

Shropshire Council  
Legal and Democratic Services  
Guildhall,  
Frankwell Quay,  
Shrewsbury  
SY3 8HQ

Friday 15 May 2026

**Committee:**  
**Southern Planning Committee**

**Date:** Tuesday, 26 May 2026

**Time:** 2.00 pm

**Venue:** The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ

You are requested to attend the above meeting. The Agenda is attached.

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda (Please note that while we strive to live stream meetings, technical issues may occasionally occur. In the event of a technical disruption, the meeting will be paused to try to resolve the issue. Should it not be possible to resume the live stream, the meeting will proceed as scheduled, and a backup recording will be made available after the meeting. Any disruption to the live stream does not affect the legality of the meeting)

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

The Council's procedure for public speaking at Planning Committees can be found by clicking on this link: <https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard  
Service Director – Legal and Governance (Monitoring Officer)

**Members of the Committee**

Andy Boddington (Chairman)  
Nick Hignett (Vice Chairman)  
Caroline Bagnall  
Thomas Clayton  
Rachel Connolly  
George Hollyhead  
Benedict Jephcott  
Nigel Lumby  
Jon Tandy

**Substitute Members of the Committee**

Elizabeth Barker  
Neil Bentley  
Jeremy Blandford  
Duncan Borrowman  
Andy Davis  
Greg Ebbs  
Christopher Lemon  
Alan Mosley  
Mark Owen

Colin Taylor  
Sam Walmsley

Carl Rowley  
Colin Stanford

Your Committee Officer is:

**Tim Ward**    Committee Officer  
Tel:                    01743 257713  
Email:                [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Minutes (Pages 1 - 6)

To confirm the minutes of the Southern Planning Committee meeting held on Tuesday 24 February 2026 and 14 May 2026

Contact Tim Ward (01743) 257713.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 12 noon on Tuesday 19 May 2026

## 4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

## 5 Proposed Residential Development Land East of Ford Shrewsbury Shropshire (25/04301/FUL) (Pages 7 - 38)

Erection of 93no dwellings with associated infrastructure and landscaping (amended description).

## 6 Swancote Energy Ltd Anaerobic Digestion Plant at Swancote Farm, Swancote, Bridgnorth (25/02645/VAR) (Pages 39 - 58)

Variation of Condition 3 (revised access proposals), Condition 9 (feedstock type) and Condition 10A (feedstock allowance) attached to permission 10/03881/MAW dated 20 December 2010

## 7 Proposed Residential Development Land Off Benthall Lane And Bridge Bank Benthall Broseley Shropshire (25/03946/OUT) (Pages 59 - 78)

Outline application (all matters reserved) for the development of 2 or 3No. dwellings

## 8 Proposed Residential Development Land East Of Shaw Lane Albrighton Shropshire (25/03227/REM) (Pages 79 - 96)

Reserved matters of the layout, scale, appearance and landscaping for the residential development of 88no dwellings, pursuant to outline planning permission 23/02095/OUT

## 9 Marches Biogas Limited Biodigester Station Coder Road Ludlow Shropshire (26/00870/VAR) (Pages 97 - 104)

Variation of Condition No. 2 attached to permission 25/00309/FUL dated 27 March 2025

**10 Schedule of Appeals and Appeal Decisions (Pages 105 - 168)**

**11 Date of the Next Meeting**

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 30<sup>th</sup> June 2026



## Committee and Date

Southern Planning Committee

### **SOUTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 24 February 2026**

**2.00 - 3.35 pm in the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ**

**Responsible Officer:** Tim Ward

Email: tim.ward@shropshire.gov.uk      Tel: 01743 257713

#### **Present**

Councillor Andy Boddington (Chairman)

Councillors Nick Hignett (Vice Chairman), Caroline Bagnall, Rachel Connolly, George Hollyhead, Nigel Lumby, Colin Taylor, Beverley Waite and Sam Walmsley

#### **55 Apologies for Absence**

Apologies for absence were received from Councillors Elizabeth Barker and Josh Dickin

#### **56 Minutes**

##### **RESOLVED:**

That the Minutes of the meeting of the Southern Planning Committee held on the 27<sup>th</sup> January 2026 be approved as a correct record and signed by the Chairman.

#### **57 Public Question Time**

There were no public questions

#### **58 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

In respect of agenda item 5 Councillor Rachel Connolly stated that she was the Local Member for part of the site and would make a statement and then withdraw from the table and take no part in the debate or vote on the application.

In respect of agenda item 5 Councillor George Hollyhead stated that he was the Local Member for part of the site and would make a statement and then withdraw from the table and take no part in the debate or vote on the application.

#### **59 Proposed Residential And Commercial Development Land Tasley Bridgnorth Shropshire (25/01722/OUT)      Page 1**

The Principal Planning Officer introduced the application which was an Outline application, with all matters reserved except for principal means of access, for development comprising up to 1,500 residential dwellings (Use Class C3) including specialist housing for older people (Use Class C2 or C3), up to 14.6ha of employment land of Use Class E, B2 and B8a uses, a mixed-use local centre of up to 1,500sq.m of Use Class E and F.2 uses, a primary school (Use Class F.1), country park and other open space including sports pitches and associated facilities, access roads and landscaping with associated works including demolition, infrastructure, earthworks and drainage and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout.

The Principal Planning Officer apologised that the submission made by Morville Parish Council in June 2025 had been omitted from the Committee report

The Principal Planning Officer drew Members attention to the information contained in the schedule of late representations which had been circulated by email she added that a number of further representations had been received after the publication of the schedule of late representations but that these raised no new issues.

Rob Woodcock spoke on behalf of Bridgnorth Spartans Football Club in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

David Coe spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Solicitor read a statement on behalf of Tasley Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Anthony Pitchers spoke on behalf of Morville Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor David Cooper spoke on behalf of Bridgnorth Town Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Rachel Connolly, local Ward Councillor made a statement against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor George Hollywood, local Ward Councillor made a statement against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Peter Husemann, local Ward Councillor made a statement against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Jonathan Burns and Max Whitehead on behalf of the applicants spoke in support of the proposal in accordance with Shropshire Council’s Scheme for Public Speaking at Planning Committees

Councillors expressed concerns regarding the siting of the football pitch as they felt there was insufficient parking which would lead to congestion and inconsiderate parking on match days and facilities adjacent to the proposed livestock market which they felt would suffer from noise and odour pollution. They requested that any reserved matters application be brought back to Committee for determination.

**RESOLVED:**

That outline planning permission be **GRANTED** with delegated powers to officers to finalise the conditions based on those set out in Appendix 1, and securing of developer contributions as set out in paragraph 6.4.2 including the completion of a S106 agreement, subject to any reserved matters application being brought back to the Committee for determination.

**60 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 24 February 2026 be noted.

**61 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 24 March 2026, in the Guildhall.

Signed ..... (Chairman)

Date: .....

This page is intentionally left blank



<b><u>Committee and Date</u></b>
Southern Planning Committee
26 May 2026

**SOUTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 14 May 2026**  
**12.00 - 12.10 pm in the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ**

**Responsible Officer:** Tim Ward  
 Email: tim.ward@shropshire.gov.uk      Tel: 01743 257713

**Present**

Councillors Nick Hignett (Vice Chairman), Caroline Bagnall, Thomas Clayton, Rachel Connolly, George Hollyhead, Benedict Jephcott, Nigel Lumby, Jon Tandy, Colin Taylor, Sam Walmsley and Andy Davis (Substitute) (substitute for Andy Boddington)

**1 Election of Chairman**

It was proposed, seconded and duly **RESOLVED**

That Councillor Andy Boddington be elected Chair of the Southern Planning Committee for the forthcoming municipal year

**2 Apologies for Absence**

An apology for absence was received from Councillor Andy Boddington

Councillor Andy Davis substituted for Councillor Boddington

**3 Appointment of Vice Chairman**

It was proposed seconded and duly **RESOLVED**

That Councillor Nick Hignett be appointed Vice-Chairman of the Southern Planning Committee for the forthcoming municipal year

Signed ..... (Chairman)

Date: .....

This page is intentionally left blank

## AGENDA ITEM



Committee and date

**Southern Planning Committee**

**26th May 2026**

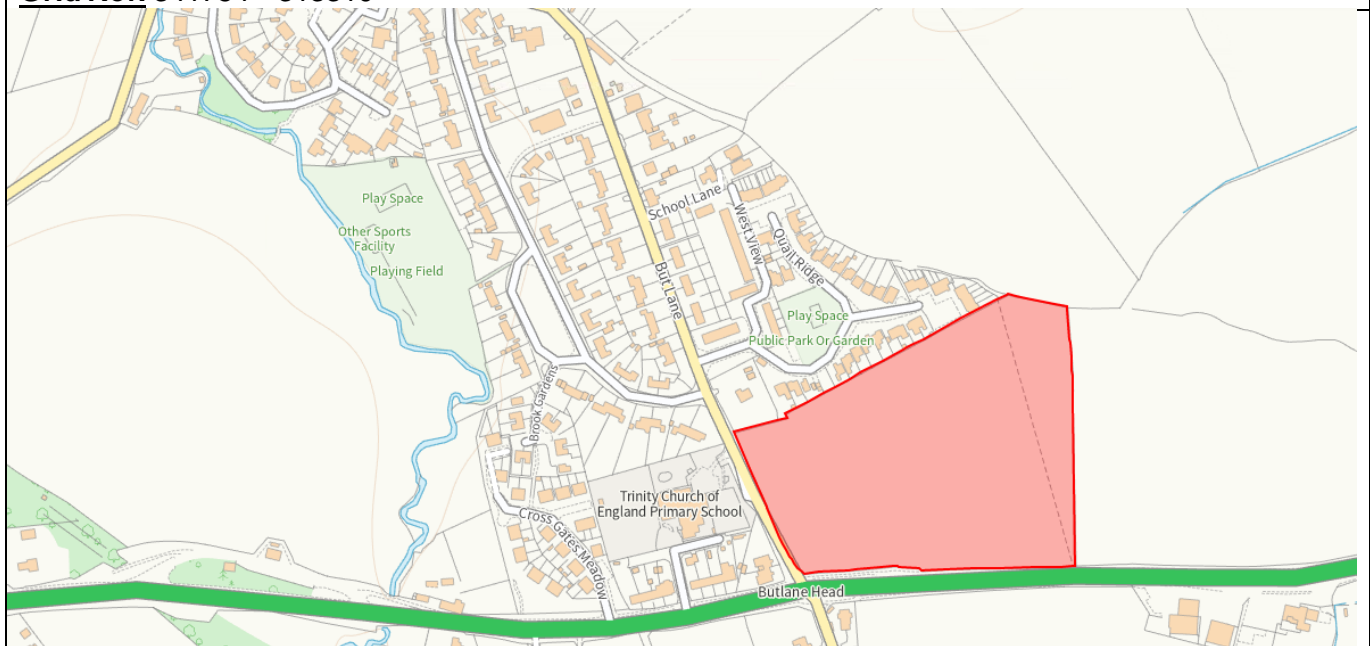
### Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director – Place Shaping

#### Summary of Application

<b>Application Number:</b> 25/04301/FUL	<b>Parish:</b>	Ford
<b>Proposal:</b> Erection of 93no dwellings with associated infrastructure and landscaping (amended description).		
<b>Site Address:</b> Proposed Residential Development Land East of Ford Shrewsbury Shropshire		
<b>Applicant:</b> Shropshire Homes Limited		
<b>Case Officer:</b> Ollie Thomas	<b>email:</b> <a href="mailto:ollie.thomas@shropshire.gov.uk">ollie.thomas@shropshire.gov.uk</a>	

**Grid Ref:** 341754 - 313310



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

**Recommendation:- That delegated authority is given to Officers to grant planning permission subject to the completion of a Section 106 agreement and the conditions in Appendix 1 and for any alterations to conditions as required.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 93 dwellings, comprising 100% affordable housing, together with associated access, internal roads, public open space, landscaping, drainage infrastructure and other ancillary works on land to the east of Ford. The scheme includes a mix of dwelling sizes and tenures, incorporating social rented and rent-to-buy homes, as well as a number of 1-bedroom bungalows designed to meet identified needs for accessible accommodation. The proposed residential development is set within areas of public open space, green infrastructure, sustainable drainage features and retained boundary landscaping.
- 1.2 Vehicular access is proposed via a new priority junction onto But Lane, supported by off-site highway works including a new pedestrian crossing and improved footway connections. The development also includes a dedicated onsite school drop-off and short-stay parking facility, intended to serve the adjacent Trinity C of E Primary School and to alleviate existing on-street parking pressures. The internal layout provides pedestrian connections throughout the site, retention and integration of existing public rights of way where relevant, and landscaping designed to soften the settlement edge and integrate the development with the surrounding area.
- 1.3 This site has been the subject of pre-application advice, through the Council's Speculative Sites Pre-Application service. The response given was that the site represented an acceptable location for development in regard to its spatial relationship with the settlement of Ford; however, it was acknowledged there were a number of constraints needing to be overcome including access, highways, landscaping and biodiversity, and noise amenity.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located on land to the south-eastern edge of Ford, immediately adjoining the existing built-up area, with residential development to the north and west and open countryside beyond to the east. The A458 forms a strong southern boundary to the site, with But Lane running along its western edge and providing the proposed point of access. Trinity C of E Primary School is located directly opposite the site on But Lane. The land comprises agricultural fields bounded by hedgerows and trees and is generally level in nature. While the site lies

outside the defined settlement boundary, its position adjacent to existing development and physical containment by surrounding infrastructure means it is read as part of the settlement edge rather than the wider open countryside.

### **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. The Principal Planning Officer in consultation with the Committee Chair agrees that the Parish Council has raised material matters which cannot be overcome by negotiation or the imposition of planning conditions.

### **4.0 Community Representations**

The below Section provides a summary of representations received during the consultation/publicity period, comments can be viewed in full on the online planning register, using the application reference.

#### **4.1 Consultee Comment**

##### **4.1.1 SC Affordable Housing – No objections subject to s106 agreement**

The development includes 93 affordable homes, with 41 rent-to-buy units where tenants pay 80% rent for five years before purchasing, and 52 social rented homes including eight one-bedroom bungalows designed for accessibility. Social rent is the most affordable tenure, typically around 50% cheaper than market rents.

Median house prices in Shropshire and Ford Parish exceed what average household earnings and mortgage capacity can support, creating affordability challenges especially for young and new households. Census and letting data show a significant proportion of social rented and private rented homes, with high demand for affordable housing demonstrated by numerous applications per advertised property and 5290 households registered on the council's choice-based letting system.

##### **4.1.2 SC Highways – No objection subject to conditions**

##### **4.1.3 SC Green Infrastructure – No objection subject to conditions**

The revised scheme includes surfaced paths within the POS, which is seen as positive for usability.

Advice to improve the LAP design for high quality MD2, inclusivity, and accessible play was not reflected in the amended layout.

The layout does provide a small area of open space for very young children to play close to their homes, interwoven within the development.

The amended layout has not incorporated the advice given to maximise play value and enhance inclusivity and accessibility in the LAP design, but can be secured through condition.

#### 4.1.4 **SC Drainage – No objection subject to conditions**

The Flood Risk Assessment and Drainage Strategy have been reviewed and confirmed in compliance with the NPPF and Core Strategy CS18.

#### 4.1.5 **SC Learning & Skills – No objection subject to S106 contribution**

Developers are required to contribute towards the cost of extra school places and facilities, including SEND provision and associated transport costs.

Recommended contributions should be secured via S106, CIL, and Basic Need agreements; yield data and financial calculations were provided, totalling £1,304,363 requested for educational provision.

#### 4.1.6 **SC Regulatory Services – No objection subject to conditions**

##### Air Quality

The Air Quality Assessment found baseline air quality to be good, with pollutant levels well below objectives and no relevant AQMAs nearby.

Construction phase poses a medium risk for dust soiling and low risk for human health, but with standard IAQM mitigation, residual effects are not significant.

Operational traffic impacts are unlikely to cause adverse air quality effects, and the development is acceptable in air quality terms if recommended mitigation is secured.

##### Contaminated Land

No remedial action or conditions are required regarding contaminated land, as soil samples were below screening criteria.

##### Amenity

Concerns were raised about achieving acceptable noise standards due to road traffic from the A458 and But Lane; noise mitigation measures such as glazing and acoustic fencing are suggested, but layout/orientation changes have not been

considered.

Full details of a noise insulation scheme must be submitted and approved before first occupation, with specific noise level targets for internal and external areas.

#### 4.1.7 **SC Rights of Way – No objection**

FP16 intersects the development and will require a legal diversion; applicants must apply to the Rights of Way Team for this as a priority.

FP17 runs along the northern boundary and may also need temporary closure during development.

Development must not obstruct the Public Right of Way until a legal order is confirmed; the Right of Way must remain open and safe until then.

#### 4.1.8 **SC Ecology – No objection subject to conditions and S106 contribution**

The ecological appraisal supports the classification of the site as other neutral grassland in moderate condition, and assesses potential impacts on bats, badgers, amphibians, hazel dormice, reptiles, and other priority species, with mitigation measures proposed for each.

Biodiversity Net Gain assessment predicts a significant loss in habitat units, recommending revision to include vegetated gardens and retention/enhancement of neutral grassland; mandatory 10% net gain will be met by purchasing habitat units from a habitat bank, with proof required before commencement.

A S106 agreement is required for site monitoring over 30 years, with a fee set at £13,275.27.

#### 4.1.9 **SC Archaeology – No objection subject to conditions**

The site contains ridge and furrow earthworks of possible medieval origin and a possible Roman road along the southern boundary, indicating archaeological interest.

SC Archaeology agrees with the submitted desk-based assessment, noting low potential for prehistoric to Roman remains and medium to high potential for early medieval to modern remains.

#### 4.1.10 **SC Conservation – No objections**

No heritage issues raised as the site is outside the Ford Conservation Area.

#### 4.1.11 **SC Trees – No comments received**

#### 4.1.12 **National Highways – No objection subject to conditions**

Access will be via But Lane, a local road with existing parking issues leading to queuing on the SRN, especially during school times. The applicant must demonstrate management of this risk. A proposed school drop-off parking area within the site addresses some concerns.

Plans include reinstatement of full-height kerbs on the A458 and closure of an existing agricultural access to prevent unsafe connections to the trunk road.

Trip generation, distribution, and traffic assignment have been reviewed and are considered acceptable, with corrected traffic flow data consistent with survey counts.

#### 4.1.13 **West Mercia Constabulary – No comments received**

#### 4.1.14 **Ramblers Association – No comments received**

#### 4.1.15 **Ford Parish Council – Object**

The PC have submitted a series of objections to this application, of which is a 17-page letter (submitted 18<sup>th</sup> December 2025) and can be summarised as including the following material planning considerations:

- Disproportionate scale of development
- Inadequate facilities and services
- Lack of play areas and unsafe access
- Community concerns and socio-economic impact
- Comparison with other affordable housing schemes
- No CIL levy and the benefit this provides
- Severe highway and pedestrian safety concerns
- Impact on village character
- Ecology, landscaping and agricultural land
- Drainage issues
- Planning policy conflicts
- Comparison with other recent planning applications

A further representation has been received by the Parish Council, which is addressed to members of the planning committee, with its material considerations being summarised as follows:

- Proposed vehicular access from Butt Lane, is considered unsafe, especially for children attending Trinity Primary School, and the lack of a safer access

from the A458.

- The scale of the development is viewed as disproportionate to Ford's size and capacity, with no local housing needs survey to justify it and concerns about housing density and design.
- Additional concerns include the destruction of historic ridge and furrow features, rare plant species, and ongoing traffic hazards at the A458 junction.
- The Parish Council requests deferral of the application and revision of access arrangements, and expresses disappointment that the applicant has not addressed community concerns or revised proposals despite recent correspondence.

## 4.2 Public Comments

4.2.1 A total of 93 members of the public and neighbours have objected to the proposals, with the following providing a summary of the cited material planning considerations:

### 1. Highway Safety and Traffic Impact

- The proposed site access being directly opposite Trinity C of E Primary School, raising safeguarding concerns for children and pedestrians.
- Increased vehicle movements, including construction traffic, exacerbating existing congestion and queuing.
- Criticism that the applicant's Transport Assessment does not reflect real-world conditions, with reliance on data collected during the Covid period.
- Concern that the proposed school drop-off facility would be insufficient and would not materially reduce existing on-street parking or congestion.

### 2. Scale of Development and Settlement Character

- A significant increase in the number of dwellings and village population.
- Concerns that the development would represent over-development and urbanisation of a small rural settlement.
- The density and layout being out of keeping with surrounding development, particularly at a prominent "gateway" location to the village.

### 3. Affordable Housing Need and Tenure Mix

- The most recent parish-level survey indicated limited local demand.

- Previous affordable housing schemes in Ford reportedly took a prolonged period to achieve full occupation.
- The proposal for 100% affordable housing would result in an unusually high proportion of affordable stock within the village and would not provide opportunities for existing residents wishing to upsize or downsize.

#### **4. Infrastructure, Services and Sustainability**

- Limited capacity at Trinity Primary School and reliance on bus transport for secondary education.
- Lack of local facilities such as GP surgery, pharmacy, Post Office and reliable public transport.
- The likelihood that future residents would be heavily car-dependent, conflicting with sustainability objectives.

#### **5. Heritage, Ecology and Landscape**

- Potential harm to biodiversity, with objections disputing the applicant's classification of the grassland and citing independent ecological evidence suggesting higher ecological value.
- Loss of open greenfield land and adverse impact on rural landscape character.
- Potential harm to protected trees and long-term ecological connectivity.

#### **6. Drainage and Flood Risk**

- The land is susceptible to surface water accumulation.
- The proposed drainage strategy could increase flood risk to existing properties, especially those within Quail Ridge.

4.2.3 The representations made in support from 2 members of the public (owner/operators of both the Service Station and Ford Fish Bar) can be summarised as follows:

- the delivery of affordable housing,
- assistance in meeting housing targets,
- potential economic benefits to local businesses, and
- the inclusion of a school drop-off facility to help manage congestion.

4.2.4 Other non-statutory groups and bodies have provided comments to the application and summarised below, including:

4.2.5 **Ford Community 311 – Object**

Ford Community 311, representing a large number of local residents, objects to the proposal on broadly similar grounds to those raised by the Parish Council. They highlight highway safety risks, particularly around the school and But Lane/A458 junction; unsustainable location with limited services and public transport; over-concentration of affordable housing; lack of mixed tenure; absence of clear local need; and significant harm to heritage and ecological assets, including the ridge and furrow landscape. They also expresses concern about reliance on technical evidence that residents consider to be inaccurate or unrepresentative.

#### 4.2.6 **Plantlife (National Conservation Charity) - Object**

Plantlife objects to the development on ecological grounds. The organisation disputes the applicant's ecological classification of the site and states that independent botanical evidence identifies the land as species-rich lowland meadow, which is a UK priority habitat. They consider the site to be of high ecological value and raises concern that the loss of this habitat would be irreversible, cannot be adequately compensated through Biodiversity Net Gain measures, and would conflict with national and local biodiversity policy.

#### 4.2.7 **UK Habitat Classification - Object**

UK Habitat Classification raises concerns that the ecological baseline used by the applicant may be flawed or understated. They question the accuracy of habitat categorisation, the robustness of biodiversity calculations, and the reliance on off-site compensation. They consider that the proposal risks undervaluing ecologically significant grassland and that further assessment would be necessary to avoid inappropriate loss of habitat.

### 5.0 **THE MAIN ISSUES**

5.1 The main issues for consideration in the determination of this application are the principle of development, having regard to the site's countryside location, the delivery of 100% affordable housing and the current housing land supply position; the impact of the proposal on highway safety, access and active travel, particularly in relation to But Lane, the A458 junction and the nearby primary school; the scale, layout, design and landscape impact of the development at the settlement edge; the effects on ecology, biodiversity and heritage assets; drainage and flood risk; residential amenity; and the adequacy of infrastructure provision and developer contributions. These matters must be assessed in the overall planning balance.

### 6.0 **OFFICER APPRAISAL**

#### 6.1 **Adopted Development Plan**

6.1.1 The application site lies to the southern edge of Ford, which under the current

adopted Plan is a countryside settlement where development is controlled in accordance with CS4 and CS5 of the Core Strategy. In holding a countryside location, CS5 and MD7a set out strict controls over new housing in the countryside, limiting it only to specific exceptions such, including affordable housing where this contributes to the sustainability of rural communities through local economic and community benefits.

6.1.2 CS5 sets out how affordable housing that meets a local need will be supported, especially where this development is located in recognisable named settlements. To this end, the Affordable Housing Officer has confirmed that there are 23 households with a preference to live in Ford, in addition to a further 79 households from adjacent parishes. This is considered together with further need deriving from the edge of Shrewsbury where demand exceeds supply and where key workers are challenged in finding affordable housing. The need element of CS5 is therefore met.

6.1.3 In regard to the location of the site, whilst the application cannot be said as being 'in' Ford, it is clearly on the edge of the built-up area with existing development to the north and west. Further, the southern A458 provides a strong boundary to Ford, whereby the site would be read as forming part of Ford once complete, and the proposals do not extend in an easterly direction in a manner that would draw built form out into the wider open countryside. In officers' view, the site location would therefore represent a logical rounding-off of the existing settlement, with development relating to and read in the context of the established built-up area. On this basis, and subject to the detailed design and landscaping matters considered later in this report, officers consider that the principle of the proposals in this location would not appear materially out of character with the remainder of Ford.

## 6.2 Withdrawn Draft Local Plan

6.2.1 The site was previously identified as an emerging site allocation (FRD011) within the now-withdrawn Draft Local Plan. However, with the withdrawal of that Plan from examination, the emerging policies and allocations carry no weight in the determination of planning application. The evidence base that supported the draft allocation holds limited weight as a material consideration.

6.2.2 The former draft allocation policy for FRD011 indicated that the site should come forward comprehensively and at a lower density, to meet the settlement housing guideline and deliver infrastructure improvements for the local community. The policy envisaged highway works to improve capacity at the A458 ghost-island right turn lane and a new access from But Lane, positioned towards the northern end of the western boundary to act as a gateway feature and to minimise conflict with movements along But Lane and the A458 junction. It also anticipated removal of the existing traffic calming by the school and replacement with on-site school parking and a drop-off facility within the FRD011 land. In addition, the policy sought

enhanced pedestrian and cycle connectivity, including incorporation of the existing public right of way through the site to link the A458 with Quail Ridge, and consideration of improved crossing/access across the A458 to services on the south side. Any further local/strategic highway mitigation would be informed by an appropriate Transport Assessment (including cumulative impacts) and consultation with National Highways.

The policy also required protection of existing mature trees and hedgerows (with compensatory planting where loss is unavoidable), landscaping to enclose the development from Quail Ridge and the adjacent countryside to the east, and design/layout measures (including orientation, acoustic design/materials and green infrastructure) to manage noise from the A458 and define a robust southern edge to the village. It noted that increased traffic volumes may require Habitats Regulations Assessment screening in relation to the Hencott Pool Ramsar site, and that a range of supporting studies should inform the scheme, including transport, heritage/archaeology, ecology, tree and hedgerow surveys, and surface water flood risk and drainage, with recommendations clearly reflected in the proposed development.

- 6.2.3 Although the draft allocation carries no weight in decision-making, the Site Layout Plans show the development delivering a comprehensive scheme that largely aligns with the principles, parameters and evidence base underpinning the former allocation.

## 6.4 The Tilted Balance

- 6.4.1 The Council is unable to demonstrate a five-year supply of deliverable housing land, paragraph 11(d) of the NPPF requires decision-makers to apply the presumption in favour of sustainable development, unless policies in the NPPF that protect areas of particular importance provide a clear reason for refusal. In such circumstances, the conflict with the adopted Development Plan must be considered in the overall planning balance and the weight given to that conflict relevant to the extent of housing land supply shortfall.

- 6.4.2 Paragraph 11(d) of the NPPF sets out that where the policies most important for determining an application are out-of-date, planning permission should be granted unless either:

- The application of NPPF policies that protect areas or assets of particular importance provides a clear reason for refusal or
- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as whole.

## 6.4.3 In regard to the first criterion:

- The site does not lie within a protected landscape, a heritage designation or an area where development is restricted for ecological reasons.
- Technical assessments confirms that the proposal would not result in unacceptable impacts on designated heritage assets, protected species or designated ecological sites.
- The site lies within Flood Zone 1.

On this basis, there is no clear reason for refusal to protect areas or assets of importance and the tilted balance is not dis-engaged.

6.4.4 Consequently, paragraph 11(d)(ii) applies and requires a balancing exercise between the adverse impacts and benefits of the development. The key test is whether the adverse impacts significantly and demonstrably outweigh the benefits.

## 6.5 Transport and Access

6.5.1 Vehicular access to the development is proposed via a new priority junction on But Lane, positioned toward the northern end of the site frontage. The access has been designed to appropriate geometry standards, including adequate carriageway width and radii, and to ensure safe and convenient operation for all users. Visibility splays have been calculated using speed data derived from on-site traffic surveys and are achievable within land under the applicant's control. Swept path analysis demonstrates that refuse vehicles and emergency vehicles can enter and exit the site safely in a forward gear.

6.5.2 As part of the proposals, existing traffic calming features on But Lane adjacent to the site will be rationalised and a zebra crossing introduced to improve pedestrian safety, particularly in relation to movements associated with the nearby primary school. The detailed design of the access and off-site highway works will be secured through a Section 278 agreement, ensuring that final details meet the requirements of the highway authority.

### 6.5.3 Traffic and Movements

6.5.4 The submitted Transport Assessment assesses the traffic impact of up to 93 dwellings together with a school drop-off facility. Trip generation has been derived using the TRICS database and local census data, with a robust "worst-case" approach adopted to include school-related movements. In the AM peak hour, the development is forecast to generate approximately 100–110 two-way vehicle movements, with lower levels in the PM peak.

- 6.5.5 Junction capacity assessments have been undertaken at the But Lane/A458 crossroads, including opening year and future year scenarios with traffic growth applied. The results indicate that all junction arms would continue to operate well within capacity, with reserve capacity remaining in all assessed scenarios. The Transport Assessment concludes that the additional traffic generated by the development would not result in an unacceptable impact on highway safety, nor a severe residual cumulative impact on the road network.
- 6.5.6 The proposal includes the provision of a dedicated on-site school drop-off and short-stay parking area designed to serve Trinity C of E Primary School, located immediately opposite the site. The facility provides approximately 20 parking spaces within the development and is directly linked to a new zebra crossing on But Lane, offering a safer and more convenient route for pedestrians crossing between the parking area and the school.
- 6.5.7 The Transport Assessment confirms that this provision would relocate existing school drop-off activity away from But Lane, where on-street parking currently takes place during peak school times. By accommodating these movements within the site, the proposals are expected to reduce congestion, improve forward visibility, and minimise conflicts between parked vehicles, pedestrians and through-traffic on the public highway
- 6.5.8 In this regard, the proposal accords with paragraph 116 of the National Planning Policy Framework (February 2025), which states that development should only be refused on highways grounds where the impacts would be unacceptable in terms of safety or severe in terms of residual cumulative impacts.
- 6.5.9 Road safety
- 6.5.10 A Stage 1 Road Safety Audit has been undertaken for the proposed access and associated highway works, including the new zebra crossing and changes to existing highway features. The Audit identified a small number of matters to be addressed at detailed design stage, principally relating to pedestrian intervisibility, surface water drainage, and the control of on-street parking near the access and crossing.
- 6.5.11 These matters will be addressed through the Section 278 process. National Highways, as the relevant overseeing organisation in respect of the A458, has confirmed its agreement with the proposed responses. Subject to the implementation of these agreed measures, the development is not considered to give rise to any residual highway safety concerns.
- 6.5.12 Sustainable Transport and Active Travel
- 6.5.13 The site is relatively well connected to local services and facilities. A primary school

lies directly opposite the site on But Lane, while local shops and bus stops on the A458 are within walking distance. Bus services provide regular (albeit infrequent) connections to Shrewsbury and surrounding settlements, offering an alternative to private car travel.

- 6.5.14 Pedestrian routes are provided within and around the site, and an existing Public Right of Way adjoining the site is retained and integrated into the layout, supporting opportunities for walking and local connectivity. The internal road layout prioritises low vehicle speeds and pedestrian safety, and appropriate levels of on-plot parking are provided in line with local practice.
- 6.5.15 The proposals therefore support opportunities for travel by modes other than the private car, consistent with the objectives of Core Strategy Policy CS7, which seeks to promote safe, accessible and sustainable transport choices, and with the overarching sustainable development principles of the NPPF.

## 6.6 Scale and Design

- 6.6.1 The proposed development comprises a mix of detached and semi-detached dwellings of predominantly two storeys, with a limited number of bungalows introduced in appropriate locations. The overall scale of development is consistent with the surrounding settlement edge and nearby residential areas, ensuring that building heights and massing do not appear visually dominant when viewed from adjoining streets, public rights of way or neighbouring properties. The layout demonstrates a clear hierarchy of streets and spaces, with larger dwellings generally located on key frontages and lower-scale units, including bungalows, used to provide a softer transition along sensitive edges of the site.
- 6.6.1 In design terms, the scheme adopts a palette of traditional house types that reflect established local character. The submitted house types feature pitched roofs, varied ridge heights, chimneys on selected plots and a combination of brick and render finishes to add visual interest and articulation. Elevational detailing, including window proportions, door treatments and variation in materials, helps to avoid uniformity across the development while maintaining a consistent overall identity. Plots are arranged to address streets and open spaces positively, with active frontages and defensible private gardens to the rear, contributing to an attractive street scene.
- 6.6.2 The arrangement of dwellings has been considered to respond to internal movement routes, public open space and the site context. Corner plots and focal locations are reinforced through the orientation of buildings and variation in house types, while spacing between properties avoids over-development and ensures adequate outlook and amenity. Overall, the development is considered appropriate in scale and design, responding positively to its context and contributing to a well-designed residential environment in accordance with CS6 and MD2 of the

Local Plan.

## **6.7 Visual impact and landscaping**

- 6.7.1 The submitted Landscape and Visual Appraisal (November 2025) was prepared in support of an earlier iteration of the scheme. Since its submission, the layout and landscape proposals have been refined through the application process. Officers have therefore given particular weight to the appraisal's assessment of landscape character, sensitivity and the identification of key visual receptors, whilst independently reviewing the updated layout and landscape drawings to confirm whether its conclusions remain applicable. In regard to the updated plans, it is considered that the overall reduced development quantum, site extent and landscape strategy remain consistent with those assessed in the appraisal. Importantly, the revised proposals retain and reinforce boundary planting, provide a strong landscaped eastern edge to the settlement, and incorporate public open space and green infrastructure that responds positively to the site's context. On this basis, officers are satisfied that the updated scheme would not give rise to materially greater landscape or visual impacts than those identified in the submitted appraisal, and in some respects would further improve landscape integration.
- 6.7.2 The layout and landscape strategy place strong emphasis on the retention and strengthening of existing boundary hedgerows and trees, particularly along the site edges, helping to filter views of the development from surrounding roads and nearby properties. Where the scheme adjoins existing residential areas, new structural planting, defined rear garden boundaries and appropriate boundary treatments are provided to ensure adequate screening, protect visual amenity and create a clear and coherent transition between existing and proposed built form.
- 6.7.3 Within the site, a structured network of public open spaces, green corridors and SuDS features is proposed, integrated with new tree and shrub planting and areas of amenity grass. The planting proposals include a mix of native and ornamental species, street trees and hedgerows, which will provide visual structure, soften the built form and enhance the overall character of the development. Views of the development will generally be short-range and filtered by existing and new vegetation, with visual effects expected to reduce over time as planting establishes. Subject to conditions securing implementation, phasing and management, the proposals are considered appropriate in scale and design and acceptable in landscape and visual terms.

## **6.8 Ecology and Biodiversity**

- 6.8.1 A Preliminary Ecological Appraisal and Biodiversity Net Gain (BNG) Design Stage Report have been submitted in support of the application. The site is not located within or adjacent to any statutory or non-statutory ecological designations, and the submitted surveys confirm that the land is predominantly other neutral grassland of

moderate ecological value, bounded by hedgerows and scattered trees, this is confirmed as an acceptable assessment of baseline conditions by the Council's Ecologist. No evidence of protected species that would constrain development has been identified, and the site is considered to have low to moderate suitability for protected and priority species, which can be appropriately addressed through standard avoidance and mitigation measures. All boundary hedgerows and trees are to be largely retained, with mitigation measures - including a Construction and Ecological Management Plan, precautionary working methods, and sensitive lighting - capable of being secured by condition.

- 6.8.2 The BNG assessment confirms that while the development would result in a net loss of area-based habitat on site, this will be fully addressed through a combination of on-site habitat creation and enhancement, together with off-site biodiversity units, to achieve the mandatory 10% Biodiversity Net Gain in accordance with the Environment Act 2021. Subject to the imposition of appropriate planning conditions and a Section 106 Agreement to secure BNG monitoring, the proposal is considered acceptable in ecological and biodiversity terms and compliant with national and local planning policy.

## **6.9 Drainage and Flood Risk**

- 6.9.1 A Flood Risk Assessment and drainage strategy have been submitted in support of the proposal. The site is located wholly within Flood Zone 1, where there is a low probability of flooding, and is therefore suitable for residential development. The assessment confirms that the site is at very low risk of flooding from fluvial, tidal and surface water sources, with low risk from groundwater, sewer and other sources. Any minor surface water ponding identified within low-lying areas of the site will be addressed through site re-profiling and the proposed drainage design.

- 6.9.2 Surface water drainage is proposed in accordance with the drainage hierarchy and incorporates Sustainable Drainage Systems (SuDS). Infiltration has been discounted due to low permeability soils, and discharge to a watercourse is not feasible; accordingly, surface water will drain to an existing surface water sewer in Quail Ridge. Foul water will discharge via gravity to the existing foul sewer network at an agreed restricted rate. Subject to conditions securing the detailed design, phasing, implementation and long-term management of the drainage and SuDS features, the proposal is considered acceptable in flood risk and drainage terms and will not result in increased flood risk on-site or elsewhere and is therefore in accordance with CS18 and MD2 of the Local Plan.

## **6.10 Heritage and Archaeology**

- 6.10.1 An Archaeological Desk-Based Assessment and Built Heritage Statement has been submitted in support of the application. The assessment confirms that there are no designated heritage assets within the site, and that the site makes no meaningful

contribution to the setting of the Ford Conservation Area, from which it is physically and visually separated. While there is some potential for archaeological remains of local interest associated with historic agricultural use, there is no evidence of remains of national importance, and the proposed development would not result in harm to the significance of any designated or non-designated heritage assets. The proposal is therefore considered acceptable in heritage and archaeological terms and compliant with CS17 and MD13 of the Local Plan and Section 16 of the NPPF.

## **6.11 Noise and Air Quality**

6.11.1 A Noise Risk Assessment and Acoustic Design Statement has been submitted to assess the suitability of the site for residential development, having regard to road traffic noise from the A458 and But Lane. The assessment identifies that noise levels across parts of the site are influenced by road traffic, particularly along the southern boundary; however, it concludes that acceptable internal and external living conditions can be achieved through the application of an appropriate acoustic design strategy. This includes the use of enhanced glazing and alternative ventilation where required, together with acoustic boundary treatments to rear gardens on selected plots. While the site layout does not rely on significant re-orientation of dwellings to mitigate noise, the submitted acoustic mitigation measures are considered capable of ensuring compliance with relevant internal and external noise standards. Shropshire Council Regulatory Services raise no objection subject to a condition requiring the submission and approval of a detailed noise insulation scheme prior to first occupation, to ensure that the specified noise criteria are achieved.

6.11.2 An Air Quality Assessment (Revision 2.0, February 2026) has also been undertaken in consultation with the Council's Environmental Health Officer. This confirms that baseline air quality in the area is good, with monitored and modelled concentrations of nitrogen dioxide and particulate matter well below national air quality objectives, and with no Air Quality Management Areas in the vicinity of the site. During construction, dust effects are assessed as medium risk for dust soiling and low risk for human health; however, with the implementation of standard IAQM mitigation measures, residual effects are predicted to be not significant. During the operational phase, traffic generated by the development is not expected to result in adverse air quality impacts, and the assessment concludes that effects on local air quality would be insignificant. Regulatory Services raise no objection to the proposal on air quality grounds, subject to the recommended construction phase mitigation being secured by condition.

## **6.12 Mineral Safeguarding**

6.12.1 The application site lies within an area identified as having potential mineral resources; however, no site-specific Mineral Safeguarding Assessment has been submitted in support of the proposal. Notwithstanding this, Officers are satisfied

that the development does not conflict with local or national mineral safeguarding policies. The site is located immediately adjacent to existing residential development and established infrastructure, and forms part of the settled edge of Ford, such that the practical scope for prior extraction or future mineral working would be significantly constrained. On this basis, it is considered that the development would not result in the unnecessary sterilisation of economically viable mineral resources and is therefore consistent with adopted policy.

## 6.13 Ground Contamination

6.13.1 A Phase I and Phase II Geoenvironmental Assessment has been submitted in support of the application. The site has historically comprised undeveloped agricultural land, and no evidence of potentially contaminative past uses was identified. Intrusive investigations, including soil sampling and laboratory testing, identified no visual or olfactory evidence of contamination, and all chemical test results were below the relevant human health and environmental assessment criteria. No significant pollutant linkages were identified, and the assessment concludes that the site poses a low risk to human health and controlled waters for the proposed residential use. Accordingly, no remediation measures are considered necessary, subject to the implementation of standard good practice during construction.

## 6.14 Developer Contributions

6.14.1 The proposed development comprises 100% affordable housing and, as such, is not liable to Community Infrastructure Levy payments. All contributions will therefore be secured via a Section 106 Legal Agreement.

### 6.14.2 Affordable Housing

The development will deliver 100% affordable housing, comprising a mix of social rented and rent-to-buy dwellings, including 1-bedroom bungalows to meet identified needs for households requiring level-access accommodation. The Council's Housing Enabling consultee has confirmed that the scale, tenure mix and dwelling type respond to a demonstrable and ongoing local housing need within Ford Parish and its surrounding area, supported by housing register data, letting demand and affordability evidence. A planning obligation will secure the dwellings as affordable in perpetuity, together with a Local Lettings Plan and associated allocation arrangements, including local connection criteria.

### 6.14.3 Education

A financial contribution of £110,870.40 will be secured through the Section 106 Agreement towards education infrastructure. The contribution will be directed towards improvements at the nearby primary school, specifically to support the

delivery of a new car park and classroom facility, in order to mitigate the additional demand arising from the development. This approach accords with advice from the relevant education consultee and is considered necessary to ensure adequate local education provision is maintained.

#### 6.14.4 BNG Monitoring

The submitted Biodiversity Net Gain Assessment identifies a net loss of habitat units, primarily due to the loss of areas of other neutral grassland, and while revisions to incorporate vegetated gardens and retain and enhance habitats will reduce this loss, the development will not achieve the mandatory 10% net gain on site; accordingly, the residual deficit will be addressed through the purchase of off-site biodiversity units, with evidence to be submitted as part of the Biodiversity Gain Plan. The scheme also includes a range of significant on-site habitats, including grassland, woodland, scrub, SUDS features and reedbeds, which will require monitoring over the minimum 30-year period, and a financial contribution of £13,275.27 will therefore be secured through the Section 106 Agreement to fund long-term biodiversity monitoring.

### 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. The application site lies outside the defined settlement boundary and therefore departs from the spatial strategy of the adopted development plan; however, the proposal falls within an explicit exception under Policy CS5 as a 100% affordable housing scheme intended to meet an identified local housing need, and is therefore not contrary to the principle of development when considered against its scale, siting and impacts.

7.2 However, the Council is currently unable to demonstrate a five-year supply of deliverable housing land. As such, the policies most important for the determination of the application are out of date and paragraph 11(d) of the National Planning Policy Framework is engaged, requiring the application of the presumption in favour of sustainable development.

#### 7.3 **Benefits**

7.3.1 **Delivery of 100% Affordable Housing:** provision of 93 affordable dwellings, including social rented and rent-to-buy homes and accessible bungalows, addressing an evidenced and acute local and wider housing need in accordance with Policy CS5. This attracts **very substantial weight**.

7.3.2 **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**.

7.3.3 **Social and Community Benefits:** improved housing choice for local residents, young households and key workers, supporting the sustainability and social cohesion of Ford and surrounding settlements. This attracts **substantial weight**.

7.3.4 **Highway Safety Improvements:** provision of a new onsite school drop-off facility and pedestrian crossing, reducing existing on-street parking pressures and improving safety on But Lane. This attracts **substantial weight**.

7.3.5 **Education Infrastructure Investment:** secured financial contribution of £110,870.40 towards improvements at the nearby primary school, including a new car park and classroom facility. Whilst these contributions are necessary to make the development acceptable in planning terms, the support they provide to education infrastructure in Ford attracts **moderate weight**.

7.3.6 **Economic Benefits:** short-term economic benefits during construction, including employment and expenditure in the local area. This attracts **moderate weight**.

## 7.4 **Harms**

7.4.1 **Countryside Location:** the site lies outside of any defined settlement boundary in the country, resulting in a departure from the spatial strategy of the adopted development plan. This attracts **moderate weight** reflecting a reduced weighting by virtue of the proposal comprising 100% affordable housing, which falls within an explicit exception supported by CS5.

7.4.2 **Loss of Existing Habitat:** loss of areas of other neutral grassland on site, requiring mitigation through habitat creation and off-site biodiversity provision. This attracts **moderate weight**, reflecting a reduced weighting given that technical reports and the Ecology consultee comments confirm the site to be of low to moderate ecological value, with no significant habitats present.

7.4.3 **Landscape and Visual Change:** development of a greenfield site will result in a permanent change to the landscape character at the settlement edge, notwithstanding mitigation. This attracts **moderate weight** in recognition that the site does not lie within a protected landscape, is visually contained by existing development and strong boundaries and the proposal responds to the built-form and settlement pattern.

7.4.4 **Additional Traffic Movements:** increase in vehicle movements associated with the development, although assessed as acceptable and not severe in highway terms. This is therefore considered as **neutral**.

## 8.0 **CONCLUSION**

8.1 In light of the Council's current housing land supply position, and having regard to the NPPF's presumption in favour of sustainable development (paragraph 11(d)), the proposal represents a sustainable form of development. The benefits of the scheme attract significant weight, in particular the delivery of 93 dwellings as 100% affordable housing to meet identified needs (very substantial weight) and the contribution to housing delivery in the context of the five-year housing land supply shortfall (very substantial weight), together with associated social/community and highway safety benefits (substantial weight) and more limited economic and education-related benefits (moderate weight). These benefits are weighed against the identified harms, namely the countryside location outside the settlement boundary, the loss of existing habitat and the permanent landscape/visual change (each attracting moderate weight), with additional traffic impacts assessed as neutral. On balance, and having applied the tilted balance, the adverse impacts do not significantly and demonstrably outweigh the benefits. The material considerations therefore indicate that planning permission should be granted, subject to the completion of a Section 106 agreement and the conditions set out in Appendix 1.

## 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.

## 11. Background

### Relevant Planning Policies

- **National Planning Policy Framework**
- **Core Strategy and Saved Policies:**

CS1 - Strategic Approach  
CS4 - Community Hubs and Community Clusters  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS7 - Communications and Transport  
CS8 - Facilities, Services and Infrastructure Provision

# AGENDA ITEM

- Proposed Residential  
Development Land East Of

CS9 - Infrastructure Contributions  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD7A - Managing Housing Development in the Countryside  
MD12 - Natural Environment  
MD13 - Historic Environment  
SPD Type and Affordability of Housing

## RELEVANT PLANNING HISTORY:

SS/25/00023 SSPPA00003 - Site 08 SSA 26th March 2025

## **12. Additional Information**

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T5OIGBTDM4M00>

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 Roger Evans
-------------------------------

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.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. 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.

4. Prior to the commencement of the development, a construction phase surface water management plan for the site will be submitted to and approved in writing by the Local Planning Authority. This plan shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The temporary drainage scheme shall subsequently be implemented in accordance with the approved details prior to and during the construction phase and be appropriately decommissioned following the final drainage scheme being validated as operational. Survey and photographic evidence of remediation shall be supplied for any permanent SuDS used in the temporary scheme, prior to being made operational.

Reason: To ensure that the construction of the site is appropriately managed in accordance with National SuDS Standard 7, does not result in any flooding both on and off site in

accordance with NPPF.

5. Prior to the commencement of any works, in accordance with the submitted FRA (Flood Risk Assessment, prepared by RACE, February 2026, Rev. 3) and Drainage Strategy Plan (Drainage Strategy Plan, prepared by RACE, February 2026, Rev. 3), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme shall be constructed and will be implemented prior to the first occupation of the development. This shall include:

- A drawing showing the route for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP rainfall event plus climate change allowance

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 plus National SuDS Standards 1 to 7, by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

6. None of the off-site works as shown on plan 27439 01 D shall be constructed until such time that it has been demonstrated in writing to the Local Planning Authority that full technical approval has been secured and shall then be constructed in accordance with that approval prior to first occupation.

Reason: In the interests of highway safety.

7. Prior to the commencement of above ground works a scheme for protecting the occupants of the proposed residential development from noise from the A458 and But Lane has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained. The scheme shall include suitable means of ventilation, designed to address any potential overheating issues whilst achieving acceptable internal noise levels, specific design solutions may need to be developed alongside advice from energy consultants.

Reason: To ensure that acceptable noise levels within the development and its curtilage are not exceeded.

8. No development shall commence (including ground works and vegetation clearance) until a habitat management plan of the on and off site gains has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

## AGENDA ITEM

- Proposed Residential  
Development Land East Of

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 193 of the NPPF.

9. (a) No development approved by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the Local Planning Authority in writing.

(b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report detailing the results of the archaeological work provided to the Local Planning Authority prior to first use or occupancy of the development.

Reason: The site is known to hold archaeological interest.

10. Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A458 trunk road). The plan shall include as a minimum:

- a) Construction phasing
- b) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, signage, accesses and construction delivery times, to avoid peak hours and school drop off and pick up times.
- c) Details of any special or abnormal deliveries or vehicular movements.
- d) Clear and detailed measures to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
- e) Mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification

of plant and equipment to be used and construction traffic routes.

f) A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.

g) Waste management.

h) Wheel washing measures.

i) Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details.

Reason: To mitigate any adverse impact from the development on the A458 trunk road and to satisfy the reasonable requirements of road safety.

11. Prior to the commencement of development a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Plan Authority. The CEMP shall set out as, as minimum, site specific measures to control and monitor impact arising in relation to:

- Noise and vibration
- Dust and air pollutants
- Land contamination
- Ecology and ground water.

The CEMP shall set out arrangements by which the development shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To safeguard the amenities of the adjoining properties and the area generally and to protect features of nature conservation importance.

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

12. Prior to the occupation of any dwelling hereby approved, details of the design, location, equipment, delivery and long-term management of the Local Area for Play (LAP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

## AGENDA ITEM

- Proposed Residential  
Development Land East Of

- the size, layout and specification of the LAP;
- details of the play equipment, surfacing and boundary treatments;
- measures to ensure inclusive and accessible play provision;
- a timetable for implementation; and
- arrangements for the future management, maintenance and retention of the LAP for the lifetime of the development.

The LAP shall be implemented in accordance with the approved details prior to first occupation of the hereby approved dwellings and thereafter retained and maintained as approved.

Reason: To ensure the provision of appropriate, safe and inclusive play facilities to serve the development.

13. All hard and soft landscape works shall be carried out in accordance with the approved plan 100\_SHRSK\_XX\_XX\_DR\_L\_1000 Rev 04. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

14. Upon completion of the surface water drainage scheme and prior to the first occupation of the development, a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved and shall include as a minimum:

1. CCTV survey of substantial underground structures,
2. A full set of "as built" drawings highlighting any minor changes to the approved drawings.
3. Demonstration that vegetation has become established.
4. Photographs of excavations (including soil profiles/horizons) and any installation of any surface water drainage structures and control mechanisms.
5. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

## AGENDA ITEM

-	Proposed Residential Development Land East Of
---	--

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Local Plan Policies of Shropshire Council.

15. Prior to first occupation of the development hereby approved a Travel Plan shall be submitted to the Local Planning Authority and approved in writing. The Travel Plan shall include a named Travel Plan coordinator and details of proposals including targets, timetables and enforcement mechanisms. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason: To promote sustainable modes and active travel

16. No part of the development hereby approved shall be occupied until the parking area as shown on plan A1178 03 P has been constructed in accordance with the approved plan and a parking management strategy for the operation and enforcement of the parking area has been submitted to the Local Planning Authority and approved in writing.

Reason: In the interests of highway safety

17. On completion of the works but prior to any occupation of the approved development, the applicant shall submit to and have approved in writing by the Local Planning Authority, an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal noise levels of 30dB LAeq,T for living rooms and bedrooms. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB LAmax.

Reason: To ensure that acceptable noise levels within the development and its curtilage are not exceeded.

18. Prior to the occupation of any dwelling hereby permitted, the scheme of works to reinstate the kerb as shown in general accordance with Drawing 'A458 Reinstatement of full height kerbs' (Dated March 2026), or other drawing approved in writing by the Local Planning Authority in Consultation with the Highways Authority for the A458, is completed.

Reason: To mitigate any adverse impact from the development on the A458 trunk road and to satisfy the reasonable requirements of road safety.

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

## AGENDA ITEM

- Proposed Residential  
Development Land East Of

Authority.

The following boxes shall be erected on the site:

- A minimum of 30 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 30 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 25 artificial nests, of integrated brick design, suitable for swifts (swift bricks).
- A minimum of 20 invertebrate bricks/hotels of integrated and/or external design, suitable for pollinators.
- A minimum of 6 hedgehog domes (standard design) to provide refuge for hedgehogs.
- A minimum of 2 hibernaculum to be created to provide refuge for herptiles.

The boxes shall be sited in suitable locations, with a clear flight path, where appropriate, 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.

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

20. No part of the development hereby approved shall be occupied until the access as shown on plan 27439 01 D has been constructed in accordance with the approved plan.

Reason: In the interests of highway safety.

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

21. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding bats, badgers, birds, herptiles and other priority species as provided in the Preliminary Ecological Appraisal (RSK, January 2026).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species, badgers under the Protection of Badgers Act 1992, and birds and herptiles which are protected under Section 1 of the 1981 Wildlife and

Countryside Act (as amended).

22. 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.

### **Informatives**

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for a Biodiversity Gain Plan.

4. The applicant is reminded that confirmation of a Diversion Order for the public right of way shall be obtained prior to development being commenced. The commencement of development prior to such confirmation would be likely to lead to legal complications and/or possible infringement of existing public rights and thus conflict with other legislation.

This page is intentionally left blank

## AGENDA ITEM



Committee and date

Southern Planning Committee

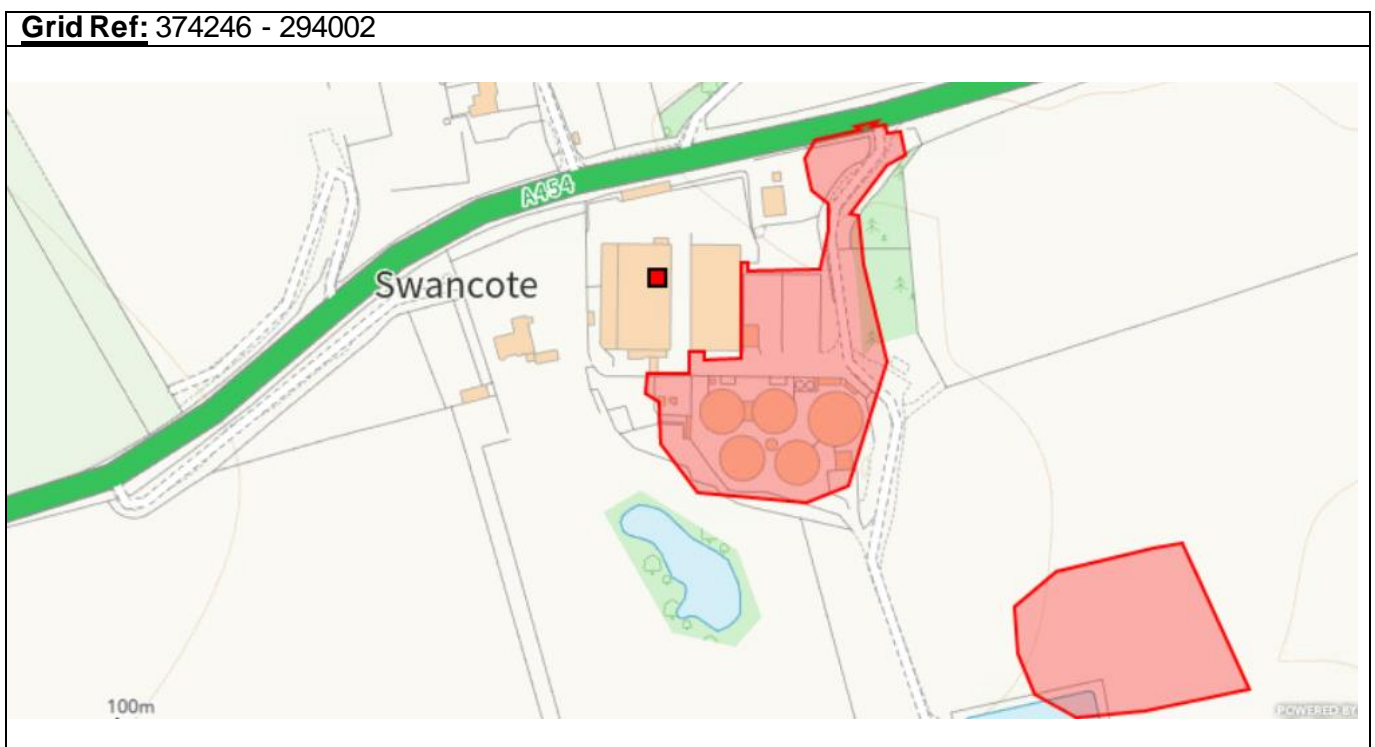
**26th May 2026**

### Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director – Place Shaping

#### Summary of Application

<b>Application Number:</b> 25/02645/VAR	<b>Parish:</b>	Worfield
<b>Proposal:</b> Variation of Condition 3 (revised access proposals), Condition 9 (feedstock type) and Condition 10A (feedstock allowance) attached to permission 10/03881/MAW dated 20 December 2010		
<b>Site Address:</b> Swancote Energy Ltd Anaerobic Digestion Plant at Swancote Farm, Swancote, Bridgnorth		
<b>Applicant:</b> Mr J Wood		
<b>Case Officer:</b> Louise Evans	<b>email:</b> Louise.m.evans@shropshire.gov.uk	



**Recommendation:- Grant Permission** subject to the conditions set out in Appendix 1 with delegation to officers to review the conditions attached to 10/03881/MAW and redraft and reattach to the consent as appropriate.

## REPORT

### 1.0 THE PROPOSAL

1.1 The application seeks to vary existing planning conditions to increase the permitted feedstock throughput at an established Anaerobic Digestion (AD) facility at Swancote Farm from 70,000 to 120,000 tonnes per annum. The proposal involves a transition away from energy crops (such as maize), with all feedstock proposed to be derived from non-agricultural food waste, liquid wastes and farm manures. The only built development proposed relates to access improvement works. These changes are sought through a section 73 application which enables the variation of conditions attached to a previous consent.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 Swancote Farm is situated some 2 kilometres to the east of Bridgnorth, to the south of the A454 highway at Swancote. Access to the site is off the A454 highway via a private drive. The existing site provides parking and manoeuvring space in the existing concrete yard area.

2.2 There are a number of residences in the area around Swancote Farm, the closest of which that are not associated with the AD facility are residences along the A454 to the north, the closest of which is approximately 160 m distant, with Firs Croft approximately 200 m to the north and Swancote Rise approximately 230 m to the north-east of the AD. The residences at Hoccum and Hoccum Cottages are approximately 350 m to the south-east and there are residences on The Hobbins that are approximately 600 m to the south-west of the existing site.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Complex or major application which in the view of the Director of Legal, Governance and Planning, or the Planning Services Manager in consultation with the Chairman or Vice Chairman should be determined by the relevant Planning Committee.

### 4.0 Representations

#### 4.1 Consultee Comments

#### 4.1.1 **SC Ecologist**

SC Ecology have no comments to make on this VAR.

#### 4.1.2 **Natural England**

Natural England currently has no comment to make on the variation of condition 10A. If any of the conditions relate to protected species, please note the following: We have not assessed this application and associated documents for impacts on protected species. Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

#### 4.1.3 **Environment Agency (Midlands Region)**

Based on our records, we previously commented on the 10/03881/MAW application in our letters dated 29 October 2010 (letter ref. SV/2010/104656/02), 1 April 2011 (letter ref. SV/2011/105220/01), and on 6 April 2011 (letter ref. SV/2011/105205/01). Based on the information submitted, we raise no objection to the variation of condition 10A which proposes to increase the throughput to 115,000 tonnes per year.

Environmental Permitting: We regulate the existing site under a bespoke permit reference EPR TP3692EU. This controls relevant emissions to land, water and air. The current permit (copy attached to councils planning file for information) limits the maximum quantity of waste to 75,000 tonnes per year so the operator will need a permit variation. We received a permit variation application on 1 April 2025 which documents this request, along with some other operational changes - this application is still in process. In relation to current operations, we have had no odour complaints (or others) about this site. There is a greater risk of off-site odour with the introduction of poultry manure but the operator has made clear that this will be delivered directly to the process, not stockpiled. The operator intends to introduce poultry manure and liquid waste types, in place of maize energy crops. The permit variation application also includes CO2 capture from the biogas stream, and ammonia stripping from the digester receiving poultry manure. Without prejudice to the permit variation, we have no significant cause for concern based on the information that has been submitted at this time.

#### **SC Regulatory Services**

4.1.4 With reference to the variation and noting the Environment Agency's comments, Reg services have no adverse comment in the increase of feedstock allowance.

## **SC Highways DC**

### 4.1.5 Scope of Response

This is a review of the following documents associated with the above planning application:

- Berrys, June 2025, Transport Statement (TS).
- Berrys, September 2025, Planning Statement (PS).

#### Background

The Swancote Anaerobic Digestion Plant is located at Swancote Farm, approximately 2km east of Bridgnorth, to the south of the A454 at Swancote. The facility is accessed directly from the A454 via a priority junction. The site currently operates with an annual permitted feedstock allowance of 70,000 tonnes, producing biogas for energy generation through the treatment of commercial food waste and purpose-grown energy crops. This application seeks to vary Condition 10a of the original planning permission (ref. 10/03881/MAW) to increase the permitted feedstock allowance to 120,000 tonnes per annum. The applicant has submitted a Transport Statement to assess the impact of the proposed increase and this is considered within this response note.

#### Executive Summary

It is considered that the proposals would have a negligible impact on the highway network. Whilst SC considers the proposals acceptable in principle, further mitigation is requested to improve highway safety, as outlined in this note.

#### Review of Transport Statement (TS)

##### Vehicular Access

The site access forms a priority junction with the A454. Paragraph 2.3 in the TS states that the applicant reviewed the existing access and noted that there was evidence of kerb and verge overrun on the western junction radius within the highway. Therefore, as part of the proposals, localised improvements are proposed the kerbing within the highway which would be secured via a pre-commencement condition. SC have reviewed the drawing at Appendix A which shows both the improvement and revised swept path analysis, and this is considered acceptable and welcomed.

The A454 is subject to a 50mph speed limit. The drawing at Appendix B of the TS shows that visibility splays of 2.4m x 160m are achievable in both directions. This is considered acceptable.

##### Traffic Surveys

The TS includes details of a DfT traffic count survey undertaken in 2019. This shows a two way figure of 9610 vehicles per day, of which 265 were HGV's (2.8%). The use of this data is considered acceptable.

##### Road Safety

Accident data has been obtained from Crashmap for the latest five year period along the A454 within the vicinity of the site. The data shows that a personal injury collision (PIC) occurred at the site junction whereby a car turning right into the site collided with a motorcycle which was attempting to overtake on the cars offside. Two similar PIC's also occurred within the vicinity of the site access, at private driveways on the A454, with right turn conflicts to/from the A454.

It is noted that for the approved application (15/01864/FUL) which permits a throughput of 70,000 tonnes, concerns were raised with regards to accidents within the vicinity of the site. It is understood that discussions took place about the possibility of introducing localised traffic calming measures, to include the extension of the existing double white lines and a review of signing along the A454. It is unclear whether these works were undertaken. To ensure highway safety, SC recommends that these works be included as part of this application, particularly with regards to extending the existing double white line near the site access.

#### Trip Generation

The TS outlines the baseline trip generation and shows that the existing site (operating with a throughput of 70,000 tonnes) generates 24 two way daily vehicle movements. Figure 3 shows that these trips include HGV's, tractor and trailer and gas trailer/tanker.

For the proposed increase in throughput to 120,000 tonnes it has been assumed that trips would be undertaken by rigid HGV's, arctic HGV and tanker, tractor and trailer and gas trailer/tanker. Figure 4 in the TS shows the number of proposed vehicle movements by vehicle type. It shows that the proposals would generate an additional 9 two way daily vehicle trips. SC consider that the proposals would have a negligible impact on the surrounding highway network.

## 4.2 Public Comments

### 4.2.1 Worfield and Rudge Parish Council

**Date comment received: 20.10.2025**

The Council supports with consideration to the following:

From a transport perspective we request that a planning condition be proposed altering the entrance/exit of the facility as highlighted within the transport assessment.

Please have a qualified officer review the updated ammonia emissions reports that accounts for the proposed feedstock change in this application.

Please have a qualified officer review the updated odour emissions assessment reports that accounts for the proposed feedstock change in this application.

**Date comment received: 09.02.2026**

Removal of support for the application

Comments as follows.

The submission of additional evidence dated 23 Jan 2026 "Digestate Spreading Emissions Screening Assessment" does not address our previous request of review of ammonia emissions and odour emissions, these particularly emanating from "the site", and the site as a whole entity. Please refer to these previous requests.

In addition to previous comments, given the proposed significant planning material change to the site it is unclear if the proposed planning approach is appropriate, we request review and comment by an officer and also Shropshire Council's relevant Legal team regarding the approach being taken given the significant planning material change proposed in the application. Clarification of the red line "the site" and what it constitutes as a whole rather than in parts is required as well as in terms of allowable storage quantities of process feedstock, in addition to allowable annual processing amounts for the bio digester in terms of the red line "the Site" as a whole, and allowable storage limits for waste digestate in terms of the redline "the site" as a whole. We recommend a new redline "the site" plan be drawn up and considered within the application process.

4.2.2 3 representations of objection have been received from members of the public which are summarised below:

Increase in scale and impacts

- Significant increase in imported feedstock (up to 120,000 tonnes, potentially ~165,000 tonnes cumulatively).
- Introduction of additional waste streams, including chicken manure.
- Likely to result in increased odour, traffic, noise, and light pollution, worsening existing issues experienced by nearby residents.

Existing amenity concerns

- Current operations already cause persistent odour nuisance, traffic and noise impacts.
- Alleged ongoing breaches of planning conditions (e.g. hours of operation).
- Concerns that complaints and impacts have not been fully recorded or considered.

"Development creep" and intensification

- Gradual expansion from a small farm diversification scheme (2010) to a large industrial-scale operation.
- Cumulative growth through multiple permissions has significantly altered the character of the site and surrounding area.

Inappropriate use of Section 73

- Proposal considered an unlawful or inappropriate use of Section 73.
- Changes would materially alter the nature and scale of the original development, which is not permissible under a condition variation.

- Seen as an attempt to retrospectively regularise a fundamentally different scheme.

#### Need for a full planning application

- Strong view that proposals should be subject to a new, full planning application.
- Current approach prevents proper assessment of the whole operation and cumulative impacts.
- Lack of clarity and transparency in the submitted application (e.g. inconsistencies in conditions being varied, missing plans).

#### Site definition and planning history concerns

- Confusion over the definition of “the site” and how conditions apply.
- Reliance on multiple separate permissions across different red-line areas to justify increased capacity.
- Concern that combining these permissions enables substantial intensification beyond original intent.

#### Conflict with planning policy

- Site located in open countryside and the West Midlands Green Belt.
- Development considered inappropriate and unjustified in this location.
- Lack of demonstrated “very special circumstances” to outweigh harm.
- Harm to rural character, landscape and residential amenity.

#### Traffic and highway concerns

- Increased import and export movements likely to significantly increase HGV traffic.
- Existing access arrangements already viewed as problematic.

#### Environmental and operational concerns

- Expansion of waste-based feedstocks and export of digestate changes operational nature.
- Reliance on Environmental Permit and subsidy schemes (GGSS) inappropriately used to justify planning changes.
- Concern that profit motives outweigh environmental considerations.

#### Premature works and compliance issues

- Allegations of works (e.g. access alterations) undertaken prior to approval.
- Concerns regarding compliance with existing permissions.

#### Procedural and transparency concerns

- Application description considered unclear and incomplete.
- Lack of full public re-consultation on the true scope of changes.
- Request for determination by Planning Committee rather than delegated powers.

#### Cumulative and long-term impacts

- Development has significantly altered the character of nearby settlements (Swancote, Hoccum, The Hobbins).
- Concerns that impacts will continue to intensify if approved.

## 5.0 THE MAIN ISSUES

### Environmental Impact Assessment Screening

Response to matters raised and context for decision making  
The operation  
Emissions - Air pollution  
Emissions - Odour and Noise  
Emissions - Indirect impacts of Digestate  
Traffic implications  
Other Matters

## 6.0 OFFICER APPRAISAL

### 6.1 Environmental Impact Assessment Screening

6.1.1 The proposed development falls within Categories 3(a) generation of electricity, 11(b) processing of waste and 13(b) changes and extensions of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the Regulations). The site area of the proposed development is 1.85 hectares and exceeds the 0.5 hectare threshold set within the Regulations for categories 3(a) and 11(b). The proposed development relates to an expansion of operations at the site which will alter the amount and nature of throughput. The main environmental considerations will be in relation to emissions and transport implications. The site is not located within a 'sensitive area'. Therefore, taking into account the proposed siting of the development and the characteristics of the potential impacts, the proposed development is unlikely to have a significant effect upon the surrounding environment within the meaning of the Regulations. On this basis, the proposal is not Schedule 2 development and EIA is not required.

### 6.2 Response to matters raised and context for decision making

6.2.1 Members of the public have raised concerns regarding the appropriateness of the development being considered through a Section 73 application. A Section 73 application is used to seek planning permission to vary or remove conditions attached to an existing planning permission but it cannot be used to alter the operative part of that permission, including the existing description of development.

6.2.2 In this case, the original permission relates to the 'construction of an on-farm agricultural anaerobic digestion plant to generate renewable energy'. Conditions attached to that consent restricted the quantity and type of feedstock to accord with the details submitted at the time of determination. Since the grant of that permission, the business operation has expanded, and further applications have been submitted and approved to account for incremental changes to the development. This approach is not uncommon within the planning system, where evolving operational requirements are addressed through successive applications.

6.2.3 It is acknowledged that the application site areas associated with each permission differ. This reflects the specific scope and extent of development under consideration at the time each consent was granted. In each instance, the relevant application has been assessed on its own merits, taking into account the established baseline provided by existing consents. Accordingly, the suggestion

that the cumulative impacts of the development have not been properly considered at each stage is not accepted. A Section 73 application results in the grant of a new planning permission, which must be assessed as acceptable in its own right, albeit with consideration limited to the conditions subject to variation.

6.2.4 It is also recognised that the 'site' defined under the environmental permitting regime, which is regulated by the Environment Agency, may differ from the 'application site area' defined for planning purposes. This reflects the differing requirements and scope of the respective regulatory frameworks.

6.2.5 Representations have suggested that, because the application site area cannot be extended to cover the whole site as it now operates through a Section 73 application, any conditions imposed could only be applied and enforced within the defined application site area. This is not necessarily the case. For a planning condition to be lawfully imposed, it must satisfy the established tests set out in national policy, namely that it is: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. Where appropriately worded and justified, conditions can apply beyond the immediate application site, provided these tests are met.

### 6.3 **The operation**

6.3.1 The proposed development involves an increase in feedstock throughput at the existing anaerobic digestion facility, alongside a shift to a wholly waste-derived feedstock comprising liquid wastes, farm manures and non-agricultural food wastes.

6.3.2 Feedstocks would be delivered to the site primarily by HGV, with liquid waste transferred directly into the digestion system via sealed pipework, and solid materials unloaded and fed into the process on a just-in-time basis. Non-agricultural food waste would be received, depackaged and processed within enclosed reception buildings operating under negative pressure and fitted with odour control systems, thereby minimising emissions.

6.3.3 The anaerobic digestion process generates digestate as a by-product. It is estimated within the application that approximately 105,000 tonnes of digestate would be produced per annum, which is separated into liquid and solid fractions. The liquid fraction, forming the majority, would be stored on site within covered lagoons and transported off site in sealed tankers, with additional capacity provided through contracted off-site storage facilities. Combined storage capacity is sufficient to accommodate winter periods when land application is restricted. The solid digestate would be stored within an enclosed building prior to removal from site in sheeted vehicles.

### 6.4 **Emissions - Air pollution**

6.4.1 Core Strategy policies CS6 and CS17 seek to protect and enhance Shropshire's natural environment and to ensure no adverse impacts upon ecological assets.

Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should only be permitted if it can be clearly demonstrated that there is no satisfactory alternative; and the social or economic benefits of the proposal outweigh the harm to the asset.

6.4.2 The Swancote facility comprises an established anaerobic digestion operation incorporating carbon capture technology. In this context, Natural England's guidance "*Air pollution and development: advice for local authorities*" is not considered directly applicable to the anaerobic digestion process itself.

6.4.3 Furthermore, the infrastructure associated with the storage of both feedstocks and digestate already benefits from extant planning permissions, and the ecological impacts of these elements were assessed at the time those permissions were granted.

## 6.5 Emissions - Odour and Noise

6.5.1 Policy CS6 requires that developments safeguard residential and local amenity.

6.5.2 It is recognised that concerns have been raised by members of the public regarding the potential for odour and noise impacts arising from the proposal. Odour and noise assessments have not been submitted in support of the current application. In assessing potential effects on neighbouring amenity, regard has been had to the key stages of the operation where odour and noise could arise, namely the handling and processing of feedstocks within the facility, and transportation of feedstocks and digestates to and from the site.

6.5.3 With regards to feedstock and digestate handling within the site, mitigation measures are incorporated within the operation to control potential emissions. Feedstocks, including food waste and liquid materials, are handled within enclosed systems, with food waste reception, depackaging and processing undertaken within sealed buildings operating under negative pressure and fitted with odour abatement equipment. Liquid wastes are transferred via sealed pipework, and a 'just-in-time' delivery approach is employed to minimise on-site storage and the duration of handling activities. Digestate arising from the process is stored in covered lagoons and managed in accordance with established procedures, with export from the site undertaken using sealed tankers or sheeted vehicles.

6.5.4 With regards to transportation, the proposed increase in throughput is anticipated to result in approximately nine additional two-way vehicle movements per day and 33 in total. Given the relatively limited number of movements from an A road (A454) and by their very nature the amenity impacts from individual movements being short lived for any particular receptor, it is considered that the associated impacts on residential amenity from transportation associated with the proposal would not be significant.

6.5.5 Whilst it is noted that there are greater amounts of feedstocks proposed to be handled as a result of this development, and that the waste feedstock does have the potential for generating offensive odours, it is also noted that no new point sources are proposed for either storage or handling from the existing permitted use. Furthermore, it is recognised that that the facility has now been in operation for a number of years without being recognised as a statutory nuisance or receiving complaint through the Environmental Permitting Regime.

6.5.6 Therefore, subject to the use of a planning condition to prohibit the external storage of any of the feedstocks at the site or the storage of any digestate at the site other than within the dedicated facilities, the planning authority can be satisfied that the current proposal would not lead to greater potential for amenity concerns above that already permitted as a result of this development.

## 6.6 Emissions - Indirect impacts of Digestate

6.6.1 The onward use of digestate represents an indirect effect of the proposed development. The application confirms that digestate generated by the facility would be utilised as a fertiliser on agricultural land, including third party land, with all spreading activities undertaken in accordance with an established Environmental Management System (EMS). The solid fraction of the digestate would be managed as a waste and applied under the relevant permitting regime, whilst the liquid digestate meets recognised quality standards and would be classified as a product suitable for land application.

6.6.2 The planning application is supported by an air quality screening assessment focused specifically on potential ammonia emissions associated with the land spreading of digestate. The assessment identifies the anticipated digestate outputs arising from the proposed increase in throughput and applies Natural England's *Air pollution and development* guidance, adopting a precautionary 500m screening distance in the absence of defined thresholds for spreading activities. It reviews the extent and location of agricultural land currently secured for spreading (in excess of 3,400 hectares), identifies nearby designated ecological sites, and assesses whether any spreading areas fall within the screening distance of sensitive receptors. The assessment concludes that no spreading areas lie within 500m of European sites or Sites of Special Scientific Interest (SSSIs), and therefore there would be no likely significant effects arising from air pollution, negating the need for further detailed assessment.

6.6.3 In respect of potential impacts arising from diffuse agricultural pollution, it is recognised that there are legal controls in place to protect water quality from such applications to land. These legal controls apply irrespective of where such spreading takes place. These controls include the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations (the Farming Rules for Water) and the Nitrate Vulnerable Zones Regulations. Practical guidance is provided through the Defra Code of Good Agricultural Practice. These measures impose controls on the timing, method and location of spreading, including minimum buffer

distances from watercourses and groundwater abstraction points. On this basis, the risk of nutrient leaching or surface runoff to controlled waters is appropriately regulated and is not likely to result in significant environmental effects.

- 6.6.4 The application of fertiliser to meet crop nutrient requirements is a well-established and essential component of agricultural practice. Where organic fertilisers such as digestate are used as a substitute for manufactured synthetic fertilisers, this can deliver environmental benefits, including the recycling of nutrients, reduced reliance on energy-intensive fertiliser production processes, and a corresponding reduction in associated greenhouse gas emissions. In this context, the beneficial use of digestate as a fertiliser represents a sustainable and efficient use of a by-product of the anaerobic digestion process.
- 6.6.5 Odour and dust impacts may potentially arise through the spreading and use of digestate as a fertiliser. The application notes that the Digestate Spreading EMS, which is regulated by the Environment Agency, requires the potential impacts of digestate spreading to be assessed in advance of any application, ensuring that risks of pollution or amenity nuisance are minimised. In practice, digestate is typically applied using low-emission techniques, such as dribble bars or direct injection, which significantly reduce surface exposure and associated emissions compared with the spreading of raw manures and occurs infrequently. Taking into account that the application of organic fertiliser to agricultural land is a widespread and permitted activity and that the amount that may be applied to land is controlled, albeit for protection of the water environment and not amenity, officers are satisfied that the use of digestate as a fertiliser on land, including third party land, is unlikely to give rise to significant amenity impacts.
- 6.7 **Traffic implications**
- 6.7.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe (para. 116).
- 6.7.2 The application site is served by an existing priority junction onto the A454, which provides direct connectivity to the wider principal highway network including the A442, A41 and M54. The access has been designed to accommodate use by heavy goods vehicles (HGVs) associated with the established anaerobic digestion facility and the wider farm holding. The junction bellmouth is relatively wide (approximately 24m at the give-way line), with an internal access road of approximately 4m width and a formal passing place within the site to facilitate the manoeuvring of larger vehicles.
- 6.7.3 Evidence of kerb and verge overrun has been identified on the western junction

radius, attributed to left-turning HGVs undertaking tight manoeuvres to avoid encroachment onto the opposing carriageway. In response, the applicant proposes localised upgrades to the western kerb line within the highway to improve turning radii and reduce the likelihood of overrun. Swept path analysis based on a 16.5m articulated HGV demonstrates that, with these improvements, the largest vehicles expected to use the site can safely enter and exit, noting that opposing large vehicles would continue to rely on the internal passing place.

6.7.4 Visibility at the access has been assessed and visibility splays of 2.4m x 160m can be achieved in both directions, consistent with the 50mph speed limit of the A454 at this location.

6.7.5 The Highway Authority concurs that the proposed localised kerb improvements are acceptable and should be secured by condition. In addition, having regard to the accident history along this section of the A454, the Highway Authority has recommended the introduction of additional mitigation measures, including the extension of the existing double white line system and review of signage in the vicinity of the junction. A £2000 direct payment was received by Shropshire Council on the 13<sup>th</sup> August 2015 to cover improvement works via application 15/01864/FUL. On this basis, it is recommended that only the proposed access kerb works are secured through this current application.

## 6.8 Other Matters

6.8.1 Greenbelt: It is recognised that the development is located within the West Midland Greenbelt and the very special circumstances necessary to make the development acceptable were established within the original grant of planning permission 10/03881/MAW - which relate to the renewable energy and climate change benefits of the scheme. The proposed access alterations do not materially alter the greenbelt position.

6.8.2 Environmental Permit: It has been noted that an environmental permit variation has now been approved by the Environment Agency for the processing of 120,000 tonnes of feedstock at the site. For clarity, members should note that the planning and environmental permitting regimes are separate, legally distinct processes that frequently overlap, with planning governing the use of land and permitting regulating the operational impact of that use. While planning permission decides if a development is acceptable in a specific location, environmental permits ensure that activities are managed to prevent pollution.

6.8.3 Paragraph 201 of the NPPF states *'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'*

6.8.4 Use of planning conditions: A Section 73 application enables the Local Planning Authority to reassess and, where appropriate, refine or impose updated conditions that are precise, enforceable and aligned with current policy and environmental standards, thereby ensuring that the development continues to operate in an acceptable manner and that potential impacts are effectively managed. In this instance, that will require the permission to include conditions to ensure implementation of the access improvements, a limit on the amount of feedstock to be processed and controls to ensure that feedstock and digestate storage takes place within areas approved for such.

## 7.0 CONCLUSION

7.1 The land use implications of a proposed variation of conditions to increase feedstock throughput at the established Swancote anaerobic digestion facility have been appropriately considered within the scope of a Section 73 application.

7.2 The assessment of environmental effects as a result of the likely emissions from the development demonstrates that the proposal is unlikely give rise to unacceptable adverse impacts, either individually or cumulatively, when considered against the existing baseline and regulatory controls in place.

7.3 In addition, the limited increase in vehicle movements would not result in severe impacts on the local highway network; and the proposed access alterations would improve the current site entrance.

7.4 Taking all matters into account, the development is considered to accord with the relevant policies of the Development Plan and the National Planning Policy Framework, and there are no material considerations which would warrant refusal of the application, subject to the imposition of appropriate planning conditions.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 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.

## 8.2 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.

## 8.3 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.

## 9.0 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:

- 26th May 2026

Swancote Energy Ltd

National Planning Policy Framework  
National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside and Greenbelt

CS6 Sustainable Design And Development Principles

CS8 Facilities, Services and Infrastructure Provision

CS13 Economic Development, Enterprise and Employment

CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 Sustainable Design

MD6 Green Belt & Safeguarded Land

MD7B General Management of Development in the Countryside

MD8 Infrastructure Provision

MD12 Natural Environment

MD14 Waste Management Facilities

## RELEVANT PLANNING HISTORY:

10/03881/MAW Construction of an on-farm agricultural anaerobic digestion plant to generate renewable energy GRANT 20th December 2010

10/03898/DIS Discharge of Conditions re 08/0772 REC 9th September 2010

BR/74/0482 Erection of an agricultural building GRANT 6th May 1974

11/01159/MAW Demolition of existing redundant plant room and construction of office facilities and a GRP Substation for use in conjunction with existing approved anaerobic digestion (Approved under Ref: 10/03881/MAW) GRANT 23rd May 2011

11/01641/DIS Discharge of conditions 4a (access & signage), 5a (Closure of access), 6 (Construction Management Plan), 12a (Noise mitigation), 15a (Odour management scheme), 17a (Pests and vermin control), 18 (Amenity complaints procedure), 20 (Specification surface treatments), 23a (Floor levels), 24a (Groundwater monitoring), 25 (Groundwater/risk assessment), 28a (Lighting), 29 (Fire protection) and 33a (Landscaping) attached to planning ref.10/03881/MAW. Construction of an on-farm agricultural anaerobic digestion plant to generate renewable energy DISAPP 18th April 2011

11/03477/AGR Construction of a silage clamp and improvements to existing agricultural access track PNAGR 22nd August 2011

11/05166/FUL Erection of office extension GRANT 6th February 2012

12/01455/MAW Change of use of existing agricultural building to provide a feedstock storage facility and siting of a combined heat and power generator GRANT 23rd May 2012

12/02820/MAW Erection of additional infrastructure to include pasteurisation building, 2 pasteurisation tanks, aeration tank, centrifuge building, denitrification tower and storage tank; weighbridge office (modification to previously approved); formation of access and drive to enable further Anaerobic Digestion processes GRANT 24th October 2012

BR/83/0031 Overhead electricity line NOBOHL 18th March 1983

# AGENDA ITEM

- 26th May 2026

Swancote Energy Ltd

13/01181/MAW Change of use and increase in height of agricultural building at Swancote Farm to allow the reception and temporary storage of waste to be used as feedstock in the Swancote Energy anaerobic digestion plant. GRANT 30th May 2013

13/05109/AMP Non-material amendment relating to planning permission 12/02820/MAW - Erection of additional infrastructure to include pasteurisation building, 2 pasteurisation tanks, aeration tank, centrifuge building, denitrification tower and storage tank; weighbridge office (modification to previously approved); formation of access and drive to enable further Anaerobic Digestion processes GRANT 8th April 2014

13/05127/FUL Laying of underground electricity cable and biomethane pipe between Swancote Energy, Swancote, Bridgnorth and Bridgnorth Aluminium, Stourbridge Road, Bridgnorth to supply renewable energy GRANT 3rd July 2014

14/03212/MAW Installation of an Albers Alligator digestate storage bag with surrounding earth bund and fencing GRANT 3rd December 2014

15/01864/FUL Addition of an on-site Combined Heat and Power (CHP) generator and an increase in feedstock capacity in relation to an existing Anaerobic Digestion (AD) facility at Swancote Farm GRANT 17th August 2015

19/02875/FUL Erection of a replacement liquids tank following the demolition of the existing liquids tank GRANT 17th September 2019

20/03485/FUL Erection of extension and increase height of existing building to be used for recycling plastics WDN 1st April 2021

22/04460/FUL Installation of additional Anaerobic Digester (AD) infrastructure and a lagoon WDN 24th January 2023

23/00748/FUL Installation of additional Anaerobic Digester (AD) infrastructure and a lagoon (re-submission) GRANT 24th May 2023

23/03246/DIS Discharge of Conditions 3 (Bat and Bird Boxes) and 4 (Lighting Plan) attached to planning consent 23/00748/FUL DISAPP 16th August 2023

25/01893/AMP Amendments to Planning Permission 23/00748/FUL to alter the layout of the gas upgrade and CO2 capture area, and the lagoon. SPLIT 16th June 2025

25/02645/VAR Variation of Condition 3 (revised access proposals), Condition 9 (feedstock type) and Condition 10A (feedstock allowance) attached to permission 10/03881/MAW dated 20 December 2010 PDE

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SZK23HTDJDU00>

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

# AGENDA ITEM

- 26th May 2026

Swancote Energy Ltd

Local Member

Cllr Dawn Husemann

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

1. The total amount of feedstock received in connection with the anaerobic digestion process at Swancote Farm, Bridgnorth, Shropshire, WV15 5HB shall be limited to 120,000 tonnes per annum. Records of the quantities and types of feedstocks into different feedstock types (e.g. tankered food / other waste, packaged food waste, energy crops, slurry and manure) shall be maintained and shall be made available to the Local Planning Authority upon request.

Reason: To define the amount permitted to be managed, handled and processed at the site in accordance with the approved scheme, in the interests of general amenity, environmental protection and highway safety and to allow the receipt of feedstocks to be monitored by the Local Planning Authority as necessary in accordance with SAMDev policy MD14.

2. Feedstock associated with the anaerobic digestion facility must not be stored externally of the dedicated buildings at Swancote Farm, Bridgnorth, Shropshire, WV15 5HB. Digestate associated with the anaerobic digestion facility must not be stored externally of the dedicated lagoons and buildings at Swancote Farm, Bridgnorth, Shropshire, WV15 5HB

Reason: In the interests of general amenity and environmental protection.

3. Within 6 months of the date of this permission, the access must be realigned in accordance with drawing numbers SA54001 -BRY-ST -PL-C -0001\_ and SA54001 -BRY-ST - PL-C -0002 (as detailed within Appendix A and B of the Transport Assessment submitted in support of the planning application) to enable the safe passage of HGV movements to and from the adjoining highway.

Reason: In the interests of highway safety.

This page is intentionally left blank

## AGENDA ITEM



Committee and date  
**Southern Planning Committee**  
 26th May 2026

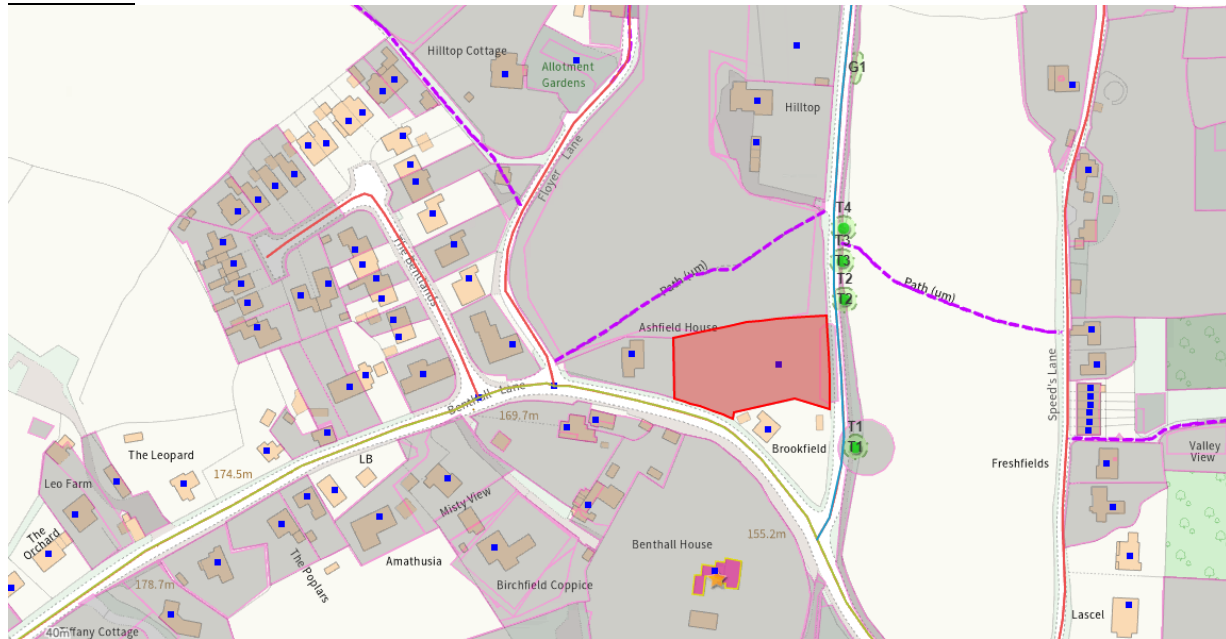
### Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director – Place Shaping

#### Summary of Application

<b>Application Number:</b> 25/03946/OUT	<b>Parish:</b>	Barrow
<b>Proposal:</b> Outline application (all matters reserved) for the development of 2 or 3No. dwellings		
<b>Site Address:</b> Proposed Residential Development Land Off Benthall Lane And Bridge Bank Benthall Broseley Shropshire		
<b>Applicant:</b> Mr & Mrs Iain and Christine Reddihough		
<b>Case Officer:</b> Dunya Fourie	<b>email:</b> dunya.fourie@shropshire.gov.uk	

**Grid Ref:** 366916 - 302205



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

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

# AGENDA ITEM

-	Proposed Residential Development Land Off Benthall Lane And Bridge Bank
---	---

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is made in outline. Members are tasked with making a decision whether the principle of residential development on the plots outlined in red is acceptable.
- 1.2 All other Matters including access, layout, appearance, landscaping and scale are reserved for consideration under a separate application(s).
- 1.3 The proposal has not been subject to pre application advice prior to the submission of this scheme, however planning consent for the same sites was refused last year (planning application 25/01930/OUT), the reason for refusal was insufficient information to adequately assess the impact of the proposal on nearby heritage assets. This submission includes a Heritage Impact Assessment (HIA).

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises a three vacant parcels of land on the northern edge of Benthall.
- 2.2 Plot 1 adjoins Benthall Lane to the south and Plots 2 and 3 adjoin Bridge Road (C4171) to the east. The site is within Broseley Conservation Area.
- 2.3 There is a footpath which crosses the site to the north. There are two existing dwellings; Ashfield House and Brookfield House each side of plot 1 and the dwelling 'Hilltop' is to the north of plots 2 and 3.
- 2.4 Grade II Listed building; Benthall House and surrounding plot is on the adjacent side of Benthall Lane to plot 1.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's Scheme of Delegation, the application must be determined by Planning Committee.

The Local Member called the application into Planning Committee to be determined by Members of the Council. The request was made within the required 21 days from

the date of first consultation and the call in was based on the following material matters.

## **4.0 Community Representations**

The below section provides a summary of representations received during the consultation/publicity period, comments can be viewed in full on the online planning register, using the planning reference.

### **4.1 Consultee Comment**

#### **4.1.1 Local Member-Councillor Dan Thomas**

Referral to Planning Committee on the following grounds:

- 1. The planning application documents refer to the site being in Broseley, but outside of the neighbourhood plan area. The site is entirely in Barrow Parish with Penns Meadow between it and the Broseley Parish Boundary. Therefore, it is in open countryside and out of the development boundary
2. The site is within the Broseley Conservation area.
3. Barrow Parish is classified as open countryside for planning purposes. Policy CS5 Therefore no open market development is allowed. Whilst Shropshire Council at present does not have a 5 year land supply as required, this site is not in a sustainable community being in Benthall.
4. The application claims to give the existing properties privacy however the development is up to the boundaries of both properties.
5. Shropshire Council Archaeology refers to the site in the comments to likely have industrial remains on site and asks a condition is added to ensure an archaeological assessment is carried out. There is also likely to be a world war 2 crashed plane on the site. the pilot died at the site.
6. The site is a steep slope and Barrow Parish Council question if it is suitable for development. The site is also part of an area of known stability issues with Bridge Road sinking adjacent to the site.
7. The proposed access onto Benthall Lane is on a part of the road where traffic accelerates when climbing from Barratts Hill and is also on a blind bend.
8. The Broseley Conservation area is contiguous with the Ironbridge Gorge World Heritage site, therefore, it is important to maintain an effective WH site buffer zone and to protect the unspoilt character of Broseley's countryside
9. There was a WW2 plane crash on this site which is important and part of Benthall's heritage

# AGENDA ITEM

-  
Proposed Residential  
Development Land Off Benthall  
Lane And Bridge Bank

- 4.1.2 **SC Archaeology:** Response (12<sup>th</sup> November 2025). The site has some archaeological potential. Recommended conditions include a program of archaeological work, including a watching brief during all ground works.
- 4.1.3 **SC Affordable housing:** Response (6<sup>th</sup> November 2025) proposal falls below threshold for affordable housing contribution
- 4.1.4 **SC Conservation: Response** (17<sup>th</sup> November 2025) No objection in principle

The site lies on the western edge of the Broseley Conservation Area and is adjacent to existing modern development. There are no designated heritage assets within the site boundary, although several listed buildings and potential non-designated heritage assets are located nearby. The submitted HIA concludes that the proposals would result in a minor degree of change to the conservation area but would not equate to harm substantial or less than substantial to the significant of designated or non designated heritage assets.

Taking into account the HIA no objection is raised to the proposed development of up to three dwellings on this site in principle from a conservation perspective. However, as the application is in outline with all matters reserved, it is difficult to make a full assessment at this stage. Therefore further detail and assessment will be required at the reserved matters stage.

Any future reserved matters application should demonstrate how the design, scale, materiality and layout respond positively to the local character and the conservation area context and provide details of boundary treatments and landscaping to ensure visual integration within the street scene.

- 4.1.5 **SC Regulatory Services:** Response (18<sup>th</sup> November 2025) The site is within the Coal Mining Reporting Area (as defined by the Coal Authority. All new development within the defined coal mining areas shall require a Mine Gas Risk Assessment to be undertaken.
- 4.1.6 **SC Ecology:** Response (8<sup>th</sup> December 2025) BNG units to be purchased from a habitat bank, in the absence of a monitoring obligation on the Council, no legal agreement is required. Ecological survey is accepted and relevant conditions recommended.
- 4.1.7 **Local Highway Authority:** Response (3<sup>rd</sup> December 2025) Insufficient information
- 4.1.8 **Barrow Parish Council**

Barrow Parish Council: Response (19<sup>th</sup> November 2025) Objection. Grounds of objection in principle:

- Contrary to policy CS5 and Benthall is not a sustainable location
- Steep aspect of the site
- Stability concerns
- Impact on Broseley Conservation Area

## 4.2 Public Comments

4.2.1 Public representations made in support: 0  
Public representations made in objection: 17  
Public representations made in neutral; 2

4.2.2 A total of 17 members of the public have objected to the proposal, the material grounds for objection are summarised below:

- Road safety Risks (plot 1 access point) and Bridge Road/Benthall Lane junction and the narrow width of Bridge Road for additional traffic
- Impact on the Conservation Area; compromise the character and appearance of the area
- Wildlife and Biodiversity; habitat loss and fragmentation, concern with the content of the ecological assessment and mitigation measures
- Surface water run-off and Bridge Bank damage; increased impermeable surfaces and associated rate and speed of surface water run-off.
- Aspect of land in relation to Bridge Road would require undercutting of land, subsidence issues further down Bridge Road. Hidden historic mining works.
- Market value properties are contrary to the Local Development Plan
- Neighbour amenity; loss of privacy through overlooking

## 5.0 THE MAIN ISSUES

The main issues for consideration in the determination of this application are the principle of residential development, having regard to the site's countryside location and the current housing land supply position, the impact of the proposal on highway safety, the effects on ecology, biodiversity and heritage assets, drainage and flood risk, land condition. These matters must be assessed in the overall planning balance.

## 6.0 OFFICER APPRAISAL

# AGENDA ITEM

-  
Proposed Residential  
Development Land Off Benthall  
Lane And Bridge Bank

- 6.1 Adopted Development Plan
- 6.1.1 Policy CS1 of the Core Strategy sets out the overall strategic approach for the County, including establishing the broad strategy for distribution of growth between Shrewsbury, the Market Towns and Key Centres, and the rural area. It stipulates that residential development in the rural areas will predominantly occur in Community Hub and Community Cluster settlements. Outside these settlements development shall primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
- 6.1.2 Policy MD1 of the SAMDev Plan complements Policy CS1 of the Core Strategy, addressing the scale and distribution of development. It directs sustainable development towards Shrewsbury, the Market Towns, Key Centres and the Community Hubs and Community Cluster settlements. Specifically, it states “*....sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4*”.
- 6.1.3 Policy MD1 of the SAMDev Plan also identifies the Market Towns, Key Centres, Community Hub settlements and Community Cluster settlements, within Schedule MD1.1. Benthall is not identified as any such settlement, as such it constitutes ‘countryside’ for policy purposes.
- 6.1.4 Policy CS5 of the Core Strategy and MD7a of the SAMDev Plan establish the policy approach for residential development within the ‘countryside’. Policy CS5 states “*New development will be strictly controlled in accordance with national policies protecting the countryside*”. Whilst advocating strict control in order to support the aspirations of other policies, policy CS5 nevertheless recognises that it is important to support Shropshire’s large rural area, and therefore encouragement is provided to development proposals which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing economic and community benefits. Policy CS5 states that these are dwellings to house agricultural, forestry and other essential countryside workers and other affordable housing to meet a local need. The only non-affordable housing that is identified as a component of improving the sustainability of rural communities within Policy CS5 is conversion schemes.
- 6.1.5 Having taken into account the strategic policies set out in the Core Strategy and SAMDev Plan, being located outside defined development boundaries associated with a settlement that is classified as ‘countryside’, the sites for market value

residential development do not confirm with policies CS1 and CS5 of the CS or policies MD1 and MD7a of the SAMDev Plan. Whilst the application is not within Broseley; which is defined as a Market Town under policy CS1, the sites, in particularly plots 2 and 3 are close to the boundary, separated by a field; referred to as Penn Meadow. There is existing development within Benthall and Broseley to the east, south and west. In officers' view, the site locations would read as part of existing development along Bridge Road and Benthall Lane and viewed in the wider context as part of Benthall. On this basis, and subject to the detailed design, access and landscaping matters reserved for future consideration under separate applications, officers consider that the principle of the proposals in this location would not appear materially out of character with Benthall.

## 6.2 **Five Year Housing Land Supply**

6.2.1 Shropshire is unable to demonstrate a 5 year housing land supply is available and deliverable. Paragraph 11(d) of the NPPF requires decision makers to apply the presumption in favour of sustainable development, unless policies in the NPPF that protect areas of particular importance provide a clear reason for refusal. In such circumstances, the conflict with the adopted Development Plan must be considered in the overall planning balance and the weight given to that conflict relevant to the extent of the land supply shortfall. Shropshire Council's latest assessment of housing land supply via the annual review was published on the 31<sup>st</sup> March 2026, utilising the most recently published housing stock and affordability ratio data, using the 'standard methodology' results show a housing need for Shropshire of 2030 dwellings per annum. Specifically, the Council considers that Shropshire has a 4.61 year's supply of deliverable housing land.

6.2.2 Benthall isn't a recognised settlement, but Broseley is and the site is connected to Broseley via a footway along Benthall Lane and via interconnecting public rights of way. Indeed, Broseley High Street is within 500m of the site, via Benthall Lane. The evidence base for the emerging Local Plan lists the services available within recognised settlements within Shropshire. Broseley has the following services and facilities:

- public transport links; a regular bus service offered during peak travel times, nursery/pre primary,
- primary school,
- NHS GP surgery,
- dentist,
- pharmacy,
- convenience store,
- post office

- bank/building society,
- public house,
- petrol station,
- Place of Worship,
- community hall,
- library,
- children's playground,
- outdoor sports facility,
- amenity green space,
- superfast broadband and employment.

6.3

6.3.1

### **Heritage and Archaeology**

A HIA has been submitted in support of the application, there are no designated heritage assets within the site and it is considered that proposed development would result in a degree of change to the western part of the conservation area, such change would not equate to harm or less than substantial harm. There is some potential for archaeological remains of local interest associated with WWII, officers are not aware of any remains of national significance. In the absence of consultation with Shropshire's Historic Environment Record (HER) or that any LiDAR data has been reviewed and, as is understood a walkover survey has been undertaken, the Council's archaeology team recommend a programme of archaeological work, including a watching brief, to be undertaken during all ground works in association with the development. The HIA did not identify any harm to designated or non-designated heritage assets, and officers concur with this assessment. Accordingly, the proposal is considered acceptable in heritage and archaeological terms in principle. The development is therefore compliant with CS17 and MD13 of the Development Plan and Section 16 of the NPPF.

6.4

6.4.1

### **Visual Impact and landscape**

The application is supported by an indicative block plan and topographical survey. Plots 2 and 3 are shown to be adjacent to Bridge Road, the ground ascends in westerly direction, away from the carriageway, the adjacent dwelling; Brookfield would be at a similar ground level. The aspect of the site to the rear of plot 2 and 3 ascends relatively towards plot 1 where it levels out adjacent Benthall Lane and Ashfield House.

6.4.2

In principle officers are given no reason to believe that the aspect of the site would prevent development of dwellings on the proposed sites. It is essential, however, that a plan detailing existing and proposed site levels, a Slope Stability Assessment and a detailed landscaping plan which achieves a high-quality response to the

topographical constraints is submitted as part of future reserved matters application(s)

6.5

## 6.5.1 **Ecology and Biodiversity**

An Ecological Impact Assessment and Biodiversity Net Gain (BNG) report have been submitted in support of the application. The site is not located within or adjacent to any statutory or non-statutory ecological designations, and the submitted surveys found the potential effects on notable species were found to be neutral or positive. Provided mitigation measures are followed during construction, the relevant legislation would have been complied with. The matters reserved included landscaping, all existing boundary hedgerow and trees would need to be identified on a plan and annotated to enable a clear understanding of what is to be retained and any mitigation measures where loss is unavoidable. A Construction and Ecological Management Plan is also required to be submitted at the same time as the first reserved matters application.

6.5.2

The BNG assessment confirms that while the development would result in a net loss of habitat units on site, this would be fully addressed by the applicant purchasing habitat units from a Biodiversity Gain Site, such as a habitat bank. There is no option to address the short fall within the sites themselves as the sites shall predominantly comprise garden area which cannot be used to provide BNG. Any outline consent would be bound by the statutory imposed General Biodiversity Gain condition which requires written discharge by the LPA.

6.6

## 6.6.1 **Drainage and Flood Risk**

The site is within Flood Risk Zone 1 where there the probability of flooding is low and is therefore suitable for residential development. The Lead Local Flood Authority (LLFA) have been consulted on the application, their response confirms the site is not within the SuDs Consultation Area, in these instances the LLFA provide standard advice only, this advice has been included as an informative, to be read as part of any forthcoming consent. In addition to this advice, officers have included a recommended condition requiring the details of all surface materials be provided and formally discharged by the LPA prior to any above ground works commencing.

6.7

## 6.7.1 **Mineral Safeguarding**

The application site lies within an area identified Coal Mining Reporting Area (as defined by the Coal Authority). As advised by environmental protection, this does not necessarily mean that there are risks due to gas emissions, however in order to assess whether or not mine gas would pose a significant risk, conditions of any

forthcoming consent require Mine Gas Risk Assessment to be carried out and the associated report fed back to the Council for consideration and where appropriate, approval. This would need to be carried out prior to the occupation of any future dwellings on the sites.

6.8

### 6.8.1 **Scale and Design**

This application seeks a decision from the Council as to whether the principle of residential development is acceptable on the site. The matters 'scale' and 'appearance' are reserved for consideration under separate future application(s).

6.9

### 6.9.1 **Highway Access**

The means of access onto the site is a matter reserved for consideration under a separate application. The level of detail submitted with this application is not sufficient to enable a positive response from the Local Highway Authority in relation to two access points for the development. Access to plots 2 and 3 is directly off Bridge Road, and is suitable for achieving site access. However, the indicative layout for plot 1 shows access directly off Benthall Lane, due to the constraints of this section of the highway and the associated loss of the mature hedge which is within the conservation area. As consequence of this concern and highways being a reserved matter, officers have agreed with the applicants to alter the description of development for 2-3 dwellings, to align with the potential limitations and constraints to the development relating to highway matters.

7

### 7.1.1 **Planning Balance**

The Council is unable to demonstrate a five-year supply of deliverable housing land, paragraph 11(d) of the NPPF requires decision-makers to apply the presumption in favour of sustainable development, unless policies in the NPPF that protect areas of particular importance provide a clear reason for refusal. In such circumstances, the conflict with the adopted Development Plan must be considered in the overall planning balance and the weight given to that conflict relevant to the extent of housing land supply shortfall.

7.1.2

For this report, the hierarchy of weight to be given is: Full; Substantial; Significant; Considerable; Moderate; Modest; Limited; Minimal; Zero

7.1.3

Paragraph 11(d) of the NPPF sets out that where the policies most important for determining an application are out-of-date, planning permission should be granted unless either:

- The application of NPPF policies that protect areas or assets of particular importance provides a clear reason for refusal or

# AGENDA ITEM

Proposed Residential  
Development Land Off Benthall  
Lane And Bridge Bank

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as whole.

7.1.4

In regard to the first criterion:

- The site does not lie within a protected landscape, a heritage designation or an area where development is restricted for ecological reasons.
- Technical assessments confirms that the proposal would not result in unacceptable impacts on designated heritage assets, protected species or designated ecological sites.
- The site lies within Flood Zone 1.

7.1.5

On this basis, there is no clear reason for refusal to protect areas or assets of importance and the tilted balance is not dis-engaged.

7.1.6

Consequently, paragraph 11(d)(ii) applies and requires a balancing exercise between the adverse impacts and benefits of the development. The key test is whether the adverse impacts significantly and demonstrably outweigh the benefits

7.1.7

### Benefits *Economic*

The proposal would give rise to short-term economic benefits during the construction phase, including employment and with longer-term expenditure in the local area and revenue from council tax by future occupiers-**moderate weight**.

### *Housing Land Supply Benefit*

The dwelling would provide three dwellings which would count towards the shortfall in Shropshire's housing land supply. The contribution of small housing sites to the lack of housing supply is recognised within the NPPF **Substantial** weight

### Vitality of rural areas

The proposal is a small scale housing scheme which has characteristics of infill development **moderate weight** in accordance with paragraph 83 of the NPPF - maintaining and enhancing the vitality of rural communities

### Sustainable travel options

The site is within a reasonable walking/biking distance to the services and facilities within Broseley. Future occupiers could reach services within a 10-minute walk/800m

of their house. The route is direct, clear and legible with adequate footways, there is also the option of a footpath connection plots 2 and 3 to Broseley. There is also a regular bus service within Broseley which is a walkable distance from the site.-

**Substantial weight**

## 7.1.8 Harms

Countryside location

The site is outside of any defined settlement boundary, resulting in a departure from the spatial strategy of the adopted development plan-**limited weight**

Habitat Loss

Loss of areas of grassland and sections of hedgerow, requiring mitigation through off site biodiversity provision-**moderate weight**, given the Ecology consultee response and no loss of significant habitats

Heritage Impact

Development within Broseley Conservation Area which is characterised by an open rural setting. **Neutral weight**-given the Conservation consultation response of no objection, HIA conclusion of 'No Harm' and the siting of the proposed dwellings close to existing built features; dwellings and roads.

## 8.0 **CONCLUSION**

Taking the planning balance as a whole, the proposal would deliver a modest but meaningful contribution to housing supply at a time when the Council cannot demonstrate a five-year supply of deliverable housing land, together with associated economic benefits and support for the vitality of the wider Broseley area. Those benefits are weighed against the identified harms, principally the conflict with the adopted spatial strategy by reason of the site's countryside location and the loss of some habitat, albeit with mitigation and biodiversity gain measures secured through condition and the statutory BNG regime. In addition, no unacceptable harm has been identified in respect of heritage, drainage, flood risk or archaeology, and the more detailed matters of layout, scale, access, landscaping and site stability would remain subject to further scrutiny at reserved matters stage. Overall, having regard to paragraph 11(d) of the NPPF, the adverse impacts of the development would not significantly and demonstrably outweigh its benefits when assessed against the policies of the Framework taken as a whole. Accordingly, material considerations indicate that planning permission should be granted, subject to the conditions set out in Appendix 1.

## 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

# AGENDA ITEM

-	Proposed Residential Development Land Off Benthall Lane And Bridge Bank
---	---

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.

## 11. Background

### Relevant Planning Policies

National Planning Policy Framework

National Design Guide

Core Strategy

- CS1-Strategic Approach
- CS5-Countryside and Greenbelt
- CS6-Sustainable Design and Development Principles
- CS17-Environmental Networks
- CS18-Sustainable Water Management

Site Allocation and Management of Development Plan

- MD1-Scale and Distribution of Development
- MD2-Sustainable Design
- MD7a-Managing Housing Development in the Countryside
- MD12-Natural Environment
- MD13-Historic Environment

Broseley Conservation Area Appraisal

## 12. Additional Information

# AGENDA ITEM

-  
Proposed Residential  
Development Land Off Benthall  
Lane And Bridge Bank

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T4FZF7TDLK300>

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 Dan Thomas

Appendices  
APPENDIX 1 - Conditions

# AGENDA ITEM

-	Proposed Residential Development Land Off Benthall Lane And Bridge Bank
---	---

## APPENDIX 1

### Conditions

1. Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (GDPO) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development within Classes A, AA of Schedule 2, Part 1 of the GDPO shall be carried out without the prior grant of planning permission from the Local Planning Authority.

Reason: In the interests of the historic environment and biodiversity and to accord with Shropshire's Core Strategy policies Cs6 and CS17 (2011) and SAMDev Plan policies MD2, MD12 and MD13 (2015)

5. The first submission of reserved matters for each plot shall include a Construction Environmental Management Plan.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with Core Strategy policies CS6 and CS17, policies MD2 and MD12 of the SAM(Dev) Plan and section 186 of the NPPF.

# AGENDA ITEM

-  
Proposed Residential  
Development Land Off Benthall  
Lane And Bridge Bank

6. Prior to first occupation of the dwellings hereby approved, the following biodiversity features shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 4 artificial nests of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific) or sparrows (32mm hole, terrace design)

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

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with Core Strategy policies CS6 and CS17, policies MD2 and MD12 of the SAM(Dev) Plan and section 186 of the NPPF.

7. Prior to the erection of any external lighting, a lighting plan shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with Core Strategy policies CS6 and CS17, policies MD2 and MD12 of the SAM(Dev) Plan and section 186 of the NPPF.

8. Prior to any ground works commencing on site, a written scheme of investigation for a programme of archaeological work shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the construction of the dwelling(s). A report detailing the results of the archaeological works shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of Archaeology and to accord with Shropshire's Core Strategy policies CS6, CS7 (2011) and SAMDev Plan policies MD2 and MD13 (2015) and the National Planning Policy Framework (2024).

9. Prior to any groundworks commencing on each site, an assessment of the risks posed by coal mine gases shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out in accordance with authoritative UK

# AGENDA ITEM

-  
Proposed Residential  
Development Land Off Benthall  
Lane And Bridge Bank

guidance, CL:AIRE, 2021 Good Practice for Risk Assessment for Coal Mine Gas Emissions (ISBN 978-1-905046-39-3).

Reason: To ensure that the risks associated with any ground gases or vapours have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with the NPPF.

10. Should the risk assessment (required by condition 9 above) identify coal mine gases posing unacceptable risks a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence until the approved remediation scheme has been implemented in full.

Reason: To ensure that the risks associated with any ground gases or vapours have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with the NPPF.

11. Following completion of the approved remediation scheme (required by condition 10 above) and prior to the first occupation the dwelling on the site, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks associated with any ground gases or vapours have been reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with the NPPF.

12. The first submission of reserved matters for each plot shall include a topographical plan with the existing and proposed site levels.

Reason: In the interests of visual amenity and the historic environment and to accord with Shropshire's Core Strategy policies CS6 and CS17 (2011) and SAMDev Plan policies MD2 and MD13 (2015)

13. Prior to commencement of any ground works on the site, a Site Stability Assessment shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: To ensure that the risks associated with any ground stability have been assessed in accordance with the NPPF.

14. The first submission of reserved matters shall include details of all hard surface treatments, dwelling construction materials and boundary treatments.

Reason: In the interests of the historic environment and landscape impact and to accord with Shropshire's Core Strategy policies CS6 and CS17 (2011) and SAMDev Plan policies MD2 and MD13 (2015)

# AGENDA ITEM

-  
Proposed Residential  
Development Land Off Benthall  
Lane And Bridge Bank

## **Informatives**

### *Surface and Foul Drainage*

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related documents section on the council's website at:  
<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should also be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if infiltration techniques are not achievable.

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken if it can be demonstrated that infiltration techniques are not achievable.

Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook. Shropshire Council will not permit new connections to the Highway Drainage network.

Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance

If non permeable surfacing is used on the driveways and parking areas which slope towards the highway, a drainage system to intercept water prior to flowing on to the public highway must be installed.

If main foul sewer is not available for connection, British Water 'Flows and Loads: 4' should be used to determine the Population Equivalent (PE) for the proposed development and the sizing of the septic tank or package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.

### *Biodiversity Net Gain*

# AGENDA ITEM

-

Proposed Residential  
Development Land Off Benthall  
Lane And Bridge Bank

This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for a Biodiversity Gain Plan.

-

## AGENDA ITEM



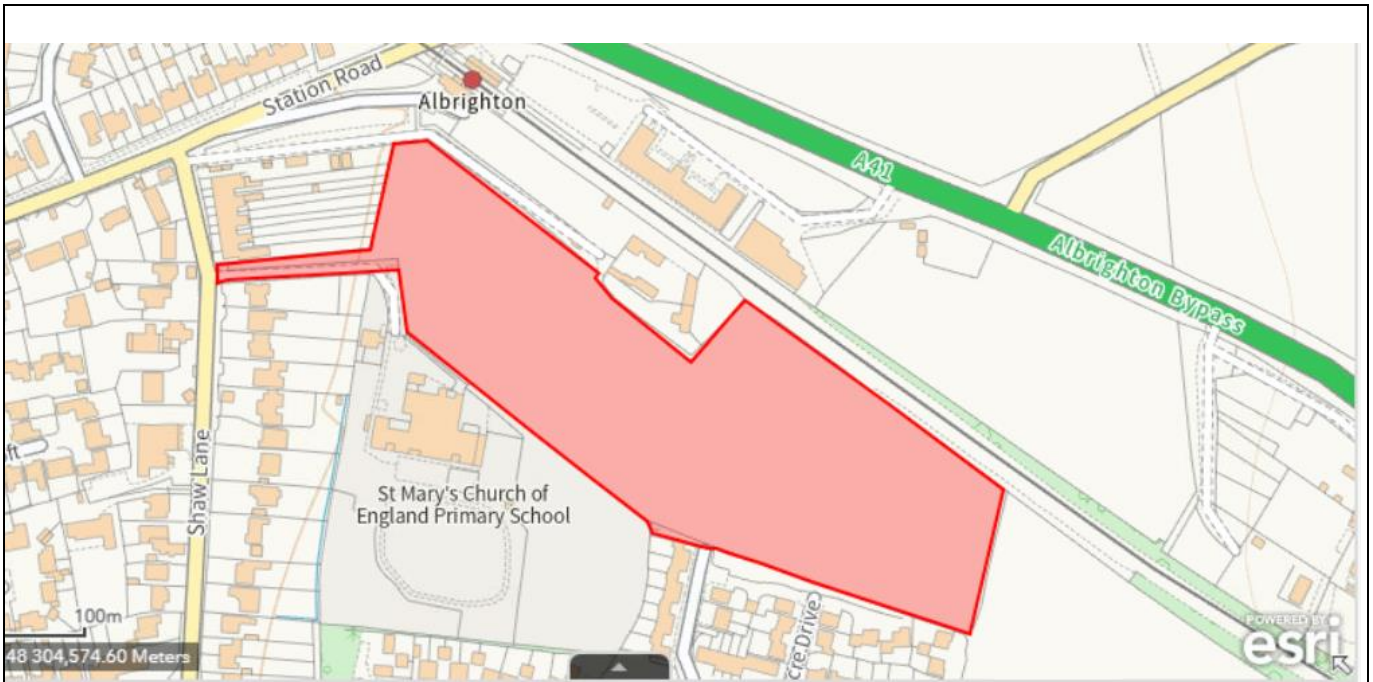
Committee and date:  
Southern Planning Committee  
26<sup>th</sup> May 2026

### Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director – Place Shaping

#### Summary of Application

<b><u>Application Number:</u></b> 25/03227/REM	<b><u>Parish:</u></b>	Albrighton Donnington And Boscobel
<b><u>Proposal:</u></b> Reserved matters of the layout, scale, appearance and landscaping for the residential development of 88no dwellings, pursuant to outline planning permission 23/02095/OUT		
<b><u>Site Address:</u></b> Proposed Residential Development Land East Of Shaw Lane Albrighton Shropshire		
<b><u>Applicant:</u></b> Persimmon Homes West Midlands		
<b><u>Case Officer:</u></b> Louise Evans	<b><u>email:</u></b> Louise.m.evans@shropshire.gov.uk	
<b><u>Grid Ref:</u></b> 381972 - 304364		



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

**Recommendation:- Grant Permission** subject to the conditions set out in Appendix 1 with delegation to officers for any alterations to conditions as required.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks reserved matters approval for the erection of a residential development on land east of School Road, Albrighton, pursuant to outline planning permission reference 23/02095/OUT. The matters submitted for approval comprise layout, scale, appearance and landscaping.
- 1.2 The site forms the final phase of the wider housing allocation ALB002 detailed within the SamDev Plan and proposes the development of 88 dwellings. The scheme has been prepared on behalf of Persimmon Homes Ltd and has evolved in accordance with the parameters and conditions attached to the outline consent and upon the request of officers and consultees during the application process.
- 1.3 The proposed development includes a mix of 1 to 4 bedroom dwellings, comprising both open market and affordable housing. A total of 17 dwellings are proposed as affordable housing, to be delivered as a mix of affordable rent and shared ownership units. This provision accords with the requirements of the associated

Section 106 agreement. In addition, a commuted sum equivalent to 0.6 of a dwelling will be secured through the Section 106 agreement to ensure full compliance with the agreed level of affordable housing provision, at 20%.

- 1.4 Vehicular access is taken from Millfield Road, as approved at outline stage, with an additional emergency access provided from Shaw Lane which also serves as a pedestrian and cycle route. Internal circulation is provided via a hierarchy of streets including a primary route, shared surface secondary streets and private drives. A 3 metre wide combined cycle and footpath runs east–west through the site, linking Shaw Lane with land to the east which benefits from outline consent for residential development. These elements comply with the parameters set by condition 5 of the outline consent.
- 1.5 The scheme provides approximately 0.85 hectares of public open space, including a central green area incorporating an existing historic field pond, areas of informal recreation, sustainable drainage features and landscaped green corridors along the site boundaries. Existing trees, hedgerows and the pond have been retained and incorporated into the layout as key landscape and biodiversity features.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located on the north eastern edge of Albrighton and comprises a single field measuring approximately 3.53 hectares.
- 2.2 The southern boundary adjoins recently constructed residential development off Millfield Road, while St Mary's Church of England Primary School lies immediately to the south west of the site, separated by fencing. To the west, the site connects to Shaw Lane, which also provides access to Albrighton Railway Station.
- 2.3 The eastern boundary is defined by a hedgerow and adjoins land which benefits from outline planning permission for residential development. To the north, the site is bounded by the Shrewsbury to Wolverhampton railway line, with associated railway land and employment uses beyond, along with private residential uses. Mature trees and hedgerows define much of the northern boundary.
- 2.4 The site was historically in agricultural use but has more recently accommodated temporary construction compounds associated with earlier phases of the wider development. A historic field pond is located within the central area of the site, surrounded by trees and vegetation.
- 2.5 The site slopes gently from east to west, falling from approximately 107 metres AOD to around 100 metres AOD along the western boundary. The site is not located within a conservation area and does not contain any listed buildings, although a conservation area lies to the south west of the site within Albrighton.

-

### **3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

3.1 Upon determination of the outline consent 23/02095/OUT by the Southern Planning Committee of the time, it was resolved that the associated reserved matters application must also be determined by committee.

### **4.0 Representations**

#### **4.1 Consultee Comments**

##### **4.1.1 Network Rail**

- No objections raised. General advice provided.

##### **4.1.2 SC Ecologist**

- No objection.
- Amended Construction Environmental Management Plan (CEMP) is acceptable.

##### **4.1.3 SC Green Infrastructure Advisor (Steven Sixsmith)**

Initial comments:

- Some layout improvements noted, but significant coordination issues remain between layout, landscape, POS and boundary plans.
- The “green link / green spine” shown at outline stage is not clearly reflected in the reserved matters layout.
- Primary street would benefit from tree-lined character to meet outline aspirations and current policy.
- Numerous concerns regarding:
  - Unclear plot boundaries, particularly where plots adjoin POS.
  - Fragmented and poorly defined POS, creating long-term management issues.
  - Lack of clear pedestrian routes from parking to front doors across multiple plots.
- Several landscape-related conditions (8, 14, 16 and 35) are not fully discharged, particularly in relation to management plans, maintenance details and railway boundary fencing.

Later response notes: amendments have been made in line with previous comments. Responsibilities through existing planning conditions have also been highlighted.

##### **4.1.4 SC Highways – Development Control**

- Initial response: further work required, including:
  - Unclear garage dimensions and parking provision.
  - Tandem parking and community parking layout concerns.

- Poor quality and safety issues along the shared footway/cycleway.
- Lack of pedestrian and cycle priority across the primary street.
- Insufficient vehicle tracking information.
- Overall layout lacking street trees, legibility and pedestrian-focused design quality.
- Later response identifies: No objection in highway safety terms; amended layout considered safe and suitable.

#### 4.1.5 **SC Affordable Housing**

- The affordable mix, tenure and type is acceptable.
- Preference for affordable homes to be accessed from adopted highways.
- There will be a requirement for a financial contribution for the 0.6 fraction via the Section 106 agreement.

#### 4.1.6 **SC Regulatory Services / Environmental Protection**

- Updated noise assessment acceptable, subject to mitigation being implemented.
- Ground investigation report must be submitted under a separate discharge of conditions application, with the Environment Agency consulted.
- Requests tighter construction controls, including reduced Saturday working, delivery restrictions and more robust dust management measures within submitted CEMP.

#### 4.1.7 **SC Trees (County Arboriculturalist)**

- Early concerns raised regarding tree losses, planting specification, species diversity and root barrier provision.
- Following amendments, no objection on arboricultural grounds, subject to implementation of approved Arboricultural Assessment, AMS, Tree Protection Plan and landscaping details.

#### 4.1.8 **SC Waste Management**

- Adequate space required for refuse and recycling storage (potentially three wheelie bins per dwelling).
- Highway layout must accommodate large refuse vehicles.
- Bin collection points required for plots on private drives, with residents informed accordingly.

#### 4.1.9 **Sustainable Drainage (LLFA)**

- Drainage strategy not yet acceptable.
- Further information required on:
  - Greenfield runoff rates and climate change allowances.
  - Attenuation feature location and groundwater interactions.
  - Exceedance flow routing, flood risk mitigation and finished floor levels.
  - Ownership and long-term maintenance responsibilities.

## 4.2 Public Comments

### 4.2.1 Councillor Nigel Lumby

- Did not object to the principle of development, acknowledging the site's allocation in SAMDev.
- Raised concern that the scheme fails to deliver key facilities and community benefits identified in SAMDev and the (withdrawn) Draft Local Plan, including:
  - Additional parking near Albrighton railway station.
  - Usable public open space.
  - Football pitch provision, potentially in cooperation with St Mary's School.
  - Connectivity with future development to the east.
- Noted that earlier phases delivered only limited elements (children's play area and small fenced football area), with most remaining requirements unmet despite the majority of land now being developed.

#### Car Parking

- Expressed concern over the loss of previously provided community parking, including five school-related spaces used to reduce pressure on Shaw Lane.
- Acknowledged the increase to 11 parking spaces, but considered this to represent little overall gain.
- Welcomed the revised layout and turning area.
- Requested that the spaces be clearly identified as public parking, not visitor spaces, to avoid future conflict.

#### Football Provision

- Referred to earlier proposals involving cooperation with St Mary's School to reinstate and open up an underused football pitch for community use.
- Regretted the loss of this initiative following the change of developer.
- Suggested provision of a new access and small car park from the development as a community benefit.

#### Public Open Space

- Considered the proposed POS to be fragmented and lacking meaningful recreational space.
- Queried whether attenuation pond areas were incorrectly being counted as POS.
- Questioned the absence of defined play space and suggested reconsideration of pond design to create usable open space.
- Welcomed the cycleway/path through the site, noting improved village connectivity.

#### Connectivity

- Welcomed the indication of a future road connection to the eastern phase but requested it be clearly identified on plans to ensure delivery.
- Requested continued engagement with the developer to produce a scheme that could be supported at committee stage.

## 4.2.2 Albrighton and Donington Parish Council

- Welcomed the retention and renaming of public parking near Shaw Lane.
- Supported the east–west pedestrian pathway through the site, particularly where located alongside public open space.
- Considered the public open space and play provision inadequate, and expressed concern that POS is overly peripheral rather than centrally integrated.
- Raised concern that the affordable housing mix is weighted too heavily away from rented accommodation.
- Noted the lack of 2-bed and 3-bed rented affordable homes, for which there is local need.
- Expressed disappointment that there is no provision for bungalows within the scheme

## 4.2.3 Public Representations

Seven letters of objection have been received in relation to the scheme which are summarised as follows:

### Flood Risk and Drainage

- The site is said to act as a flood plain, with Shaw Lane frequently flooding during heavy rainfall.
- Concerns that runoff from the site, high groundwater levels and the presence of a pond contribute to existing flooding.
- Objections state that the proposals lack sufficient clarity on surface water management, particularly during storm events, and may exacerbate flooding locally.

### Highway Safety and Access

- The access onto Shaw Lane is considered narrow with poor visibility for vehicles exiting the site.
- Shaw Lane is described as heavily congested, particularly due to parking associated with the nearby school, railway station and medical practice.
- Concerns are raised regarding pedestrian safety, including high levels of footfall by children.

### Car Parking Provision

- Strong objection to the removal of previously proposed public parking for the railway station and school.
- Earlier schemes are cited as including dedicated station and school parking to relieve pressure on Shaw Lane and Station Road.
- The current provision of a limited number of visitor spaces is considered inadequate and likely to worsen existing parking problems.

### Cumulative Impact and Infrastructure

- Representations raise concern that ongoing and proposed development in

Albrighton is placing excessive strain on roads, parking and local infrastructure.

- It is argued that further development would exacerbate existing congestion and highway safety issues.

#### Layout and Public Open Space

- The proposed public open space is considered poorly designed, fragmented, and lacking integration with the overall layout.
- Objections state that it fails to provide meaningful community benefit or enhance the quality of the development.

## 5.0 THE MAIN ISSUES

Context

Access and Layout

Scale and Appearance

Landscaping

Other matters

## 6.0 OFFICER APPRAISAL

### 6.1 Context

6.1.1 The aim of reserved matters applications is to secure the outstanding details of the outline permission. The matters that may be reserved are limited to access, layout, scale, appearance and landscaping. Other details that are necessary to be agreed with the local planning authority before the development is either started or completed are dealt with by way of planning conditions attached to the outline consent. This would include matters such as detailed drainage schemes or detailed ecological mitigation which may only become known once a layout had been set. These matters are dealt with by way of discharge of conditions applications.

6.1.2 The principle of residential development on this site has been established through the granting of outline planning permission and its allocation under Policy ALB002. The purpose of this reserved matters application is to consider whether the submitted details of layout, scale, appearance and landscaping are acceptable and accord with the approved parameters established through the outline consent and relevant planning policy.

6.1.3 Shropshire's Core Strategy Policy CS6 establishes the overarching aim that new development will be designed to a high quality using sustainable design principles. Policy MD2 of Shropshire's SAMDev Plan builds on Policy CS6, providing additional detail on how sustainable design will be achieved.

6.1.4 At a national level, the NPPF recognises 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve' (Paragraph 131, NPPF, December 2024). At

paragraph 135 of the NPPF, it states *'Planning decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

6.1.5 Further advice is set out within the National Design Guide which outlines and illustrates the Government's priorities for well-designed places.

## 6.2 Access and Layout

6.2.1 Access, in the context of reserved matters, relates to accessibility to and within the site. This includes the siting and design of access points and circulation routes, and how these integrate with the surrounding access network. Layout deals with the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

6.2.2 The proposed layout responds positively to the site context and approved outline parameters. The street hierarchy comprises a primary street leading from Millfield Road, secondary shared surface streets and private drives, creating strong permeability and legibility throughout the site.

