted unless the benefits would be substantially outweighed by the adverse effects when assessed against the national

decision-making policies in the Framework.

7.3 Whilst concerns have been raised in public comments regarding infrastructure capacity, no statutory consultee has raised an objection on these grounds. Education contributions will be secured through the Council's adopted mechanisms for securing Community Infrastructure Levy (CIL) and officers are satisfied that the scale of development can be accommodated having regard to existing and proposed infrastructure.

7.4 The proposal would contribute towards meeting identified housing needs through the delivery of market and affordable housing. Officers are satisfied that the site is physically well-related to West Felton and that the scale of development can be accommodated having regard to existing and proposed infrastructure.

Adverse Effects

7.5 **Countryside Location:** the site lies outside of any defined settlement boundary in the countryside, resulting in a departure from the spatial strategy of the adopted development plan. This attracts **substantial weight**.

7.6 **Harm to Heritage Assets:** The site lies within the Conservation Area and close to listed buildings. Officers conclude that the proposal would result in harm to the significance of designated heritage assets. Officers have attached significant weight to this harm in accordance with Policy HE4 and in recognition of the statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Nevertheless, when weighed against the identified public benefits, including housing delivery and affordable housing provision, the heritage harm is not considered to justify refusal.
This harm therefore attracts **moderate weight**.

7.7 **Loss of Existing Habitat:** the development would result in the loss of existing habitat (pasture grassland) and mixed scrub habitat), requiring mitigation through new habitat creation and biodiversity provision. This attracts **limited weight**, reduced to reflect the findings of the technical reports and Ecology consultee comments, which identify the site as being of limited ecological value.

7.8 **Landscape and Visual Change:** development of a greenfield site will result in a permanent change to the landscape character at the settlement edge. This attracts **moderate weight** in recognition that the site does not lie within a protected landscape and is visually contained along two sides by existing development.

7.9 **Additional Traffic Movements:** the development will result in some increase of vehicle movements, although this has been assessed as acceptable in highway terms. This is therefore considered as **neutral**.

Benefits of the proposal

- 7.10 Housing Land Supply Benefit: contribution towards boosting housing delivery in the context of the Council's inability to demonstrate a five year supply of deliverable housing land. This attracts very **substantial weight**.
- 7.11 Affordable Housing: the development proposes the provision of two affordable dwellings which is one greater than is required by adopted policies which carries **moderate weight**.
- 7.12 Social and Community Benefits: improved housing choice for local residents, supporting the sustainability and social cohesion of West Felton and the surrounding settlements. This attracts **moderate weight**.
- 7.13 Economic Benefits: short term economic benefits during construction, including employment and expenditure in the local area. This attracts **moderate weight**.
- 7.14 Location: The residential development of this infill plot would be physically well-related to the settlement. The site has residential development to either side, would make efficient use of an accessible site closely related to existing development, and would be within reasonable reach of a range of services and facilities by sustainable means. This attracts **moderate weight**.

8.0 CONCLUSION

- 8.1 Taking the proposal as a whole and applying Policy S5(1)(j) of the NPPF, the development is considered to address an evidenced unmet housing need and to be physically well-related to an existing settlement. Although the proposal would give rise to the adverse effects identified above, these are not considered to substantially outweigh the benefits of granting permission. The applicant has satisfactorily addressed matters relating to the scale and design of the dwellings, their effect on heritage assets and the character and appearance of the area, drainage, highway mitigation and pedestrian connectivity.
- 8.2 In reaching this conclusion, officers have attached substantial weight to the delivery of additional homes in accordance with Policy HO7 and have had regard to the transitional provisions within Annex A of the NPPF.
- 8.3 Accordingly, the application is recommended for approval, subject to conditions and the completion of a Section 106 legal agreement to secure the affordable housing provision.

9.0 Risk Assessment and Opportunities Appraisal**9.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

9.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

9.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

10.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T3D3H7TDL2P00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor David Walker
Local Member Cllr David Walker
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, birds and great crested newts as provided in Section 6 of the Ecological Appraisal (Ben Jones Ecology, August 2025).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- ' a traffic management and HGV routing plan and local community protocol
- ' the parking of vehicles of site operatives and visitors
- ' loading and unloading of plant and materials
- ' storage of plant and materials used in constructing the development

- ' the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- ' wheel washing facilities

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

6. No development shall take place until full engineering details of the carriageway realignment of Old Rectory Gardens and footway provision between the site access and The Avenue, including the layout, construction illustratively shown on Visibility Assessment & Off-Highway Works Drawing No. SA51559-BRY-ST-PL-C-0101 (Annex A of Highways Technical Note) have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

7. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the architectural and historic interest and character of the heritage asset.

8. Details of the materials and form of the heads and sills to new openings in the external wall(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority before any works commence. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of heritage assets

9. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of heritage assets.

10. No part of the 'access' hereby approved shall be constructed until the applicant has submitted and secured written approval for the technical details of such access in accordance

with Shropshire Council's specification currently in force for a residential access and shall be fully implemented prior to the dwellings being occupied.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

11. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/23 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

12. Prior to first occupation of the buildings, the makes, models and locations of wildlife boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

- A minimum of 8 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 9 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 5 invertebrate bricks/hotels of integrated or external design, suitable for pollinators.
- A minimum Of 3 hedgehog domes (standard design) to provide refuge for hedgehogs.

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the building's wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf> for more details).

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 193 of the NPPF.

13. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

14. The development hereby approved shall not be occupied until a scheme for the maintenance and management of the Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and maintained for the lifetime of the development.

Reason: To ensure the development achieves a high standard of sustainability and that flood risk is appropriately managed.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

15. The visibility splays shown on Visibility Assessment and Off-Highway Works Drawing No. SA51559-BRY-ST-PL-C-0101 (appendix A of Highways Technical Note) shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwellings being occupied and thereafter be maintained at all times free from any obstruction.

Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.

16. The access, internal driveway, parking and turning areas shall be satisfactorily completed and laid out in accordance with the Block Plan Drawing Rev G prior to the dwellings being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety

