



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

Date: Monday, 19 October 2026

Committee:
Southern Planning Committee

Date: Tuesday, 27 October 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 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*

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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>

Richard Phillips
Director – Legal and Governance (Monitoring Officer)

Members of the Committee

Beverley Waite (Chairman)
Nick Hignett (Vice Chairman)
Caroline Bagnall
Rachel Connolly
George Hollyhead
Benedict Jephcott
Nigel Lumby
Brendan Mallon
Chris Naylor
Colin Taylor
Sam Walmsley

Substitute Members of the Committee

Elizabeth Barker
Neil Bentley
Duncan Borrowman
Andy Davis
Greg Ebbs
Christopher Lemon
Alan Mosley
Mark Owen
Carl Rowley
Colin Stanford
Jon Tandy

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

When attending this meeting, Members are reminded of the three principles of the Jo Cox Foundation and Compassion in Politics Civility Pledge:

1. *Use a civil and constructive tone in debate*
2. *Act with integrity, honesty and compassion*
3. *Behave respectfully towards others, including those I disagree with*

*(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).

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 2)

To confirm the minutes of the Southern Planning Committee meeting held on 30 June 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 12.00 noon on Wednesday 21 October 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 Poultry Farm South West Of Manor Farm, Sheriffhales, Shropshire (25/01501/EIA) (Pages 3 - 40)

Erection of a poultry farm including 4no linked poultry houses with linked amenity building and associated concrete apron, feed bins, feed blending room, dead bird shed, dirty water tanks, biomass boiler house, hardstanding yard area and drainage attenuation pond

6 Proposed Residential Development Land North Of Linden Fields Minsterley Shropshire (25/03699/FUL) (Pages 41 - 74)

Erection of 25No. affordable dwellings including the provision of open space, landscaping and associated works

7 National Scheme of Delegation (Pages 75 - 82)

Report of the Area Planning Manager is attached

Contact Emma Green emma.green@shropshire.gov.uk

8 Schedule of Appeals and Appeal Decisions (Pages 83 - 224)

9 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 24 November 2026 at the Guildhall Shrewsbury.

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Committee and Date

Southern Planning Committee

27 October 2026

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 30 June 2026

2.00 - 2.10 pm in 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 (Chairman)

Councillors Nick Hignett (Vice Chairman), Caroline Bagnall, Thomas Clayton, Rachel Connolly, Benedict Jephcott, Nigel Lumby, Colin Taylor, Beverley Waite and Sam Walmsley

15 Election of Chairman

The Vice Chair, Councillor Nick Hignett called for nominations for the position of Chair.

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

That Councillor Beverley Waite be elected Chair of the Southern Planning Committee for the remainder of the municipal year

Councillor Waite took the Chair and thanked the committee for electing her

16 Apologies for Absence

Apologies for absence were received Councillor George Hollyhead

17 Minutes

RESOLVED:

That the Minutes of the meeting of the Southern Planning Committee held on 26 May 2026 be approved as a correct record and signed by the Chairman.

18 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 28 July 2026.

Signed (Chairman)

Date:



Committee and date

Southern Planning Committee

27th October 2026

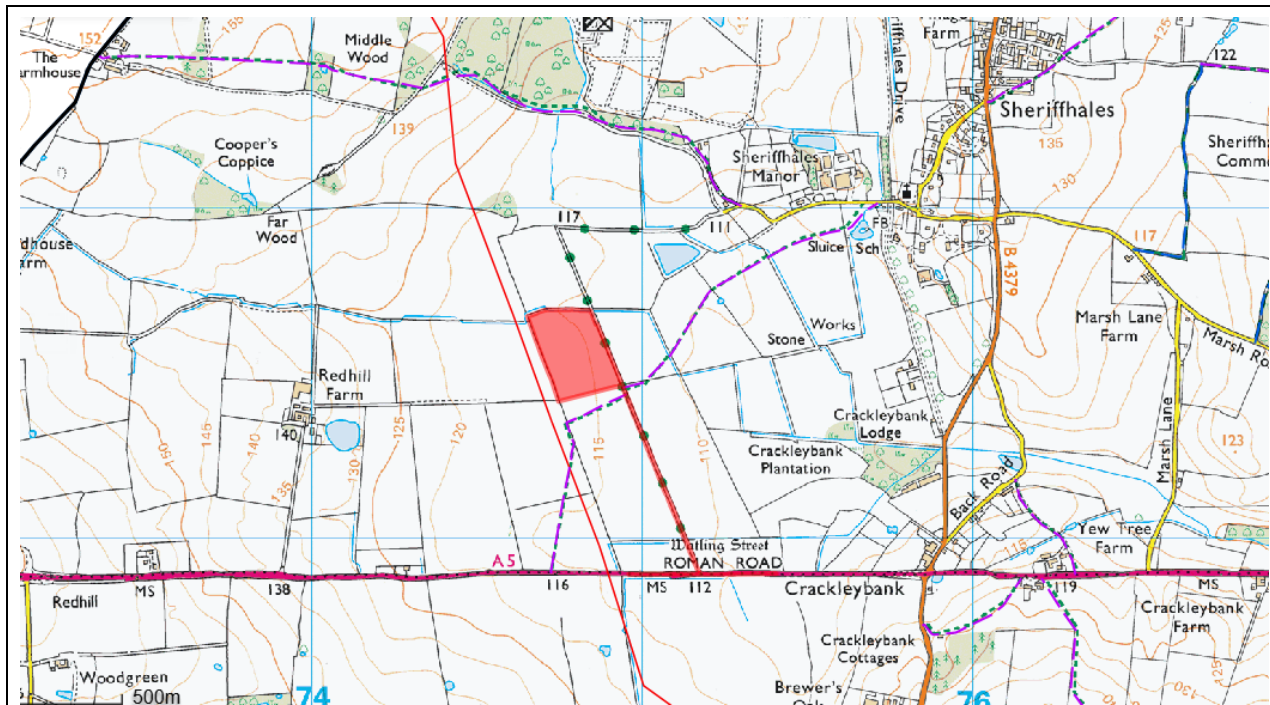
Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

Summary of Application

<u>Application Number:</u> 25/01501/EIA	<u>Parish:</u>	Sheriffhales
<u>Proposal:</u> Erection of a poultry farm including 4no linked poultry houses with linked amenity building and associated concrete apron, feed bins, feed blending room, dead bird shed, dirty water tanks, biomass boiler house, hardstanding yard area and drainage attenuation pond		
<u>Site Address:</u> Proposed Poultry Farm South West Of Manor Farm, Sheriffhales, Shropshire		
<u>Applicant:</u> Mr Anthony Robinson		
<u>Case Officer:</u> Louise Evans	<u>email:</u> Louise.m.evans@shropshire.gov.uk	

Grid Ref: 374846 - 311474



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 following expiry of the statutory publicity period for the further information published in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, provided that no new material planning considerations arise which, in the opinion of the Interim Head of Planning & Building Control, would alter the recommendation, with delegation to officers to update the reasoned conclusion and any planning conditions to account for further representations received prior to determination.

REPORT

1.0 THE PROPOSAL

1.1 The application seeks full planning permission for an intensive broiler-rearing unit comprising four linked poultry houses, a linked corridor and amenity building, concrete apron, eight feed bins, feed-blending room, dead-bird store, two underground dirty-water tanks, a biomass boiler house and stack, hardstanding, separate entrance and exit points, an attenuation pond and landscape planting. The four houses would provide 160,000 bird places, with 40,000 birds in each building.

- 1.2 The poultry houses would each measure approximately 97.55 metres by 24.69 metres, with 3 metre eaves and a ridge height of approximately 6.23 metres. The biomass building would measure approximately 30 metres by 24 metres, with 6 metre eaves, a ridge height of approximately 9.15 metres and an 11 metre stack. The buildings and feed bins would be finished predominantly in olive green profile sheeting.
- 1.3 Birds would be delivered as day-old chicks and reared for approximately 38 days, followed by a ten-day clean-out and preparation period, giving approximately 7.5 flock cycles each year. Birds would be removed at thinning and final clearance stages which would require limited night-time activity. The operation would employ two full-time staff.
- 1.4 Poultry manure would be removed after each cycle in sealed or sheeted vehicles and sent to a suitably permitted anaerobic digestion facility. Dirty wash-water would be contained within sealed tanks and removed by licensed contractors. The development requires an Environmental Permit before it can operate which is regulated by the Environment Agency.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is an approximately 5 hectare area of arable land around 800 metres west of Sheriffhales and about 550 metres north of the A5. It occupies the northern part of a long, broadly level agricultural field at approximately 114 to 116 metres AOD. An unclassified track forms the eastern edge and connects southwards to the A5. The built development would lie on the western side of that track.
- 2.2 The northern field boundary is defined by a ditch and outgrown hedgerow, and the eastern boundary by a lower hedgerow with mature trees. Similar arable fields, hedgerows, occasional trees and small water bodies characterise the wider Estate Farmlands landscape. Sheriffhales Model Flying Club occupies part of the same field around 400 metres to the south.
- 2.3 The nearest residential receptors are approximately 670 to 750 metres from the proposed buildings. Public rights of way 0140/3/1 and 0140/3/2 cross or approach the wider field and connect with the unclassified road, while route 0140/2/1 lies further north. The site is in Flood Zone 1. It is not within a designated landscape, although listed buildings, Sheriffhales Conservation Area and the registered park and garden at Lilleshall Hall lie within 2km of the application site.
- 2.4 The application shares the same site as a previous approval, 20/00820/FUL, for the relocation of a pig farm with associated buildings and works, which lapsed in July 2026. The current proposal was always intended to replace rather than

operate in addition to that use. The 20/00820/FUL permission was subject to a legal agreement securing the cessation of intensive livestock rearing within existing buildings at Manor Farm. However, the current application has been assessed on its own merits with regards to amenity such that there is no planning reason to require the applicant to enter into such an agreement for the current submission. The statutory nuisance matter was resolved through an abatement notice and court order outside of the planning system.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is reported to Southern Planning Committee because it is an EIA Schedule 1 development and in accordance with the Council's scheme of delegation, it must therefore be referred to Committee for determination.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

Natural England: no site-specific advice, referring the authority to Impact Risk Zones, standing advice and its duties in relation to designated sites.

Environment Agency: confirms that an Environmental Permit is required. Its advice addresses ammonia screening, noise, odour, dust, bioaerosols, water management, manure management and the biomass boiler. It recommends twin-tracking of the permit and planning processes, adequate water supply, pollution prevention and lawful management of manure and wash-water.

Council Ecology: accepts the ecological survey work and Biodiversity Net Gain proposals. Following review of the April 2026 ammonia assessment and March 2026 lichen surveys, the Council completed Habitats Regulations Assessment screening and concluded that there would be no likely significant effect on Aqualate Mere Ramsar or Motte Meadows SAC. Ecology also concludes that the predicted effects on Millingtons Coppice and Coopers Coppice ancient woodlands would not adversely affect the species present. Conditions are recommended for lighting, bat and bird boxes and skylark plots.

Highway Authority: no objection, subject to delivery of the A5 access improvements, a Construction Method Statement and an enforceable HGV routing plan requiring traffic to use the A5.

Environmental Protection: considers odour effects minimal because of the separation distances and accepts that normal operational noise would be low. It recommends acoustic screening for emergency gable fans and control of manure disposal. It notes that a dust assessment was not submitted.

Lead Local Flood Authority: accepts drainage in principle, subject to a pre-

commencement drainage condition requiring infiltration testing, legible and coordinated drainage drawings, confirmation of the attenuation feature and outfall details, and a maintenance scheme.

Trees: accepts the arboricultural reports and limited on-site losses, subject to tree protection and compensatory planting. Additional replacement planting is required for tree and hedgerow removal associated with the A5 junction works.

Conservation: no objection, subject to implementation of landscape mitigation.

Archaeology recommends a written scheme of investigation and watching brief during groundworks.

Rights of Way: confirms that no public right of way is directly affected.

Historic England: offers no site-specific advice.

ESP Landscape: confirms the LVA can be relied upon to support making an informed planning decision. The predicted adverse effects are localised, and it is considered that the Proposed Development generally complies with relevant aspects of the Council's Local Plan policies on landscape and visual amenity.

4.2 **Public representations**

Sheriffhales Parish Council: The Parish Council acknowledged the site's location within a rural farming area and recognised the need for agricultural development but expressed concerns regarding the operation and management of the proposed poultry unit, particularly in light of previous issues associated with the former pig unit on the site. Concerns were raised regarding the robustness and independent scrutiny of the Environmental Impact Assessment, the adequacy and speed of enforcement and regulatory responses should problems arise, the applicant's ability to operate the unit in accordance with required standards, staffing arrangements, site management procedures including mortality handling and cleaning regimes, and the need for the development to meet current environmental standards. The Parish Council requested that the application be determined by Planning Committee. Should planning permission be granted, the Parish Council sought regular monitoring of the site by the relevant regulatory bodies, improvements to the A5 junction prior to commencement of development, and the agreement and implementation of the surface water drainage strategy before any works begin.

The application has received 1,510 contributions, comprising 1,494 objections, 11 representations in support and five other representations. The majority of objections are standardised or substantially similar.

Objections

- **Residential amenity:** Concern that the development would generate unacceptable odour, ammonia, dust and other airborne emissions, adversely affecting the living conditions, health and wellbeing of nearby residents. Reference is also made to existing agricultural odour in the locality and the potential for cumulative effects.
- **Traffic and highway impacts:** Concern about additional HGV movements, highway safety, congestion, deterioration of local roads, noise, dust and vehicle emissions. Objectors question whether the surrounding road network and access arrangements are suitable for the scale and frequency of the proposed movements.
- **Adequacy and independence of the environmental information:** Requests have been made for an independent review of the Environmental Statement and the submitted air-quality, ammonia and odour assessments. Objectors question whether the submitted assessments fully address the direct, indirect and cumulative effects of the development.
- **Climate change and greenhouse-gas emissions:** It is asserted that the environmental information does not adequately assess the upstream and downstream greenhouse-gas emissions associated with the poultry operation, including feed production, transportation, energy use, manure management and the wider supply chain. Representors refer to the principles established in *Finch v Surrey County Council* [2024] UKSC 20.
- **Manure, litter and digestate management:** Concern is raised about the storage, transportation and subsequent spreading of poultry manure or litter, including where material may be taken to third-party land or anaerobic-digestion facilities. Objectors contend that the environmental effects of the complete waste-management process have not been assessed adequately, with particular concern about odour, dust, nutrient loading, runoff and pollution of rivers and groundwater.
- **Water quality and agricultural pollution:** Representations refer to the condition of the Worfe operational catchment and nearby watercourses, including Burlington Brook, Wesley Brook and the River Meese. Concern is expressed about existing ecological and phosphate pressures, the site's location within a nitrate-vulnerable zone and a groundwater drinking-water protected area, and the potential for the proposal to add to nutrient and agricultural pollution.
- **Reliance on other regulatory regimes:** Objectors argue that the Council should not assume that environmental permitting, the Farming Rules for Water or other regulatory controls would necessarily prevent pollution or amenity effects. References are made to *R (Squire) v Shropshire Council* [2019] EWCA Civ 888 and *NFU v Herefordshire Council* [2025] EWHC 536.
- **Anaerobic digestion and digestate:** Some objections discuss reported pollution incidents associated with anaerobic-digestion plants and digestate spreading, including nutrient enrichment and fish kills. It is

argued that the potential consequences of receiving, processing or spreading material arising from the poultry operation should form part of the environmental assessment.

- **Water consumption and abstraction:** Concern is expressed that insufficient information has been provided about the quantity and source of water required by the development. Objectors raise the possible effects of water abstraction on water availability, groundwater and protected ecological sites.
- **Ecology and designated sites:** Concern is raised about ammonia and nitrogen deposition on habitats and designated sites, including possible cumulative and in-combination effects with other intensive livestock developments and permitted agricultural installations. Objectors also question whether the implications for Ramsar sites, Special Areas of Conservation, Special Protection Areas and other sensitive habitats have been adequately assessed.
- **Biodiversity and land use:** Representations refer to the potential loss or degradation of habitats, impacts upon wildlife and the use of agricultural land for intensive livestock production. Wider concerns include the environmental consequences of feed production and alleged deforestation associated with imported animal feed.
- **Avian influenza and biosecurity:** Concern is raised about the potential spread of avian influenza and other diseases, particularly given the number of birds proposed and the presence of another intensive poultry unit in the surrounding area. Representors question the adequacy of separation distances and biosecurity arrangements.
- **Public health:** Objections refer to the possible effects of ammonia, dust, bioaerosols and antibiotic use. Wider concerns are raised regarding antimicrobial resistance and the public-health implications of intensive livestock production.
- **Animal welfare:** A significant number of objections oppose the development on animal-welfare grounds, including the proposed stocking levels, the ability of birds to exhibit normal behaviour, overcrowding, disease, injury, stress and mortality. Reference is made to the Animal Welfare Act 2006, animal-sentience legislation and recognised animal-welfare principles.
- **Landscape and rural character:** Concern is raised about the scale, massing and industrial appearance of the four linked poultry buildings and associated infrastructure, together with the effect of the development on the rural landscape and character of the surrounding countryside.
- **Economic and employment considerations:** Objectors dispute the claimed economic benefits of the proposal and argue that agricultural intensification has reduced overall agricultural employment. Concern is also expressed about possible effects on neighbouring businesses, property, tourism and the attractiveness of the area.
- **Food security and agricultural need:** Some representors dispute whether an additional intensive poultry unit is necessary for national or

local food security. They argue that poultry production remains reliant on imported feed and that the use of cereals and agricultural land for intensive livestock production is inefficient.

- **Alternative food-production systems:** A number of representations advocate reduced meat consumption and a greater emphasis on plant-based food production. They argue that alternative agricultural systems would provide greater climate, nature and food-security benefits.
- **Legal proceedings and precautionary approach:** Some objectors request that determination be deferred pending the outcome of other legal proceedings concerning intensive poultry development, river pollution or the adequacy of environmental assessment.