6.2.3 Pedestrian and cycle connectivity is a key strength of the scheme. The proposed 3-metre-wide shared cycle and footway provides a clear east–west route through the site, linking Shaw Lane with future development to the east and facilitating convenient access to the centre of Albrighton, the railway station, local schools and associated services. In addition, the plans include provision for a pedestrian access gate into St Mary's Primary School, enabling direct and convenient connectivity. The final details of this access will be secured by condition, noting that discussions with the school are ongoing to agree final details.

- 6.2.4 Condition 10 of the outline permission requires the provision of 11 car parking spaces for community use. These have been appropriately located to the west of the site, in close proximity to the school and associated playing fields. The same condition also stipulates the provision of open space at a rate of 30 sq.m per bedroom, equating to a requirement of 0.786 hectares for the proposed development. The submitted scheme exceeds this requirement, providing a total of 0.85 hectares.
- 6.2.5 Condition 33 of the outline permission requires the submission of details of the play equipment to be provided within the development, together with a timetable for its implementation. Whilst these details are not required until prior to first occupation, indicative locations for the play equipment are shown on the submitted plans. The scheme also incorporates street furniture, including bins and benches. In the interests of ensuring their delivery, a planning condition is recommended to secure the detailed specification and implementation of these features.
- 6.2.6 Condition 10 of the outline permission also requires details of the mechanism for the provision of additional leisure facilities on or adjacent to the site. The submitted plans demonstrate the provision of an adoptable highway extending to a suitable location adjacent to the school playing fields. To ensure that the development facilitates future access at this point, a planning condition is recommended requiring the incorporation of dropped kerbs and associated infrastructure necessary to enable a future connection.
- 6.2.7 Parking is provided at a rate of one space per bedroom for one and two-bedroom dwellings, two spaces for three-bedroom dwellings, and three spaces (including garages) for four-bedroom dwellings. This approach ensures that sufficient off-street parking is available to meet the anticipated needs of future occupiers, whilst avoiding the over-provision of parking that can result in a car-dominated environment and poor urban design outcomes.
- 6.3 **Scale and Appearance**
- 6.3.1 Scale' deals with the height, width and length of each building proposed within the development in relation to its surroundings. Appearance deals with the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 6.3.2 The development comprises predominantly two-storey dwellings, which reflects the scale and character of surrounding residential areas. Building heights and massing have been carefully considered to ensure the development integrates comfortably with neighbouring properties and the adjacent primary school.
- 6.3.3 The scheme does not introduce formal character areas; however, visual interest is achieved through a varied palette of materials and dwelling types. Materials include

a mix of red multi-brick, render to selected units, and concrete or clay roof tiles.

6.3.4 Architectural detailing and materials are consistent across both market and affordable dwellings, ensuring a tenure-blind appearance.

6.3.5 The layout incorporates focal buildings and corner turner units at key locations to reinforce townscape legibility, frame street vistas and provide active frontages to streets and public spaces.

## 6.4 Landscaping and Green Infrastructure

6.4.1 Landscaping as a reserved matter deals with the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated.

6.4.2 The landscape strategy makes effective use of existing site features, including mature trees, hedgerows and the central pond, which forms the heart of the public open space. These features contribute positively to local character, amenity and biodiversity.

6.4.3 Green corridors are provided along the northern and southern boundaries, offering buffers to neighbouring uses and ecological connectivity. The central open space is well integrated into the layout and is overlooked by surrounding dwellings, providing natural surveillance and a high quality environment for residents.

6.4.4 Sustainable drainage features are incorporated within the public open space on the lower parts of the site, responding appropriately to site topography and contributing to biodiversity and visual amenity.

6.4.5 Walls, fencing and planting have been proposed to clearly define the boundaries between the public and private realms within the development. The use of timber close-boarded fencing is deliberately limited within publicly visible areas, where more durable and visually appropriate materials, such as brick walling or metal railings, are proposed to ensure longevity and enhance the overall quality and appearance of the streetscene.

## 6.6 Other matters

6.6.1 The detailed drainage strategy will be secured through Condition 28 of the outline planning permission. The Lead Local Flood Authority has raised no objection to the principle of the proposed reserved matters scheme, and there is no indication that the development could not be accommodated within an acceptable drainage solution. The final drainage details will be agreed through the discharge of the relevant condition and are therefore not a matter requiring further consideration within the scope of this reserved matters application.

6.6.2 Several of the representations received from members of the public relate to

matters that were established and accepted at the outline stage. This includes, but is not limited to, the principle of access onto Shaw Lane, the impact of the development on local services and infrastructure within Albrighton, and the delivery of community benefits. These matters have already been assessed and resolved through the granting of outline planning permission, and the current proposal is considered to accord with the parameters and provisions of that consent.

6.6.3 The affordable dwellings within the scheme are distributed within two clusters as is the preferred approach of registered social landlords (as opposed to pepper potted throughout the scheme). Whilst not all the affordable dwellings are located off adopted highway as suggested by the affordable housing officer, it is noted that this is a suggestion put forward to reduce potential future maintenance costs of external areas rather than a requirement to make the development acceptable. The developer has confirmed that the proposals are deemed to be acceptable to their preferred provider.

6.6.4 In accordance with condition 12 of the outline consent, the Noise and Vibration Assessment identifies a range of mitigation measures to ensure acceptable living conditions for future occupants. These include the use of “good acoustic design” principles within the site layout, with dwellings set back from the railway and oriented to provide shielding to private amenity areas. Additional mitigation is proposed through the installation of acoustic boundary treatments, including 1.8m high imperforate fences or walls, to gardens affected by noise from the railway, A41 and the adjacent school. Enhanced building envelope measures are also required for plots closest to the railway, including upgraded glazing and acoustically attenuated trickle vents to control internal noise levels, particularly within bedrooms where higher performance specifications are necessary to address peak night-time noise events. The report also identifies the need for mechanical or alternative ventilation to enable windows to remain closed where required. No mitigation measures are considered necessary in respect of vibration, as levels are well below thresholds for adverse impact

## 7.0 CONCLUSION

7.1 The proposed development accords with the approved outline planning permission, relevant Development Plan policies and national guidance, including the National Planning Policy Framework, National Design Guide and Building for a Healthy Life.

7.2 The layout, appearance, scale and landscaping details demonstrate a high quality design response that integrates well with the surrounding context, provides a legible and permeable layout, and delivers a strong green infrastructure framework.

7.3 Subject to appropriate conditions, the reserved matters details are considered acceptable and capable of supporting a grant of planning permission.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 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.

### **8.2 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.

### **8.3 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.

## 9.0 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:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy:  
CS6 Sustainable Design and Development Principles  
CS17 Environmental Networks

Site Allocations and Management of Development (SAMDev)Plan:

MD2 Sustainable Design  
MD12 The Natural Environment  
MD13 The Historic Environment  
S1.1a Albrighton

SPD on the Type and Affordability of Housing

Albrighton Neighbourhood Plan

### RELEVANT PLANNING HISTORY:

23/02095/OUT Outline planning permission for up to 90 dwellings, to include access only.  
(Revised description) GRANT 28th October 2024  
PREAPM/24/00290 Application for reserved matters approval (layout, appearance, scale and landscaping) pursuant to application 23/02095/OUT for a residential development comprising of 62 dwellings PREAMD 20th February 2025

## AGENDA ITEM

- Proposed Residential  
Development Land East Of

25/03227/REM Reserved matters of the layout, scale, appearance and landscaping for the residential development of 88no dwellings, pursuant to outline planning permission

23/02095/OUT PDE

25/03228/AMP Amendments to planning permission 23/02095/OUT - Replace 'Location plan reference SH5012\_PL01' on Schedule 1 of the Decision Notice with, 'Local Plan reference 13006-FPCR-XX-XX-DR-A-0007\_S3\_P02' GRANT 26th September 2025

26/00607/DIS Discharge of conditions 19 (Phasing Plan), 24 (Access Engineering Details) and 25 (Phased Programme for Infrastructure Works) on planning permission 23/02095/OUT

REFDIS 25th March 2026

26/00608/DIS Discharge of conditions 21 (Site Investigation Report) and 23 (Contamination Monitoring and Maintenance Plan) on planning permission 23/02095/OUT REFDIS 25th March 2026

26/00609/DIS Discharge of condition 26 (Construction Method Statement) and 27 (Traffic Management Plan) on planning permission 23/02095/OUT DISAPP 12th March 2026

26/00610/DIS Discharge of condition 28 (Surface and Foul Water Strategy) on planning permission 23/02095/OUT REFDIS 25th March 2026

26/00611/DIS Discharge of conditions 29 (Railway Excavation Works), 30 (Railway boundary & Risk Assessment) 31 (Ground compaction & Piling Risk Assessment) and 32 (lighting) on planning permission 23/02095/OUT SPLIT 25th March 2026

26/01244/DIS Discharge of Conditions 19 (Phasing Plan ) 24 (Full engineering details of the proposed pedestrian, cycle and emergency access) 25 (Phasing programme for the delivery of the infrastructure / elements) and 32 (External Lighting ) for planning application number 23/02095/OUT PCO

26/01245/DIS Discharge of Condition 28 (Surface and foul water drainage) for planning application number 23/02095/OUT REFDIS 1st May 2026

26/01588/DIS Discharge of Condition 21 and 23 (Contamination) on planning permission 23/02095/OUT PCO

### Appeal

19/02731/REF Residential development of 74 Extra Care apartments and associated facilities, 6 bungalows and 58 houses; improved access DISMIS 1st November 2019

### 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T1ROZ6TDKD000>

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

# AGENDA ITEM

-	Proposed Residential Development Land East Of
---	--

Local Member
Cllr Nigel Lumby
Appendices APPENDIX 1 - Conditions

-

## APPENDIX 1

### Conditions

1. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed below: (Plans to be added)

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

2. Nothing herein contained shall be deemed to affect or vary the conditions imposed on Outline Planning Permission Ref: 21/05023/OUT which shall remain in full force.

Reason: The conditions attached to the Outline Approval are still valid.

3. All public footpaths and cycleways detailed on the approved plans must be finished and available for use prior to occupation of the 80th dwelling hereby approved.

Reason: To ensure establishment of accessible routes prior to the completion of the development.

4. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works must be carried out prior to the occupation of the 80th dwelling hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. Prior to the occupation of any dwelling hereby approved, details of the specification, materials, appearance and siting of the proposed street furniture, comprising of 4 public benches and 2 waste bins, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall also include a timetable for the implementation of these features.

The benches and waste bins must be provided in accordance with the approved details and timetable.

Reason: To ensure the provision of appropriate and high-quality public realm features in the interests of visual amenity and to support the usability and functionality of the development.

6. Prior to the occupation of any dwelling hereby permitted the final details of a scheme to facilitate pedestrian and cycle connectivity with St Mary's Primary School shall be submitted to and approved in writing with the Local Planning Authority along with a timetable for the implementation of these features. The scheme shall be provided in accordance with the approved details and timetable.

# AGENDA ITEM

-

Proposed Residential  
Development Land East Of

Reason: To ensure ease of access to the educational facility and to promote access by means other than in a vehicle.

7. Prior to the construction of the vehicular access serving plots 28–31, details of the infrastructure (the dropped kerb) to be installed to facilitate a future public access point to the adjoining playing field shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the location, design, levels, surfacing, and any necessary engineering works required to enable the future connection. The infrastructure shall be installed in accordance with the approved details prior to the first use of the access serving plots 28–31 and thereafter retained as such.

Reason: To safeguard the delivery of future connectivity to the adjoining playing field and to ensure the development promotes permeability and accessibility in the interests of sustainable design and community benefit.

-

## Informative

Sufficient information has also been submitted with this reserved matters application to discharge the following conditions attached to application 23/02095/OUT: 6, 8, 9, 10, 11, 12, 13, 14, and 18 in so far as they relate to the submission or agreement of details.

## AGENDA ITEM



Committee and date  
**Southern Planning Committee**  
**26th May 2026**

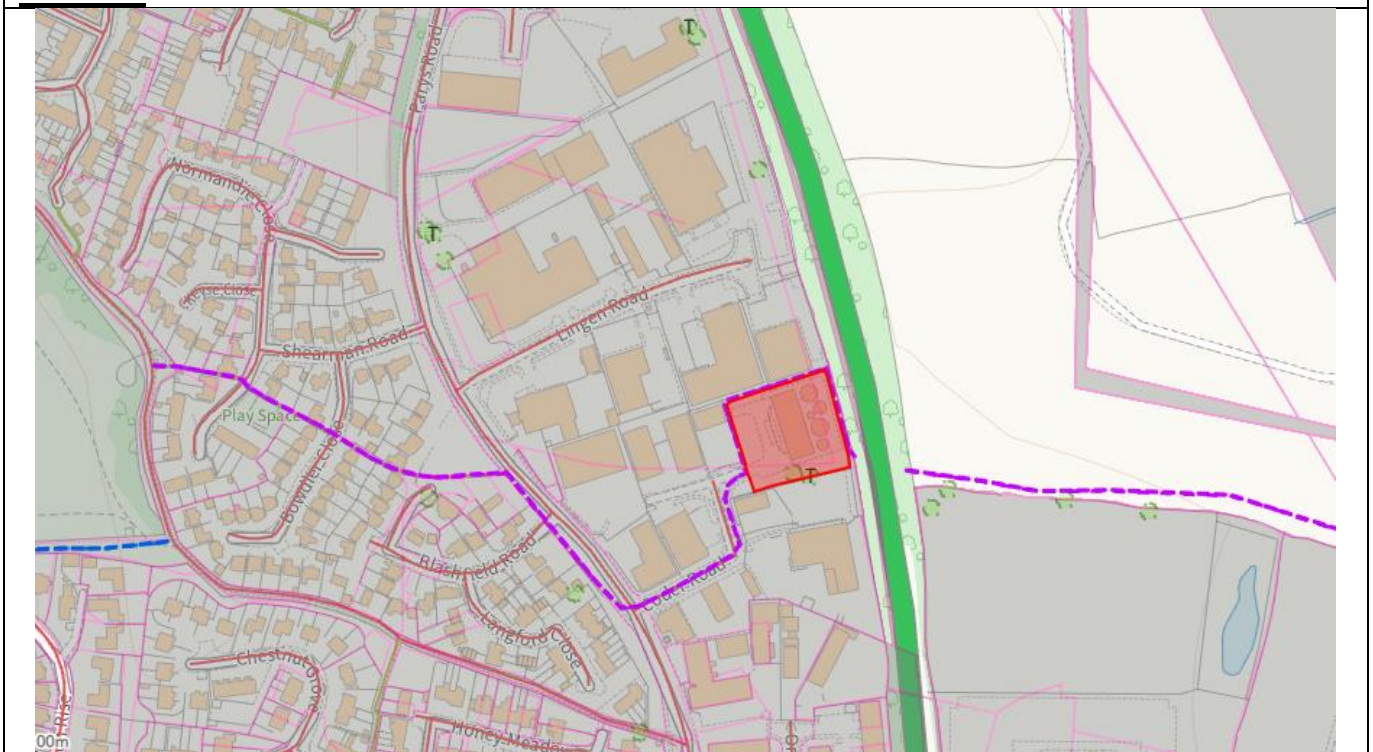
### Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director – Place Shaping

#### Summary of Application

<b>Application Number:</b> 26/00870/VAR	<b>Parish:</b>	Ludlow Town Council
<b>Proposal:</b> Variation of Condition No. 2 attached to permission 25/00309/FUL dated 27 March 2025		
<b>Site Address:</b> Marches Biogas Limited Biodigester Station Coder Road Ludlow Shropshire		
<b>Applicant:</b> Mr Mark Foxall, Shropshire Council		
<b>Case Officer:</b> Jenny Powell	<b>email:</b> jennifer.powell@shropshire.gov.uk	

**Grid Ref:** 352717 - 274707



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

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 (approved plans) attached to planning permission 25/00309/FUL, which was approved by the Southern Planning Committee in March 2025 and was subsequently amended to address operation constraints under 25/02622/AMP in July 2025. The discharge of the general deemed biodiversity condition accompanying the original permission was discharged in December 2025 under 25/00006/DIS.
- 1.2 The proposal involves a minor revision to the siting of the approved building for feedstock and drying, moving it approximately 2 metres further eastwards from that approved under 25/02622/AMP, together with amended internal access arrangements from Shropshire Council-owned land to the south and the removal of a 3m high wall associated with feedstock tip handling. No change is proposed to the approved use, scale, height or operational nature of the development, and the building's orientation and footprint dimensions remain the same.
- 1.3 The applicant advises the revised siting of the building and creation of a southern internal access is required due to unexpected practical and safety constraints identified during the implementation, including difficulties in safely installing wall and roof panels without removing existing infrastructure, and the presence of a main sewer to the east of the approved footprint.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies within the Ludlow Business Park at Coder Road and comprises previously developed land with existing operational infrastructure.
- 2.2 The revised siting of the building and internal access remains within the developed portion of the site and does not extend development beyond the established site boundary or into undeveloped land.

### 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's Scheme of Delegation, the application must be determined by Planning Committee as the applicant is Shropshire Council.

### 4.0 Community Representations

## Consultee Comments

**SC Ecology** – (02/04/26) No objection. The BNG assessment submitted continues to maintain a net gain on site and there are no ecological implications to the proposed variation.

**SUDS** – (07/04/26) The proposed variation of condition 2 has no impact on flood risk or drainage. No further comments to make.

## Public Comments

**Ludlow Town Council** - (25/03/26) No objection.

## 5.0 THE MAIN ISSUES

Principle of development  
Implications for the approved Biodiversity Gain Plan  
Visual, operational and amenity considerations

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The principle of the development has already been established by Committee under 25/00309/FUL. That decision considered the acceptability of the use, scale and overall form of development. The current Section 73 variation does not revisit or undermine that principle, nor does it introduce any new form of development beyond that already approved.

### 6.2 Implications for the approved Biodiversity Gain Plan

6.2.1 The key distinction between this application and the earlier non-material amendment application is that the Biodiversity Gain Plan has been discharged in the intervening period. Whilst the scale of the proposed changes to block plan are minor, the amended layout interacts with the approved biodiversity enhancement land to the south of the site. As such, the variation represents a material planning change, requiring consideration under Section 73. The Ecology team are satisfied that the revised layout does not undermine the delivery or integrity of the previously approved Biodiversity Gain Plan (BGP), and a revised BGP and Habitat Management and Monitoring Plan have been submitted with this application. As such, the biodiversity outcomes of the proposal remain acceptable and no further application to discharge the general deemed biodiversity condition is required as a consequence of this variation.

### 6.3 Visual, operational and amenity concerns

6.3.1 The revised siting of the new building does not alter the scale, height or external

appearance of the approved building, with elevations remaining materially the same as previously approved. The amendments have arisen from practical construction constraints rather than design changes and do not introduce any new or increased impacts on neighbouring land, highways, trees or amenity. The revised plans also omit the previously approved 3 metre high wall associated with feedstock tip handling which results in a modest reduction in built form on site and does not give rise to any material planning impacts. The land to the south of the site is owned and operated by Shropshire Council, where creation of the new vehicular link between them raises no concerns. No new point of access would be created onto the wider highways network.

## **7.0 CONCLUSION**

The principle of development has already been established by Committee, and the proposed Section 73 variation is required solely to allow the practical delivery of the approved scheme. The amendment is modest in extent, justified by operational constraints on site, continues to provide the required 10% biodiversity net gain, and would not result in any undue harm in respect of trees, highways or neighbour amenity. The proposal therefore accords with local and national policy and is accordingly recommended for approval.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 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.

## 8.2 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.

## 8.3 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.

## 9.0 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:  
National Planning Policy Framework 2024  
The Town and Country Planning Act 1990

Core Strategy and SAMDev Policies:  
CS1 – Strategic Approach  
CS6 – Sustainable Design and Development Principles  
CS17 – Environmental Networks  
CS18 – Sustainable Water Management  
MD2 – Sustainable Design  
MD9 – Protecting Employment Areas

- 26<sup>th</sup> May 2026

Marches Biogas Limited

MD12 – Natural Environment

RELEVANT PLANNING HISTORY:

SC/ML2005/16570/SS Biowaste digester to recycle household organic waste PERMIT 23rd March 2005

11/00106/AMP Proposed Non-Material amendment to previously approved Planning Permission Ref: 2005/16570 to amend condition 5 - increasing from 20 - 30% the proportion of commercial waste permitted to be imported as a proportion of the total waste treated in any calendar year for the Biowaste digester to recycle household organic waste GRAMP 2nd March 2011

25/00309/FUL Change of Use of a Biowaste Digester to recycle household organic waste building to a Biochar Production Facility, erection of extension and installation of associated infrastructure (sui generis) GRANT 27th March 2025

25/02622/AMP Non-material amendment to planning application number 25/00309/FUL - Removal of defective storage tanks, relocation of extension and reorientation of yard layout GRANT 31st July 2025

25/04324/DIS Discharge of Conditions 3 (Tree Protection) 4 (Landscaping Plan) 5 (Location of bat & bird boxes) 6 (Lighting Plan) 7(Construction Management Plan) and 8 (Noise Management Plan) for planning application number 25/00309/FUL DISAPP 11th December 2025

25/00006/DIS Discharge of Biodiversity Gain Plan relating to Planning Permission 25/00309/FUL APBGP 17th December 2025

26/00870/VAR Variation of Condition No. 2 attached to permission 25/00309/FUL dated 27 March 2025  
PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=TBC7RXTDGU100>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information): <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=TBC7RXTDGU100>

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member - Cllr Vivienne Parry

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 27<sup>th</sup> March 2025 (the date of the original permission granted under 25/00309/FUL)

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 of the permissions granted under 25/00309/FUL, amended by 25/02622/AMP and now varied by the plans 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. The development shall be carried out in accordance with the tree protection and landscaping details approved under reference 25/04324/DIS. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: To safeguard the amenities of the local area, enhance the site and to protect the natural features that contribute towards this and that are important to the appearance of the development.

4. The development shall be carried out in accordance with the approved wildlife enhancement measures and external lighting plan approved under 25/04324/DIS. Any further changes to the locations of the external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 192 of the NPPF and to minimise disturbance to bats, which are European Protected Species.

5. The development shall be carried out in accordance with the Construction Method Statement approved under reference 25/04324/DIS.

Reason: In the interest of highway safety

6. The development shall be carried out in accordance with the noise management plan approved under reference 25/04324/DIS.

Reason: In the interests of protecting residential amenity.

7. The chipping machinery shall not be operated or delivery vehicles permitted on to the premises before 0800 or after 1730 on weekdays nor before 0900 or after 1330 on Saturdays and not at any times on Sundays or Bank holidays.

Reason: In the interests of protecting residential amenity.

8. Notwithstanding that previously approved under 25/00006/DIS, the development shall be carried out in full accordance with the Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) submitted with this application and hereby approved.

Reason: To ensure the provision of biodiversity net gains as a consequence of the development, and to protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and the NPPF (2024).

## SCHEDULE OF APPEALS AS AT COMMITTEE (May 2026)

<b>LPA reference</b>	25/03204/DSA106
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr S Angell
<b>Proposal</b>	Discharge of S106 agreement attached to planning permission reference 11/05428/FUL
<b>Location</b>	Orchard Cottage Ashford Carbonell Ludlow Shropshire SY8 4BX
<b>Date of appeal</b>	25.03.26
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	26/00103/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr S Angell
<b>Proposal</b>	Application under Section 73A of the Town and Country Planning Act for the erection of one (open market) dwelling, detached ancillary outbuilding (office) with alterations to existing vehicular access
<b>Location</b>	Orchard Cottage Ashford Carbonell Ludlow Shropshire SY8 4BX
<b>Date of appeal</b>	25.03.26
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/04580/PIP
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	M Constance
<b>Proposal</b>	Application for Permission in Principle for construction of one or two dwellings
<b>Location</b>	37 Harley Road Cressage Shrewsbury Shropshire SY5 6DF
<b>Date of appeal</b>	25.03.2026
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/10403/ENF
<b>Appeal against</b>	Enforcement Notice
<b>Committee or Del. Decision</b>	N/A
<b>Appellant</b>	Mr R Knight
<b>Proposal</b>	Material Change of Use of Land and operational development
<b>Location</b>	Proposed Barn South Of B4368 Newcastle
<b>Date of appeal</b>	15.07.25
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	16.02.26
<b>Date of appeal decision</b>	31.03.26
<b>Costs awarded</b>	N/A
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	25/02350/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Harry Scriven
<b>Proposal</b>	Proposed Residential Development (Accessible Dwellings) and Associated Works (Outline with all matters reserved)
<b>Location</b>	Proposed Residential Development Land West Of Woodhill Road Highley Shropshire
<b>Date of appeal</b>	01.04.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/01447/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	John Lea and Sons
<b>Proposal</b>	Outline application for the erection of 9 dwellings
<b>Location</b>	Proposed Residential Development Land South West Of Longville In The Dale Much Wenlock Shropshire TF13 6DS
<b>Date of appeal</b>	07.01.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	07.04.2026
<b>Costs awarded</b>	Dismissed
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	26/00791/AG1
<b>Appeal against</b>	Planning Permission Required
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	C R and J M Bowen
<b>Proposal</b>	Erection of a covered muck store
<b>Location</b>	Oakfield Farm Watling Street Craven Arms Shropshire SY7 8DX
<b>Date of appeal</b>	10.04.2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	24/02108/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Boningale Developments Ltd
<b>Proposal</b>	Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage
<b>Location</b>	Proposed Residential Development Patshull Road Albrighton Shropshire
<b>Date of appeal</b>	13.04.2026
<b>Appeal method</b>	Inquiry
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	26/00264/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Bishton
<b>Proposal</b>	Outline application (to include access and scale) for the erection of one two storey self build dwelling and detached garage
<b>Location</b>	Proposed Dwelling East Of Ryton Villa Farm Ryton Dorrington Shropshire
<b>Date of appeal</b>	14.04.26
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/00946/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Montgomery Waters Ltd
<b>Proposal</b>	Erection of warehouse building and associated car parking
<b>Location</b>	Montgomery Waters Limited Factory And Premises Shrewsbury Road Church Stretton Shropshire SY6 6HD
<b>Date of appeal</b>	12.12.2025
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	22.04.2026
<b>Costs awarded</b>	Costs Refused
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	25/03571/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Loveridge
<b>Proposal</b>	Demolition of existing bungalow and erection of a new two-storey replacement dwelling.
<b>Location</b>	The New Bungalow Quatford Bridgnorth WV15 6QJ
<b>Date of appeal</b>	04.02.26
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	31.03.26
<b>Date of appeal decision</b>	22.04.26
<b>Costs awarded</b>	N/A
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	25/01505/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Hopton Court Estate Ltd
<b>Proposal</b>	Erection of three self-build dwellings with garages and formation of vehicular accesses
<b>Location</b>	Land Opposite The Warren Stockhall Lane Hopton Wafers Cleobury Mortimer
<b>Date of appeal</b>	31.01.2026
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	31.03.2026
<b>Date of appeal decision</b>	22.04.2026
<b>Costs awarded</b>	N/A
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	25/02077/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Roger Hill
<b>Proposal</b>	Proposed erection of a new dormer bungalow and new vehicular access
<b>Location</b>	Proposed Dwelling To The North Of Hazler Crescent Church Stretton Shropshire
<b>Date of appeal</b>	03.02.2026
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	09.04.2026
<b>Date of appeal decision</b>	23.04.2026
<b>Costs awarded</b>	N/A
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	24/10152/ENF
<b>Appeal against</b>	Enforcement Notice
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr P Hinsley
<b>Proposal</b>	Appeal against operational development works to construct a 2 storey building with a double bay garage at ground floor with annexe living accommodation above
<b>Location</b>	Saltmoor Crossing Cottage Ashford Carbonell Ludlow Shropshire SY8 4BU
<b>Date of appeal</b>	27.06.26
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	26/00065/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr And Mrs Richards
<b>Proposal</b>	Outline application for the erection of two dwellings with access.
<b>Location</b>	Proposed Dwellings To The West Of Hanley House Hookagate Shrewsbury Shropshire
<b>Date of appeal</b>	29/04/2026
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	26/00245/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Marc Fisher
<b>Proposal</b>	Erection of 2no. semi detached dwellings
<b>Location</b>	Sunbreak Annscroft Shrewsbury Shropshire SY5 8AN
<b>Date of appeal</b>	29.04.2026
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	25/04206/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs Tranter
<b>Proposal</b>	Siting of 5No Wigwam cabins for holiday use including the use of an existing timber cabin as a reception/office facility, the provision of parking spaces and installation of a package treatment plant
<b>Location</b>	Proposed Holiday Let Accommodation At Overs Farm Haughton Bridgnorth
<b>Date of appeal</b>	12.05.2026
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

This page is intentionally left blank



---

## Appeal Decision

Site visit made on 16 February 2026

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 31 March 2026

---

**Appeal Ref: APP/L3245/C/25/3368306**

**Land at Woodview, Newcastle on Clun, Shropshire SY7 8PE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr. Richard Knight against an enforcement notice issued by Shropshire Council.
  - The notice was issued on 3 June 2025.
  - The breach of planning control as alleged in the notice is: Without planning permission:
    - i. Material change of use of land to a mixed use of agriculture, residential and keeping of equines.
    - ii. Operational Development (building operations) including the erection of a dwelling house and associated external patio areas/steps ('B1'), erection of grey shed building ('B2'), erection of (electrical generator room) building ('B3'), erection of timber building (located on concrete slab) ('B4') and partial erection of entrance boundary wall ('B5') identified in the approximate locations on the attached plan.
    - iii. Operational development (engineering operations) including excavation of land, importation and laying of hardstanding material to form a vehicular access track, parking area and pedestrian walkways.
    - iv. Installation of septic tank, fuel storage tank and ground mounted solar PV panels with associated hardstanding.
    - v. Operational development (engineering operations) including re-grading of land levels to form levelled land, formation of retaining structures and concrete floor slabs ('B6').
    - vi. Operational development (engineering operations) by way of land excavation works to form a waterbody and re-grading of land levels ('B7') in the approximate locations on the attached plan.
    - vii. Operational development (engineering operations) including excavations, re-grading of land ('B8') in the approximate locations on the attached plan.
    - viii. Alterations including replacement roof to existing building.
  - The requirements of the notice are to:
    - a) Cease the use of the land for residential purposes.
    - b) Demolish the buildings and associated works including fuel storage tank, boundary wall, retaining structures and concrete slabs identified and referenced B1, B2, B3, B4, B5 and B6, including disconnection, removal of services, removal of slab foundations and waste arising from the demolition of the buildings and structures from the land.
    - c) Remove the septic tank, solar PV panels and associated hardstanding from the land.
    - d) Remove the water body B7 and vehicular access track, parking area and pedestrian pathways from the land.
    - e) Remove all domestic paraphernalia brought onto the land in connection with the residential use including but not limited to, the touring caravan and vehicles.
    - f) Restore the land to a condition before the breach took place including operations identified at B8.
  - The periods for compliance with the requirement are: 2 (two) months for step a) and 6 (six) months for all other steps.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- 

### Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

## **Preliminary Matters**

2. Prior approval ref. 24/02675/AGR was granted by the Council in 2024 for the erection of an open sided barn for the storage of hay. A building subsequently constructed in the approximate approved position is referred to as building B1 in the enforcement notice and is in use for residential purposes.

## **Ground (a) and the Deemed Planning Application**

### **Main Issues**

3. The main issues are:
  - whether there is an essential need for a dwelling to accommodate a rural worker to live on the land;
  - whether the development conserves and enhances the natural beauty of the area having regard to its location within the Shropshire Hills National Landscape; and
  - the effect of the development on the integrity of the River Clun Special Area of Conservation.

### **Reasons**

#### *Essential need for a dwelling*

##### Policy context

4. The appeal site measures approximately 8.5 hectares and occupies an elevated position with land rising steeply towards the adjoining wooded area. It lies in a rural location, outside of the settlement hierarchy set out in adopted local planning policies. In accordance with Policy CS5 of the Core Strategy 2011 (CS), new housing in the countryside is strictly controlled, with support only for dwellings that meet an identified essential need for agricultural, forestry, or other rural workers. The policy intent is to ensure that residential development occurs in recognisable settlements or where it directly supports an established rural enterprise.
5. Policy MD7a of the Site Allocations and Management of Development Plan 2015 (SAMDev) reinforces this approach by resisting open-market housing outside settlements unless it meets a proven local need or serves a legitimate operational requirement for an essential rural worker. Under this policy, proposals for rural workers' dwellings must satisfy both functional and financial tests, demonstrating long-term business viability and that the cost of the dwelling is capable of being met by the enterprise it serves. These requirements align with national policy at paragraph 84 of the National Planning Policy Framework (Framework), which allows isolated dwellings only where there is an essential need for a rural worker to live permanently at or near their place of work.
6. Although the Framework does not prescribe detailed assessment criteria, applying functional and financial tests is long-established and remains a reasonable and proportionate means of determining whether an essential need exists. Local and national policy therefore operate cohesively in requiring a clear, evidence-based justification for rural workers' dwellings.

7. Local guidance within the Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) requires an essential and established need for presence on-site for the majority of the time (24 hours a day, 7 days a week) to be demonstrated, as opposed to it merely being convenient. It also requires evidence that no suitable alternative accommodation exists, and that the enterprise is financially sustainable and capable of supporting the development.

Functional requirement

8. An essential need arises only where a rural enterprise cannot operate effectively without a worker living on or immediately adjacent to the site. Policies CS5 and MD7a allow such dwellings only in exceptional circumstances where functional necessity is clearly demonstrated. The National Planning Practice Guidance<sup>1</sup> (NPPG) sets out what may be relevant when considering the need for an essential rural worker's dwelling in the countryside. It suggests that an essential need may arise where the welfare of livestock or agricultural processes demands on-site, round-the-clock attention, or where emergencies could otherwise lead to animal welfare risks or significant production losses.
9. The appellant describes a wide variety of livestock on site including 7 dairy cows, 6 calves, 1 bull, 9 pigs, 2 donkeys, 4 horses, 3 alpacas, 2 emus, 60 chickens, 34 ducks, 2 peacocks, 8 geese and 10 sheep. The animals were brought to the site in October 2024 and are said to support the enterprise providing dairy, meat, eggs, fibre, and land stewardship services. A work log submitted outlines daily tasks amounting to approximately 9 hours per day, while further claims indicate a labour demand of 98 hours per week, which equates to 14 hours per day.
10. However, the log primarily records daytime activities, with early mornings, and does not demonstrate regular overnight events or welfare scenarios requiring immediate intervention. No veterinary evidence, calving or lambing schedules, or incident records are provided to indicate that night-time supervision is essential.
11. Despite the breadth of species on site, stock numbers are relatively low, and no Standard Man Day (SMD) assessment has been submitted, even though this is customary practice when assessing agricultural dwellings. In the absence of such evidence, the labour requirement cannot be reliably quantified. Furthermore, many listed tasks represent routine or periodic duties rather than critical functions necessitating constant on-site presence. For example, when cattle are turned out to grass during the warmer months, fencing checks, building maintenance, hoof trimming, and general monitoring.
12. Daily tasks such as milking, feeding and health checks can be undertaken without a worker living on site, particularly given the modest scale of the holding. Lambing, where relevant, is seasonal and limited in duration, and could be managed through temporary accommodation during the relevant period. Although there may well be times when hand reared calves would require to be checked and fed twice a day, this would not generate significant man hours and require a permanent on-site presence.
13. While on-site residence may offer beneficial convenience, improved security and more frequent observation, policy requires demonstration of necessity, not desirability. On the evidence presented, the enterprise does not exhibit a scale or

---

<sup>1</sup> Paragraph: 010 Reference ID: 67-010-20190722

operational structure that would give rise to an essential, year-round functional need for permanent on-site presence.

#### Intent and financial soundness

14. While the test for functional or economic viability of a rural enterprise is no longer specified as a requirement by the Framework, the NPPG provides that the degree to which there is confidence that the enterprise will remain viable for the foreseeable future is one of the considerations that may be relevant. It also refers to considering whether it may be appropriate granting permission for a temporary dwelling for a trial period in the case of new enterprises.
15. The financial information submitted by a chartered accountant refers to the smallholding being a genuine farm business, which is an income generating agricultural enterprise with current trading activity and clearly defined plans for further development and growth.
16. The accountant's letter identifies current revenue streams which include egg sales (around 60 per week) to a local café, commencing raw milk sales (about 40 litres/day at £3 per litre), and projected calf and piglet sales with suggested estimated revenue which is evidenced by the Council as being over inflated. The activities as proposed in the letter are claimed to indicate a viable and actively managed farm business. The scale and nature of operations, particularly livestock management, raw milk production, and breeding, are considered to necessitate daily direct involvement and round-the-clock supervision, thus justifying the need for permanent on-site presence and support the case for a temporary dwelling to house an agricultural worker.
17. I acknowledge the appellant's belief that the enterprise will become profitable in at least the next three years. However, I am not persuaded that the appellant's suggestions regarding increasing stock levels month by month is legitimate due to the limited size of the land holding and the nature of the landscape.
18. The supplied evidence to support financial viability of the enterprise, which is said to have been established for one year provides headline revenue figures only and lacks business accounts, cash-flow forecasts, costings for feed, equipment and veterinary bills, purchase costs for animals, capital/replacement, or any other evidence of any commercial activities associated with the agricultural enterprise. Furthermore, significant investment has already occurred on the land in the form of the construction of the dwelling, buildings to house animals and for storage purposes, boundary walls, engineering works, and areas of hard surfacing.
19. While there is no defined threshold of how to demonstrate that an enterprise is viable, there is no indication of any income arising from the enterprise to fund the day-to-day living arrangements for the appellant and his family and to sustain the cost of building works to date and maintenance of the animals on the land. There is also no business plan, or costings to demonstrate the potential growth and viability of the operation and an absence of details regarding the level of commercial productivity.
20. On balance, I conclude that it has not been demonstrated that relevant financial and functional tests are met, that the business is viable in the long term and that the cost of the dwelling could be funded by the business. This is contrary to MD7a

of the SAMDev and the aims of Framework, Policy CS5 of the CS and guidance contained within the SPD.

#### Alternative accommodation

21. The appellant claims that there were no existing buildings on site that could have provided the necessary accommodation, through re-use of a redundant building. They also say that there are no properties for sale in the immediate vicinity that would allow the level of security that the existing dwelling affords the owner. However, they provide no evidence to support this claim and there is no indication that the appellant sought to buy or rent property in the area before commencing the development, for example by making enquiries or registering on waiting lists with local estate agencies.
22. The Council disputes that there were no suitable affordable alternatives and have provided examples of residential properties which were available for sale and rent at the time of compiling its submissions. The council claims that the properties are affordable and possibly comparable to the investment associated with the creation of the unauthorised dwelling and structures.
23. In the absence of evidence of searches undertaken, availability constraints, or reasons why nearby residential properties cannot meet the need, the proposal conflicts with Policy MD7a, as it has not been demonstrated that there are no other existing suitable and available affordable dwellings within the surrounding area capable of meeting any accommodation need.

#### Temporary dwelling

24. Although the dwellinghouse on the appeal site is complete and occupied by the appellant and his family, they consider that it could be deemed as temporary residential accommodation for the purposes of the fledgling enterprise.
25. The NPPG recognises that there may be a degree of uncertainty with new enterprises and indicates that it may appropriate to consider granting permission for a temporary dwelling for a trial period. This is so that confidence can be gained as to whether a viable business can be built, and whether an on-site presence is genuinely required long-term. It does not, however, remove the need to demonstrate a functional need for someone to live on the site in connection with the proposed rural enterprise.
26. Where a dwelling is essential to support a new rural based activity and diversification of the rural economy, whether on a newly created agricultural unit or an established one, it should, for the first three years, be provided by a form of temporary accommodation. Proposals for temporary accommodation should satisfy the criteria for permanent rural workers dwellings, except for requiring activity to have been established for three years. At the end of the temporary period a reassessment of the functional need would be required.
27. Taking account of the appellant's evidence to support their case for an occupational dwelling, I have concluded that there is insufficient justification in the form of a functional need for a 24/7 presence on the land for the agricultural enterprise as presented. I am also not persuaded that the agricultural enterprise is economically viable, or capable of sustaining the proposed temporary

accommodation. Accordingly, the proposal fails to satisfy the tests required by Policy MD7a, nor does it reflect the expectations of the Framework.

### **Conclusion on essential need**

28. Having regard to the presented evidence, the supporting information does not provide robust, quantified, or credible evidence of livestock husbandry requirements, emergency supervisory needs, or operational practices that would necessitate a 24-hour on-site presence. There is also an absence of information properly detailing the nature of the business and the scale and structure of operations. Without a long-term business plan, an agricultural appraisal with SMD calculations and accounts, or financial business projections to establish the potential viability and sustainability of the enterprise, there is no clear justification as to why a worker must live on-site in either a temporary or permanent capacity.

### *Landscape and visual impact*

29. The site lies within the Shropshire Hills National Landscape. National Landscapes are landscape designations of national importance and have the highest status of protection in relation to landscape and scenic beauty. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
30. The site occupies an elevated and visually prominent position and the array of development across the site is prominent and discordant. The extensive hardstanding, solar panels, trackways, and earthworks produce an expansive and intrusive cluster of development which includes equine and domestic structures and residential paraphernalia, within an otherwise open rural agricultural landscape.
31. Buildings B2–B4 appear domestic in form, materials, and proportions, poorly related to the rural character of the agricultural landscape, and unjustified in functional terms. The earthworks forming level platforms cut sharply across natural hillside contours, creating an engineered, artificial appearance, contrary to National Landscape design guidance. Access paths and tracks radiate across the land in straight lines, rather than following field edges, creating increasing visual intrusion and the pond with its decorative edging and lighting reinforces the domestic character throughout the site. While the appellant asserts minimal landscape effects, no landscape assessment, LVIA, or visual appraisal accompanies the appeal to support their view. Furthermore, there is limited information regarding the necessity of most of the built form for agricultural purposes. I have had regard to the appellant's suggested amendments; however, it remains that the development is not considered to be of an appropriate form or reasonably justified to support a demonstrated functional agricultural need.
32. Policy MD7b of the SAMDev provides that agricultural development will be permitted where it can be demonstrated that the development: is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve; is well designed

and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and will have no unacceptable impacts on environmental quality and existing residential amenity. In this respect there is conflict with the policies that guide appropriate agricultural development. There is also conflict with Policy CS17 of the CS and Policy MD12 of the SAMDev which among other matters, requires that development be designed to a high quality, and is consistent with national good practice standards.

33. Overall, I consider that the operational development that has taken place across the land is visually discordant in this rural setting. Furthermore, the engineering operations including retaining structures, land regrading, and concrete slabs introduce substantial and unjustified alteration to ground levels. These works cause significant harm to the landscape character and lack agricultural necessity. The development has an urbanising effect and fails to conserve or enhance the protected landscape. The development causes significant harm to the scenic qualities of the Shropshire Hills National Landscape, contrary to Policy CS17 of the CS and Policy MD12 of the SAMDev.

#### *River Clun Special Area of Conservation (SAC)*

34. The site lies within the catchment of the River Clun SAC, designated for the presence of the freshwater pearl mussel, a species highly sensitive to water quality. The septic tank serving the unauthorised dwelling is positioned on sloping land within close proximity to an open watercourse which could be compromised by discharge from the tank. No evidence has been provided to demonstrate compliance with Natural England's criteria for avoiding adverse effects arising from: phosphate and nitrate enrichment; effluent discharge or infiltration; and cumulative hydrological impacts. There is thus the potential that the development, alone or in combination with other plans or projects, could have a significant effect on the integrity of the SAC, a European Site subject to the Conservation of Habitats and Species Regulations 2017 (the Habitats regulations).
35. It is not possible, on the evidence available, to determine whether an adverse effect on the integrity of the SAC can be ruled out beyond all reasonable scientific doubt. Nor, in these circumstances, is this a matter that can be resolved by the imposition of a condition. In the absence of evidence that an adverse effect can be ruled out, and where there are no other compelling reasons for granting permission, permitting the development would be contrary to the Habitats Regulations, Policies CS6, CS17 and CS18 of the CS and Policies MD2 and MD12 of SAMDev, which seek to conserve and enhance the natural environment.

#### **Conclusion**

36. For the reasons set out above the effects of the development would be unacceptable, giving rise to conflict with the development plan read as a whole. There are no other considerations which alter or outweigh these findings. Accordingly, I conclude that the appeal should be dismissed. I therefore uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

*S A Hanson*

INSPECTOR

This page is intentionally left blank



---

## Costs Decision

Site visit made on 27 February 2026

by **John Felgate BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 April 2026

---

### **Costs application in relation to Appeal Ref: 6002979**

#### **Land at Home Farm, Longville in the Dale, Shropshire TF13 6DS**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Shropshire Council for a full award of costs against John Lea & Sons.
  - The appeal was against the refusal of planning permission for the erection of 9 dwellings.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. The Planning Practice Guidance (PPG) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

#### *Pre-application and application stages*

3. A pre-application enquiry was submitted, on behalf of the present appellants, in January 2020, for a development of 10 dwellings. The Council's reply, in September 2020, drew attention to the relevant planning policies, including SCS Policies CS1 and CS5, and SAMDev Policy 7a, and their implications for the site. It also highlighted relevant site-specific issues relating to the Home Farm listed building, the AONB, and the site access. The letter advised that it was considered unlikely that planning permission would be granted at that time, although policies on affordable housing in particular could change in the new local plan that was at that time still being progressed. It was also advised that any application should be made for full permission rather than outline.
4. In the event, the appellants eventually proceeded with an outline application in April 2025. The application was accompanied initially by a location plan, an illustrative layout, a planning statement, heritage statement, arboricultural report, ecological appraisal and BNG metric. During the course of the application, in May 2025, these were supplemented by revised location and illustrative plans, designed to overcome initial highways comments, and an updated heritage statement reflecting these changes.
5. By the time the appellants submitted their application in April 2025, the position had evidently changed from that at the time of the Council's pre-application letter, in that the County no longer had a 5-year housing supply, and it had also become clear that the new local plan was unlikely to proceed. In these circumstances, it was reasonable for the appellants to wish to test the overall policy position.

6. The wisdom of the appellants' decision to proceed via an outline scheme, with only limited supporting material, was perhaps more questionable. In the light of the pre-application advice, it might have improved their chances of success, or at least of reducing the issues, had they chosen to submit more detail and more supporting evidence, particularly with regard to the access design, highway safety and landscape impact. But equally, the Council could have requested that information. Whatever its shortcomings, the making of the application in the form chosen by the appellants does not appear to me to have put the Council at any particular disadvantage, nor caused it any additional expense.
7. When the appellants submitted their revised plans in May 2025, which involved a minor change to the site boundary, it would have helped to avoid uncertainty if the BNG metric had been updated. But it does not appear that the Council requested such an update, or that they resisted the change itself, as they would have been entitled to do. To my mind, there seems no doubt that the changes made at this stage were part of a genuine attempt to overcome the emerging issue of highway visibility. I agree that it is somewhat surprising that this issue was not anticipated earlier, given that highway matters were covered in the pre-application response. And in the light of subsequent events, it is now clear that this initial attempt to address the point was not very well conceived. But nevertheless, the appellants' attempt to engage with the Council proactively on the access issue at this stage, belated and half-hearted though that attempt was, was clearly a step in the right direction. Again there is no evidence that the Council was put to extra expense as a result. I therefore see no basis for any suggestion that the appellants' conduct in these matters amounted to unreasonable behaviour.

#### *Appeal stage*

8. Following the Council's refusal, the appellants chose to contest the decision, by lodging an appeal. They did so without the benefit of any specialist landscape evidence to rebut refusal reason No 2, which related to the impact on the National Landscape. I agree that the failure to produce any expert evidence on this issue was ill-judged, because such evidence might have been able to demonstrate that the proposed development, even based on the submitted illustrative plan, was capable of being made acceptable in landscape terms. But the lack of any such landscape evidence did not mean that the appeal was bound to fail, because landscape impact is necessarily a matter of planning judgement, where opinions, including expert ones, may legitimately differ. Nor does it seem to me that the lack of landscape evidence could have caused the Council to incur any additional expense. In any event, in this particular case the decision to proceed without landscape evidence was not unreasonable.
9. At the appeal stage, the appellants introduced a further revised layout plan, but the only change was to indicate that T1 was no longer considered to need to be removed. Given that the plan was illustrative, this minor change did not involve any change to the terms of the application, and did not amount to an attempt to evolve the scheme. The revised plan had no effect on the application site boundary. The introduction of the revised illustrative plan was therefore reasonable.
10. Alongside this revised plan, the appellants produced technical highways evidence, plus a further consequential update to the heritage statement. I agree that it might have been better if the highways evidence had been produced at the application stage, not least because it might have helped the appellants to advance their case

through further discussions with the highways authority. But at the appeal stage, the highways evidence seems to me a reasonable and proportionate response to refusal reason No 3. Whilst I have not agreed with that evidence in all respects, the decision came down to a matter of judgement. It was therefore not unreasonable to put an alternative point of view. I appreciate that the Council has had to devote time and resources to considering this additional evidence and formulating its response, including liaison with the relevant consultees. But that work would have been necessary at some stage in any event, because the Council is under a duty to engage in a positive and proactive manner. I can see no evidence that the appellants' failure to submit detailed highway evidence earlier in the process led the Council to incur additional or unnecessary expense. In respect of these matters therefore, the appellants' conduct of the appeal was not unreasonable.

### **Conclusion**

11. From the evidence before me, it has not been demonstrated that the appellants' behaviour in respect of either the application or the appeal was unreasonable. Nor has it been shown that any such behaviour led the Council to incur unnecessary or wasted expense. The application for an award of costs is therefore refused.

*J Felgate*

INSPECTOR

This page is intentionally left blank



---

## Appeal Decision

Site visit made on 27 February 2026

by **John Felgate BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 April 2026

---

### Appeal Ref: 6002979

#### Land at Home Farm, Longville in the Dale, Shropshire TF13 6DS

- 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 John Lea & Sons against the decision of Shropshire Council.
  - The application Ref is 25/01447/OUT.
  - The development proposed is the erection of 9 dwellings.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs has been made by the Council against the appellant. That application is the subject of a separate decision.

### Preliminary matters

3. The application seeks outline permission with all matters reserved. The details shown on the submitted plans are therefore illustrative, and I have dealt with the appeal on this basis.
4. During the period while the application was under consideration by the Council, in May 2025, an amended site boundary plan (No 74892/25/01 – Rev A) and revised illustrative layout (No 74892/25/03 – Rev A) were submitted. These were taken into account by the Council in reaching its decision. I have therefore done likewise.
5. Subsequently, as part of their appeal submission, the appellants have produced a further slight revision to the layout plan (No 74892/25/03 – Rev B), and also a more detailed plan relating to highway visibility (Fig JPH1). Given that both plans are illustrative, and are clearly designed to address matters raised in the Council's refusal reasons, I can see no reason not to accept them. I have considered these alongside the other plans that are before me.

### Planning background

6. The appeal site lies at the centre of the small village of Longville in the Dale. It is currently used as an agricultural contractors' yard, with various buildings and the storage of farming machinery and equipment. Planning permission has recently been granted to the appellants for a replacement yard and buildings on another site, just outside the village.
7. The development plan for the area comprises the Shropshire Core Strategy (the SCS), adopted in March 2011, and the Site Allocations and Management of

Development Plan (known as the SAMDev), adopted in December 2015. In policy terms, the village of Longville in the Dale is treated as part of the countryside.

8. It is agreed by both the Council and the appellants that the County does not currently have a 5-year supply of land for housing development. The Council refers to its published figure of 4.73 years, based on the position in April 2024. However, the appellants draw attention to an appeal decision at Tilstock, dated 9 December 2025<sup>1</sup>, in which after detailed analysis, the inspector calculated the supply to be 3.81 years. In a subsequent appeal decision in January 2026, at Cruckton<sup>2</sup>, the inspector appears to have accepted that the range was between 4.46 - 4.73 years, but did not find it necessary to examine the evidence in any detail; nor is there any indication that the Tilstock decision was made known to him. To my mind, the Tilstock decision in December 2025 appears to provide the most authoritative evidence available, as well as being more up to date than the Council's figure.
9. A replacement Local Plan was submitted for examination in September 2021, but was withdrawn, on the advice of the examining inspectors, in July 2025.

### **Main issues**

10. In the light of the above, and all the various submissions made, the main issues in the appeal appear to be as follows:
  - in principle, whether the appeal site is an acceptable site for residential development, having regard to the relevant planning policies relating to housing development in the area;
  - the effect of the proposed development on the setting of the listed farmhouse at Home Farm;
  - the effect on the Shropshire Hills National Landscape;
  - and the effect on highway safety.

### **Reasons for the decision**

#### *Location*

11. In the SCS, Policy CS1 seeks to direct most development to Shrewsbury and the market towns. In the rural areas, new housing and other development is to be focussed on settlements designated as 'community hubs' and 'community clusters'. Outside these, development will be mainly for economic diversification and for local community needs. Policy CS5 states that development in the countryside is to be strictly controlled in accordance with national policies. Policy CS6 also requires development generating significant traffic to be located in accessible locations, where opportunities for walking, cycling and public transport can be maximised. In the SAMDev, Policy MD7A reaffirms that housing in the countryside is to be strictly controlled, and makes clear that exception sites may be permitted only where there is evidence of a local housing need.
12. In the present case, Longville in the Dale is not included amongst the villages defined as community hubs or clusters. The strict controls sought by Policies CS5 and MD7A are therefore applicable. The proposed scheme would not fall within

---

<sup>1</sup> APP/L3245/W/25/3362414: Land East of Tilstock Road, Tilstock

<sup>2</sup> Appeal Ref 6001247: The Chestnuts, Cruckton

the provisions in Policy CS1 for economic development or community needs. Although a small proportion of the new dwellings would be affordable, the remainder would be built for the open market, and there is no evidence that these would be essential for the affordable units to be viable; the scheme therefore does not qualify as an allowable exception site. Nor is there any evidence regarding the specific needs of the village, as sought by Policy MD7A. The development would therefore conflict with these locational policies.

13. Furthermore, following the loss in recent times of the village pub and a farm shop, Longville in the Dale has no local facilities and only a very limited bus service, which runs mainly to suit school times. For the more able, the facilities at Church Stretton and Much Wenlock, and the village school at Rushbury, would be within cycling distance, but none of these could be regarded as walkable for normal day-to-day purposes. The occupants of the proposed new dwellings would therefore be largely dependent on car travel, contrary to the aims of Policy CS6.
14. However, the National Planning Policy Framework (the NPPF) makes clear the importance of achieving a significant boost to the supply of housing nationally, and the key role that is attached to the 5-year supply calculation for this reason. In this context, Footnote 8 states that in the absence of a 5-year supply, the most relevant development plan policies should be regarded as out of date. In the present case, this clearly must include those parts of SCS Policies CS1, CS5 and CS6, and SAMDev Policy MD7A, that are relevant to the appeal. Whilst it may be arguable that these policies are consistent with certain other aspects of the NPPF, including those that relate to the protection of the countryside, and managing patterns of growth to promote sustainable transport, it is also evident that in recent times their effect has been to limit the supply of housing. It therefore follows that the continued strict application of these policies seems likely to hinder the prospects for meeting the County's future needs. Treating these development plan policies as no longer up to date would help to remedy the present shortfall and support the national policy aspiration to increase housing supply across the board.
15. In addition, the NPPF also emphasises the important role that new housing can play in supporting the vitality of rural communities, and that the opportunities for sustainable transport in the countryside should not be expected to match those in urban areas. In this case, although Longville in the Dale has almost no facilities of its own, the addition of some new housing would be likely to support those that exist in the nearby towns, and those that remain in the surrounding rural area, including the existing bus service. It would also have the potential to play some role in sustaining the village itself as a viable small community, by widening the mix of housing types and consequently the age range and social profile of the population. In this context, I also give some weight to the support given by the Parish Council.
16. On balance I find that, in this case, the harm that would arise from the conflict with Policies CS1, CS5, CS6 and MD7A is outweighed by the benefits that would arise in terms of housing provision and community support. In this particular case therefore, the conflict with these development plan policies does not, on its own, justify the refusal of permission for the appeal proposal.

### *Listed building setting*

17. The farmhouse at Home Farm is a Grade II listed building. The earliest surviving parts originate from the early 18<sup>th</sup> century, with the main front part added in the early 19<sup>th</sup> century. Seen from the main B4371, the house appears as a classic example of its type and period. It is an attractive 2-storey red-brick structure, with a rectangular floorplan, symmetrical elevations and fenestration, small-paned windows with stone lintels, and a tiled and hipped main roof. In addition to the house itself, there is a range of brick-built former agricultural buildings, arranged around a foldyard, in the 'model farm' manner. Its significance lies firstly in its commanding visual presence, at the heart of the village; secondly in its value as an example of the building styles and techniques of its time; and thirdly its evidential value as part of the social and economic history of the village and of the agricultural industry over the course of three centuries.
18. In the SAMDev, listed buildings are protected by Policy MD13, which seeks to ensure that developments avoid harm or loss of significance to heritage assets and their settings. In the NPPF, paragraphs 212 and 213 require that the conservation of all heritage assets is given great weight, and in the case of a listed building or other designated asset, any harm to the asset's significance, including its setting, requires clear and convincing justification.
19. In the present case, the appeal site lies adjacent to what would appear to have been at one time part of the farmyard to Home Farm, and is now the house's domestic garden. The site itself would once have been agricultural or horticultural land associated with the farm. It now contains three substantial buildings, all of relatively modern origins and utilitarian design, together with a large yard area. At the time of my visit, both the buildings and yard were being used for the parking and storage of agricultural vehicles and machinery, farm equipment and supplies of various kinds, and the parking of staff vehicles.
20. From the listed farmhouse, the appeal site is seen in the foreground of views towards open farmland, and towards the Wenlock Edge hillside that forms its landscape setting. In public views from the street, the appeal site appears through gaps in the frontage as a backdrop to the house. From the site itself, there are views of the rear of the building which are not seen from elsewhere. Having regard to the physical proximity between the appeal site and the farmhouse, their visual relationship, and the evident functional relationship between the two, both historically and in the present, there can be no doubt in my view that the site clearly forms part of the listed building's setting.
21. In its current condition and use, the modern buildings and vehicles on the appeal site are not attractive, and in this regard they do not complement the listed farmhouse. But nevertheless, they are visibly agricultural in nature, and this serves as a visual clue, reminding the viewer of the historic functional link. Consequently, despite the site's poor visual appearance, the overall effect of the present use on the listed building's setting is, on balance, a positive one. Similar considerations apply to the other impacts identified by the appellants, in terms of noise, dust, and vehicular activity; in heritage terms, these relatively minor negative effects are outweighed by the positive influence of the existing use in reinforcing the farmhouse's historical link to the surrounding land. In all these respects, I would fully accept that the positive and negative effects are finely balanced, but even so, my view is that the overall net impact of the existing use on

the listed building's setting, and therefore on its heritage significance, is generally more positive than negative.

22. In the present appeal, the illustrative scheme suggests a layout of nine regularly spaced, detached and semi-detached dwellings, in a fairly conventional linear arrangement, fronting onto a straight access road and a turning head, with an open area on one side for biodiversity. I appreciate that, in most situations, a layout along these lines would be likely to be regarded as uncontentious. However, the general thrust of the Council's criticism is that, on this particular site, there is a need for something with rather more imagination, creativity and visual interest, in order to complement the heritage asset and its setting. I find myself in agreement with this view. Having regard for the site's positioning, between the listed farmhouse and the open agricultural land beyond, it seems to me that a development laid out in the way illustrated would fail to respect the sensitivity of the building's setting, and thus would fail to compensate for the harm that would arise due to the loss of the existing use with its historical connection to agriculture.
23. I fully appreciate that, given the nature of the present application, it would still be open to the Council at the detailed stage to refuse any submission that it found unacceptable on heritage grounds. But in order to do so, the authority would need to be sure that a better scheme could be devised, which would accommodate the specified amount of nine dwellings, in a way that properly safeguarded the listed building's setting. The present illustrative plan does not provide that assurance.
24. For these reasons, I find that the appeal proposal would cause harm to the significance of the listed Home Farm house, due to its potential to result in an unsympathetic and intrusive form of development within the building's setting. In this regard, the proposal would conflict with the aims of SAMDev Policy MD13.

### *National Landscape*

25. The appeal site lies within the boundary of the area which is now designated the Shropshire Hills National Landscape, and is also known as the Shropshire Hills Area of Outstanding Beauty (AONB). In the SAMDev, Policy MD12 seeks to conserve the County's natural environment, and identifies the AONB as a key environmental asset, where development having an adverse impact should only be permitted if the harm is unavoidable. In the NPPF, paragraph 187 requires that valued landscapes be protected in a manner commensurate with their status and quality. In the case of National Landscapes, paragraph 189 makes clear that great weight is to be given to their conservation and enhancement, and paragraph 190 states that permission for major development should be refused other than in exceptional circumstances.
26. In the present case, the village of Longville in the Dale lies on the flat plain which runs alongside the foot of the Wenlock Edge escarpment. Although the appeal site sits fairly centrally within the village, and is partly surrounded by existing built development, at its southern end the site extends into open land which is less well contained. As I saw on my visit, this southernmost portion of the site, beyond the existing buildings, is readily visible in medium distance views from a south-easterly direction, and particularly from the unnamed road that leads southwards from Longville to join the B4368 near Broadstone.
27. On the appellants' illustrative layout, four 2-storey houses and two double garages, shown as plots 6-9, are suggested in this part of the site. To my mind, any

development which followed the submitted plan with regard to this part of the site would appear as breaching the existing natural boundaries, and disrupting the sensitive interface between the village and its hinterland. Developing the site in this manner would thus result in an unwelcome visual intrusion into the open plain, at odds with the established settlement pattern, significantly diminishing the attractiveness of the surrounding high-quality landscape.

28. As discussed previously, I am fully aware the Council would not be bound by the details shown on the present illustrative plan. It might be possible at the reserved matters stage to come up with a different way of developing the site so as to mitigate the impact to an acceptable degree, such as through relocating the open space, substantial landscaping, control of building heights, and good design. But none of the currently submitted plans demonstrates that the site could satisfactorily accommodate nine dwellings without harm to the valued and nationally important landscape of the area.
29. In coming to this view, I have paid regard to the submissions of both parties with regard to the question of whether the appeal proposal should be regarded as 'major development' for the purposes of NPPF paragraph 190. And in this context I have also considered the contents of the Shropshire Hills Management Plan<sup>3</sup>, so far as relevant. In this case, having regard to the relatively small number of dwellings involved, the location of the site in relation to the village, and the general compatibility of the proposed land use, it seems to me that the development now proposed would not be 'major'. However, in view of the matters discussed above and elsewhere in this decision, the point is not determinative in the present appeal.
30. For the reasons explained, I find that the appeal proposal would be likely to cause harm to the character and appearance of the Shropshire Hills National Landscape, due to its potential to extend beyond the existing built development around the site, damaging the attractive views of the surrounding landscape. In this regard, the proposal would conflict with the aims of SAMDev Policy MD12.

#### *Highway safety*

31. The site is served by an existing access which emerges onto the B4371 on the inside of a sharp bend, and directly opposite the junction with the local road that heads north towards the nearby villages of Gretton and Plaish. Visibility to the right is limited by Home Farmhouse, and is also affected to some degree by the low stone wall around the latter's front garden, and by a large oak tree (T1) which is the subject of a tree preservation order. In addition, in order to see oncoming vehicles or pedestrians in this direction, the driver of the emerging vehicle must turn their head, and look back over their shoulder at quite a sharp angle. To the left, the line of sight is restricted by the front hedge of the neighbouring property. All together, these constraints make the task of designing a safe access for any new development a challenging one.
32. The appellants' highway evidence makes a persuasive case as to the reasons why some of the relevant standards in Manual for Streets (MfS) could be relaxed in this case without an unacceptable reduction in safety. In broad terms I tend to agree with the underlying point, that MfS should be applied with a degree of flexibility, having regard for the circumstances of the particular site. In particular, in the present case, I see no reason to discount the use of visibility splays which are

---

<sup>3</sup> The Shropshire Hills National Landscape Management Plan 2025-30, approved February 2026

measured to different points on the carriageway, other than the nearside kerb, if this would still allow adequate stopping distances to be achieved. I also agree that minor obstructions, such as a single tree trunk or the coping stones on the top of a wall, need not mean that the remaining visibility is so compromised as to be unsafe.

33. However, where it is proposed to depart from MfS's recommendations, it seems to me that detailed and specific evidence will usually be needed, to show that the resulting development is likely to be safe. In the present case, although the appellants' case makes assertions as to the visibility splays that can be achieved, the accompanying plans do not fully demonstrate that these claims are achievable. This is for a number of reasons: the various site layout plans are at too small a scale for clarity; the 'visibility shadow zone' plan shows only part of the relevant highway geometry; and there are inconsistencies between the plans themselves, and between them and the written evidence. None of the plans show clearly the achievable visibility to the left (south), and none of the evidence deals in any way with the relationship to the junction opposite, and the resulting potential for conflicting movements.
34. I appreciate that the site access has been used by the existing agricultural business on the site for many years, and I have no reason to doubt that for most of this time it has operated safely. But there is no clear evidence as to the numbers or types of vehicles generated by that use. Without that information, there is no basis on which to make any comparison.
35. Given the outline nature of the application, any permission granted would be subject to a requirement for further details of access. But on the information before me, it has not been demonstrated that any such details would be capable of ensuring reasonable levels of safety for a residential development on the scale now proposed.
36. I therefore find that, based on the available evidence, the development as currently proposed would cause unacceptable risks to highway safety. In this regard, the scheme would conflict with paragraph 115(b) of the NPPF, which requires safe and suitable access for all users.