Representations in Support

The supporting representations identify the following benefits:

- contribution to domestic food production and national food security;
- reduced reliance on imported poultry products;
- production under UK environmental and animal-welfare standards;
- support for the agricultural economy and local employment;
- use of modern poultry buildings and management systems designed to control odour, emissions and waste;
- use of biomass energy and other efficiency measures;
- separation of the poultry buildings from residential properties;
- proximity to the A5 and the ability to access the strategic highway network; and
- the applicant's stated experience in responsible agricultural and waste management.

5.0 THE MAIN ISSUES

- 6.1 Environmental Impact Assessment
- 6.2 Principle of Development
- 6.3 Siting, Scale and Design: Landscape and Visual Impact
- 6.4 Residential Amenity: Odour, Noise, Dust and Lighting
- 6.5 Highways, Access and Rights of Way
- 6.6 Ecology, Biodiversity and Habitats Regulations
- 6.7 Flood Risk, Drainage and Water Resources
- 6.8 Manure and Waste Management
- 6.9 Trees, Heritage and Archaeology
- 6.10 Climate Change
- 6.11 Cumulative, Downstream and In-Combination Effects
- 6.12 Other Material Considerations
- 6.13 Environmental Impact Assessment Reasoned Conclusion

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The proposal exceeds the Schedule 1 threshold for intensive poultry rearing and is therefore Environmental Impact Assessment (EIA) development. The Environmental Statement, updated in August 2025 and in October 2026, assesses amenity, flood risk and drainage, ecology and ammonia, farm waste management and climate change, with stand-alone reports covering landscape, highways, heritage and arboriculture.

6.2 Principle of Development

6.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan therefore remains the statutory starting point for decision making and substantial weight should be afforded to policies that are relevant to the proposal and up to date.

6.2.2 The National Planning Policy Framework (NPPF) 2026 is a material consideration of significant weight and should be read as a whole. Where Development Plan policies are consistent with the Framework's objectives of achieving sustainable development, supporting a prosperous rural economy, protecting the environment and addressing climate change, those policies continue to attract full weight in the decision-making process. In this case, the proposal has been assessed against the relevant policies of the adopted Development Plan, with due regard also given to the guidance and policy objectives contained within the NPPF 2026.

6.2.3 With regard to the Development Plan, the site lies within the open countryside, where Core Strategy Policy CS5 supports agricultural and rural economic development, provided that large-scale proposals demonstrate no unacceptable adverse environmental effects and accord with Policies CS6 and CS17. SAMDev Policy MD7b similarly supports appropriately located agricultural development where its scale, design and environmental effects are acceptable.

6.2.4 The NPPF recognises the important role that a prosperous and productive agricultural sector plays in supporting the rural economy and food production. Policy E2 enables substantial weight to be afforded to the economic benefits of proposals and the benefits a scheme may have for domestic food production. Policy E4 supports the sustainable growth and expansion of rural businesses, including agricultural development, whilst Policy S5 identifies agriculture as a form of development that may be appropriate in countryside locations where there is an operational need for a rural siting. The Framework does not, however, provide unrestricted support for agricultural development and requires proposals to achieve sustainable development by balancing economic benefits against environmental and social impacts.

6.2.5 Accordingly, whilst substantial weight can be attributed to the contribution the

proposed poultry unit would make towards agricultural productivity, investment and employment within the rural economy, the acceptability of the proposal ultimately depends upon whether its effects in relation to matters such as landscape character, residential amenity, highways, ecology, water quality, climate change and pollution can be satisfactorily mitigated and whether the development accords with the wider objectives of the Development Plan and the environmental protections contained within the NPPF.

- 6.2.6 The proposal is linked to an established farming business and would replace a lapsed permission for an intensive pig unit on the same land. Poultry production is an agricultural use that requires a countryside location. The development would involve substantial capital investment and provide two direct full-time jobs, together with expenditure within the agricultural supply chain. These economic benefits attract substantial positive weight. Accordingly, the proposal benefits from policy support in principle as agricultural development requiring a rural location, subject to consideration of its detailed environmental and amenity impacts.

6.3 **Siting, Scale and Design: Landscape and Visual Impact**

- 6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.
- 6.3.2 With regard to policy MD7b, the site is approximately 850 metres from the existing buildings at Manor Farm. Siting the unit next to those buildings would bring it closer to dwellings in Sheriffhales and would not achieve the biosecurity separation needed for a broiler unit. HGVs would also have to use the U6338 and B4379 through the village rather than the A5. The site was previously found acceptable for an intensive livestock unit under 20/00820/FUL. Officers therefore consider that closer siting is not possible in this case and that the proposal does not conflict with Policy MD7b.
- 6.3.3 The four linked poultry houses would form a substantial group of agricultural buildings, supplemented by feed bins, a taller biomass building and an 11-metre stack. Their functional appearance is typical of modern intensive poultry facilities.

The buildings would be located within a large, broadly level arable field and finished in olive-green cladding to reduce visual contrast with the surrounding landscape.

- 6.3.4 Whilst the development is substantial in absolute terms, it would remain agricultural in character and use. Existing hedgerows and trees would largely be retained except where access works necessitate their removal. Additional woodland, hedgerow and grassland planting would assist in integrating the development into the surrounding landscape. Overall, the scale, siting and design are considered appropriate to the agricultural function and rural context of the site.
- 6.3.5 The Landscape and Visual Appraisal identifies the site as lying within the Estate Farmlands landscape type, characterised by mixed farming, medium-to-large field patterns, planned woodland, estate farmsteads and framed views. The site is not subject to any national or local landscape designation.
- 6.3.6 At Year 1, moderate adverse visual effects are predicted for users of Public Right of Way 0140/3/1 and the Model Flying Club, with moderate-to-slight adverse effects predicted for users of Public Right of Way 0140/3/2 and the adjoining unclassified road. Effects upon most residential receptors and road users are assessed as slight or negligible due to separation distances, orientation and intervening vegetation.
- 6.3.7 By Year 15, the establishment of approximately 2,670 square metres of native tree planting, 205 metres of native hedgerow planting and approximately 2.5 hectares of grass and wildflower seeding would reduce the principal visual effects to slight adverse or negligible levels. Landscape character effects would remain slight adverse.
- 6.3.8 Condition 11 in Appendix 1 will secure the detailed planting scheme, its implementation, post-planting maintenance and the replacement of failed planting during the specified five-year period. Whilst some localised visual effects would remain, particularly during the initial establishment period, the residual landscape and visual impacts would be limited and would not conflict with Policies CS6, CS17, MD2 or MD12. Limited adverse weight is therefore attributed to this matter.
- 6.4 **Residential Amenity: Odour, Noise, Dust and Lighting**
- 6.4.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

- 6.4.2 The updated odour assessment utilised five years of meteorological data and modelled the proposed 160,000-bird operation. Predicted odour exposure, expressed as the 98th percentile of hourly mean odour concentrations, falls below 1.5 ouE/m³ at all assessed receptors, with the highest predicted concentration recorded at the Model Flying Club grounds at 1.3 ouE/m³. The assessment concludes that all residual effects would be not significant. Environmental Protection has agreed that the substantial separation distances would render residential odour effects minimal, although occasional odour may be perceptible during short clean-out periods.
- 6.4.3 The noise assessment predicts very low impacts from normal operation of fans, boilers and associated vehicle activity at the nearest dwellings, together with negligible internal night-time effects. Emergency gable fans could give rise to a marginal increase in daytime noise levels during rare hot-weather conditions or equipment failures. A 2.8-metre-high acoustic barrier positioned parallel to the western ends of the poultry houses would reduce this effect and is secured through Condition 12 in Appendix 1.
- 6.4.4 Dust and bioaerosol risks have been considered but the nearest residential properties are located substantially beyond the 100-metre distance after which coarse and fine particulate matter emitted from poultry housing ventilation has been demonstrated to disperse and drop down to standard background levels. No further assessment for planning purposes is considered necessary.
- 6.4.5 Condition 12 in Appendix 1 will require the installation of an acoustic barrier and condition 16 will ensure sealed or sheeted transportation of manure. External lighting will be controlled through Condition 15 to protect both residential amenity and ecological receptors. Subject to these controls, officers are satisfied that the proposal would not result in unacceptable effects upon residential amenity.
- 6.5 **Highways, Access and Rights of Way**
- 6.5.1 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 proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements.
- 6.5.2 The Transport Statement predicts 866 two-way commercial vehicle movements per annum, with the majority of operational days generating between zero and six HGV movements. The peak period is associated with bird removal activities, during which up to 26 two-way HGV movements are anticipated. When compared with the former pig unit permission, the proposal would result in only a modest increase in traffic generation, equating to approximately one additional

vehicle movement per week and fewer than two additional HGV movements per day when averaged across the year.

- 6.5.3 All construction and operational HGV traffic would be required to route southwards from the site via the unclassified highway to the A5. This routing arrangement would be secured through a planning condition and reinforced through the implementation of the highway improvement works previously approved in connection with the former pig unit development. Importantly, the routing strategy would prohibit construction and operational traffic associated with the development from travelling through Sheriffhales. The Local Highway Authority raises no objection to the proposal, subject to the imposition of the access and vehicle routing controls contained within Conditions 5 and 17.
- 6.5.4 The proposed routing controls will ensure that HGV traffic associated with the development utilises the most appropriate sections of the highway network and avoids unnecessary impacts on Sheriffhales village. Officers are therefore satisfied that the traffic generated by the development can be accommodated safely and without detriment to the character or amenity of the local area.
- 6.5.5 Officers do not consider it necessary to require a Construction Method Statement, as suggested by the Local Highway Authority, given the nature of the surrounding highway network, the separate control of HGV routing throughout both construction and operation, and the substantial separation between the development and nearby residential receptors, which is such that significant construction-related highway or amenity effects are unlikely to arise.
- 6.5.6 No Public Rights of Way would be obstructed by the development, although construction activities would need to be managed appropriately to ensure the continued safety of users. Taking all matters into account, officers are satisfied that the proposal would not result in an unacceptable impact on highway safety, the convenience of highway users, or the operation of the local road network. Furthermore, the development would not give rise to a severe residual cumulative impact on the transport network and is therefore compliant with the relevant provisions of the Development Plan and the National Planning Policy Framework.
- 6.6 **Ecology, Biodiversity, Ammonia and Habitats Regulations**
- 6.6.1 Core Strategy policies CS6 and CS17 seek to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural 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.

- 6.6.2 The site comprises predominantly low-distinctiveness arable land together with sections of native hedgerow. The ecological assessment identifies potential for impacts upon nesting birds and foraging and commuting bats. The retention of mature trees, implementation of sensitive lighting design, seasonal vegetation clearance, provision of bat and bird boxes, skylark plots and additional landscape planting would avoid or mitigate residual ecological effects. These measures are secured through Conditions 7, 8, 10, 11, 14 and 15 of Appendix 1, together with the statutory biodiversity gain condition and the nesting-bird informative.
- 6.6.3 The biodiversity metric demonstrates an on-site gain of 1.90 habitat units, equivalent to 19.75%, together with a gain of 0.23 hedgerow units, equivalent to 22.92%. A Biodiversity Gain Plan will be required prior to commencement under the statutory biodiversity gain condition. The Habitat Management and Monitoring Plan will be secured via a separate pre-commencement condition, included as condition 10 within Appendix 1.
- 6.6.4 The April 2026 ammonia assessment predicts process contributions below 1% of the relevant critical level and critical load at the assessed SAC, Ramsar and SSSI receptors and accords with the requirements of Natural England guidance Air pollution and development: advice for local authorities. The Council Ecologist completed Stage 1 Habitats Regulations Assessment screening and concluded that the proposal would not be likely to have a significant effect, either alone or in combination, on Aqualate Mere Ramsar or Motte Meadows SAC. Appropriate Assessment is therefore not required.
- 6.6.5 At Millingtons Coppice and Coopers Coppice ancient woodlands, the April 2026 ammonia assessment predicts ammonia process contributions of $0.029 \mu\text{g}/\text{m}^3$ and $0.068 \mu\text{g}/\text{m}^3$ respectively, equivalent to 1.0% and 2.3% of the $3 \mu\text{g}/\text{m}^3$ critical level applied to these sites. Predicted nutrient nitrogen deposition is $0.228 \text{ kg N}/\text{ha}/\text{yr}$ at Millingtons Coppice and $0.530 \text{ kg N}/\text{ha}/\text{yr}$ at Coopers Coppice, equivalent to 2.3% and 5.3% respectively of the $10 \text{ kg N}/\text{ha}/\text{yr}$ lower critical load. Targeted lichen surveys found no nitrogen-sensitive lichen species of conservation concern, and the ammonia assessment therefore applies the higher $3 \mu\text{g}/\text{m}^3$ critical level to the ancient woodland receptors. The Council Ecologist concludes that the predicted increases would not adversely affect the species present and that no additional ammonia mitigation is necessary. Officers are therefore satisfied that the development would not result in the loss or deterioration of ancient woodland habitats.
- 6.6.6 The April 2026 Ammonia Assessments and March 2026 Lichen Survey are considered to constitute further information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The requisite external publicity is therefore being undertaken in accordance with the Regulations, and the application will not be determined until the relevant

statutory publicity period has expired. Should additional material representations be received which would alter the recommendation, the application will be brought back for a committee determination.

6.7 Flood Risk, Drainage, Groundwater and Water Resources

6.7.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.

6.7.2 The site lies within Flood Zone 1. The submitted Flood Risk Assessment identifies only a small area of shallow surface-water flooding risk within the northern part of the site. This would be addressed through raising finished floor levels to a minimum of 115.500 metres AOD and by directing exceedance flows away from buildings.

6.7.3 The drainage strategy proposes a sealed drainage network, filter drains and strips, attenuation features and a controlled discharge mechanism. The Lead Local Flood Authority raises no objection in principle but requires further infiltration testing, clarification of attenuation design, discharge arrangements and maintenance measures. Condition 6 will secure a detailed drainage scheme, including provision for the 1% annual exceedance event plus a 40% climate-change allowance together with appropriate pollution-control measures.

6.7.4 Representations have raised concerns regarding the source and volume of water required to serve the development and the potential effects of abstraction upon groundwater resources, watercourses, drinking-water supplies and ecological receptors. Further information has subsequently been submitted in the form of a water supply statement, which provides details regarding anticipated water demand and how this would be supplied. This is also subject to further publicity under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6.7.5 The applicant proposes to meet the water demand through a combination of a private borehole within the site and a connection to the public mains water supply. The borehole would provide the primary supply, subject to the applicable abstraction controls (20 m³ per day), whilst the mains connection would provide top-up water where demand exceeds the quantity available from the borehole and would also provide a backup supply should the borehole be unavailable.

6.7.6 The submitted calculations indicate that the borehole could meet the development's entire demand during the first 14 days of the flock cycle and during the 10-day turnaround period. Between days 15 and 38, when water demand exceeds 20 m³ per day, the balance would be provided from the mains supply. On this basis, approximately 621 m³, or 68%, of the 917 m³ required during each cycle would be obtained from the borehole, with approximately 296 m³, or 32%, supplied from the mains.

- 6.7.7 The applicant has also indicated an intention to seek an abstraction licence from the Environment Agency to enable the whole site's water demand ultimately to be supplied from the borehole, with mains water retained as backup. The statement identifies that this would require abstraction of at least 45 m³ per day and acknowledges that, until such a licence is granted, abstraction would remain limited to the licence-exempt arrangement described above, with the mains supply meeting the balance of demand.
- 6.7.8 The submission therefore provides substantially greater certainty regarding the anticipated water requirements of the proposed development and identifies a means by which the development could be supplied without reliance upon licensed groundwater abstraction, through the proposed combined borehole and mains arrangement. Any future proposal to increase groundwater abstraction beyond the licence-exempt quantity would remain subject to the separate abstraction licensing regime. The applicant's statement records that the Environment Agency would assess the effects of such abstraction on groundwater and other water users when determining any future licence application.
- 6.7.9 On the basis of the further information submitted, officers are satisfied that a practicable water-supply strategy has been identified which does not depend upon the grant of a future abstraction licence in order for the development to operate. Nevertheless, given that the precise borehole location has yet to be fixed and the mains connection forms an important component of the proposed supply strategy, it is appropriate for a planning condition to be used to secure the final details of the water source and supply arrangements prior to the development becoming operational. This will ensure that the development is served by an adequate and lawful water supply consistent with the water-demand parameters assessed through the application.
- 6.8 **Manure, Waste Management and Indirect Effects**
- 6.8.1 Officers have had specific regard to *R (Squire) v Shropshire Council* [2019] EWCA Civ 888, which established the need for the EIA to address likely significant indirect effects arising from off-site manure management and cautioned against assuming that such effects are controlled by the Environmental Permit. Furthermore, in accordance with the approach established in *R (Caffyn) v Shropshire Council* [2025] EWHC 1497 (Admin), officers have considered the reasonably foreseeable downstream effects arising from the management of poultry manure.
- 6.8.2 Approximately 1,763 tonnes of manure would be produced annually by the development, containing approximately 58.2 tonnes of nitrogen and 12.3 tonnes of phosphate, and would be removed from the site following each flock for treatment at permitted anaerobic digestion facilities. The resulting digestate would subsequently be applied to agricultural land, with the nutrients retained

within the digestate providing a substitute for manufactured fertiliser.

- 6.8.3 The ES assesses the downstream effects of manure and digestate, including its subsequent use on agricultural land, whilst the climate change addendum to the ES considers the associated greenhouse-gas implications, renewable-energy generation and displacement of manufactured fertiliser. The absence of manure storage at the poultry unit also reduces emissions associated with on-site manure management. The ES also specifically assesses the potential amenity effects of digestate spreading, concluding that odour effects would be temporary, infrequent and not significant, whilst dust effects would be negligible given that digestate is principally applied as a liquid or slurry.
- 6.8.4 Officers recognise that land spreading of digestate has the potential to give rise to environmental effects and that such downstream consequences form part of the assessment of the development. Officers do not assume that the existence of alternative regulatory regimes is, of itself, sufficient to render impacts acceptable. The planning assessment has considered the nature of the impacts identified, the controls available under those regimes, consultee responses, and whether any residual planning harm has been demonstrated. Having regard to the information contained within the ES and the regulatory controls applicable to the subsequent management and spreading of digestate, officers are satisfied that these effects have been assessed at a proportionate level and do not give rise to a likely significant environmental effect.
- 6.8.5 To provide planning certainty of the proposed measures, Condition 16 will prohibit the storage or spreading of manure on site, require all manure to be transferred to a suitably authorised facility for treatment, and require records of quantities, carriers and destinations to be retained for inspection. Given that the off-site waste-management route forms part of the assessed development, these restrictions are considered necessary and reasonable. Subject to these controls, the indirect effects associated with manure management would not be significant.
- 6.9 **Trees, Heritage and Archaeology**
- 6.9.1 Core Strategy policies CS6 and CS17, together with SAMDev policies MD2 and MD12, seek to protect and enhance trees, woodland, landscape character and biodiversity, whilst Core Strategy Policy CS17 and SAMDev Policy MD13 require development to conserve and, where possible, enhance heritage assets and their settings, including archaeological interests.
- 6.9.2 The arboricultural assessment identifies 26 individual trees, four groups and two hedgerows. Two sections of hedgerow H1 and tree group G2 would require removal to facilitate access works. The Council's Tree Officer accepts these losses subject to appropriate mitigation, including replacement planting and compensation for mature trees and hedgerow losses associated with the proposed A5 junction works.

- 6.9.3 Conditions 7 and 8 secure implementation and retention of the approved tree-protection measures, while Condition 11 secures detailed replacement planting, including planting associated with the A5 junction improvement works, together with establishment and replacement requirements.
- 6.9.4 The Heritage Impact Assessment, together with the advice provided by the Council's Conservation Officer, concludes that separation distances and intervening vegetation would substantially limit intervisibility between the development and Sheriffhales Conservation Area, nearby listed buildings and Lilleshall Hall Registered Park and Garden. No heritage harm is identified, subject to implementation of the proposed landscape mitigation.
- 6.9.5 The site retains archaeological potential due to evidence of nearby prehistoric and Romano-British activity. Accordingly, Condition 9 requires a programme of archaeological investigation and monitoring to be undertaken prior to and during development.
- 6.10 **Climate Change**
- 6.10.1 The proposal would result in embodied and operational greenhouse-gas emissions associated with construction, energy use and transportation. An additional climate change chapter has been submitted as an addendum to the Environmental Statement, providing further assessment of construction and operational emissions, downstream effects, renewable energy, manure management, import substitution and climate resilience. Construction emissions are assessed as low and not significant, with mitigation including efficient plant, local sourcing of materials where practicable and reuse of excavated materials on site.
- 6.10.2 Operationally, all space heating would be provided by a 1,047 kW biomass boiler fuelled by woodchip from the applicant's holding rather than fossil fuel, with an indicative saving of 360–600 tonnes CO₂e per annum compared with LPG heating. No manure would be stored on site, with approximately 1,763 tonnes per annum removed to permitted anaerobic digestion facilities for renewable energy production, with the resulting digestate used as fertiliser. The applicant estimates a further saving of approximately 120–170 tonnes CO₂e per annum through displacement of manufactured fertiliser.
- 6.10.3 Representations referring to *R (Finch) v Surrey County Council [2024] UKSC 20* and wider emissions associated with feed production, transport, processing and packaging are noted. The Addendum addresses *Finch* and *R (Caffyn) v Shropshire Council [2025] EWHC 1497 (Admin)* and now considers wider supply-chain emissions through life-cycle data stated to include feed production, transport, processing and packaging. It also estimates that domestic production from the development could avoid approximately 4,400 tonnes CO₂e per annum through displacement of higher-carbon imported poultry. Officers consider that

this import-substitution figure should be treated as indicative, as it depends upon assumptions regarding the extent to which production from the development would directly displace imports and their respective carbon intensities.

- 6.10.4 The Addendum also considers adaptation to climate change over the development's design life, including sustainable drainage incorporating climate-change allowances, controlled ventilation and cooling, water-supply resilience and landscape planting. The vulnerability of the development to climate change is assessed as low and not significant.
- 6.10.5 Overall, officers consider that the additional assessment provides sufficient information to reach a reasoned conclusion on the likely significant climate-change effects of the development. Whilst greenhouse-gas emissions would arise, identifiable mitigation is incorporated and no significant adverse climate-change effects are identified. The applicant's claimed wider carbon benefits, particularly those arising from import substitution, are afforded appropriate weight but are recognised as indicative rather than guaranteed outcomes. Climate-change considerations therefore do not weigh materially against the proposal.
- 6.11 **Cumulative, Downstream and In-Combination Effects**
- 6.11.1 Representations refer to *R (Caffyn) v Shropshire Council* [2025] EWHC 1497 (Admin) and argue that the Environmental Statement should assess the downstream effects of poultry manure following treatment at an anaerobic digestion facility, together with the cumulative effects arising from other intensive livestock developments. Officers have considered these matters as part of the environmental assessment rather than assuming that transfer to a separately regulated facility breaks the chain of causation.
- 6.11.2 The updated Environmental Statement identifies the quantity and characteristics of manure produced, its transfer to an authorised anaerobic digestion facility, the subsequent production of digestate and the potential pathways through which nutrients could affect surface water or groundwater receptors. The assessment concludes that significant effects are not predicted where digestate is used in accordance with applicable pollution-control regimes.
- 6.11.3 Condition 16 prohibits on-site storage or spreading, requires the transfer of manure in sealed or sheeted vehicles and requires retention of records documenting quantities, carriers and destinations.
- 6.11.4 The April 2026 ammonia assessment and the Council Ecologist's Habitats Regulations Assessment screening also consider relevant plans and projects, including environmental permitting information. The Council Ecologist concludes that no other relevant projects would contribute materially to the ammonia process contributions identified in respect of the European sites assessed.

- 6.11.5 Officers are therefore satisfied that cumulative, downstream and in-combination effects have been appropriately considered and that the Environmental Statement, together with the proposed conditions and regulatory controls, provides a sufficient basis for a reasoned conclusion.
- 6.12 **Other Material Considerations**
- 6.12.1 **Waste Management:** Reference has been made by objectors to *The National Farmers' Union v Herefordshire Council & Ors [2025] EWHC 536 (Admin)*. The judgment concerned the lawfulness of a policy within the Herefordshire Minerals and Waste Local Plan, including provisions requiring waste management information and, within specified SAC catchments, nutrient neutrality for livestock developments. The High Court dismissed the NFU's challenge and accepted that planning policy could legitimately address the environmental effects associated with agricultural waste and manure management, notwithstanding the existence of separate regulatory controls.
- 6.12.2 The judgment does not, however, establish that intensive poultry development is unacceptable in principle or that every poultry proposal must demonstrate nutrient neutrality; the relevance of manure management and potential water-quality effects remains dependent upon the development plan and the environmental circumstances of the individual proposal.
- 6.12.3 Accordingly, the judgment has been taken into account in determining the application, with the potential effects arising from poultry manure/litter and water quality considered on their site-specific merits alongside the submitted environmental information and consultation responses.
- 6.12.4 **Animal Welfare:** Representations raise concerns regarding stocking density, fast-growing breeds, lameness, mortality, the ability of birds to express natural behaviours and the potential need for flock culling. Animal welfare concerns are capable in law of being material planning considerations where they relate to the character or land-use consequences of development. *Animal Equality UK v North East Lincolnshire Borough Council [2025] EWHC 1331 (Admin)* confirms that decision-makers may take such matters into account where relevant but does not require animal-welfare concerns to determine the outcome of every planning application.
- 6.12.5 The concerns raised have been considered carefully. However, no site-specific evidence has been submitted demonstrating that the proposed development would be incapable of operating in compliance with the Welfare of Farmed Animals (England) Regulations 2007, the Animal Welfare Act 2006 or other relevant legislation. Matters relating to husbandry, stocking densities, veterinary treatment and disease management are principally regulated through specialist statutory controls.
- 6.12.6 Whilst the concerns raised are a material consideration, officers do not consider

that the evidence demonstrates a distinct land-use impact sufficient to justify refusal of planning permission.

- 6.12.7 **Public Health, Antimicrobial Resistance and Biosecurity:** Representations raise concerns regarding antibiotic use, antimicrobial resistance, avian influenza, biosecurity, flock culling and wider public-health implications. The application does not specify any particular use of veterinary medicines, which would be prescribed and administered in accordance with separate legislation. No evidence has been provided demonstrating that the development, if operated lawfully, would result in measurable site-specific effects on antimicrobial resistance or unacceptable risks to neighbouring occupiers.
- 6.12.8 Similarly, concerns regarding avian influenza and pandemic risk are acknowledged. Such matters are regulated through statutory disease-surveillance, notification and biosecurity regimes administered by Defra and the Animal and Plant Health Agency. The proposed development incorporates controlled access arrangements, enclosed poultry housing, hardstanding and managed carcass-storage and collection facilities.
- 6.12.9 No statutory consultee has identified a site-specific disease-control objection to the proposal. In the absence of evidence demonstrating a material planning harm, limited weight is attached to these concerns.
- 6.12.10 **Wider Sustainability and Public Interest Considerations:** Representations raise concerns regarding particulate emissions, chronic disease, worker wellbeing, dietary policy, food-system sustainability and other broader ethical considerations associated with intensive livestock farming.
- 6.12.11 Officers have carefully considered the site-specific pathways through which the proposal could affect people and the environment, including odour, ammonia, noise, dust, bioaerosols, traffic and water pollution. Having regard to the submitted technical evidence, consultation responses and proposed mitigation measures, these impacts are considered capable of being controlled to an acceptable level.
- 6.12.12 The wider ethical and policy arguments advanced by objectors are acknowledged and have been taken into account. However, planning weight is attached to the planning relevance and evidential basis of the matters raised rather than to the number of representations received. Officers do not consider that the broader concerns identified outweigh the support afforded to the development through the Development Plan or alter the conclusion that unacceptable environmental effects have not been demonstrated.
- 6.12.13 Certain matters raised, particularly ethical objections to intensive poultry production, dietary choices and general opposition to the lawful consumption of poultry products, do not directly concern the land-use merits of the application.

6.13 Environmental Impact Assessment Reasoned Conclusion

- 6.13.1 The application is supported by an Environmental Statement submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as required for Schedule 1 development. The Environmental Statement, together with the further environmental information submitted during the determination of the application, has identified, described and assessed the likely significant effects of the development, including direct, indirect, cumulative and downstream effects.
- 6.13.2 The assessment identifies localised moderate adverse visual effects during the early years of the development, principally affecting users of Public Right of Way 0140/3/1 and the Model Flying Club, which would reduce as the proposed landscaping becomes established. Other assessed environmental effects are generally low or not significant, subject to the mitigation incorporated within the development. The principal mitigation relied upon includes the proposed landscape and habitat planting; tree protection and ecological measures; acoustic screening of the emergency ventilation fans; controlled external lighting; surface-water drainage and pollution-control measures; restrictions on bird numbers and growing cycles; transfer of poultry manure to a suitably permitted anaerobic digestion facility for treatment with no on-site storage or spreading; controls over the development's water supply and groundwater abstraction; improvements to the A5 access and restriction of HGV movements to the agreed A5 route; and archaeological investigation and monitoring. These measures are incorporated within the submitted scheme or secured through the conditions attached to the permission.
- 6.13.3 Having taken account of that mitigation, the residual effects include localised adverse landscape and visual effects, particularly during the early establishment period, but no unacceptable significant adverse environmental effects have been identified. The Local Planning Authority is therefore satisfied that sufficient environmental information is available to reach a reasoned conclusion on the significant effects of the development and that, subject to the identified mitigation and conditions, those effects do not warrant refusal of planning permission.

7.0 CONCLUSION AND PLANNING BALANCE

- 7.1 The proposal benefits from policy support in principle as agricultural development requiring a rural location, in accordance with Core Strategy Policy CS5, SAMDev Policy MD7b and the provisions of the NPPF 2026 supporting a productive and sustainable rural economy. The development would represent a significant investment in an established farming enterprise, contribute towards food production, support the agricultural sector and rural economy, provide employment opportunities, and deliver biodiversity net gain and landscape enhancements. These benefits attract substantial weight in favour of the

proposal.

- 7.2 Against these benefits, the proposal would result in some adverse landscape and visual effects, particularly during the early years before mitigation planting becomes fully established. However, these impacts are localised, would reduce over time and attract only limited weight against the development. The Environmental Statement, consultation responses and additional technical evidence demonstrate that impacts relating to residential amenity, highways, ecology, biodiversity, ammonia emissions, water resources, heritage, archaeology, flood risk, drainage and climate change can be appropriately mitigated and controlled through planning conditions and other regulatory regimes. No statutory consultee maintains an objection to the proposal.
- 7.3 Having regard to the Development Plan, the NPPF 2026, the Environmental Impact Assessment, consultation responses and all other material considerations, officers conclude that the proposal would not result in unacceptable environmental effects and that the identified adverse impacts do not outweigh the economic, agricultural and environmental benefits of the development. The proposal therefore represents sustainable development, accords with the Development Plan when read as a whole, and there are no material considerations which indicate that planning permission should be withheld. Approval is therefore recommended, subject to the conditions set out in Appendix 1.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

The principal risks are an appeal against refusal or conditions, a third-party judicial review, and an appeal against non-determination. The recommendation is based on the development plan, the Environmental Statement, consultee advice and the evidence before the authority. Clear reasons and enforceable conditions reduce the decision-making risk.

8.2 Human Rights

Article 8 and First Protocol Article 1 have been taken into account. The rights of the applicant and landowner have been balanced against the amenity and property interests of neighbouring occupiers and the wider public interest.

8.3 Equalities

No evidence indicates that the proposal would cause unlawful discrimination. Equality considerations have been included in the overall assessment under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

There may be financial implications if the decision or any condition is challenged

by appeal or judicial review. The cost and resource implications would depend on the form and complexity of any challenge.

10.0 Artificial Intelligence

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

11.0 Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7b - General Management of Development in the Countryside
MD8 - Infrastructure Provision
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

PREAPP/18/00212 Relocation of existing pig farm to new site and redevelopment of existing site for residential purposes. PREAMD 19th July 2019
20/00820/FUL Formation (relocation) of pig farm including erection of two pig rearing buildings, two straw storage buildings, one hospital/lairage building, one workshop/machinery storage building and one bio-security building; with all associated works GRANT 7th July 2023
PREAPP/24/00046 Erection of four poultry units to house up to 200,000 broiler birds per cycle. PREAMD 25th March 2024
24/01429/SCO The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 request for scoping opinion - erection of four poultry units to house up to 200,000 broiler birds per cycle. SCO 30th May 2024

12.0 Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SUTOTXTDHCX00>

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 Elizabeth Barker
Appendices APPENDIX 1 – Conditions APPENDIX 2 – HRA screening

APPENDIX 1

Conditions

STANDARD CONDITIONS

Time limit

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).

Approved plans

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents.

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

Maximum bird numbers

3. The four poultry units hereby permitted shall accommodate no more than 160,000 birds in total at any one time.

Reason: To ensure that the restriction on the maximum number of birds to be kept in the buildings at any one time can be satisfactorily enforced, in order to prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

Number of growing cycles

4. (a) There shall be no more than 8 bird growing cycles per calendar year.
(b) Records of the start and finish date of each growing cycle shall be made and shall be made available to the local planning authority on request.

Reason: To ensure that the number of bird growing cycles does not increase significantly over that proposed in order to limit the potential for adverse impacts due to odour and ammonia emissions.

CONDITIONS REQUIRING APPROVAL BEFORE DEVELOPMENT COMMENCES

Highway access works

5. No development shall take place until a scheme for access improvement works to the A5 junction in general accordance with plan SA29727_H_02, including the layout, construction, sightlines and any landscaping works have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory means of access to the highway, in the interests of highway safety and visual amenity.

Surface and foul drainage

6. No development shall commence until a final surface-water and foul/dirty-water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include BRE365 infiltration testing and groundwater levels; justification of the disposal hierarchy; design for the 1% annual exceedance event plus 40% climate change; attenuation and discharge rates; outfall and headwall details; pollution-control treatment; finished floor levels; exceedance routing; construction phasing; and a maintenance and inspection plan. The approved scheme shall be completed before first use and maintained for the lifetime of the development.

Reason: To secure satisfactory drainage, protect groundwater and prevent increased flood or pollution risk.

Arboricultural matters

7. All pre-commencement tree works and tree protection measures as detailed in Section 2 and Appendix 3 (2058.TPP Rev 1) of the Arboricultural Method Statement and Tree Protection Plan (2058.AMS, Quants Environmental, February 2025) shall be fully implemented before any development-related equipment, materials or machinery are brought onto the site. Photographic evidence to demonstrate installation of the approved tree protection measures shall be submitted to the written approval of the LPA, prior to commencement of development.

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

8. The development shall be implemented in accordance with Section 2 and Appendix 3 (2058.TPP Rev 1) of the Arboricultural Method Statement and Tree Protection Plan (2058.AMS, Quants Environmental, February 2025). 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 and to protect the natural features that contribute towards this and that are important to the appearance of the development.

Archaeology

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.
9. (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 must be provided to the local planning authority prior to first use or occupancy of the development.

Reason: The site is known to hold archaeological interest.