## **Other matters**

### *Trees*

37. If the site access were to be designed as shown on the revised layout plan No 74892/25/03-Rev A, then tree T1 would be removed. T1 is one of a number that are protected by a recently-made tree preservation order. I agree that this large oak tree makes an important contribution to the character and appearance of the village, and to the setting of the listed building, and that for this reason its loss would cause additional visual harm.
38. But that layout plan, like all the other options submitted, is illustrative. It also pre-dates the appellants' later highways evidence. And although I have found that evidence to be inconclusive as to whether a safe access could be designed, it does nevertheless provide some grounds for questioning the earlier assumption that this would depend on the removal of T1.

39. Consequently, on the evidence before me, I find no clear reason to anticipate any likely adverse likely impact on T1 or any of the other existing trees. However, the lack of harm in this respect weighs neither for nor against the appeal.

#### *Biodiversity Net Gain*

40. The application, when submitted, was accompanied by the required Biodiversity Net Gain (BNG) 'metric' spreadsheet, which indicated that a BNG of 39% could be achieved, within the site, in both habitat units and hedgerow units. This calculation does not appear to have been disputed. Subsequently, during the course of the application, the amended site boundary plan, No 74892/25/01-Rev A, was submitted. This amended plan increased the site area, by adding two narrow slivers of land within the visibility splays, to either side of the site access. However, the previously submitted metric does not appear to have been recalculated or resubmitted.
41. Logically, it seems likely that the change to the site area will have some impact on the BNG calculation, albeit probably a small one, and in these circumstances I agree that it might have been preferable for an updated metric to be submitted, to clarify the extent of that impact. But I am not aware of any legal requirement to that effect. Nor does it appear that the lack of such information prevented the Council from continuing to deal with the application and reaching a decision.
42. If permission were to be granted, any such permission would be subject to the statutory deemed condition under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The effect of that condition is that the development could not be lawfully commenced until a BNG Plan had been submitted and approved by the Council. Such a plan would have to include an updated calculation, reflecting the approved site boundaries and any reserved matters, and would have to demonstrate that a BNG of 10% would be achieved. Having regard to the large margin indicated by the original calculation, and the minor nature of the subsequent change to the site boundary, plus the nature of the additional land involved, comprising highway verge, a bus lay-by, and part of a closely-mown lawn, there seems no reason to doubt that the required 10% would be achievable.
43. In the light of these matters, I find the submitted BNG information adequate. The potential for a net gain greater than the statutory requirement carries some modest weight in favour of the appeal.

#### *Affordable housing*

44. A unilateral undertaking has been entered into by the appellants, which purports to provide for two of the proposed dwellings to be provided as affordable housing. It is not disputed that this would be a sufficient level of provision for the scheme, having regard to Policy CS11 of the SCS, the Council's supplementary guidance, and relevant national policies, and taking account also of Longville in the Dale's status as a designated rural area under Section 157(1) of the Housing Act 1985.
45. The wording of the undertaking provides that the two units in question would be for sale or rent, and would be provided for persons whose needs are not met by the housing market, and that this may include housing that provides a subsidised route to ownership, and/or housing for essential workers. I appreciate that this wording, so far as it goes, matches that used in part of the definition of affordable housing which is contained in NPPF Annex 2. However, in the NPPF, the definition

continues, at (a) – (d), by setting out the conditions that must be met for any particular unit to qualify as affordable under each of the various categories. In the present case, the undertaking contains no reference to these conditions, and no requirement to meet them. The undertaking therefore provides no means of ensuring that the units in question would in fact be affordable in terms of the relevant planning policies.

46. I have no doubt as to the genuineness of the appellants' intention to provide affordable housing, but clearly that is not enough, as the offer can only carry weight if made legally binding. In this case the defect in the drafting of the obligation makes it ineffective.
47. The Council has not commented on this aspect, but to my mind the flaw is fundamental to the purposes of the obligation and therefore is one that cannot be ignored. Had I been minded to allow the appeal, it would have been possible to allow time for the shortcomings to be remedied, but in view of my findings on the other matters covered in this decision, that would not be an appropriate course of action in this case.
48. In these circumstances, I find that the undertaking in respect of affordable housing carries no weight.

### **Planning balance**

49. As set out above, I have found that the proposed development would fail to accord with the SCS and SAMDev Policies CS1, CS5, CS6 and MD7A, with regard to the spatial strategy for the location of new housing. It would also cause harm to the setting of the listed Home Farm, and to the landscape of the Shropshire Hills National Landscape, contrary to Policies MD13 and MD12 respectively. No development plan policies have been identified which can be said to offer any direct support for the appeal proposal. The scheme therefore conflicts with the development plan when read as a whole. It would also pose risks to highway safety, contrary to relevant NPPF policy.
50. On the other side of the planning balance, the development would bring some benefits, including the provision of market housing to reduce the shortfall in the County's 5-year land supply, and the contribution that it could make to sustaining rural community life, both economically and socially. For the reasons already rehearsed, I consider that these particular benefits would be significant, and in the circumstances, these benefits would outweigh the essentially abstract harm arising from the conflict with the development plan's locational policies, CS1, CS5, CS6 and MD7A.
51. But nevertheless, the tangible harm that I have identified to the listed building's setting, National Landscape and road safety would remain. As noted elsewhere in this decision, the first two of these are subject to national policies in the NPPF that provide strong reasons justifying refusal. In these circumstances, NPPF paragraph 11(d) makes it clear that the presumption in favour of sustainable development, set out elsewhere in that paragraph, is not applicable. Consequently, on the evidence before me therefore, I consider that the harm to the heritage asset and to the valued landscape both carry substantial weight against the proposal. The harm to safety adds further significant weight against.

52. In addition to the benefits noted above, the development would provide some further economic and environmental benefits, in terms of construction jobs, and enhanced BNG. However, very little evidence has been advanced on these matters. I also note that the development would potentially facilitate the relocation of the existing agricultural contracting business, securing the future of that operation, and removing a source of noise and dust close to residential neighbours. But I am not aware of any formal commitment to that effect, and no further detail has been provided. Consequently the weight that I can give to these additional potential benefits is limited.
53. Having regard to all of the above, it seems to me that the only realistic conclusion that can be drawn is that, even when all the scheme's benefits are added together, they are clearly and significantly outweighed by the combined weight of the identified harms.
54. I have taken account of all the other matters raised, including the possibility that the affordable housing could have been properly secured by way of a revised undertaking, but even so, I can find nothing that would alter the overall planning balance as set out above.

### **Conclusion**

55. In view of the lack of a 5-year land supply, the need for housing is a matter that commands considerable weight. But nonetheless, the present appeal scheme, due to its lack of detail in respect of layout and access, fails to ensure that important considerations relating to the effects on the listed building, National Landscape, and highway safety, could be managed without unacceptable harm.
56. For these reasons, I conclude that the conflict that the appeal scheme would involve with relevant policies of the development plan, is not outweighed by other material considerations. It follows that the appeal must fail. Accordingly, the appeal is dismissed.

*J Felgate*

INSPECTOR



---

## Appeal Decision

Site visit made on 9 April 2026

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2026

---

### Appeal Ref: 6001990

### Hilbre, 17 Watling Street South, Church Stretton, Shropshire SY6 7BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr. Roger Hill against the decision of Shropshire Council.
  - The application Ref is 25/02077/FUL.
  - The development is proposed erection of a new dormer bungalow.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. Whether the proposed development would preserve or enhance the character or appearance of the Church Stretton Conservation Area (the CA).

### Reasons

3. The appeal site comprises the side garden of the host property, Hilbre, a large, detached house that occupies a generous plot on the corner of Watling Street South and Hazler Crescent. The site is located within a quiet residential area, within the CA.
4. The CA encompasses an expansive area, within Church Stretton, including the historic core of the town and residential areas that extend up the valley sides. The significance and special interest of this part of the CA, in my view, is primarily derived from the well-preserved, large buildings and houses, which largely have an Edwardian character, set within spacious plots. The houses are also largely set behind garden hedges and / or attractive brick walls, with a preponderance of mature trees within gardens which ensure that the area has a verdant character which further contributes positively towards the significance of the CA.
5. The generous plot size and its verdant appearance, with lawned garden, tall frontage hedges and mature trees, makes an important contribution to the CA's significance. Indeed, the side garden forms a generous gap between the appeal property and neighbouring properties along Hazler Crescent, which helps to preserve the spacious appearance of the street scene.
6. With an extensive width, built up to each side boundary, and its large footprint, shallow rear garden and large driveway to the front, the proposed development would harmfully erode the spacious and verdant appearance of the existing plot. Furthermore, the proposed dwelling, with its large width, and part two storey, part single storey height, projecting gable features and the steep roof pitch of the main

building, would have a dominant appearance. In combination, and with the minimal separation distances to either side, the proposal would have a cramped appearance within the plot, which would be unacceptably harmful in the context of the CA.

7. The proposed dwelling would benefit from some natural screening from boundary trees and hedges, and the design includes architectural features which are characteristic of the area. Similarly, sympathetic facing materials could be proposed. Nevertheless, these factors would diminish but not extinguish the extent of harm to the CA.
8. Overall, I conclude that there would be moderate harm to the significance of the CA. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the CA, contrary to the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). It would therefore have a harmful effect on the area's character and appearance and conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan, December 2015, which together and amongst other things, require high quality design and development which avoids harm to the significance of designated heritage assets.

### **Other Matters**

9. My attention has been drawn to a previous planning permission on the appeal site for a new dwelling and creation of one new vehicular access point, Council reference 23/02414/FUL (the previous permission). A copy of the Council's decision notice and the plans for the previous permission have been submitted.
10. The previous permission was for a two-storey dwelling with a modest footprint, set off each side boundary and with a generous amount of space to the front and rear. Even though it would be set slightly back within the site compared to the previous permission and it would have a reduced height, the proposed development would be more harmful to the character and appearance of the area than the permitted development. As such, I attach limited weight to the matter.
11. Reference has been made to other planning permissions<sup>1</sup> for new dwellings elsewhere. In particular, a new house at Plot 12A Oakland Park<sup>2</sup>, located within the Church Stretton Conservation Area. However, although I am mindful that the design of that scheme is similar to the appeal scheme before me, it is located in a different part of the CA compared to the proposed development. Inevitably, it is the detail and specific context of any development which determines whether it is acceptable in practice. Having considered the design and layout of the proposed dwelling, for the reasons given, I consider that it would fail to preserve or enhance the character or appearance of the CA. Given this, those examples of other planning permissions elsewhere do not add weight in favour of the development. Accordingly, as I am required to do, I have determined the case before me on the site-specific circumstances and on its own merits.
12. Harm to the landscape and scenic beauty of the Shropshire Hills National Landscape, within which the appeal site lies, did not form part of the reason for

---

<sup>1</sup> Council references: 18/02067/FUL and 15/02740/REM

<sup>2</sup> Council reference: 16/04731/VAR

refusal. As the site is contained within an established built-up residential area, I have no grounds to disagree with the Council in this regard.

### **Heritage Planning Balance**

13. The moderate harm that would occur to the character and appearance of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Indeed, given the variation in scale of houses nearby, and their plot sizes, and that the proposal would affect a small part of the CA, I consider that it would be at the lower end of that spectrum. Nevertheless, still of considerable importance and weight.
14. Paragraph 215 of the Framework requires such harm to be weighed against the public benefits of the proposal. However, less than substantial harm should not necessarily be equated with less than substantial planning objection when the statutory test in the Act that seeks to preserve the character and appearance of a conservation area has not been met.
15. The proposal would provide new housing in a sustainable location and although there are limited details of how it would meet a local housing need, it would contribute to boosting the supply of new housing, as referenced in the Framework. It would also make efficient use of underutilised garden land and contribute to the growth of Church Stretton. As a small windfall, infill site, the proposal could be delivered quickly and built using sustainable building materials and construction methods, including energy-efficient windows and insulation. It could also support renewable energy provision. There would also be social and economic benefits to local services during the construction and occupancy phases of the development. For the reasons given, I also attach limited weight to the previous permission.
16. These matters attract modest weight as public benefits. However, notwithstanding that there is support for the proposal from Church Stretton Town Council and a small number of interested parties, the public benefits would not outweigh the harm identified above to the significance of the heritage asset, the conservation of which the Framework indicates that great weight should be given.
17. Thus, I find that the harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 213 of the Framework as harm to designated heritage assets would not have clear and convincing justification and the Framework states that great weight should be given to a designated heritage asset's conservation.

### **Conclusion**

18. Given the above, I conclude that the proposal would harm and thus not preserve or enhance the character or appearance of the CA and its significance. There are no other considerations or public benefits that would outweigh this harm. It would therefore fail to satisfy the requirements of the Act, the Framework and the development plan. Accordingly, for the reasons given, the appeal should be dismissed.

*N Bromley*

INSPECTOR

This page is intentionally left blank



---

## Appeal Decision

Site visit made on 31 March 2026

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

---

### Appeal Ref: 6003310

### Land Opposite The Warren, Stockhall Lane, Hopton Wafers, Cleobury Mortimer DY14 0NA

- 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 Charlotte Woodward (Hopton Court Estate Ltd) against the decision of Shropshire Council.
  - The application Ref is 25/01505/FUL.
  - The development proposed is 3 No. self-build dwellings with garages.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During the appeal the appellant submitted a Biodiversity Net Gain Report (BNG) (dated November 2025) and a revised Biodiversity Net Gain Report (dated 2026). As the Council commented on the appellant's BNG report in their statement of case and was given the opportunity to comment on the revised report during the appeal, my acceptance of them would not prejudice any parties.

### Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - whether the proposal appropriately secures Biodiversity Net Gain (BNG).

### Reasons

#### *Character and appearance*

4. The appeal site comprises a parcel of undeveloped, sloping land accessed off Stockhall Lane. It forms part of a wider field and lies adjacent to the Church of St Michael's churchyard and opposite a loose-knit, linear arrangement of properties on the eastern side of the road. The site is elevated above the road level, with an embankment and mature hedgerow forming an intervening boundary. The surrounding area has a predominantly rural character, with open fields bounded by hedgerows to the north and west.
5. The proposal seeks to introduce three large, detached dwellings on the site. As a result, the site's undeveloped and naturalised appearance, which currently distinguishes it as part of the countryside rather than the settlement, would be lost.

Although the proposed development is relatively low density and seeks to retain much of the existing hedgerow, it would nonetheless erode the open and verdant qualities of the field.

6. The proposed dwellings would be arranged in a formalised row with tight spacing and would extend further north than the existing development opposite. This layout would contrast sharply with the loose-knit linear pattern of the development found on the eastern side of the road, which includes the detached 1.5 storey dwelling known as 'The Warren', a garage building and some stables/garage block. Due to their two-storey height and elevated siting, the proposed dwellings would appear more prominent than the existing properties, which sit lower within generous plots.
7. While the proposed dwellings would be set back by over 20m from the road, the appellant's evidence indicates that their ground levels from the centre of the road would range from approximately 2.145m to 2.795m. This increased elevation, particularly for plot 2, is likely to accentuate the height and visual prominence of the dwellings from the street scene. Given the site's raised position, the dwellings would be particularly conspicuous when viewed from Stockhall Lane. I also observed during my site visit that glimpsed views would be possible from Hopton Court Road.
8. Furthermore, the creation of new access points would necessitate the removal of sections of hedgerow and introduce hard, urban features that would be incongruous with the site's currently soft, rural appearance. While the mature boundary planting provides some screening, as illustrated on the submitted sectional drawings, and additional hedgerow and landscaping could be secured by condition, the development would remain partially visible due to the site's elevated position, particularly during winter months when vegetation is not in leaf.
9. Consequently, the presence of the proposed dwellings, along with associated hardstanding and domestic paraphernalia, would erode the undeveloped character of the site, which currently makes a positive contribution to the character and appearance of the area. Overall, the proposal would introduce a dominant built form that would result in an unacceptable visual intrusion into the countryside.
10. The appellant indicates that the site slopes less than that recommended for a wheelchair ramp. However, I observed that the sloping site sits above the level of the adjoining road, and it is not clear from the submitted evidence whether the height of the road embankment has been included within the appellant's wheelchair ramp calculations. The submitted sectional drawings show the site as being perched above the road, suggesting that the overall change in level from the highway may be greater than implied by the stated site gradient alone.
11. The appellant states that all recent development, including 'The Warren', has been ribbon development and suggests that future development in Hopton Wafers will involve ribbon development in some direction of the village. Nevertheless, for the reasons explained, I have found this proposal to be unacceptably harmful. I have determined this appeal on its own merit based on the information before me and my own observations of the area.
12. For the reasons given, the proposal would have a harmful effect on the character and appearance of the site and its surroundings. It would therefore fail to accord with Policies CS4, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (adopted 2011) (Core Strategy), and Policies

MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (adopted 2015). Collectively, these policies amongst other things, seek to ensure development is sympathetic to the character of the settlement and respects and enhances local distinctiveness, responding appropriately to the form and layout of existing development.

### *Biodiversity Net Gain*

13. The relevant primary legislation for the statutory framework for biodiversity net gain is principally set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (the biodiversity gain condition). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat. This increase can be achieved through on-site biodiversity gains, registered off-site biodiversity gains or statutory biodiversity credits. However, the biodiversity gain condition does not apply to certain types of development, such as self-build and custom build development.
14. The appellant advises that the proposal would be exempt from BNG as a self-build scheme. However, the appellant has not submitted a legal agreement in relation to self-build and therefore there is no mechanism before me to secure the self-build status of the proposal.
15. Under the Community Infrastructure Levy (CIL) regulations, it is possible to apply for a CIL exemption if the dwelling is self-build / custom build. The regulations require evidence to be submitted and if personal circumstances of the applicant change at any time within 3 years of initial occupation, they must notify the Council and pay the appropriate CIL. The Council, as the CIL charging authority, are responsible for enforcing this. However, there is nothing in the Self Build and Custom Housebuilding Act or the Self Build and Custom Housebuilding Regulations that requires an occupation period.
16. It is therefore incumbent on me when allowing an appeal to incorporate some means of ensuring that self-build proposals are constructed in this manner. Specifying it in the description of development alone is not sufficient. Furthermore, a condition requiring occupation of the dwelling by the person who built it would be unlikely to pass the tests of reasonableness and enforceability within paragraph 57 of the Framework. As such, a Section 106 legal obligation is the most appropriate method of ensuring that the development is self-build or custom build housing rather than market housing.
17. In the absence of an appropriate legal agreement to secure the self-build status of the proposal and exemption from BNG, the appellant has submitted a revised Biodiversity Net Gain report and biodiversity metric calculations (dated February 2026). The revised BNG information indicates a net gain of 0.22 (15.20%) habitat units through enhancement of other natural grassland, off-site, from poor to good condition, as well as a net gain of 0.10 (11.71%) hedgerow units through native hedgerow planting on-site.
18. The appellants revised BNG plan (dated February 2026) shows the on-site boundary marked in red and an off-site BNG area marked in blue. The on-site boundary appears to be the same as the red line boundary shown on the

appellant's site location plan that was submitted to the Council with the application. As the appellant's revised BNG report (dated February 2026) clearly shows that a net gain of 11.71% could be achieved on-site, this meets the requirement to deliver at least a 10% increase in biodiversity value, which could be secured by condition if I were minded to grant planning permission. However, the off-site BNG contribution would require a Section 106 legal agreement as it falls outside the red line site boundary.

19. Nevertheless, as the appellant has demonstrated that an on-site 10% biodiversity net gain would be achieved, the proposal would accord with the objectives of the Framework. It would also accord with Policies CS6 and CS17 of the Core Strategy and Policy MD12 of the SAMDev. Collectively, these policies seek to ensure that development protects and restores the natural environment.

### **Other Matters**

20. The appeal site sits in proximity to the Church of St Michael, a Grade II\* listed church. It is also near to the Iron House, a Grade II listed building. From the information before me the special interest and significance of these assets primarily stem from, singularly or in combination, their historic and/or architectural interest. However, they are also derived, to a greater or lesser extent, from their respective churchyard, garden and village settings.
21. Given the location and extent of the proposal, the settings of these listed buildings would be preserved and the contribution they make to the assets' significance would not be harmed. I note the Council raised no concerns in this respect either.
22. The appellant indicates that they would be willing to replace the proposed dwelling on plot 2 with a 1.5 storey house. However, this scheme is not before me.
23. The proposal would not result in unacceptable adverse impacts on any neighbouring amenities. Nevertheless, this is a neutral consideration and does not alter my decision.
24. In addition to the matters I have addressed above, letters of objection from local residents have raised other concerns including flooding and drainage issues. These other matters are not in dispute between the main parties and as I am dismissing the appeal, I do not need to give these matters further consideration.

### **Planning Balance and Conclusion**

25. The Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11d)ii. of the National Planning Policy Framework (Framework) should be applied. The appeal proposal would provide a number of benefits, including providing three dwellings on a windfall site to the housing supply, benefits to the local economy from construction works and use of local materials. It would also be within walking distance of the local amenities and would offer some benefits in terms of increasing patronage to them. However, given the small-scale nature of the proposal, the benefits would be modest.
26. In contrast, there is no mechanism provided to secure the self-build units or the off-site biodiversity net gain contributions, and therefore I attach limited weight. I have found that the appeal proposal would harm the character and appearance of the area. I therefore find that the adverse impacts of granting permission would

significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

27. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

*H Smith*

INSPECTOR

This page is intentionally left blank



---

## Costs Decision

Site visit made on 27 February 2026

by **John Felgate BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> April 2026

---

### Costs application in relation to Appeal Ref: 6001790

#### Montgomery Waters site, Shrewsbury Road, Church Stretton SY6 6HD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Shropshire Council, for a full award of costs against Montgomery Waters Limited.
  - The appeal was against the refusal of planning permission for a development described as the erection of a warehouse building and associated car parking.
- 

### Decision

1. The application for an award of costs is refused.

### Reasons

2. Parties in planning appeals normally meet their own expenses. The Planning Practice Guidance (PPG) advises that costs may be awarded only against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

### *Events leading up to the Council's decision on the appeal application*

3. The appellants MWL made an initial application in March 2024, for outline permission for a warehouse and lorry park (24/000965/OUT). The building then proposed was to be in the same location as the subsequent appeal application, and the lorry park was to be on additional land, on the opposite side of Shrewsbury Road. That application was refused in May 2024, on five grounds. Refusal reason 1 (RR1) of that decision, relating to impact on the character of the National Landscape, was worded to relate only to the lorry park. The other four reasons related to residential amenity, highway safety, groundwater protection, and impact on the Conservation Area (CA). These reasons were briefly stated. The decision was not accompanied by any officer report.
4. The application which later became the subject of the present appeal was made in March 2025 (25/00946/FUL). The application sought full permission, and differed from the previous scheme, by deleting the lorry park, and instead proposing a turning area accessed off the existing private road. The new scheme also showed a smaller footprint for the new building, separated from the existing works except for a connecting corridor. The application was accompanied at the time of submission by various reports and surveys, including a planning statement, ecological and BNG report, tree survey, and heritage statement. These were supplemented during the course of the application by a flood risk assessment (FRA), and an addendum to the heritage statement.

5. This second application was not preceded by any formal request for pre-application advice, nor was a planning performance agreement entered into. But only a little over 9 months had elapsed since the Council had issued their decision on 24/000965/OUT. The second application introduced no new elements, except the turning area, and no other substantive changes. It was therefore understandable that the appellants should have felt able to rely on the earlier decision to identify the likely issues. In the absence of an officer report, the appellants were unable to know the Council's full view on any other matters, such as how the Council viewed the proposal in relation to the SCS's policies on economic development. But RR2 had expressly stated that the principle of extending the existing building was acceptable. In these circumstances, the appellants' decision not to engage in any further pre-application processes was reasonable.
6. In the light of the refusal reasons for 24/000965/OUT, it might have been expected that application 25/00946/FUL would have included some form of statement on traffic and highway matters. However, the lack of that information does not appear to have caused the Council any difficulty, as highway safety was not included amongst the reasons for refusal of the second application.
7. It would also have been preferable if the second application had included an assessment of the effects on the groundwater protection zone. However, this was very much a specialist field. The previous refusal reason, RR4, gave very little information as to the nature of the Council's concerns. It made no mention of issues relating to pollution risks, or regarding foul and surface water drainage, or the diversion of the culvert. Nor did it identify Policy CS18, which was more relevant to these issues than CS17. In the absence of an officer report or any other information, it could not be assumed that the applicant, even one such as MWL who might be likely to have some knowledge of water-related matters, would be aware of the precise nature of the issues alluded to. In the event, the appellants' FRA touched on matters relating to groundwater flooding, and although this turned out to be only tangential to the real issue, this was not an unreasonable response in the circumstances.
8. In no other respect does the content of application 25/00946/FUL appear to me to have been deficient. Having regard to the Council's previous decision, the appellants were entitled to think that the effect on the National Landscape would not be an issue for their revised proposal. It was therefore reasonable of them not to commission a detailed landscape and visual impact study. Nor had the appellants been given any previous indication that noise as such would be seen as an issue, and thus they had no obvious reason to produce evidence on this. In any event, it does not appear that any further evidence on these matters was sought as a requirement for validation. Nor does it appear that the appellants refused any such requests. In all these respects therefore, the appellants acted reasonably.
9. The appellants evidently disputed the amount of the application fee, but this was based on a disagreement over measurements. This was not unreasonable, and in any event clearly had no effect on the Council's costs or resources at the appeal stage.
10. Later the appellants submitted various other items of additional and updated information. The Council complains that some of these were not requested, but the Council was under no obligation to accept new material. As far as I can tell, the additional material in this case was relevant to the issues being discussed and

consulted on, and was directed at clarifying details and narrowing the scope for disagreement. This seems to me to have been in line with what is generally accepted as good practice. None of the new material significantly altered the proposal itself. The submission of new or updated information may have resulted in the authority having to reconsult or undertake further assessments, but work of that kind is part and parcel of the process of dealing with an application. There is no evidence that any of the appellants' additional submissions at the application stage had any effect on the amount of work that the Council needed to do for the subsequent appeal.

11. At some stage in this process, it appears that the Council asked for a Section 106 agreement on BNG monitoring costs, and this was resisted by the appellants. However, planning obligations cannot be imposed, and the appellants were entitled to choose whether they wished to enter into such an agreement, and if so, on what terms. In this case, for the reasons stated in my appeal decision, it seems to me that the appellants' stance at the application stage was justified, not only with regard to the amount being sought, but also the form of the obligation and its timing. But even if I had come to a different view on those matters, the position taken by the appellants was not an unreasonable one.
12. In none of these respects does the appellants' handling of the application appear to me to have been in any way unreasonable. Nor is there any apparent evidence that any failings or other conduct during this stage caused the Council unnecessary or wasted expense in the eventual appeal.

#### *The appeal stage*

13. The Council's decision to refuse application 25/00946/FUL was issued in May 2025, and was based on 7 reasons. Of these, four raised new issues that had not been cited in the Council's previous decision; these were RRs 4 (policy), 5 (trees), and 6 and 7 (BNG). Furthermore, the remaining three RRs all expanded upon the scope of the previous reasons: RR1 (groundwater) did this by adding reference to drainage matters and the culvert; RR2 (landscape) did so by extending the Council's concern to the new building rather than just the lorry park; and RR3 (residential amenity) by adding an explicit reference to noise.
14. Given the background set out above, it seems unsurprising that the appellant had been unable to anticipate the Council's eventual position on all of these matters, at the time of submitting their second application, or indeed during the course of it. In these circumstances, although it was clear that additional evidence would be needed on some of the matters raised, to respond to the refusal reasons in the second application, it was not unreasonable of the appellants to proceed with an appeal.
15. As part of their appeal submission, the appellants produced three new reports and two updated versions of material already submitted. The new reports included a hydrogeological risk assessment, and an outline drainage strategy, which were instrumental in helping RR1 to be overcome, and a noise impact assessment which proved useful in limiting the scope of the noise element of RR2. None of this additional material sought to evolve the scheme or alter the nature of the development itself in any significant way. It is true that these three reports did seek to remedy what came to be recognised as gaps in the original application, but those gaps were ones that only became evident following the Council's decision. And

part of the responsibility for that situation must be borne by the Council itself, firstly for failing to produce an officer's report on the original application, and secondly for shifting its position between the first and second applications. I appreciate that the submission of new material involved some extra work on consultations and assessments, but that alone does not make the submission of that material unreasonable. Deferring that work until a possible third application would not have avoided the need for it to be done eventually, and could have risked delaying or deterring development which might yet have been found acceptable. In the circumstances, the appellants acted reasonably in submitting new information on these matters.

16. The updated reports submitted at the appeal stage were minor revisions to the previously submitted arboricultural and ecological reports. The changes incorporated in these were minor, necessary and helpful to the decision-making process. Their submission at this stage was entirely reasonable.
17. In addition, as part of their appeal, the appellants submitted an executed unilateral undertaking. This reversed the appellants' earlier stated position, but effectively removed two of the Council's RRs as principal matters of contention. The submission of the undertaking would have involved a small amount of work for the Council at the appeal stage, but the amount of work would have been the same regardless of what stage in the application or appeal process the submission was made. The submission of the undertaking was reasonable.
18. The appellants proceeded with their appeal despite still not having any specialist landscape impact report. But an assessment of some landscape and townscape related matters was included in the heritage statement and addendum submitted during the application stage. That material was helpful in reaching my decision. And in any event, given the nature of the particular site, it was possible in this case to form a view of the proposed scheme's impact on the landscape, without the benefit of any more detailed evidence. The appellants' submissions did not directly discuss the statutory duty in respect of AONBs, nor the Shropshire Hills Management Plan, but I have the Council's view on those matters, and given my findings regarding the site, the lack of further comment in this regard from the appellant did not prevent me from determining the issue. Nor does it seem likely that the lack of such further evidence could have caused the Council any extra work or expense.

### *Conclusion*

19. My decision on the appeal has gone in favour of the Council, and against the appellants. However, the decision ultimately turned on the issue of the effects on nearby residents and on users of the bridleway through the site. That decision was a matter of judgement, and it was not unreasonable for the appellants to hold a different view, or to pursue an appeal on that point.
20. Although a large number of other matters are raised in the Council's costs application, none of these has any bearing on the matter in hand. Nothing in any of the submissions before me demonstrates unreasonable behaviour on the part of the appellants. The application is therefore refused.

*J Felgate*

INSPECTOR



---

## Appeal Decision

Site visit made on 27 February 2026

by **John Felgate BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> April 2026

---

### Appeal Ref: 6001790

#### Montgomery Waters site, Shrewsbury Road, Church Stretton SY6 6HD

- 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 Montgomery Waters Limited against the decision of Shropshire Council.
  - The application Ref is 25/00946/FUL.
  - The development proposed is described as the erection of a warehouse building and associated car parking.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for an award of costs has been made by the Council against the appellants. That application is the subject of a separate decision.

### Procedural note

3. Since the date of the Council's refusal of permission, and at the appeal stage, the appellants have submitted additional information, including new and updated surveys of various matters, and a legal undertaking in respect of biodiversity monitoring. The Council objects to the submission of these items. I appreciate that the Planning Inspectorate's guidance<sup>1</sup> cautions against the submission of new technical information, where the need for such material could have been anticipated earlier, and where that material should have been submitted at the application stage. In the present case however, I am satisfied that the reports submitted by the appellants at the appeal stage were reasonably necessary to address matters arising from the Council's decision, and that the evidence submitted was proportionate in the circumstances. The reasons for coming to this view are set out more fully in my decision on the Council's costs application.
4. Furthermore, the submission of the undertaking at the appeal stage accords with the guidance. And, as the Council itself acknowledges elsewhere<sup>2</sup>, none of the new material seeks to amend or evolve the proposed scheme itself in any significant way. There is no evidence that the Council's position has been prejudiced. In all the circumstances, the interests of natural justice weigh in favour of accepting the submitted evidence, and I have determined the appeal on this basis.

---

<sup>1</sup> The Planning Inspectorate: 'Procedural Guide for Planning Appeals in England' (For appeals relating to applications dated on or before 31 March 2026)

<sup>2</sup> The Council's statement, para 5.8

## Background to the appeal

5. The appellant company, Montgomery Waters Ltd, (MWL) is a long established producer of bottled mineral waters, utilising spring water from the Cwmdale Spring, in the foothills of the Long Mynd. The existing works is housed in a single, industrial-style building that fronts onto the B5477 Shrewsbury Road, on the edge of Church Stretton. The business is said to have a workforce of eight full-time staff at the site.
6. At the rear is the company's car park, which is accessed via a private road. This latter road also serves half a dozen or so residential properties, before continuing as public bridleway No 0516/82/1. The remainder of the site is wooded. Public footpaths Nos 0516/83/1 and 0516/83/2 also run through these woods.
7. In May 2024, an application (24/00965/OUT) for outline permission for a warehouse and lorry park was refused by the Council, on five grounds. The present appeal scheme differs from that earlier application, primarily by omitting the lorry park and by seeking full permission.
8. In substance, the present proposal is to construct a new building on the existing car park, which would provide a new bottling plant, with automated bottling lines and associated equipment. The scheme would also involve the formation of 17 new parking spaces alongside the existing private road, and a turning area for cars and larger vehicles.
9. The development plan for the area comprises the Shropshire Core Strategy (the SCS), adopted in March 2011, and the Site Allocations and Management of Development Plan (known as the SAMDev), adopted in December 2015. In policy terms, the existing MWL works and its access are within the development boundary for Church Stretton, and the remainder of the appeal site is outside.