Habitat Management and Monitoring Plan

10. The development shall not commence until a Habitat Management and Monitoring Plan prepared in accordance with the approved Biodiversity Gain Plan and including:
- a) A non-technical summary;
 - b) The roles and responsibilities of people or organisation(s) delivering the Habitat Management and Monitoring Plan;
 - c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development and
 - e) The monitoring method and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority
 - f) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - g) Implementation timetables

Reason: In order to comply with the requirements of Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

Landscaping

11. (a) No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a landscaping scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape ' Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance, both within site and around the improvement works at the junction with the A5.
11. (b) The approved landscaping scheme shall be implemented as specified and completed prior to first use of the development for its intended purpose, or otherwise in accordance with a phased programme of delivery to the written approval of the LPA. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

CONDITIONS REQUIRING APPROVAL BEFORE FIRST USE

Acoustic barrier

12. Prior to the first operational use of the development hereby permitted, details of an acoustic barrier serving the emergency gable-end ventilation fans shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the location, alignment, height, length, construction, materials and acoustic performance of the barrier and shall demonstrate that it will obstruct the direct line of sight between the emergency gable fans and the noise-sensitive residential receptors assessed in the submitted Noise Impact Assessment. Unless otherwise demonstrated through an acoustic assessment and agreed in writing by the Local Planning Authority, the barrier shall have a minimum height of 2.8 metres. The acoustic barrier shall be installed in accordance with the approved details prior to the first operational use of the poultry houses and shall thereafter be retained and maintained in an effective condition for the lifetime of the development.

Reason: To protect residential amenity during operation of emergency gable fans.

Water supply and efficiency

13. Prior to the first operational use of the development, a detailed water supply scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) details of the location and specification of the proposed borehole and the means of abstraction;
 - b) confirmation of the connection to the public mains water supply and its availability to provide the required supplementary and backup water supply;
 - c) details of the arrangements for controlling and monitoring abstraction from the borehole, including metering;
 - d) confirmation of whether an abstraction licence or other regulatory consent is required and, where required, evidence that the relevant licence or consent has been obtained; and
 - e) details of water-efficiency measures and the arrangements for monitoring water consumption.

The approved water supply scheme shall be fully implemented and operational prior to the first operational use of the development and shall thereafter be maintained for the lifetime of the development. Unless otherwise authorised by an abstraction licence granted by the Environment Agency, abstraction from the borehole shall not exceed 20 cubic metres in any period of 24 hours, with water demand exceeding this quantity being met from the mains water supply.

Reason: To ensure that the development is provided with an adequate and lawful water supply, to ensure that groundwater abstraction is appropriately controlled, and to safeguard water resources and other water-dependent receptors.

Ecological enhancements

14. Prior to first operational use of the buildings, details of the following roosting and nesting opportunities shall be submitted to and approved in writing by the Local Planning Authority:
- A minimum of 2 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 4 artificial nest boxes, suitable for a range of species, such as tit species (26mm or 32mm hole, standard design), robins and blackbirds (open-fronted) and wrens (wren-specific).
 - A minimum of 2 skylark nesting plots within the larger area of modified grassland to the north of the buildings. These should measure 16 - 24m² and be positioned away from field edges and tramlines.
- The roosting and nesting opportunities shall be sited in appropriate locations, with a clear flight path and where they will be unaffected by artificial lighting and provided in accordance with the agreed details prior to the first use of the development hereby permitted. Roosting and nesting opportunities shall thereafter be maintained for the lifetime of the development.
- Reason: To ensure the provision of roosting and nesting opportunities.

External lighting

15. 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 (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. 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.

CONDITIONS FOR THE LIFETIME OF THE DEVELOPMENT

Manure and dirty water management

16. No poultry manure shall be stored or spread on the application site. All manure shall be loaded directly into sealed or fully sheeted vehicles and transferred for treatment to an anaerobic digestion facility holding an Environmental Permit authorising the receipt and treatment of the manure. Dirty wash-water shall be held in sealed tanks and removed by a licensed carrier to an authorised treatment facility. Records of quantities, dates, carriers and destinations shall be retained for five years and provided to the Local Planning Authority on request.
- Reason: To ensure the waste route assessed in the EIA is followed and to protect amenity and the water environment.

HGV routing

17. All Heavy Goods Vehicles (HGVs) associated with the construction, operation and maintenance of the development shall access and egress the site solely via the A5 to the south of the site. No HGV associated with the development shall travel to or from the site via the U6338 or the B4379 through the settlement of Sheriffhales.

Reason: To protect residential amenity and highway safety within Sheriffhales and to ensure that HGV traffic associated with the development utilises the most appropriate routes within the local highway network in accordance with the Development Plan and the National Planning Policy Framework

HGV ROUTING INFORMATIVE

Appropriate measures to ensure compliance with the approved routing strategy could include driver instructions, signage and contractual arrangements with contractors, suppliers and operators and the Local Planning Authority encourages the developer/operator to utilise some/all of these measures over the lifetime of the scheme.

NESTING BIRDS INFORMATIVE

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

GENERAL SITE INFORMATIVE FOR WILDLIFE PROTECTION

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300

060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

APPENDIX 2

Habitats Regulations Assessment (HRA)

1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This HRA is required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening / Appropriate Assessment matrix:

28th September 2026

HRA completed by:

Sophie Milburn Planning Ecologist

2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Project details	25/01501/EIA
-----------------	--------------

Name and description of Natura 2000 sites	Aqualate Mere Midland Meres and Mosses Ramsar Phase 2 (241.00ha) is the largest of the meres with the most extensive reedswamp community. The mere and its surrounds form a complex of open water, fen, grassland and woodland. The site has nationally important numbers of breeding herons <i>Ardea cinerea</i> and passage shoveler <i>Anas clypeata</i> and is regionally significant for breeding waders. It is included within the Ramsar Phase for its Open Water, Swamp, Fen, Wet Pasture and Carr habitats with an invertebrate assemblage. Mottey Meadows represents lowland hay meadows in the English Midlands, and holds a relatively large area of the habitat (approximately 40 ha). The site contains grassland with limited influence of agricultural intensification and so demonstrates good conservation of structure and function. There are transitions to other dry and wet grassland types. The site is important for a range of rare meadow species, including fritillary <i>Fritillaria meleagris</i> at its most northerly native locality. Annex I habitats that are a primary reason for selection of this site • Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>)
Description of the project and potential pathways of impact	Proposed Poultry Farm South West Of Manor Farm, Sheriffhales, Shropshire – Erection of a poultry farm including 4no linked poultry houses with linked amenity building and associated concrete apron, feed bins, feed blending room, dead bird shed, dirty water tanks, biomass boiler house, hardstanding yard area and drainage attenuation pond Potential effect pathway of ammonia emissions and nitrogen deposition
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No

2.2 Screening for likelihood of significant effects on European Sites

For the designated sites within the relevant screening distances, the Ammonia Emissions: Impact Assessment (Isopleth, April 2026) has calculated that the proposed development will result in the following process contributions towards the critical level of ammonia and the critical level of nitrogen:

Site and designation	Distance from site	%age PC of CLe	%age PC of CLo
Aqualate Mere Ramsar (part of Midland Meres & Mosses Phase 2)	8.4km	0.5%	0.4%
Mottey Meadows SAC	8.9km	0.2%	0.3%

PC = Process Contribution

CLe = Critical Level of ammonia

CLo = Critical Load of nitrogen

There are no other projects that will contribute in-combination to the development's process contributions of ammonia and nitrogen.

The contributions are <1% of the CLe and CLo, therefore, in line with Natural England's guidance, it can be concluded that the proposal will not result in any likely significant effects on Aqualate Mere Ramsar (part of Midland Meres & Mosses Phase 2) or Mottey Meadows SAC.

2.3 Summary of Stage 1 screening

Stage 1 screening concludes that the proposal will not result in any likely significant effects on Aqualate Mere Ramsar (part of Midland Meres & Mosses Phase 2) or Mottey Meadows SAC.

Stage 2 (Appropriate Assessment) is therefore not required.

3.0 Final conclusions

Following Stage 1 screening, Shropshire Council concluded that the proposed development will not result in any likely significant effects on Aqualate Mere Ramsar (part of Midland Meres & Mosses Phase 2) or Mottey Meadows SAC.

Appendix 3 Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant

effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 63, part 1:

63. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 63, part 5:

63. (5) In light of the conclusions of the assessment, and subject to regulation 64 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site", or "it may happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – *Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009)*.

63. (6) In considering whether a project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

Habitats Regulations Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 64 of the Conservation of Habitats and Species Regulations 2017. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to

determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

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Committee and date

Southern Planning Committee

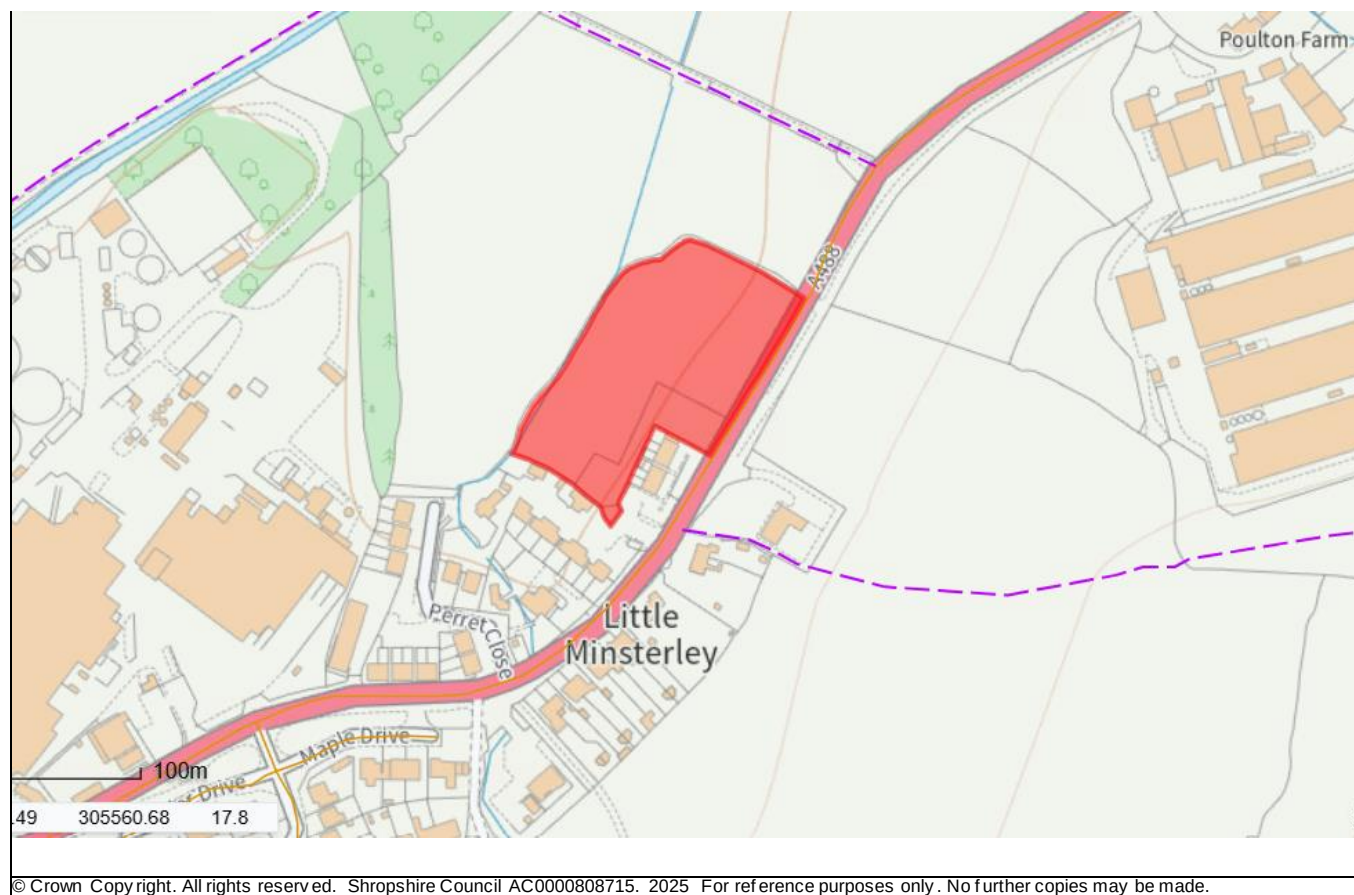
Tuesday 27 October 2026

Development Management Report

Responsible Officer: Kassandra Polyzoides, Service Director - Place Shaping

Summary of Application

<u>Application Number:</u> 25/03699/FUL	<u>Parish:</u>	Minsterley
<u>Proposal:</u> Erection of 25No. affordable dwellings including the provision of open space, landscaping and associated works		
<u>Site Address:</u> Proposed Residential Development Land North of Linden Fields Minsterley Shropshire		
<u>Applicant:</u> Bowsall Developments Ltd and the Housing Plus Group Ltd		
<u>Case Officer:</u> Melanie Williams	<u>email:</u> melanie.williams@shropshire.gov.uk	
<u>Grid Ref:</u> 338042 - 305423		



Recommendation:- Grant Permission subject to a S106 agreement and delegated authority to officers to agree the S106 agreement and finalise suitable conditions in accordance with Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 25 affordable dwellings together with associated access, parking, landscaping, public open space, drainage infrastructure and all associated works on land at Station Road, Minsterley.
- 1.2 The development has been promoted as a 100% affordable housing scheme to be delivered by a Registered Provider and includes a mix of dwelling types intended to meet identified local housing needs. The proposal incorporates areas of public open space, structural landscaping, biodiversity enhancements and sustainable drainage measures.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located on land off Station Road, Minsterley and lies adjacent to the established development boundary of the settlement. The site comprises predominantly undeveloped land and is bordered by existing residential development to part of its boundary, together with highways infrastructure, hedgerows and areas of vegetation.
- 2.2 The site occupies a sustainable location in close proximity to services and facilities available within Minsterley, including local retail, education, recreation and public transport opportunities.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view contrary to officers based on material planning reasons, and the local member has also requested committee determination of the application. In consultation with the Committee Chair and Vice-Chair, it was agreed that material matters have been raised which warrant consideration and determination by the Planning Committee.

4.0 Community Representations

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

4.1 Consultee Comment

4.1.1 Councillor Nick Hignett-

I agree with the comments from Minsterley Parish Council, of which I am a member. This application, as submitted, is at odds with NPPF Paragraph 91 which states "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which : Promote social interaction...Are safe and accessible...Enable and support healthy lifestyles. The connection from this Proposed housing to the facilities in the Village needs to be improved, to ensure Residents can safely reach School, Shops etc along the busy A488.

4.1.2 Minsterley Parish Council- Object

Thank you for the amendments to 25/03699/FUL which the Minsterley Parish Councillors have considered. They feel that the Parish Council's original comments still applies. Even though drainage matters have been addressed in this amendment, the Councillors still have concerns regarding surface water drainage and flooding particularly as culvert and drainage infrastructure supporting this location is in need of maintenance and improvement. Therefore, MPC still STRONGLY OBJECTS to this planning application for all the reasons listed below including the concern for surface water flooding:

PARISH COUNCIL COMMENT

4.2 25/03699/FUL Land At Station Road Bowsall/Housing Plus 25 affordable dwellings. MPC STRONGLY OBJECTS to this application for the following

reasons: a) Although the plan includes construction of a footpath to connect this development to Linden Fields it does not include a pedestrian crossing which is vital for those who live at the estate to cross the busy A488 safely. Families walking to the local primary school must cross the A488 and in line with SCs Safer to School routes a pedestrian crossing is needed over the A488 at the Fire Station.

b) The Linden Fields exit onto the A488 which this application plans to use does not currently comply to splay requirements. With the additional traffic that this development will create the Linden Fields exit must be brought up to standards to comply with Highway Regulations.

c) MPC believe that the location of this development poses health concerns to anyone that purchases the properties due to the close proximity of the existing Chicken Farm. The smells and ammonia which are released into the air contravenes SC existing planning policy.

d) Risk of additional and exacerbated flooding– properties at Linden Fields are already subjected to flooding from surface water coming off the adjacent fields. MPC have considerable concerns that this flooding will be worsened by this development and that any properties built on the site will also be affected.

e) MPC stress that IF street lights are going to be installed on the development that they should be brought up to SC standard for adoption.

f) The Parish Council are AGAINST any play area being installed at this development unless the developer is going to retain responsibility for its maintenance. MPC do not have funds to support an additional play area within the Parish.

g) The data from our ANPR camera on the A488 shows that there are over 5000 vehicle movements per day on this busy stretch of road where the development is proposed. This data proves the necessity for a pedestrian crossing to be provided (as detailed in 'a' above) and emphasises the need for an improved access into/out of the development (as detailed in 'b' above).

4.1.3 **Affordable Housing- Support.**

The proposal seeks permission for 18 x 3 bed and 7 x 2 bed rent to buy affordable homes. This tenure allows for households to rent the dwelling whilst saving for a deposit to purchase the dwelling after 5 years.

4.1.4 **Environment Agency- No objection**

The Environment Agency has reviewed the application and advises that, whilst consultation was undertaken on the basis that the site lay within Flood Zone 3, its Flood Map for Planning confirms the site is located wholly within Flood Zone 1. Consequently, the Environment Agency has not provided bespoke comments on the proposal and refers the Local Planning Authority to its Flood Risk Standing Advice. No objection has therefore been raised by the Environment Agency in respect of flood risk matters.

4.1.5 **LLFA- No objection**

The Lead Local Flood Authority (LLFA), through WSP UK Ltd, raises no objection to the proposed development, subject to the imposition of drainage

conditions.

4.1.6 Highways- No objection

The Highway Authority raises no objection in principle to the development, subject to conditions and delivery of agreed off-site works.

4.1.7 Ecology- No objection

The Ecology Officer raises no objection to the proposal, subject to conditions and informatives being attached to any permission. The ecological survey work and supporting documents are considered satisfactory.

4.1.8 Environmental Health- No objection

The Environmental Health Officer has reviewed the public objection relating to odour and noise impacts from the adjacent poultry unit and does not consider there to be any reason to alter his previous position. Having previously assessed residential development in the vicinity, including the nearby Linden Fields and Perret Close developments, no evidence of excessive odour or noise issues was identified from existing residents. The submitted noise and odour assessments for the current proposal are considered robust and conclude that whilst odours may occasionally be detectable, the overall impact is negligible from the perspective of future occupants.

The officer also refers to environmental assessments undertaken in support of the adjacent poultry unit's planning permissions (15/00487/EIA and 18/02023/EIA), noting that the operation is regulated under the Environmental Permitting regime and must employ Best Available Techniques to minimise odour and noise emissions. The 2018 odour assessment identified impacts within the lowest assessment band across much of the area, including existing residential properties, and a subsequent Regulatory Services consultation response concluded that odour impacts on nearby dwellings would be only "slight" and raised no objection.

The Environmental Health Officer concludes that future occupants of the proposed development would experience a slight odour impact, but one that is no greater than that already experienced by existing nearby residents. Furthermore, any future expansion of the poultry operation would need to account for existing residential receptors and, if necessary, incorporate additional odour mitigation measures. No objection is therefore raised to the application on environmental health grounds, although an informative is recommended to advise future occupiers that agricultural activities, including manure spreading, may occur in the locality

4.1.9 Learning & Skills- No objection

No objection is raised in principle; however the consultee identifies a need for additional education capacity arising from the development and recommends that appropriate education contributions are secured through CIL.

4.1.10 Green Infrastructure- Concerns

The Green Infrastructure Officer has no outstanding concerns regarding the Landscape and Visual Assessment, noting that previous comments have been satisfactorily addressed. However, several landscape and public open space matters remain unresolved. These principally relate to ensuring that all public open space is genuinely accessible, that adequate maintenance access is provided for landscaped areas, and that planting proposals can be effectively managed in the long term.

The consultee also considers that the landscaping strategy, particularly along the northern boundary, could be strengthened through the inclusion of larger, longer-lived tree species to provide a more robust landscape structure, improve screening and soften views of the development. Concerns are also raised regarding the consistency of the submitted landscape plans and the need for appropriate root protection measures where trees are proposed close to dwellings.

Subject to these matters being satisfactorily addressed, the consultee advises that elements such as the Landscape Management Plan and Local Area for Play (LAP) details could be secured through planning conditions.

4.1.11 Waste Management- No objection

The Council's Waste Management team raise no objection to the proposal subject to the development being designed to accommodate refuse and recycling collections. Adequate space should be provided for the storage of waste and recycling containers, and the internal road layout should be capable of accommodating refuse vehicles, including appropriate turning facilities. The consultee recommends that vehicle tracking information be provided and notes that properties served by private drives will require suitably located collection points. These matters can be addressed through the detailed design and layout of the development.

(Officer Note: These details have been provided ref: 2.24 P25033-003A - SWEPT PATH ANALYSIS OF REFUSE VEHICLE PASSING PARKED CARS)

4.1.12 Shropshire Council Trees- No objection

The Council's Arboricultural Officer raises no objection to the proposed development from a tree and landscaping perspective subject to recommended conditions.

4.1.13 The Coal Authority- No objection

The Coal Authority has confirmed that the application site lies within a defined Development Low Risk Area and, having reviewed the proposal, raises no objection and has no specific comments to make. The applicant is advised to have regard to the Coal Authority's Standing Advice in the interests of public safety.

4.2 Public Comments

4.2.1 A total of 8 public representations were received, all of which object to the proposal. The main grounds for objection are summarised as follows:

4.2.2 Highway Safety

- The existing Linden Fields junction with the A488 has poor visibility, particularly for right-turning vehicles.
- Vehicles regularly accelerate as they leave the 30mph zone heading towards Shrewsbury.
- Additional traffic from 25 dwellings would exacerbate an already difficult junction.
- There is no footway on the development side of the road.
- Pedestrians, including school children, would need to cross the busy A488 to access village facilities.
- Concerns are raised regarding construction traffic and future refuse collection arrangements.

Flooding, Surface Water and Drainage

- Surface water currently flows down the A488 and into Linden Fields during heavy rainfall events.
- The application site itself is historically wet and prone to waterlogging.
- Existing flooding issues within Little Minsterley have worsened in recent years.
- There are concerns regarding groundwater, spring lines, land drains and the adequacy of the submitted Flood Risk Assessment.
- Several objectors question whether the proposed drainage strategy would function effectively during extreme rainfall events.

Foul Pumping Station

- Proximity to existing properties at Nos. 14-16 Linden Fields.
- Potential noise and odour impacts.
- Risk of overflow or sewage pollution entering the adjacent watercourse.
- Construction impacts and possible effects on neighbouring foundations.
- Questions regarding connections to existing private drainage infrastructure.

Poultry Unit / Agent of Change

- Potential future complaints from residents regarding noise and odour.
- Impacts on the continued operation and future expansion of the established agricultural business.
- Application of the "agent of change" principle.
- Whether submitted odour and noise assessments adequately consider poultry operations and clear-out events.

Impact on Local Services

- Capacity at the local GP surgery.
- Pressure on local school places.

- Existing village infrastructure.

Environmental and Watercourse Issues

- Potential pollution of nearby watercourses.
- Proximity of drainage infrastructure to ditches and brooks.
- Biodiversity and water quality impacts.
- Maintenance responsibilities associated with watercourses and drainage corridors.

4.2.3 Campaign to Protect Rural England (CPRE) Shropshire Branch - Objection

An objection has been received from the Chair of the Campaign to Protect Rural England (CPRE) Shropshire Branch, who raises concerns regarding several aspects of the proposal. These include the site's location within an area affected by historic flooding and ongoing drainage issues within Minsterley, with concerns expressed that the development could exacerbate existing flood risk problems. Objection is also raised to the loss of agricultural land and a perceived preference for brownfield development.

Concerns are further raised regarding whether the proposed affordable housing would meet local housing needs, as allocations would be made through the Council's housing register rather than being reserved specifically for local residents. The objector also considers the proposed pedestrian infrastructure insufficient, citing the absence of a continuous footpath and safe crossing facilities along the A488.

Additional concerns relate to the sustainability of the location, including the limited frequency of local bus services, highway safety at the Linden Fields access and along the A488 corridor for pedestrians and cyclists, and the adequacy of visibility at the proposed access. Objection is also made in relation to potential amenity impacts arising from odours associated with nearby agricultural and industrial uses. Finally, it is suggested that housing providers should prioritise the improvement of existing housing stock before delivering new dwellings.

4.2.4 Minsterley Flood Action Group (MFAG) and Minsterley Parish Council Objection

An objection has been received from the Minsterley Flood Action Group (MFAG) and Minsterley Parish Council, who maintain a strong objection to the proposal on flood risk grounds. The objectors consider that the submitted hydraulic modelling confirms their longstanding concerns regarding flooding in the area and argue that the assessment does not fully account for all local flood mechanisms, including interactions between the Little Minsterley Brook and Minsterley Brook catchments, overtopping of existing flood defences, groundwater and surface water flooding, and the cumulative effects of climate change.

The objectors contend that the proposed mitigation measures may not adequately address flood risk and raise concerns that the development could exacerbate flooding experienced by existing residents within Linden Fields and the wider Little Minsterley area. Reference is made to historic flooding events, the vulnerability of local drainage and sewerage infrastructure during severe weather events, and concerns regarding the adequacy of existing highway drainage systems. It is also suggested that aspects of the modelling rely on assumptions that do not fully reflect local conditions and flood behaviour observed over a number of years.

The representation concludes that, based on local flood records and monitoring undertaken by MFAG, the proposed development would introduce unacceptable flood risk concerns and should therefore be refused.

5.0

THE MAIN ISSUES

- Principle of development
- Layout, scale and design
- Impact on Residential Amenity
- Drainage
- Highways
- Ecology
- Planning Obligations
- Planning Balance

6.0

OFFICER APPRAISAL

6.1

Principle of development

6.1.1

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is an important material consideration in that assessment. The application seeks planning permission for 25 affordable dwellings on land adjoining the development boundary of Minsterley, a Key Centre within the SAMDev Plan.

6.1.2

Whilst the site lies outside the adopted settlement boundary, it immediately adjoins the existing built form of the village and occupies a sustainable location within walking distance of local services, facilities and public transport links. It is also material that the Council previously identified the site as a draft housing allocation (Ref: MIN018) in the Draft Local Plan. As that plan has been withdrawn, very limited weight can be attached to the former draft allocation itself. However, the site assessment and supporting technical evidence prepared through that process remain material considerations insofar as they assist in assessing the site's suitability and sustainability. In this case, that evidence supports the conclusion that the site occupies a sustainable location, forms a logical extension to Minsterley and is of a scale capable of contributing to identified housing needs in Minsterley and across Shropshire.

- 6.1.3 The settlement boundary was defined before the 2026 NPPF introduced the current national policy approach. The development plan remains the statutory starting point under section 38(6), while the NPPF is an important material consideration. Where an adopted development plan policy is materially different from a relevant national decision-making policy, that difference must be taken into account in determining the application. Accordingly, very limited weight is attached in this case to conflict with the older settlement boundary and associated spatial policies insofar as they would restrict suitably located development that meets evidenced housing need and is supported by Policy S5(1)(j).
- 6.1.4 Policy CS5 seeks to strictly control development in the countryside. However, insofar as Policy CS5 would restrict suitably located housing development that meets evidenced need and is supported by Policy S5(1)(j) of the 2026 NPPF, it is materially different from the current national decision-making policy and attracts very limited weight in the determination of this application. Policies CS11 and MD7a nevertheless provide support for affordable housing schemes where there is an identified need and the development would assist in maintaining the sustainability of rural communities.
- 6.1.5 The Council's Affordable Housing Team supports the proposal and confirms that there is an identified need for affordable housing within the locality. The scheme would deliver 25 affordable dwellings comprising 18 three-bedroom and 7 two-bedroom properties, all of which would be provided as Rent to Buy units.
- 6.1.6 The delivery of 100% affordable housing attracts substantial weight in favour of the proposal. The development would make a meaningful contribution towards meeting local housing needs whilst supporting the vitality and sustainability of Minsterley.
- 6.1.7 Although the proposal conflicts with the adopted settlement boundary, very limited weight is given to that conflict for the reasons set out above. The site's close relationship with Minsterley, the support from the Affordable Housing Team and the substantial affordable housing benefits are material considerations which weigh strongly in favour of the development.
- 6.1.8 The revised Framework introduces a new structure for decision-making. As the site lies outside a defined settlement boundary, Policy S5 is relevant. Policy S5(1)(j) supports development outside settlements where there is evidenced unmet housing need, including where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites or where there is unmet affordable housing need, provided that the development is physically well related to an existing settlement and is of a scale capable of being accommodated by existing or proposed infrastructure. The site immediately adjoins Minsterley and the evidence demonstrates that the proposed scale can be accommodated. The Council's previous identification of the land as a draft

allocation provides further supporting evidence on these matters, although very limited weight is attached to the withdrawn allocation itself.

- 6.1.9 Policy HO7 of the Framework states that substantial weight should be given to the benefits of providing homes that contribute towards meeting identified housing needs. In this case, the proposal would provide 25 affordable dwellings at a time when the Council is unable to demonstrate a five-year supply of deliverable housing sites. The proposal would therefore make a meaningful contribution towards addressing the identified housing shortfall and unmet affordable housing need.
- 6.1.10 Taking these matters into account, officers consider that the principle of residential development in this location is acceptable. The proposal is supported by Policies CS11 and MD7a and satisfies the relevant requirements of Policy S5(1)(j) and Policy HO7 of the NPPF. Although it conflicts with the settlement boundary and aspects of Policy CS5, very limited weight is attached to that conflict because those development plan provisions are materially different from the current national decision-making policy. The material considerations identified above therefore indicate that permission should not be withheld on the principle of development.
- 6.1.11 Affordable Housing Provision**
- 6.1.12 The proposed development would deliver 25 affordable dwellings, comprising 7 two-bedroom dwellings and 18 three-bedroom dwellings. All properties would be provided as Rent to Buy accommodation through a partnership between Housing Plus Group and Bowsall Developments Ltd.
- 6.1.13 The Council's Affordable Housing Team has confirmed that the proposed tenure, dwelling mix and scale of provision respond to an identified affordable housing need within the relevant housing market area..
- 6.1.14 Officers note that the proposal would deliver a level of affordable housing significantly above that normally secured through a policy-compliant market housing scheme. The supporting information also confirms that the development has been formulated in consultation with the Council's Housing Enabling Team and that the scheme has attracted support due to its contribution towards addressing identified housing need.
- 6.1.15 The site occupies a sustainable location on the edge of Minsterley, within walking distance of local services, facilities and public transport opportunities. The proposed mix of two and three-bedroom dwellings has been designed to respond to identified housing needs whilst providing accommodation compliant with the Nationally Described Space Standards and current accessibility requirements. The development would therefore make a meaningful contribution towards the supply of affordable housing within a sustainable rural settlement.

- 6.1.16 Having regard to the significant level of affordable housing provision, the support expressed by the Council's Affordable Housing Team, the identified need for affordable homes across Shropshire and the sustainable location of the site, officers attribute substantial positive weight to the affordable housing benefits arising from the proposal. These benefits weigh heavily in favour of the development.
- 6.2 Layout, scale and design**
- 6.2.1 Policy CS6 of the Shropshire Core Strategy, Policies MD2 and MD12 of the SAMDev Plan and Section 12 of the National Planning Policy Framework require development to respond positively to local character, respect its surroundings and achieve a high standard of design which contributes positively to the character and appearance of an area.
- 6.2.2 The development proposes a mix of 25 two-storey dwellings arranged around a single access road extending from Linden Fields. The layout provides active frontages, natural surveillance and clear pedestrian routes throughout the site.
- 6.2.3 A significant area of the northern part of the site is retained as open space incorporating landscaping, biodiversity enhancements, sustainable drainage features and a Local Area of Play. This provides an appropriate transition between the settlement and surrounding countryside.
- 6.2.4 The scale of development reflects surrounding residential areas, including Linden Fields and Perret Close. Officers are satisfied that the proposed dwellings would integrate appropriately within the existing pattern of development and would not appear out of character with the locality.
- 6.2.5 The proposed house types have been designed to reflect the prevailing vernacular evident within Minsterley and the surrounding residential areas. The dwellings incorporate simple traditional forms with pitched roofs, brick detailing, active frontages and varied orientations to create visual interest throughout the development. Corner plots have been designed to ensure active elevations are provided to both street frontages and avoid blank gables dominating prominent locations within the layout.
- 6.2.6 The proposed house types utilise simple traditional forms and materials which reflect the character of surrounding residential development. Final details of materials can be secured through condition.
- 6.2.7 The development incorporates additional landscaping, tree planting and retention of existing boundary vegetation, helping assimilate the scheme into the site and soften views from the surrounding area. Parking has generally been positioned adjacent to or between properties rather than in large parking courts, helping to reduce its prominence within the street scene. Officers consider that the combination of landscaping, open space, boundary treatments and traditional building forms will assist in creating a visually attractive and well-

integrated extension to the settlement.

6.2.8 Officers acknowledge that the site currently forms part of the undeveloped edge of the settlement and that the proposal will inevitably alter the appearance of the site. However, the development has been designed in a manner that responds positively to surrounding built form, incorporates substantial landscaping and open space, retains important boundary vegetation and reflects the scale and character of adjacent residential development. The proposal is therefore considered to represent an appropriate and well-designed extension to Minsterley.

6.2.9 For these reasons, officers conclude that the layout, scale and design of the proposal are acceptable and accord with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD12 of the SAMDev Plan and the design objectives of the National Planning Policy Framework.

6.3 Impact on Residential Amenity

6.3.1 Policy CS6 of the Core Strategy, Policy MD2 of the SAMDev Plan and the National Planning Policy Framework require development to protect the amenity of existing and future occupiers and to provide a good standard of living conditions.

6.3.2 The proposed development has been carefully designed having regard to the relationship both between the proposed dwellings and with existing residential properties surrounding the site. The layout incorporates appropriate separation distances between opposing dwellings, with principal elevations generally orientated to face one another in a conventional manner. Officers are satisfied that the proposed distances and relationships are sufficient to avoid any unacceptable overlooking, loss of privacy or undue sense of enclosure between the proposed dwellings.

6.3.3 The Green Infrastructure Officer has queried the accessibility and future management of certain areas of land within the site. However, officers consider it is necessary that these areas are incorporated within the proposed Management Company land and are not transferred to the private landlord. This approach will ensure that the land remains appropriately managed for its intended purpose and will avoid potential amenity issues arising for existing neighbouring residents.

6.3.4 Furthermore, the development has been designed to integrate with the adjoining residential areas, including the existing properties within Linden Fields and the more recently completed development at Perret Close. Owing to the separation distances proposed, the orientation of plots and the intervening highway, landscaping and open space areas, the scheme would not result in any significant loss of privacy, overbearing impact or unacceptable loss of outlook to occupiers of neighbouring properties.