## Main issues

10. Taking account of all the various submissions before me, I find that the main issues in the appeal are:
  - whether, in principle, the development would accord with the relevant local and national planning policies relating to economic development in the rural area;
  - the effects on the character and appearance of the area and the surrounding National Landscape;
  - and the effects of the development on the occupiers of nearby properties and users of bridleway No 0516/82/1.

## Reasons for the decision

### *Accordance with policies on economic development in the rural area*

11. In the SCS, Policy CS1 sets out that the main aim for the Shropshire economy is to foster sustainable economic growth, by encouraging development and investment to make the County's settlements more sustainable. Policy CS13 reinforces this aim with a commitment to support enterprise and deliver growth, particularly in key business sectors; these include land-based, food and drink industries. In the market towns, which include Church Stretton, Policy CS3 states that the aim is for these to provide a focus for employment and economic

development, balancing environmental constraints against local needs. In the countryside, Policy CS5 requires that development is to be strictly controlled, but nevertheless permits some types of economic and related development, on appropriate sites, where these would maintain the countryside's vitality and character, and bring economic or community benefits.

12. In the NPPF, paragraph 85 makes clear that planning decisions should help create the conditions in which businesses can invest, expand and adapt. The need to support economic growth and productivity should be given significant weight, and areas should be allowed to build on their strengths in order to address future challenges. In rural areas, paragraph 88 states that policies and decisions should enable the sustainable growth and expansion of all types of businesses. Paragraph 89 acknowledges that in rural areas, it may be necessary to look to sites beyond existing settlement boundaries, particularly on previously developed land and other sites which are well-related to the settlement; such development should also be sensitive to its surroundings and its impact on the locality.
13. In the present appeal, the land on which the proposed development would be built is outside the settlement boundary, and therefore subject to the strict control required by Policy CS5. However, that policy goes on to list some of the types of development which are likely to be acceptable, and these include where the scheme is for the retention and expansion of an existing established business. In this case, MWL has clearly been established at the appeal site for many years, and it is indisputable that the development now proposed falls within this description as one that would retain and expand its operations. The appeal proposal is therefore one that complies with the broad thrust of Policy CS5, subject to the general caveats within the preamble to that policy, as noted above, relating to the effects on the countryside, and the benefits to the community.
14. The appellants state that the proposed development is needed to enable MWL to modernise its operations, replacing outdated machinery, increasing and diversifying production capacity, meeting new safety and environmental standards, and allowing the use of polyethylene terephthalate (PET) bottles in place of plastics. It is also said that the scheme would reduce the company's energy usage and costs, through the introduction of solar panels. All these changes are said to be essential, to allow MWL to improve its efficiency, maintain competitiveness, and respond more flexibly to changes in demand. It is further stated that, although the new processes would be more automated than the existing, the development would retain existing jobs, and open up new employment and training opportunities, including higher-skilled roles. Overall, the appellants contend that the development is needed to secure the company's long-term viability, and its future in the town.
15. As the Council points out, these assertions relating to MWL's circumstances are largely unsubstantiated, and I am inclined to agree that it would have been helpful if the proposal had been supported by more detail on these matters, particularly on existing and future employment numbers and skill levels. But equally, the Council could have asked for further information; and indeed, having regard to the generally supportive policy context set out above, together with the advice in NPPF paragraph 39<sup>3</sup>, it might be thought that they should have done so, if they

---

<sup>3</sup> NPPF paragraph 39: "Local planning authorities should approach decisions on proposed development in a positive and creative way. ... Decision makers at every level should seek to approve applications for sustainable development where possible."

considered that the lack of detail was significant. In any event, I see no reason to doubt that the appellants' statements have been made in good faith. In the absence of any evidence to the contrary, I can see no reason to doubt any part of the appellants' case regarding MWL's need for the proposed development, or the benefits that it would have for the company.

16. The Council argues that the automation of MWL's processes would threaten the jobs of the existing workforce; and that in the absence of any firm commitments, there is no clear evidence that such job losses would be compensated by new employment, nor be of any net benefit to Church Stretton's vitality. But it is impossible to avoid the similarities between that argument and those of the so-called Luddites in the early 19<sup>th</sup> century. Based on the evidence before me, which is largely unchallenged, it is clear that MWL sees the development now proposed as essential to its future viability. There is no evidence that preventing the company from modernising, and adapting to changing markets and regulations, would be likely to help to secure its future. It follows, in my view, that that approach would not benefit either the existing workforce or the town as a whole, beyond the immediate short term. Refusing permission on this ground would therefore be counter-productive. On the other hand, the one thing that is clear is that the development would involve a large capital investment by MWL, which would represent a major commitment to its long-term future in the town. To my mind it is self-evident that such a commitment would likely to be a significant benefit to the local economy, and to the long-term prosperity of the community as a whole.
17. Although the appeal site is just outside the Church Stretton development boundary, its location is largely dictated by the presence of the naturally-occurring spring, which rises in the adjacent woodland. A site in close proximity to the existing works is therefore necessary, and no other nearby site has been identified as preferable or feasible. The Council contends that the appellants have not shown the present proposal to be the minimum necessary, in terms of scale, form and intensity, but as far as I am aware, there is no policy requirement to that effect. Policy CS5 does require consideration of the effects of the development on the character of the surrounding countryside, and those are dealt with elsewhere in this decision; but in this case the local environmental effects are primarily ones of detail more than principle.
18. I conclude that the proposed development would contribute to the promotion of sustainable economic growth in Shropshire, and the vitality of the rural community in Church Stretton, in accordance with the aims of SCS Policies CS1, CS3 and CS13, and NPPF paragraphs 85 and 89. Subject to more detailed consideration of its local impacts, it would also accord in principle with the relevant requirements of SCS Policy CS5 relating to economic development in the countryside. These considerations carry considerable weight in favour of the development.

*Effects on the character and appearance of the area and the landscape*

19. The appeal site lies within the boundary of the area which is now designated the Shropshire Hills National Landscape, and is also known as the Shropshire Hills Area of Outstanding Beauty (AONB). In the SCS, Policy CS17 seeks to protect Shropshire's environmental assets and natural resources, including the valued landscape of the AONB. In the SAMDev, Policy MD12 has similar provisions, and also extends protection to important trees and woodlands. In the NPPF,

paragraph 187 requires that valued landscapes be protected in a manner commensurate with their status and quality. In the case of National Landscapes, paragraph 189 makes clear that great weight is to be given to their conservation and enhancement, and paragraph 190 states that permission for major development should be refused other than in exceptional circumstances. In this case, although neither party appears to have offered a view as to whether the appeal proposal amounts to 'major' development for these purposes, I have treated it as such.

20. On my visit, I saw that the appeal site lies within a small, bowl-shaped depression, where the land form has the appearance of having been quarried or excavated at some time in the past. The banks on three sides are steep and wooded, and the fourth side is formed by MWL's existing building. As a result, I saw on my visit that inward views are largely limited to close range, primarily from bridleway No 0516/82/1 and a short length of footpath No 0516/83/1, where these adjoin or approach the site. From footpath No 0516/83/1, there is no significant view at all. In none of the available views would the development now proposed be seen in the context of the wider National Landscape
21. In these limited views, from two sides of the site, the proposed development would replace what is now mainly a gravelled car park. Whilst the new building would be more prominent, and its design would be purely functional, the views that would be lost or altered are not ones that are representative of the surrounding AONB or National Landscape, nor ones that make any positive contribution to its character. The new parking and turning areas adjacent to the bridleway would replace parts of the existing verges, but these are not particularly important or notable features in the context of the wider landscape. Overall therefore, the development's impact on the views from the adjoining bridleway and footpaths would be neutral.
22. With regard to any potential longer views, as confirmed by the submitted photographs as well as my own observations, the views from the hilltops to the east of the A49 are very distant; too distant, in my judgement, for most types of development to have any significant adverse impact. In addition, the views from Caer Caradoc in particular are also partly obscured by the existing trees. No medium-range views have been identified, and none are apparent. In the appeal proposal, the green cladding panels would help the new building to blend with its surroundings. The proposed roof-mounted solar panels would be likely to cause reflections, at certain times and seen from certain locations, but that effect would be dependent on the time of day and weather conditions. And in any event, the new building would be seen in the context of the existing works and the adjacent settlement. For most of the time therefore, the development now proposed would have little noticeable visual impact on views from the National Landscape.
23. Within the appeal site itself there are a number of trees, of varying age and quality. The proposed development and associated earthworks would require the removal of about 20 or so medium or larger-sized trees, as well as some smaller ones, including some of reasonable quality. However, these trees are seen primarily as part of the fringes of the much larger surrounding woodland, rather than as individual specimens, and none are readily visible outside of the close-range views that I have already identified. In this context, tree losses on the scale proposed would not be significant, and the effect of these losses on the National Landscape would be negligible. Space would also be available for replacement planting.

24. I am fully aware of the duty imposed by Section 85 of the Countryside and Rights of Way Act 2000, which requires relevant authorities and decision-makers, within AONBs, to seek to further the purpose of conserving and enhancing the area's natural beauty. However, that duty does not exclude the possibility of permitting any development. In this case, given the appeal site's high degree of visual and physical self-containment from the surrounding landscape, I am satisfied that the development now proposed would conserve the natural beauty of the Shropshire Hills in accordance with the provisions of the Act.
25. In coming to this view, I have also paid due regard to the Shropshire Hills AONB and National Landscape Management Plan, approved in January 2026, and also the Shropshire Landscape Typology report, dated September 2006. But neither of these documents seems to me to constitute planning policy, nor does either appear to be designed as a tool for use in determining planning applications. Clearly it is desirable that any development in the National Landscape should be sympathetically designed and located. And in the present case, it is undeniable that the proposed development would not conform to any traditional building forms or wider landscape characteristics. But these generalised considerations do not outweigh the conclusion that I have come to, based on the particular circumstances of the site itself, including its enclosed nature, its lack of wider visibility, and its current use and appearance.
26. For these reasons I conclude that, even having regard to the great weight that is to be afforded to the conservation and enhancement of National Landscapes, in this case the proposed development would have no significant adverse impact on the Shropshire Hills AONB and National Landscape. The scheme would therefore protect the county's environmental assets and natural resources in accordance with the aims of SCS Policy CS17 and SAMDev Policy MD12. In this regard the circumstances, in terms of the site's visual containment and the development's lack of visual impact, seem to me to be sufficiently exceptional as to meet the terms of NPPF paragraph 190.

*Effects on nearby occupiers and bridleway users*

27. In the SCS, Policy CS6 seeks amongst other things to ensure that development contributes to the health and well-being of communities, including by safeguarding residential amenity. In the SAMDev, Policy MD2 requires amongst other things that proposals contribute to and respect local amenity value, by responding to the form and layout of existing development and the way it functions. In the NPPF, paragraph 135 encourages developments to add to the overall quality of the area, and to promote well-being and a high standard of amenity. Paragraph 198 seeks to ensure that schemes mitigate and minimise any noise from development, and avoid noise impacts adversely affecting the quality of life in the area.
28. In the present case, the private road that serves the MWL site runs very close to the neighbouring residential properties, and the nearest of these, including No 83 Shrewsbury Road, No 4 Spring Bank, and The Coach House, are all sited within a few feet from it. The roadway itself is narrow, steep and winding. Vehicles using it must pass close to these three nearest dwellings, and are likely to do so in low gear. Such vehicle movements must clearly create some noise, and in the case of larger vehicles, also a certain amount of vibration.

29. Further noise resulting from these vehicle movements is likely to arise also in the form of engines idling, the loading and unloading of goods, the use of forklift trucks, hand trolleys, reversing beepers, the opening and closing of doors and roller shutters, and human voices. Some of these potential noise sources, though not all, are acknowledged in the appellants' noise assessment report. Together, vehicle and other noise impacts of these kinds are likely to adversely affect living conditions at the nearby properties.
30. In addition, it is clear from the volume of representations received, that the passage of large vehicles in such a relatively confined space, with restricted visibility, gives rise to fears or concerns amongst some, with regard to safety. These fears relate firstly to the safety of residents on foot, in the immediate vicinity of their homes; secondly that of persons using the private road as part of the bridleway route; and thirdly also the risk of damage to buildings and property. I appreciate that there is no evidence of any actual accidents or damage having occurred, but nevertheless, I have no reason to doubt that the fears expressed about these matters are real; and from my observations, they appear to be not without foundation. In these circumstances, the perceived danger from vehicle movements seems to me to add further to the effect of the MWL private road on nearby living conditions, as well as also to the enjoyment of bridleway users.
31. The appellants assert that the development now proposed would not result in any change from the existing numbers of traffic movements. However, the basis for this statement is not explained, and there is no further evidence as to the expected numbers or types of vehicles, or any related matters. The development would increase MWL's floorspace on the site to approximately double its present size, and the appellants freely acknowledge that the purpose of this is to allow the business to expand its production capacity. This being so, it seems logical to expect an increase in the volume of goods needing to be transported, both to and from the site, and that this would be likely to generate a corresponding increase in vehicle movements. Having regard to the matters discussed above, it follows that any such increase would be likely to exacerbate the existing impacts on local residents and bridleway users in terms of noise and perceived danger.
32. I saw on my visit that at present, vehicles taking the finished product from the site for distribution are currently loaded at the existing front entrance, where there is direct access from Shrewsbury Road. It seems to be suggested that this would continue. In that case, the MWL traffic using the private road would continue to be limited to deliveries, servicing and staff vehicles, as at present. However, even on this basis, there seems no reason to doubt that the numbers of vehicles using that road would increase, for the reasons that I have already identified. It also seems likely that such vehicles would include a proportion of HGVs, and indeed the new turning area that is proposed is evidently designed for larger vehicles. Consequently, regardless of where the unloading of the incoming goods takes place, or which of the existing or proposed doors is used, I can see no reason to doubt that the overall noise and associated impacts resulting from vehicles using the private road access would increase.
33. Furthermore, notwithstanding the above, the appellants' assertions regarding the use of the Shrewsbury Road loading door are not supported by any legal undertaking or agreement. The proposed new building would have a wide, roller-shutter door facing onto the private road, and there would appear to be nothing preventing this being used for the loading of outbound vehicles for distribution

purposes, in preference to Shrewsbury Road. In that case, the use of the private roadway could increase further, by a significant amount, as would the associated noise and other impacts. The lack of any clear information about these matters, or any formal commitment, is a significant gap in the appellants' case.

34. I acknowledge that it might be possible that some of these issues could be addressed through some form of management plan which would provide an agreed framework for the site's transportation requirements, vehicle movements and mitigation measures. But no such plan is before me, nor is there any suggestion that any such plan has been contemplated. And in any event, any such plan would in my view be likely to need careful scrutiny to ensure that it was capable of meeting its aim, and would also be enforceable. In these circumstances, it would not be appropriate to attempt to deal with these matters by condition, because there is no certainty that an acceptable plan could be devised which would overcome the potential harm that I have identified. And furthermore, for the avoidance of doubt, I have no power to impose any such plan, or to decide its terms.
35. With regard to noise from the proposed new building itself, I see no reason to disagree that such noise could be controlled by detailed design measures, as suggested in the appellants' noise report, and that these could be secured by means of conditions. But this does not overcome the issue that I have identified, relating to the noise and other impacts arising from the use of the private roadway, by vehicles and the associated unloading and movement of inbound supplies.
36. Consequently, for the reasons set out above, I conclude on this issue that the proposed development would give rise to unacceptable impacts on living conditions at nearby residential properties, and on users of bridleway No 0516/82/1, due to noise and the perceived risks of injury or damage. In this respect, the scheme would conflict with the relevant provisions of SCS Policy CS6, SAMDev Policy MD2, and NPPF paragraphs 135 and 198.

## **Other matters**

### *Groundwater protection and drainage matters*

37. The Council's refusal reason 1 (RR1) suggests a lack of information regarding various matters: the effects on groundwater within a source protection zone; the treatment of the culvert which carries the Cound Brook under the site; and surface and foul water drainage. This refusal reason appears to have been based on consultation responses received during the application period from the Environment Agency (the EA) and from the Local Drainage Authority (LDA).
38. Subsequently, the appellants submitted further information to the EA and LDA, including a flood risk assessment, hydrogeological risk assessment, and outline drainage strategy. On 11 November 2025, following further correspondence, the EA withdrew its earlier objections, subject to three conditions. These suggested conditions would require further details to be approved, with regard to the diversion of the culvert, the disposal of surface water, and the design of the building's foundations.
39. The LDA's position following the appellants' further submissions was stated in a letter dated 9 January 2026. In that letter the Authority raised various detailed issues, relating to the design of the culvert works, and temporary groundwater

protection measures during construction, and also seeks further details relating to foundations, pollution control, and both foul and surface water drainage. This letter however, followed after the same authority's own earlier consultation response at the application stage, which did not object, and suggested conditions relating only to flood risk assessment and drainage details.

40. The Council in its appeal statement refers to objections from the Lead Local Flood Authority (LLFA). However, no representations from that authority have been produced in evidence. I am aware that the LLFA and LDA functions are both performed by Shropshire County Council, but the relevant letters make it clear that they are written in the capacity of the LDA only. Given the LLFA's important role in relation to flood risk, groundwater, and watercourse structures, the lack of objection from that body seems to me to be significant.
41. I have paid full regard to the LDA's unresolved concerns, albeit raised somewhat belatedly. However, it seems to me that these outstanding matters are now primarily ones of detail, of a kind which are commonly dealt with by conditions; and indeed the LDA itself had previously accepted that some could be covered in that way. Some also appear to relate to matters that are controlled by other legislation, and therefore need not be subject to duplication through the planning process. None of the matters raised appears to me to suggest an objection to the development as such. The NPPF makes it clear, at paragraph 201, that in situations of this kind, the focus of the decision should be on whether the development would be an acceptable use of the land, rather than on the control of processes, especially where matters such as pollution control are subject to separate regimes.
42. SCS Policy CS18 seeks to ensure that developments avoid adverse impacts on water quality, including groundwater, but I can see nothing in this policy that would prevent this aim from being achieved by way of conditions. I note the Council's preference for a more precautionary approach, and accept that this may be appropriate in some cases. But in the present case that view again seems difficult to reconcile with the positive and constructive approach advocated by NPPF paragraph 39.
43. Having regard to all the above, I am satisfied that, had planning permission been granted, the Council's concerns regarding groundwater and drainage matters, so far as these are relevant planning considerations, could have been overcome by conditions.

### *Biodiversity*

44. The Council's RR6 raised various matters relating to the information submitted relating to biodiversity net gain (BNG). In its appeal statement, the Council acknowledges that, as a result of the further information submitted subsequently by the appellants, including a revised ecological appraisal and BNG report, these concerns have since been resolved<sup>4</sup>. The overall net gain indicated by the appellants is in the region of 12%, and this does not appear to be disputed. In the light of the matters now agreed, it is not necessary for me to consider RR6 further.
45. RR7 stated that a Section 106 agreement would be needed with regard to the costs of management and monitoring for the BNG provision, which is proposed to

---

<sup>4</sup> The Council's statement, para 5.14

be on land outside the application site but within MWL's ownership. The unilateral undertaking subsequently entered into by the appellants provides for the payment of a sum of money for this purpose. The amount provided is not contested by the Council, and indeed exceeds the recalculated sum which the Council has since stated that it would have accepted.

46. The Council contends that a unilateral deed is unsuitable in relation to BNG, for reasons of enforceability. But this seems to be based on a misunderstanding of the legal position. The undertaking clearly states that MWL covenants with the Council to carry out the works to provide the necessary BNG. Any default in that regard would be enforceable against the company, or any successor in title, by the Council. It is true that the Council itself is not formally bound by the undertaking, but that is of no consequence, because the only action required from the Council is to carry out monitoring; and any default in this regard would not affect the provision of the BNG itself. The Council's preference for a bilateral agreement is not a valid reason to discount the obligation that has been entered into.
47. The appellants meanwhile contend that the undertaking is unnecessary and excessive, and in one respect I am inclined to agree. That is because, in the case of BNG, such an obligation could equally well be secured at a later stage, prior to commencement, as part of the BNG Plan that would need to be approved in accordance with the statutory deemed condition<sup>5</sup>. It was therefore not necessary for the obligation sought by the Council to be entered into at this present stage in the process. But be that as it may, in this case the document has not been drafted so as to be conditional upon being found to be necessary or reasonable, and I therefore have no power to disapply it.
48. Having regard to the above, both RR6 and RR7 are now overcome. The potential to provide BNG slightly in excess of the minimum legal requirement of 10% adds some modest weight in favour of the development.

#### *The setting of the Conservation Area*

49. On its southern side, the appeal site adjoins the Church Stretton Conservation Area (the CA), which includes the MWL private road, and the properties in Shrewsbury Road and Spring Bank. However, this northernmost part of the CA contains no listed buildings, no non-designated heritage assets, and largely comprises inter-war and post-war ribbon development. None of the existing buildings appears to have any notable architectural or historic interest. The CA Appraisal Report is silent on this part of the area. The route followed by the remainder of what is now bridleway No 0516/82/1 may well have some antiquity, but is largely outside the CA. Consequently, in my view, this part of the CA is not especially sensitive in heritage terms.
50. The development now proposed would be visible from only a short length of the private road, and not from any other part of the CA. Given the low sensitivity of this part of the area, and the limited visibility, the overall visual impact on the area's character and appearance would be negligible, and the CA's setting would therefore be preserved. I note that the Council, despite raising this as an objection to the previous application, now appears to agree.

---

<sup>5</sup> Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990.

### *Traffic and highway safety*

51. Matters relating to highway safety are raised in the representations from local residents. On my visit to the site it was evident that, at the point where the MWL private road emerges onto Shrewsbury Road, visibility to the right is severely restricted, by the neighbouring property's retaining wall and vegetation. By most standards, such an access would to my mind be regarded as dangerous. I note that a previous application at the appeal site for a similar development to that now proposed was refused on this basis.
52. In the present appeal, as already noted, the appellants have stated that traffic numbers are not expected to change. If that statement can be substantiated, then it would be reasonable to conclude that the development would not materially worsen the existing situation. But as already explained, nothing in the evidence before me explains why such an outcome would be likely; nor how the future use of the site could be controlled to ensure that result. Nor is there any suggestion as to how access for construction traffic could be managed safely. As far as I am aware, no formal transport impact assessment appears to have been submitted.
53. I appreciate that the Council's highways officer has withdrawn his initial objection, but the reasons for that change of position are unclear. The evidence before me in this appeal provides no reassurance that the potentially serious danger that already exists at the appeal site entrance would not be exacerbated. NPPF paragraph 115 makes it clear that safe and suitable access to new developments is a matter of importance in national policy. In the circumstances, the lack of information on traffic generation and highway safety adds significant weight against the appeal.

### **Planning balance and conclusion**

54. For the reasons set out above, I am satisfied that the appeal proposal would contribute positively to sustainable economic growth and community vitality in Church Stretton, as sought by relevant planning policies, including SCS Policies CS1, CS3, CS5 and CS13. These economic and social benefits carry considerable weight in favour of the development. The scheme would also have the potential to provide gains to biodiversity, in excess of the minimum requirement, and this adds some further modest weight in favour.
55. However, in the absence of any controls over traffic movements on the existing private roadway access, the development would be likely to have unacceptable impacts on the living conditions of neighbouring occupiers, in terms of noise and disturbance, and also on safety for road users, bridleway users and local residents. Such impacts would be contrary to SCS Policy CS6, SAMDev Policy MD2 and relevant national policies. Although this harm, to living conditions and safety, would be relatively limited in extent, it would nevertheless be potentially severe. The seriousness of the potential harm means that these matters carry substantial weight, outweighing the benefits that have been identified.
56. The scheme would avoid harm to the Shropshire Hills National Landscape, or to the Church Stretton CA, and any impacts on groundwater or flood risk could be controlled adequately through conditions and other regimes. None of these matters therefore affects the overall balance. The same applies to all the other matters raised.

57. Consequently, whilst the development would accord with the majority of the most relevant development plan policies, in this case I find that this is outweighed by the potential harm that would result. It follows that the appeal must be dismissed.

*J Felgate*

INSPECTOR



---

## Appeal Decision

Site visit made on 31 March 2026

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

---

### Appeal Ref: 6004400

### The New Bungalow, A442 from Lodge Farm to Chapel Lane, Quatford, Bridgnorth, Shropshire WV15 6QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs M. Loveridge against the decision of Shropshire Council.
  - The application Ref is 25/03571/FUL.
  - The development proposed is demolition of existing bungalow and erection of a new two-storey replacement dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and relevant development plan policies;
  - the effect of the proposal on the openness of the Green Belt;
  - the effect of the proposal on the character and appearance of the surrounding area; and
  - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Whether Inappropriate Development*

3. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (Core Strategy) is of some age but still has some consistency with national Green Belt policy as it states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. However, it does not mention or apply the very special circumstances test as required by the Framework.
4. Policy MD6 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015) (SAMDev) states that development proposed

in the Green Belt must be able to demonstrate that it does not conflict with the purposes of the Green Belt. The policy permits development on previously developed sites, which would not have a greater impact on the openness of the Green Belt than the existing development, providing it would meet certain criteria. While the requirements set out in Policy MD6 broadly reflect some of the exceptions set out in paragraph 154 of the Framework, the overall policy approach is somewhat different and does not mention replacement buildings. It also does not mention or apply the very special circumstances test as required by the Framework.

5. Consequently, I consider Policy CS5 of the Core Strategy and Policy MD6 of the SAMDev not to be wholly consistent with the Framework and as a result I afford greater weight to the Framework in this regard.
6. The fundamental aim of Green Belt policy in the Framework is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
7. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
8. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an identified exception under sub-paragraph d) of the Framework paragraph 154 is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
9. The appeal site is within the Green Belt and comprises a detached single-storey bungalow in a prominent position above the A442 road. The existing bungalow would be replaced by a substantial two-storey dwelling. The proposal would be taller and wider than the existing dwelling and would have a larger overall floor area. The proposal's height and massing would therefore be markedly greater than the existing bungalow. It would also have a larger footprint than the present property, resulting in a significant increase in site coverage. As such, the proposed dwelling would be materially larger than the one it would replace. Therefore, the exception under sub-paragraph d) of the Framework paragraph 154 would not apply in this case.
10. Consequently, the proposal would represent inappropriate development within the Green Belt. It would therefore fail to accord with the Green Belt protection aims of the Framework. I am required to attach substantial weight to the harm caused by virtue of the proposal's inappropriateness.

#### *Openness of the Green Belt*

11. The proposed dwelling would have a greater height and width than the existing bungalow and would thereby enclose a greater amount of space resulting in a reduction in the openness on site. In a direct comparison between the existing and proposed structures the proposed building is bigger, bulkier, higher and wider than the existing bungalow. As a result of the increase in built form, the proposal would significantly reduce the openness of the Green Belt in spatial terms.

12. The proposal would be seen from public vantage points from the A442 road. It would result in an increase in scale and bulk, which would be a notable change from what is there now. This would result in a marked reduction to the openness of the Green Belt in visual terms.
13. Paragraph 142 of the Framework makes it clear that the essential characteristics of Green Belts are their openness and their permanence. For the reasons above, the proposal would diminish the contribution the appeal site makes to the openness of the Green Belt in spatial and visual terms. Consequently, there would be moderate harm to the openness of the Green Belt, which would be at odds with the fundamental aim of Green Belt policy. As above, I am required to attach substantial weight to this element of Green Belt harm.

#### *Character and appearance*

14. The appeal site comprises an existing single-storey detached bungalow in an elevated position above the A442 road. Despite this elevated position, the bungalow appears unassuming within the street scene when viewed from the road. Its traditional roof form, modest scale and balanced proportions allow it to sit comfortably within the semi-rural character and appearance of the locality.
15. In contrast, the proposed two-storey dwelling would have a distinctly contemporary appearance, incorporating several two-storey gable features on the front elevation alongside extensive areas of glazing. Positioned towards the front of the plot, the scale of the dwelling, combined with its complex design, would result in a conspicuous form of development. The high eaves, intricate roof form and substantial footprint would create a more dominant built form, leading to a significant increase in overall massing compared to the existing bungalow.
16. Due to its elevated position and its considerable size and bulk, the proposed dwelling would appear prominent in views outside the appeal site, particularly from the road. As a result, the form and scale of the proposal would cause harm to the pleasant semi-rural character and appearance of the surrounding area.
17. I acknowledge that Tulip Tree House is a large two-storey detached dwelling which has recently undergone significant extension works. However, the appeal dwelling to be demolished sits at a higher ground level than Tulip Tree House and is clearly separated from it. Due to the higher ground levels, the proposed two-storey dwelling would appear more prominent. Furthermore, its contemporary design would have no resemblance to the Georgian-revival style of Tulip Tree House.
18. For the reasons given, the proposal would harm the character and appearance of the surrounding area contrary to Policies CS6 and CS17 of the Core Strategy, and Policies MD2 and MD7a of the SAMDev. It would also fail to accord with the Framework, in particular paragraph 135, where it provides that planning decisions should ensure developments are sympathetic to local character.

#### *Other considerations*

19. The proposal would create employment for local builders and trades people, thus in turn contributing to the local economy. There would be social benefits by the provision of a modern family home, which would contribute to the vitality of the rural community and the Council's five-year housing land supply. The proposal would also present opportunities for energy efficiency measures, which could be

secured by condition. Nevertheless, these would be likely to amount to small benefits relating to just a single dwelling and therefore attract limited weight.

20. The proposal would make effective use of land, being for a replacement dwelling. I therefore attach moderate weight.
21. My attention has been drawn to Tulip Tree House, which has recently benefitted from significant extensions. I do not have the full circumstances of this case before me. However, according to the Council, the permission was on a site that was historically larger and more developed than the appeal site, as it had previously been occupied by a petrol filling station, service bay, and a two-storey dwelling. Therefore, it is not directly comparable to the proposal before me. Its relevance is therefore limited for the purposes of my determination of this appeal. As such, I give it little weight.
22. It is explained that the proposed dwelling is intended to be the appellant's home. Whilst acknowledging such intentions, they amount to personal benefits which in the context of the wider planning considerations relating to this appeal, attract only limited weight.
23. I note that the Council has been progressing a new local plan, which has failed examination. The appellant also indicates that the Council will need to undertake a Green Belt review. Nevertheless, the Council retains an adopted development plan. Moreover, Green Belt review is a matter for plan-making rather than development management. Accordingly, I attach little weight to this matter.

### **Planning Balance and Conclusion**

24. The appellant indicates that the Council does not have a five-year housing land supply (5YHLS) and suggests that the most important policies for determining this appeal are out-of-date, as set out in paragraph 11 d) of the Framework. Even so, just because a policy is deemed out-of-date does not mean that any conflict with it should be ignored. It also does not mean that it carries no weight. As set out in paragraph 232 of the Framework, the degree of weight given to any policy deemed to be out-of-date depends on its consistency with the Framework. The greater the consistency, the greater the weight. It is therefore a possibility that a policy deemed out-of-date due to a lack of housing land supply can carry substantial weight, nonetheless.
25. As set out above, Policy CS5 of the Core Strategy and Policy MD6 of the SAMDev predate the Framework and are not wholly consistent with it as they do not mention the 'very special circumstances' which allow inappropriate development in the Green Belt, and they do not make reference to replacement buildings. As a result, I afford the proposal's conflict with these policies moderate weight.
26. Policies CS6 and CS17 of the Core Strategy are, amongst other things, concerned with how the development would affect the character and appearance of the area. Policy CS6 seeks to protect and conserve the natural and built environment by ensuring that development is appropriate in scale, density, pattern and design, taking into account the local context and character, and those features which contribute to local character. Policy CS17 seeks to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's natural and built environment and contributes to local distinctiveness. In the above context, I find these policies to be broadly consistent with the

Framework and as such I afford them full weight. I also afford the conflict I have identified with them substantial weight.

27. Policy MD2 of the SAMDev, amongst other things, seeks to ensure development contributes to and respects local distinctiveness or valued character by responding appropriately to the form and layout of existing development and the way it functions, including building heights and lines, scale, density and plot sizes. Policy MD7a of the SAMDev states that replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. In the above context, I find these policies to be broadly consistent with the Framework and as such I afford them full weight. I also afford the proposal's conflict with these policies substantial weight.
28. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework also sets out that any harm to the Green Belt should be afforded substantial weight. In this context, very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
29. I have found that the proposal would amount to inappropriate development in the Green Belt in conflict with the aims of the Framework. It would also cause harm to the openness of the Green Belt. I afford these harms substantial weight in the planning balance. In addition, harm has also been identified to the character and appearance of the area, to which I also attach substantial weight.
30. Consequently, overall, I conclude that the harm by reason of inappropriateness, the harm to openness and the harm to the character and appearance of the area, are not clearly outweighed by the identified other considerations so as to amount to the very special circumstances required to justify the proposal. For this reason, I also consider there is a strong reason for refusing the proposal meaning that the presumption in favour of sustainable development as set out in the Framework paragraph 11 d) is not engaged.
31. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

*H Smith*

INSPECTOR

This page is intentionally left blank