- 6.3.5 The proposed dwellings would also benefit from appropriate levels of private amenity space and outlook, with each property being provided with private garden areas commensurate with the scale and type of dwelling proposed. Officers are therefore satisfied that the development would provide a satisfactory standard of residential amenity for future occupiers.
- 6.3.6 During construction there is potential for temporary impacts associated with noise, dust and construction traffic. However, such impacts are inevitable with most forms of development and can be adequately controlled through the Construction Method Statement condition recommended elsewhere within this report. Subject to compliance with that condition, no unacceptable impacts upon residential amenity are anticipated during the construction phase.
- 6.3.7 Poultry Unit, Noise and Odour**
- 6.3.8 Representations have raised concerns regarding the proximity of the site to the intensive poultry unit located to the north-east of the application site, and the potential implications arising from odour and noise associated with that operation. These matters have been considered by the Council's Environmental Health Officer, who has reviewed the submitted Noise Assessment and Odour Assessment together with historical information associated with the poultry unit and its Environmental Permit.
- 6.3.9 The Environmental Health Officer notes that existing residential development at Linden Fields and Perret Close is already located between the application site and other established sources of noise, including the nearby Muller facility and the local road network. Previous investigations undertaken in connection with earlier residential developments in the locality did not identify evidence of excessive noise or odour impacts affecting existing residents.
- 6.3.10 With regard to odour, the submitted assessment concludes that whilst agricultural odours associated with the poultry enterprise may occasionally be detectable, the overall impact would be negligible when assessed using recognised industry methodologies. The Environmental Health Officer agrees with this conclusion and advises that there is no reason to depart from the findings of the submitted assessment.
- 6.3.11 Officers also note that the poultry operation is subject to regulation under the Environmental Permitting regime and is required to operate in accordance with Best Available Techniques and an approved Odour Management Plan designed to minimise emissions. Historical odour modelling undertaken in support of the poultry unit indicates that impacts at nearby residential receptors fall within either the negligible or slight adverse categories and are not considered significant in planning terms. Environmental Health notes that these conclusions informed the assessment of the poultry unit itself and that no objection was ultimately raised to its operation.

- 6.3.12 The planning and environmental permitting regimes perform separate but complementary functions. In determining this application, the Local Planning Authority is entitled to proceed on the basis that the environmental permitting regime will operate effectively and that the poultry unit will comply with the requirements of its permit, including the use of Best Available Techniques and implementation of its approved management measures. It is therefore unnecessary and inappropriate for the planning decision to duplicate controls that properly fall within the environmental permitting regime. Nevertheless, officers have separately considered whether the residual noise and odour effects would make the development unacceptable in land-use planning terms. Having regard to the submitted assessments and the advice of Environmental Health, no such unacceptable effects have been identified.
- 6.3.13 In relation to noise, Environmental Health advises that previous assessments associated with the poultry operation concluded that noise generated by the facility would remain below existing background noise levels. The Environmental Health Officer therefore raises no objection to the proposal on noise grounds.
- 6.3.14 Whilst future occupiers may experience occasional agricultural odours and activities associated with a working rural environment, including manure spreading, these are characteristics commonly associated with the countryside and do not indicate that the site is unsuitable for residential development. Officers note that residential development already exists in closer proximity to certain sources of potential disturbance and that no technical objection has been raised by Environmental Health.
- 6.3.15 Having regard to the submitted technical assessments and consultation response from Environmental Health, officers are satisfied that the proposed development would provide an acceptable standard of amenity for future occupiers and would not result in any unacceptable impacts arising from noise, odour or other environmental nuisance. The proposal is therefore considered to accord with Policies CS6 and CS17 of the Core Strategy, Policy MD2 of the SAMDev Plan and the amenity objectives of the National Planning Policy Framework.
- 6.4 Drainage**
- 6.4.1 The application is supported by a detailed drainage strategy and associated technical information which has been assessed by the Council's Lead Local Flood Authority (LLFA). The site lies within Flood Zone 1 and is therefore located within an area identified as having the lowest probability of fluvial flooding. Consequently, the principal drainage consideration relates to the management of surface water runoff and ensuring that the development does not increase flood risk either on-site or elsewhere.
- 6.4.2 The LLFA previously raised concerns regarding inconsistencies within the hydraulic modelling, impermeable area calculations and the absence of clearly demonstrated exceedance flow routes. In response, the applicant submitted

revised drainage information, including updated hydraulic calculations, an impermeable area plan, an exceedance flow routes plan and a technical note addressing the matters raised during consultation.

- 6.4.3 Following review of the revised information, the LLFA confirms that the hydraulic modelling now applies consistent parameters throughout the submitted documents and that the impermeable area calculations are aligned across the drainage strategy and supporting calculations. Furthermore, an exceedance flow plan has been provided demonstrating how flows generated during rainfall events exceeding the design capacity of the drainage network would be directed away from residential properties and safely routed towards the proposed swale and receiving watercourse. The LLFA considers that these amendments satisfactorily address its previous concerns.
- 6.4.4 The proposed drainage strategy incorporates a range of Sustainable Drainage System (SuDS) measures, including a swale and associated attenuation infrastructure designed to manage and control surface water runoff from the development. Subject to detailed construction drawings being submitted and approved, the LLFA is satisfied that the proposed drainage infrastructure is capable of providing an appropriate and sustainable means of surface water management for the site.
- 6.4.5 The LLFA raises no objection to the proposal subject to planning conditions. These conditions require the submission and approval of detailed construction drawings for the surface water drainage scheme prior to the commencement of development, including details of SuDS features, pipework, control structures, outfalls, levels, dimensions and any works required to the existing highway drainage network. The approved drainage scheme must thereafter be implemented in full prior to first occupation of the development.
- 6.4.6 Additional conditions are recommended requiring the submission of a verification report following installation of the drainage infrastructure and prior to occupation. This will ensure that the approved drainage system has been constructed in accordance with the agreed details and is functioning as intended. The verification process will include the submission of as-built drawings, CCTV surveys, photographic evidence and details of any corrective works that may be necessary.
- 6.4.7 The LLFA has also requested a condition requiring the submission of a long-term maintenance and management plan for the Sustainable Drainage System. This will ensure that all SuDS features, including the proposed swale, associated drainage infrastructure, flow control devices and outfalls, are appropriately inspected, maintained and managed throughout the lifetime of the development. Arrangements for adoption or future management responsibilities must also be clearly established.

6.4.8 Following the submission of revised drainage information, the LLFA confirms that its previous concerns have been satisfactorily addressed and raises no objection. Subject to compliance with the recommended planning conditions, the proposed development is considered capable of managing surface water runoff appropriately, reducing the risk of flooding both on and off site and delivering a sustainable drainage solution in accordance with Core Strategy Policy CS18, SAMDev Policy MD2, the Council's SuDS guidance and the flood risk and drainage objectives of the National Planning Policy Framework.

6.5 Highways

6.5.1 The application has been considered by the Council's Highways Development Management Team, who raise no objection in principle to the proposed development subject to the imposition of appropriate planning conditions and the provision of agreed off-site highway works. The Highway Authority is satisfied that the proposed access arrangements are capable of being achieved and that, subject to the delivery of the necessary infrastructure improvements, the development would not result in an unacceptable impact upon highway safety or the operation of the local highway network.

6.5.2 The submitted site layout proposes a new vehicular access onto Linden Fields, with the internal road network designed to serve the proposed development. The Highway Authority has reviewed the arrangement and advises that there are no fundamental concerns regarding the principle of access. The proposed highway layout is considered capable of accommodating vehicle movements associated with the development, including refuse collection vehicles, and tracking information demonstrates that service vehicles can safely manoeuvre within the site.

6.5.3 In assessing the accessibility credentials of the development, officers note that the site lies immediately adjacent to the settlement of Minsterley which contains a range of day-to-day services, employment opportunities, community facilities and public transport connections. Future occupiers would therefore have opportunities to access services by means other than the private motor vehicle. The Highway Authority has also identified the need for off-site pedestrian improvements and has secured a commitment from the applicant to provide a footway link between the existing bus stop on Station Road and Perret Close and three crossings (dropped kerbs and tactile paving), thereby improving pedestrian connectivity between the development and the wider settlement. There is no evidential justification for a traffic-controlled crossing stemming from this development and it should be noted that the Highways Authority does not object to this scheme.

6.5.4 The Highway Authority advises that the proposed off-site highway works are acceptable in principle, subject to the submission and approval of detailed engineering designs through the appropriate technical approval process. A planning condition is therefore recommended requiring the footway link and three dropped-kerb and tactile-paving crossing points to be approved and

completed prior to first occupation of the development.

6.5.5 With regard to the internal layout, the Highway Authority notes that the proposed tandem parking arrangements may result in a degree of on-street parking. However, it is acknowledged that the road layout remains sufficiently robust to accommodate such parking without prejudicing access for service and emergency vehicles. Whilst observations have been made regarding the limited provision of visitor parking and the parking arrangement associated with Plot 14, these matters are not considered to justify refusal of the application and can be appropriately addressed through the detailed design process.

6.5.6 Having regard to the scale of development proposed, the access arrangements, the provision of parking and manoeuvring space, the opportunity to enhance pedestrian connectivity through off-site footway improvements, and the absence of any technical objection from the Highway Authority, officers conclude that the proposal would not result in a severe impact upon highway safety or the efficient operation of the road network. The development is therefore considered to accord with Core Strategy Policies CS6 and CS17, SAMDev Policy MD2 and the transportation objectives of the National Planning Policy Framework.

6.6 Ecology

6.6.1 The application has been supported by an Ecological Appraisal, Biodiversity Net Gain Assessment and Biodiversity Enhancement Plan prepared by Rachel Hacking Ecology. These documents have been reviewed by the Council's Ecologist who raises no objection to the proposed development subject to the imposition of planning conditions and informatives. The Council's Ecologist is satisfied that an appropriate level of ecological survey work has been undertaken and that the ecological implications of the development have been adequately assessed.

6.6.2 Policy CS17 of the Core Strategy, Policy MD12 of the SAMDev Plan and the National Planning Policy Framework seek to safeguard biodiversity assets and secure measurable biodiversity enhancements through new development. The proposed scheme incorporates retained boundary vegetation, structural landscaping, habitat enhancements and biodiversity measures which will assist in supporting ecological networks within and around the site.

6.6.3 Biodiversity Net Gain

6.6.4 The Biodiversity Net Gain Assessment identifies a loss of 2.75 habitat units and a gain of 1.23 hedgerow units. The Council's Planning Ecologist, confirms that a deficit of 3.4 habitat units remains and will need to be met through the purchase of the required units from a registered Biodiversity Gain Site, such as an approved habitat bank. The off-site units must be allocated to the development on the national Biodiversity Gain Site Register and secured and managed for the statutory 30-year period.

- 6.6.5 Before development commences, the applicant will be required to submit a Biodiversity Gain Plan for approval under the statutory Biodiversity Gain Condition. This must demonstrate how the biodiversity gain objective will be met and be supported by the final biodiversity metric, a Habitat Management and Monitoring Plan and evidence confirming the purchase and allocation of the off-site habitat units. Subject to approval and implementation of those details, the Planning Ecologist is satisfied that the development can achieve the mandatory Biodiversity Net Gain requirement.
- 6.6.6 Subject to the recommended conditions and informatives, officers are satisfied that the proposal would appropriately safeguard protected species, deliver biodiversity enhancements and secure compliance with the statutory Biodiversity Net Gain provisions. The development is therefore considered to accord with Core Strategy Policy CS17, SAMDev Policy MD12 and the biodiversity objectives of the National Planning Policy Framework.
- 6.7 Education**
- 6.7.1 The Council's Learning & Skills consultee raises no objection to the development but identifies that the proposal would generate additional demand for education provision. The consultee advises that the infrastructure implications should be addressed through the Council's Community Infrastructure Levy arrangements. Accordingly, no separate education contribution through the section 106 agreement or planning condition is required. Officers are therefore satisfied that the proposal would not result in an unacceptable impact on education provision.
- 6.8 Planning Obligations**
- 6.8.1 The application is recommended for approval subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990. Planning obligations may only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it.
- 6.8.2 The principal purpose of the section 106 agreement is to secure the development as a 100% affordable housing scheme. The agreement will secure all 25 dwellings as Rent to Buy affordable housing, including their delivery by an appropriate Registered Provider, the approved tenure and any necessary arrangements governing occupation, eligibility, retention and future disposal. These provisions are necessary because the substantial affordable housing benefit attributed to the proposal depends upon the dwellings being delivered and retained as affordable housing.
- 6.8.3 The Council's Learning & Skills consultee has identified that the development would generate additional demand for education provision. However, the consultee advises that the associated infrastructure requirements should be addressed through the Council's Community Infrastructure Levy arrangements.

A separate education contribution through the section 106 agreement is therefore neither necessary nor sought.

- 6.8.4 Subject to completion of an agreement securing the affordable housing obligations identified above, officers are satisfied that the proposal would secure the delivery and retention of all 25 dwellings as Rent to Buy affordable housing. The obligations are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the proposal. The provision and long-term maintenance of the public open space, landscaping and Local Area for Play are secured separately through planning conditions and do not form part of the section 106 agreement.

6.9 Planning Balance

- 6.9.1 The planning balance requires the proposal's adverse effects and benefits to be considered together, with the weight attributed to each matter being a matter of planning judgement informed by the development plan, the relevant national decision-making policies in the NPPF, the evidence before the authority and the circumstances of the case. The principal considerations are set out below before an overall conclusion is reached under section 38(6).
- 6.9.2 The site lies outside the adopted settlement boundary and the proposal therefore conflicts with aspects of the adopted spatial strategy. It would also result in the permanent development of a greenfield site at the edge of the settlement.
- 6.9.3 However, the Council cannot demonstrate a five-year supply of deliverable housing sites and there is an identified need for affordable housing. The proposal would deliver 25 affordable dwellings and would therefore contribute to addressing both the housing supply shortfall and unmet affordable housing need.
- 6.9.4 The proposal falls within the category of development supported by Policy S5(1)(j) of the Framework, which is relevant to development outside settlements where there is evidenced unmet housing need. The policy requires the site to be physically well related to an existing settlement and the scale of development to be capable of being accommodated by existing or proposed infrastructure.
- 6.9.5 The site immediately adjoins Minsterley, a recognised Key Centre, and has access to services, facilities, employment opportunities and public transport. The proposal would form a logical extension to the settlement, rather than isolated or sporadic development in the open countryside, and the evidence demonstrates that its scale can be accommodated. The site assessment and technical evidence prepared through the withdrawn Draft Local Plan process support that conclusion, although very limited weight is attached to the former draft allocation itself. The proposal therefore satisfies the relevant locational and infrastructure requirements of Policy S5(1)(j).

6.9.6 Adverse Effects

6.9.7 **Conflict with the Development Boundary:** The site lies outside the defined settlement boundary and therefore does not fully accord with the adopted spatial strategy for directing development. This conflict attracts **very limited weight** against the proposal.

6.9.8 **Loss of Greenfield Land:** The development would result in the redevelopment of an undeveloped greenfield site on the edge of the settlement and a permanent change in the character of the land. However, the site is well contained by existing development, proposed landscaping and boundary vegetation. This attracts **limited weight**.

6.9.9 **Landscape and Visual Change:** Whilst the development will alter the appearance of the site when viewed from the surrounding area, the scale and design of the scheme, together with the proposed landscaping strategy, are considered capable of integrating the development into the settlement edge without causing unacceptable landscape harm. This attracts **limited weight**.

6.9.10 Benefits of the Proposal

6.9.11 **Housing Land Supply:** The Council cannot demonstrate a five-year supply of deliverable housing sites. The proposal would provide 25 dwellings and thereby contribute towards addressing the identified housing supply shortfall. Officers attach **significant weight** to this benefit.

6.9.12 **Affordable Housing and Identified Need:** The proposal would provide **25 affordable dwellings as a 100% affordable housing scheme**, comprising Rent to Buy homes supported by the Council's Affordable Housing Team as responding to identified local need. This level of provision is substantially greater than would ordinarily be secured through a conventional market housing development and would provide opportunities for households that might otherwise be unable to access suitable housing. Consistent with Policy HO7 of the Framework, officers attach **substantial weight** to this combined benefit.

6.9.13 **Sustainable Location:** The site adjoins a Key Centre with access to shops, services, schools, employment opportunities and public transport. Future occupiers would be able to access day-to-day facilities without undue reliance on the private motor vehicle. This benefit attracts **moderate weight**.

6.9.14 **Economic and Social Benefits:** The proposal would generate investment and employment during the construction phase and would provide additional spending within the local economy. The development would also help support the vitality and long-term sustainability of Minsterley through the provision of housing for local people. **This attracts moderate weight.**

6.9.15 The proposal has been assessed by the Council's technical consultees, including Highways, Drainage, Ecology and Environmental Health. No technical objections have been raised, subject to planning conditions and the completion

of the necessary legal agreement. Officers are satisfied that the development would not result in any unacceptable impacts in respect of residential amenity, highway safety, drainage or ecology.

- 6.9.16 Having regard to section 38(6), the proposal conflicts with the adopted settlement boundary and aspects of Policy CS5. However, very limited weight is attached to that conflict because those provisions are materially different from the current national decision-making policy in S5(1)(j). The proposal would deliver 25 affordable homes meeting evidenced need in a sustainable location physically well related to Minsterley, while making a significant contribution towards addressing the housing supply shortfall. The identified adverse effects are limited and can be appropriately mitigated. These material considerations substantially outweigh the identified conflict with the development plan and indicate that planning permission should be granted.

7.0 CONCLUSION

- 7.1 The proposal would deliver 25 affordable dwellings on a site adjoining the settlement boundary of Minsterley. Whilst the site lies outside the defined settlement boundary, it occupies a sustainable location adjacent to a Key Centre and would make a significant contribution towards meeting identified affordable housing needs and addressing the Council's identified housing supply shortfall.

- 7.2 No objections are raised by the Council's technical consultees in respect of highways, drainage, ecology or environmental health matters, subject to the recommended conditions.

- 7.3 Officers consider that the benefits arising from the provision of 100% affordable housing substantially outweigh the identified adverse effects when assessed against the national decision-making policies of the Framework. The proposal therefore represents sustainable development and is recommended for approval subject to conditions and completion of the required legal agreement.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

The principal risks are an appeal against refusal or conditions, a third-party judicial review, and an appeal against non-determination. The recommendation is based on the development plan, the National Planning Policy Framework as a material consideration, the submitted technical assessments, consultee advice and the evidence before the authority. Clear reasons and enforceable conditions reduce the decision-making risk.

8.2 Human Rights

Article 8 and First Protocol Article 1 have been taken into account. The rights of the applicant and landowner have been balanced against the amenity and property interests of neighbouring occupiers and the wider public interest.

8.3 Equalities

No evidence indicates that the proposal would cause unlawful discrimination. Equality considerations have been included in the overall assessment under section 70(2) of the Town and Country Planning Act 1990.

9.0 FINANCIAL IMPLICATIONS

There may be financial implications if the decision or any condition is challenged by appeal or judicial review. The cost and resource implications would depend on the form and complexity of any challenge.

10.0 Artificial Intelligence

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full

11.0 Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Green Belt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7a - Managing Housing Development in the Countryside
MD8 - Infrastructure Provision
MD12 - Natural Environment
Settlement: S12 - Minsterley - Pontesbury

RELEVANT PLANNING HISTORY:

PREAPM/25/00135 Proposed Erection of 25 affordable dwellings including the provision of open space, landscaping and associated works. PREAMD 8th May 2025
25/03699/FUL Erection of 25No. affordable dwellings including the provision of open space, landscaping and associated works PCO

12.0 Additional Information

Proposed Residential Development Land North Of Linden Fields

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T3INUXTDL5O00>

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

Local Member Cllr Nick Hignett

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

Time Limit

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

Approved Plans

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.

Materials

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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

Arboricultural matters

4. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'.
- a) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a site-specific Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the tree protection requirements recommended in BS5837: 2012 and taking account of Veteran Tree Guidance have been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement must provide details of how any operation within the RPA or buffer area around the veteran trees will be managed and controlled. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the

development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

- b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

SUDS

5. Prior to the commencement of any demolition or construction of the development, detailed construction drawings of the approved surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall be based upon the principles established within the Drainage Strategy (Drawing No. 23478-DR-C-0100 Rev P6, July 2026) and shall include:
- Detailed construction drawings and specifications of the approved surface water drainage scheme, including all SuDS features, pipework, manholes, control structures, levels, dimensions and outfall arrangements;
 - Detailed construction details of the proposed swale and associated drainage infrastructure;
 - Details of any proposed diversion works to the existing highway drainage infrastructure;

The approved scheme shall be fully implemented prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To prevent flooding in accordance with National Planning Policy Framework Section 18: Policies F7, F8, N2(1e), by ensuring the satisfactory management of local flood risk, 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.

Highways Matters

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development

Reason: To minimise disruption during the construction phase and to safeguard highway safety, residential amenity and the local environment through the proper management of construction traffic, site operations and construction-related impacts, in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD12 of the SAMDev Plan and the provisions of the National Planning Policy Framework.

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

Landscaping, open space and root protection

7. Prior to the commencement of above-ground development, a detailed landscaping and open space scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall reconcile the submitted landscape plans and include: planting plans, schedules and specifications; larger, longer-lived tree species along the northern boundary; existing vegetation to be retained; details of accessible public open space and maintenance access; root protection or root barrier measures where proposed trees are close to buildings, services or hard surfaces; an implementation programme; replacement of any planting that dies, is removed or becomes seriously damaged or diseased within five years; and arrangements for the inspection, maintenance and long-term management of all landscaped and public open space areas. The approved scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To secure an accessible, coherent and durable landscape and open space scheme, protect buildings and infrastructure from root damage, and ensure satisfactory long-term management in the interests of visual and residential amenity.

Details of LAP

8. Prior to the commencement of above-ground development, full details of the Local Area for Play shall be submitted to and approved in writing by the Local Planning Authority. The details shall include its layout, play equipment, safety surfacing, enclosure, seating, access arrangements, landscaping, drainage, implementation timetable and arrangements for inspection, maintenance and long-term management. The Local Area for Play shall be provided in accordance with the approved details and timetable and shall thereafter be retained, inspected and maintained for its intended purpose for the lifetime of the development.

Reason: To secure appropriate, accessible and properly maintained play provision for future residents and to safeguard the character and amenity of the development.

SUDS

9. 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 that the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme, shall be 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 approved details and shall include, as a minimum:

- A CCTV survey of underground drainage structures;
- A full set of as-built drawings highlighting any minor changes to the approved drawings;
- Demonstration that vegetation associated with the proposed swale has become established;
- Photographs of the installation of the surface water drainage structures, SuDS features and control mechanisms; and
- Where necessary, details of corrective works to be carried out, together with a timetable for their completion, shall be submitted 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.

Reason: To ensure that the development achieves a high standard of sustainability and that flood risk is adequately addressed and not increased, in accordance with the National Planning Policy Framework and Shropshire Core Strategy Policy CS18

SUDS

10. The development hereby approved shall not be occupied until details of the maintenance and management of the Sustainable Drainage System have been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and shall thereafter be managed and maintained in accordance with the approved details for the lifetime of the development. The details submitted for approval shall include:

- A timetable for implementation;

- Details of each SuDS feature and connecting drainage structure, together with the inspection and maintenance requirements for each element, including a non-technical labelled drawing showing where the features are located and how they can be accessed for maintenance;

- A management and maintenance plan for the lifetime of the development, including the activities and frequencies for routine and non-routine maintenance;

- Arrangements for the maintenance of the proposed swale, surface water drainage network, flow control structures and outfall; and

- Arrangements for adoption by any public body or statutory undertaker, or any other arrangements necessary to secure the operation of the Sustainable Drainage System throughout its lifetime, including the name and contact details of any appointed management company or other responsible body.

Reason: To ensure that the development achieves a high standard of sustainability and that the surface water drainage system is appropriately managed and maintained for its lifetime, so that flood risk is adequately addressed and not increased, in accordance with the National Planning

Policy Framework and Shropshire Core Strategy Policy CS18.

Ecology

11. Prior to first occupation / use of the buildings, the makes, models and locations of wildlife boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be placed in accordance with the Biodiversity Enhancement Plan (Rachel Hacking Ecology, September 2025). The boxes shall be sited at in appropriate locations where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS 17 and section 193d of the NPPF.

Off-site highway works

12. The development hereby approved shall not be occupied until a scheme of off-site highway works has received full technical approval from the Highway Authority and includes an agreed timetable for delivery. The scheme shall provide a footway between the existing bus stop on Station Road and Perret Close connecting to the site, together with the three pedestrian crossing points comprising dropped kerbs and tactile paving identified in the approved highway proposals. The development shall be completed in accordance with approved scheme.

Reason: To ensure the provision of safe and suitable pedestrian access between the development and existing public transport facilities, thereby promoting sustainable modes of travel, reducing reliance on the private car and securing the safety and convenience of pedestrians, in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD8 of the SAMDev Plan and the provisions of the National Planning Policy Framework.

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

Lighting

13. Prior to the erection of any non-domestic 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. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting at Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. 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. drainage

Any works affecting an ordinary watercourse may require separate Ordinary Watercourse Consent from the relevant consenting authority prior to commencement of works.

Any works associated with the diversion of the existing highway drainage infrastructure shall be undertaken in accordance with the approvals and requirements of the relevant Highway Authority.

An appropriate offset from the kerb lines will be required to enable maintenance or renewal of the carrier drain without removing kerbs

2. Nesting Birds Informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place within 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

General Site Informative For Wildlife Protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006.

Reasonable precautions should be taken during works to ensure that these species are

not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Detail Drawing	2.14 4WA-240 P 02 M	24.09.2026
Drainage Documentation	23478-DR-C-101, Rev. P6	27.07.2026
Drainage Documentation	23478-DR-C-0102, Rev. P1	27.07.2026
Drainage Documentation	23478-DR-C-0100, Rev. P6	27.07.2026
Detail Drawing	2.17 4WA 2401 P 13	24.09.2026
Detail Drawing	2.19 MIN2505 PP01.01 P4	24.09.2026
Detail Drawing	2.20 MIN2505 PP01 02 P4	24.09.2026
Detail Drawing	2.21 MIN2505 PP01 00 P4	24.09.2026
Detail Drawing	2.23 P25033 001C	24.09.2026
Detail Drawing	2.24 P25033 003A	24.09.2026
Detail Drawing	2401-P-014	24.09.2026
Detail Drawing	2401-P-015A	24.09.2026
Location Plan	2401-P-01A	10.10.2025
Floor Plan - Proposed	2401-P-5A	03.10.2025
Proposed Elevations	2401-P-6A	03.10.2025
Floor Plan - Proposed	2401-P-7A	03.10.2025
Mixed/Combined Plans	2401-P-8b	03.10.2025
Floor Plan - Proposed	2401-P-9B	03.10.2025
Mixed/Combined Plans	2401-P-10A	03.10.2025
Floor Plan - Proposed	2401-P-11B	03.10.2025
Mixed/Combined Plans	2401-P-12A	03.10.2025

Mixed/Combined Plans	4WA2401-P-30	03.10.2025
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Mixed/Combined Plans	4WA2401-P-04A	03.10.2025
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National Scheme of Delegation

Cabinet Member:	Councillor David Walker – Portfolio Holder for Planning
Lead Director:	Kassandra Polyzoides – Service Director - Place Shaping
Service Area:	Planning and Development Services
Report Author	Emma Green – Development Manager
Officer contact details	Emma.green@shropshire.gov.uk
Electoral Divisions Affected	All
Key Decision?	Not Key

1. Recommendations

- 1.1 Note the contents of this report, including the mandatory requirements of the National Scheme of Delegation for planning functions and the consequent need to amend the Council's Constitution and associated planning arrangements by 31 October 2026
- 1.2 Delegate authority to the Monitoring Officer, in consultation with the Head of Planning and Building Control, to make all necessary amendments to the Council's Constitution, including Part 3, the Planning Committee Terms of Reference and the Planning Scheme of Delegation, to give lawful effect to the National Scheme of Delegation and the implementation arrangements set out in this report.

2. Executive Summary

- 2.1 The mandatory National Scheme of Delegation replaces incompatible local committee referral arrangements with a statutory framework under which officer determination is the default. Shropshire Council must amend its Constitution and associated planning delegations by 31 October 2026; there is no lawful option to reject, postpone or selectively apply the national requirements.

3. Statutory and Governance Background

- 3.1 The Planning and Infrastructure Act 2025 inserted sections 319ZZC to 319ZZF into the Town and Country Planning Act 1990. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and associated statutory guidance establish the National Scheme from 31 October 2026. The statutory provisions prevail over inconsistent local constitutional policies.
- 3.2 The scheme distinguishes between Schedule 1 functions, Schedule 2 functions, own-interest applications and functions outside the Schedules. Planning Committees are limited to 13 members; both Shropshire Committees already comply with this requirement.

4. Statutory basis and scope of the local gateway

- 4.1 Schedule 2 functions are delegated to authorised officers by default. Categories 1 and 3 are statutorily capable of referral through Regulation 5 but remain delegated unless the gateway requirements are met. The Council has exercised its local administrative discretion to limit routine gateway consideration to categories 1 and 3 and to own-interest applications for which legislation permits committee referral. This is to reflect our current practices and not have a retrograde approach to our committee processes.
- 4.2 Categories 2, 4, 5 and 6 retain their Schedule 2 classification but are excluded from the routine local gateway and remain delegated unless a separate statutory provision permits or requires committee determination. For an eligible application, referral requires the Nominated Officer and Nominated Member to agree that:
 - 1. The application raises one or more of the statutory issues of significance specified in Regulation 5(3), namely: **A.** a significant planning matter, having regard to the development plan and any other material considerations; or **B.** an economic, social or environmental issue of significance to the local area; and
 - 2. committee determination is justified, having regard to the statutory guidance and the intention that referral should be confined to exceptional cases of significant local importance.
- 4.3 Member, council or public representations may prompt consideration of an eligible application but do not create a right to committee determination. If neither criterion is satisfied, or agreement is not reached, Regulation 5(2) requires officer determination.

4. National Scheme Requirements

A. Applications that must be delegated to officers: Schedule 1 functions

Schedule 1 functions must be delegated to authorised officers and cannot be referred to Planning Committee. Existing local referral triggers, including Ward Member requests, Town or Parish Council objections, objection numbers or other local call-in arrangements, do not apply to Schedule 1 functions.

No.	Application type	Explanation
1	Householder applications	Alterations or extensions to an existing dwelling and development within the curtilage of a dwelling.
2	Minor commercial applications	Small-scale non-residential development below the thresholds for major development.
3	Minor residential applications	Residential proposals of up to 9 dwellings on a site of less than 0.5 hectares, and other small-scale residential development as defined in the Regulations.
4	Permission in principle	Applications under section 58A of the Town and Country Planning Act 1990.
5	Section 73 variations linked to Schedule 1 permissions	Applications to vary or remove conditions where the original permission was a Schedule 1 application.
6	Non-material amendments	Applications under section 96A of the Town and Country Planning Act 1990.
7	Certificates, condition discharge and biodiversity matters	Certificates of lawfulness, discharge of conditions, biodiversity gain plans, certificates relating to listed building works and certificates of appropriate alternative development where treated as Schedule 1.
8	Reserved matters not linked to a large outline permission	Reserved matters applications following outline permissions other than large outline permissions.

B. Schedule 1 applications subject to reclassification

An application that would otherwise fall within Schedule 1 must be treated as a Schedule 2 application where it is retrospective, where it is connected to a Schedule 2 listed building consent or listed building condition matter, or where it is an own-interest application made by or on behalf of the Council, a Member, an officer, or an entity owned or controlled by them.

C. Schedule 2 functions: officer delegation and limited gateway eligibility

Schedule 2 functions are delegated by default. Only category 1, category 3 and eligible own-interest applications enter the routine local gateway. Categories 2, 4, 5 and 6 remain delegated unless a separate statutory provision applies.

An eligible application may proceed to committee only where the Nominated Officer and Nominated Member agree that criterion A or B is satisfied and that referral is justified as an exceptional case of significant local importance. Otherwise it remains delegated under Regulation 5(2).

No.	Application type	Explanation
1	Planning applications not in Schedule 1	Major, larger-scale or more complex applications and all other planning applications not classified as Schedule 1. Schedule 2 category 1 applications are eligible for the local gateway but remain delegated unless the gateway requirements are fully satisfied.
2	Retrospective planning applications	Applications for development already carried out under section 73A of the Town and Country Planning Act 1990. These remain delegated to officers by default and will not be routinely routed through the local gateway process unless an exceptional own-interest or other statutory requirement applies.
3	Reserved matters following large outline permissions	Reserved matters applications following outline permissions for 500 or more dwellings or at least 50,000 square metres of commercial floorspace. Schedule 2 category 3 applications are eligible for the local gateway but remain delegated unless the gateway requirements are fully satisfied.
4	Section 73 and Section 106A matters linked to Schedule 2 permissions	Applications or requests to vary conditions, or modify or discharge planning obligations, where connected to a Schedule 2 permission or approval. These matters remain delegated to officers by default and will not be routinely routed through the local gateway process.
5	Listed building consent and listed building condition matters	Applications for listed building consent and applications to vary or discharge listed building consent conditions. These matters remain delegated to officers by default and will not be routinely routed through the local gateway process.
6	Advertisement consent and Tree Preservation Order applications	Applications for advertisement consent and consent for works to trees protected by a Tree Preservation Order. These matters remain delegated to officers by default and will not be routinely routed through the local gateway process.

D. Referral of eligible Schedule 2 and own-interest applications to Planning Committee

For an eligible application, the Nominated Officer and Nominated Member must both agree that: **A.** it raises a significant planning matter having regard to the development plan and other material considerations; or **B.** it raises an economic, social or environmental issue of significance to the local area. They must also agree that committee determination is justified. Satisfaction of a criterion alone does not secure referral, and neither participant has an overriding or casting decision.

Representations or public interest may prompt gateway consideration of an eligible application but do not create an automatic committee route. Consideration will take place through the pre-agenda arrangements for the relevant Planning Committee.

Gateway consideration should occur once sufficient information is available and before publication of the committee agenda.

1. Gateway test

Stage	Gateway question	Outcome
1. Eligibility test	Is the application a Schedule 2 category 1 or 3 function, or an own-interest application capable of gateway consideration?	Schedule 1 functions remain delegated and cannot be referred. Category 1, category 3 and eligible own-interest applications proceed to the significance test. Categories 2, 4, 5 and 6 remain delegated unless a separate statutory provision applies.
2. Significance test	Does the application: A. raise a significant planning matter having regard to the development plan and any other material considerations; or B. raise an economic, social or environmental issue of significance to the local area?	If neither statutory criterion is met, the application remains delegated to officers. If one or both criteria may be met, proceed to the referral indicators and control test.
3. Referral indicators	Are there indicators that gateway consideration is justified, such as significant unresolved development plan conflict, substantial local impacts, significant unresolved statutory consultee concerns, major public interest, particular sensitivity, or an own-interest issue requiring transparency?	Indicators may justify gateway consideration but do not create an automatic committee route. The Nominated Officer and Nominated Member must still apply the statutory test.
4. Control test	Can the issues reasonably be addressed through negotiation, amended plans, planning conditions, planning obligations, or normal officer assessment?	If the issues can reasonably be managed through normal planning processes, the Nominated Officer and Nominated Member should not normally conclude that committee referral is justified.

5. Decision test	Have the Nominated Officer and Nominated Member both concluded that one or both statutory committee referral criteria are met and that committee determination is justified?	Referral should proceed only where the Nominated Officer and Nominated Member agree that one or both statutory committee referral criteria are met and that committee determination is justified. Where they do not agree, the application must remain delegated to officers in accordance with Regulation 5(2). Neither participant has an overriding or casting decision.
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5. Local Implementation Arrangements

- 5.1 The gateway process will apply only to category 1, category 3 and eligible own-interest applications. Officers will:
1. classify the function and confirm its decision route;
 2. confirm whether a Schedule 2 application is category 1 or 3 and therefore eligible for the local gateway;
 3. record the reason for gateway consideration and assess criteria A and B;
 4. consider the statutory guidance and whether referral is justified as an exceptional case;
 5. record the separate conclusions of the Nominated Officer and Nominated Member; and
 6. refer only where both agree; otherwise determine the application under officer delegation.
- 5.2 The Nominated Officer will be the Head of Planning and Building Control, or an authorised senior substitute. The Nominated Member will be the Chair of the relevant Planning Committee, with an authorised member substitute where necessary. A written record must identify the classification, assessment, views of both participants and agreed decision route. There is no appeal process.

6. Required Constitutional Amendments

- require all Schedule 1 functions to be determined by authorised officers;
- delegate Schedule 2 functions by default, limiting the local gateway to categories 1 and 3 and eligible own-interest applications;
- remove automatic referral triggers based on call-in, contrary views, objection numbers, ownership or involvement this is set out by national legislation rather than being a local policy choice;
- define the Nominated Officer, Nominated Member, substitutes and written gateway process;
- align Committee Terms of Reference and officer delegations; and
- provide for recording, reporting and oversight.

7. Implications, Implementation and Monitoring

- 7.1 The changes affect the route to decision, not the opportunity to comment. Members, local councils, residents, applicants and consultees may continue to make representations, but a request or contrary view will not itself require committee determination.

- 7.2 Non-compliance would create uncertainty over decision-making authority and increase the risk of challenge, delay, cost and reputational harm. These risks will be managed through compliant constitutional wording, an auditable gateway record, training and stakeholder communications, within existing Planning, Legal and Democratic Services resources.

8. Implementation and Monitoring

- 8.1 The amended Constitution, Terms of Reference and Planning Scheme of Delegation must take effect by 31 October 2026. Actions will include briefings, updated forms and web information, review of live applications and agenda controls.
Each gateway record will confirm eligibility, the assessment, each participant's conclusion and the agreed route. If agreement is not reached, the application remains delegated under Regulation 5(2).

9. Transitional Arrangements

- 9.1 The revised scheme applies to decisions made on or after 31 October 2026. Live applications must be reviewed before that date. Earlier call-in requests, referral expectations or agenda decisions cannot override the statutory scheme. Schedule 1 functions must remain delegated. For an eligible Schedule 2 or own-interest application, committee referral requires a completed gateway record confirming that both participants agree the statutory tests are met.

10. Conclusion

- 10.1 The National Scheme of Delegation is binding and must be implemented from 31 October 2026. The proposed constitutional amendments provide a lawful, proportionate and transparent framework, preserve local discretion only where the national scheme permits it, and ensure that the Northern and Southern Planning Committees consider only applications for which a lawful committee route exists.

11. Background Papers

- Planning and Infrastructure Act 2025.
- Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.([The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#))
- Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for Local Planning Authorities in England, 1 June 2026. ([Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#))

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LPA reference	25/04594/PIP
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr B Parry
Proposal	Application for Permission in Principle for proposed development for 1 or 2No. detached dwellings
Location	Proposed Residential Development Land To The East Of Old Shackerley Lane Albrighton Shropshire
Date of appeal	09/06/2026
Appeal method	Written Representations
Date site visit	25.08.26
Date of appeal decision	11.09.26
Costs awarded	N/A
Appeal decision	Dismissed

LPA reference	25/03794/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Adam Wilson
Proposal	Erection of a garden fence
Location	34 Coalport Road Broseley Shropshire TF12 5AZ
Date of appeal	10/06/2026
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/03477/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Morris
Proposal	Conversion of an agricultural building into 1No. 2 bedroom dwelling including alterations to existing access road and creation of new parking spaces
Location	Proposed Barn Conversion North Of Ryton Grange Ryton Dorrington
Date of appeal	06.03.26
Appeal method	Written Reps
Date site visit	01.06.26
Date of appeal decision	12.06.26
Costs awarded	N/A
Appeal decision	Dismissed

LPA reference	25/04311/PIP
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	G Harrison And A Hall
Proposal	Residential Development
Location	Land Off Welshpool Road And Adjacent To Southerly Chavel Ford Shrewsbury Shropshire
Date of appeal	15/06/2026
Appeal method	Written Representations
Date site visit	02.09.2026
Date of appeal decision	17.09.2026
Costs awarded	N/A
Appeal decision	Dismissed

LPA reference	25/03909/VRA106
Appeal against	Non Determination
Committee or Del. Decision	N/A
Appellant	Mr Hawksworth
Proposal	Variation of Section 106 Legal Obligation pursuant to S/90/227/61/90 and S/90/1102/61/90 to allow for an amendment to the discounted price
Location	32 High Cross Avenue Cross Houses Shrewsbury SY5 6LJ
Date of appeal	18.06.26
Appeal method	Written Reps
Date site visit	
Date of appeal decision	05.10.2026
Costs awarded	
Appeal decision	Dismissed

LPA reference	26/00156/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs R Mantle
Proposal	Outline application (all matters reserved) for the erection of one self build dwelling
Location	Proposed Dwelling South Of Overton Grange Farm Richards Castle Shropshire
Date of appeal	01/07/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/01405/PIP
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Cooke
Proposal	Permission in Principle for the construction of up to two dwellings
Location	Proposed Residential Development Land At The Hem Shifnal Shropshire
Date of appeal	07.07.2026
Appeal method	Written representations
Date site visit	
Date of appeal decision	09.10.2026
Costs awarded	
Appeal decision	Dismissed

LPA reference	26/00102/FUL and 25/03204/DSA106
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Simon Angell
Proposal	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 and Discharge of S106 agreement attached to planning permission reference 11/05428/FUL
Location	Orchard Cottage Ashford Carbonell Ludlow Shropshire SY8 4BX
Date of appeal	25.03.2026
Appeal method	Hearing
Date site visit	17.06.2026
Date of appeal decision	07.07.2026
Costs awarded	No
Appeal decision	Allowed

LPA reference	25/01766/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegate
Appellant	Mr R Andrews
Proposal	Proposed Residential Development
Location	West Of Castle Street to New Road, Bridgnorth, WV16 4BA
Date of appeal	26.02.26
Appeal method	Written Reps
Date site visit	02.06.26
Date of appeal decision	Dismissed
Costs awarded	N/A
Appeal decision	Refused

LPA reference	25/02974/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Herbert
Proposal	Part-retrospective planning application for the retention of 44 shipping containers for commercial use and implementation of a landscaping scheme
Location	Coombys Farm Severn Side Highley Bridgnorth
Date of appeal	13/07/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/00791/AG1
Appeal against	Planning Permission Required
Committee or Del. Decision	Delegated
Appellant	C R and J M Bowen
Proposal	Erection of a covered muck store
Location	Oakfield Farm Watling Street Craven Arms Shropshire SY7 8DX
Date of appeal	10.04.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	15/07/2026
Costs awarded	
Appeal decision	Dismissed

LPA reference	26/00245/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Marc Fisher
Proposal	ERECTION OF 2no. SEMI DETACHED DWELLINGS, ON FORMER SUNBREAK, ANNSCROFT, SHREWSBURY, SY5 8AN (revised description)
Location	Sunbreak Annscroft Shrewsbury Shropshire SY5 8AN
Date of appeal	30.04.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	Dismissed
Costs awarded	
Appeal decision	20.07.2026

LPA reference	26/00753/CPE
Appeal against	Refused Grant Certification of Lawful Use or Development
Committee or Del. Decision	Delegated
Appellant	Herbert and Son
Proposal	Certificate of Lawfulness of Existing Use or Development (CLEUD), for the continued breach of condition 2 of planning permission BR/92/0356, meaning the site defined by the red line benefits from an unrestricted lawful B8 Storage and Distribution use
Location	Coombys Farm Severn Side Highley Bridgnorth Shropshire WV16 6NX
Date of appeal	20.07.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/04580/PIP
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr M Constance
Proposal	Application for Permission in Principle for construction of one or two dwellings
Location	37 Harley Road. Cressage SY5 6DF
Date of appeal	25.03.26
Appeal method	Written Reps
Date site visit	30.06.26
Date of appeal decision	Allowed
Costs awarded	N/A
Appeal decision	21.07.26

LPA reference	25/01257/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr David Doley
Proposal	Cross Subsidy Housing Scheme comprising of 4 No. affordable houses, 6 No open market dwellings all with garages, construction of new access road and alterations to existing field access
Location	Proposed Development Land South Of A458 Off Oldbury Road Bridgnorth Shropshire
Date of appeal	25.11.2025
Appeal method	Hearing
Date site visit	05.05.2026
Date of appeal decision	22.07.2026
Costs awarded	
Appeal decision	Allowed

LPA reference	25/04333/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Dr and Mr Kathy and Paul Lewis
Proposal	Erection of 1 self build dwelling house and Annex with garage
Location	Proposed Dwelling And Annexe North Of Station Road Woofferton Shropshire
Date of appeal	22/07/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/04065/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Tori McHale – Blackladies Investments Ltd
Proposal	Barn conversion, link extension and change of use of land to domestic.
Location	Grove Farm Condover Shrewsbury Shropshire SY5 7BH
Date of appeal	24/07/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	13.10.2026
Costs awarded	
Appeal decision	Allowed

LPA reference	25/04066/LBC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Tori McHale – Blackladies Investments Ltd
Proposal	Barn conversion, link extension and change of use of land to domestic.
Location	Grove Farm Condover Shrewsbury Shropshire SY5 7BH
Date of appeal	24/07/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	13.10.2026
Costs awarded	
Appeal decision	Allowed

LPA reference	26/00264/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Bishton
Proposal	Outline application (to include access and scale) for the erection of one two storey self build dwelling and detached garage
Location	Proposed Dwelling East Of Ryton Villa Farm Ryton Dorrington Shropshire
Date of appeal	14.04.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	28.07.2026
Costs awarded	
Appeal decision	Dismissed

LPA reference	25/04895/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Butler
Proposal	Change of use of land for the stationing of 2No shepherds huts for holiday purposes
Location	Proposed Holiday Accommodation At Lyth Hill Shrewsbury Shropshire
Date of appeal	04/08/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/04839/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Pritchard
Proposal	Proposed conversion of existing farm building to a single dwelling
Location	Proposed Residential Barn Conversion West Of Thriftwicket Lane Haytons Bent Shropshire
Date of appeal	08.04.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	07.08.2026
Costs awarded	
Appeal decision	Dismissed

LPA reference	25/02350/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Harry Scriven
Proposal	Proposed Residential Development (Accessible Dwellings) and Associated Works (Outline with all matters reserved)
Location	Proposed Residential Development Land West Of Woodhill Road Highley Shropshire
Date of appeal	01.04.2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	11.08.2026
Costs awarded	
Appeal decision	Allowed

LPA reference	25/04301/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Shropshire Homes Limited
Proposal	Erection of 93no dwellings with associated infrastructure and landscaping (amended description).
Location	Proposed Residential Development Land East Of Ford Shrewsbury Shropshire
Date of appeal	14/08/2026
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/01726/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Chris and Felicity Kirtley
Proposal	Renovation and re-use of existing domestic stable/garden store for ancillary garden studio building.
Location	The Barn Underton Bridgnorth Shropshire WV16 6TY
Date of appeal	25/08/2026
Appeal method	Written Rrepresentations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/01732/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	L Dunn
Proposal	Change of use of land to equestrian, construction of stables, manege and (agricultural) storage building
Location	Chapel Lane Quatford Bridgnorth
Date of appeal	28.08.26
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/01531/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	J Teece
Proposal	Erection of single storey extension, front porch, fenestration alterations and insertion of roof mounted flue pipe, to include some demolition and removal of chimney
Location	Sunnydale Batch Valley All Stretton Church Stretton Shropshire
Date of appeal	07/09/2026
Appeal method	Householder – Written Part 1
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/00635/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Jake Malcolm
Proposal	Construction of access in retaining wall, car lift and drive.
Location	Proposed Dwelling To The West Of Friars Street Bridgnorth
Date of appeal	09/09/2026
Appeal method	Written Representation
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/02339/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr A Homden
Proposal	Removal of front boundary wall, regrading and resurfacing of off-road parking area
Location	Fernleigh St Julians Avenue Ludlow
Date of appeal	11/09/2026
Appeal method	Householder – Written Part 1
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	25/03794/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Adam Wilson
Proposal	Erection of a garden fence
Location	34 Coalport Road Broseley Shropshire TF12 5AZ
Date of appeal	10/06/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	17/09/2026
Costs awarded	
Appeal decision	Dismissed

LPA reference	26/00065/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Richards
Proposal	Outline application for the erection of two dwellings with access.
Location	Proposed Dwellings To The West Of Hanley House Hookagate Shrewsbury Shropshire
Date of appeal	29/04/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	22/09/2026
Costs awarded	Refused
Appeal decision	Dismissed

LPA reference	25/04206/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Tranter
Proposal	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
Location	Proposed Holiday Let Accommodation At Overs Farm Haughton Bridgnorth Shropshire
Date of appeal	12/05/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	23/09/2026
Costs awarded	
Appeal decision	Dismissed

LPA reference	26/01116/FUL and 26/01117/LBC
Appeal against	Non-Determination
Committee or Del. Decision	n/a
Appellant	Mr T Dale
Proposal	Erection of 5No. dwellings, installation of treatment plant/land drains and alterations to vehicular and pedestrian access.
Location	Proposed Residential Development Land West Of Caynham House Caynham Shropshire
Date of appeal	22/09/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/01854/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Kieran Brown
Proposal	First floor extension above existing single storey element
Location	Meere House Newhouse Lane Albrighton Wolverhampton
Date of appeal	24/09/2026
Appeal method	Householder – Written Part 1
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/01429/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Shane Roberts
Proposal	Change of use of a short term holiday rental unit (C5) to separate residential dwelling (C3)
Location	Owls House Annexe Penkridge Cottage 41 - 42 Sheinton Shrewsbury Much Wenlock
Date of appeal	30/09/2026
Appeal method	Householder – Written Part 1
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/02003/FUL
Appeal against	Non-Determination
Committee or Del. Decision	N/A
Appellant	Mr Peter Gray
Proposal	Erection of dwelling and garage, formation of vehicular and pedestrian access, installation of sewage treatment plant and siting of temporary caravan
Location	Proposed Dwelling Adj The Grove Ashford Bowdler Shropshire
Date of appeal	05/10/2026
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	26/02571/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Luke Oakley
Proposal	Proposed change of use of existing pasture/private amenity land to recreational dog park, erection of 2No. field shelters and parking provision.
Location	Gainsborough Stables Littlegain Hilton Bridgnorth
Date of appeal	15/10/2026
Appeal method	Householder – Written Part 1
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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

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

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

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Appeal Decision

Site visit made on 25 August 2026

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 September 2026.

Appeal Ref: 6010260

Land to east of Old Shackerley Lane, Old Shackerley Lane, Albrighton WV7 3AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by B Parry against the decision of Shropshire Council.
 - The application Ref is 25/04594/PIP.
 - The development proposed is for 1 or 2 number detached dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. This has 2 stages: the first stage (permission in principle) establishes whether a site is suitable in principle and the second (technical details consent) assesses detailed development proposals. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.
4. The Council did not provide an officer's report explaining its reasons for refusal, nor do I have an appeal statement. I have therefore based my reasoning on the decision notice and the appellant's statement only.
5. On 17 August 2026, a revised National Planning Policy Framework (the Framework) was published by the Government. This is a material consideration in the decision-making process from the day of publication. The main parties were given the opportunity to comment on the changes and the implications for the appeal, with their respective observations taken into account where relevant.

Main Issue

6. The main issue is whether the appeal site is suitable for housing having regard to its location, with particular focus on the Green Belt, spatial strategy of the development plan and the character and appearance of the area.

Reasons

Whether Inappropriate in the Green Belt

7. The appeal site is located within the Green Belt and as such I have had regard to policy GB7 of the Framework. This lists exceptions to the presumption against development in the Green Belt. Neither party has clarified which exception the proposal was assessed against in order to ascertain whether it would be inappropriate or otherwise. From all that I have seen and read, the most relevant exception is part 1e of policy GB7. This relates to the redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt.
8. Policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy (CS) (adopted March 2011) states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt, although it also provides for other exceptions outside the scope of the Framework.
9. The appeal site comprises an enclosed parcel of land associated with No.5 Shackerley Cottages which is one of 4 cottages in a small cluster to the east. I understand that the 4 cottages were formerly part of an agricultural holding at Shackerley Farm and were erected in the 1960s for use by workers on the farm. The appeal site itself formerly hosted 4 other cottages which predated the aforementioned 4 adjacent cottages. The dwellings as they exist today were evidently granted permission to remove their respective agricultural ties through the removal of a condition to that effect.
10. On my site visit I observed that the appeal site now presents as a domestic garden and is laid to grass with the expected associated paraphernalia such as a shed, greenhouse and children's toys. I see no reason to doubt that the site historically included dwellings given the lack of evidence to the contrary and the submitted OS map provided by the appellant.
11. That being said, the Framework is clear that previously developed land excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. There was one low level brick structure evident on the appeal site that appeared to possibly be remains of a former dwelling or outbuilding. However, it was clear from my observations that the former dwellings had blended into the landscape given the domestic use of the site in relation to the ancillary relationship to No.5. As such, they would not meet the exception under policy GB7(1)(e).
12. The appellant has referenced policies GB3(2)(a) and GB7(1)(a) of the Framework, albeit the former relates to the altering of Green Belt boundaries in plan-making rather than decision taking. The former involves the exceptions for development which is for agriculture, horticulture and forestry, or which is solely for nature conservation, restoration and/or enhancement. There is nothing before me to indicate that any of these are relevant to the proposal.
13. There are no other arguments put forth under other exceptions. Regardless of the presence of other dwellings nearby, the proposal would therefore be inappropriate

in the Green Belt. This would be contrary to policy GB7 of the Framework and policy CS5 of the CS.

Openness of the Green Belt

14. Section 13 of the Framework advises that the Government attaches great importance to Green Belts, with the fundamental aim to prevent urban sprawl by keeping land permanently open. This includes an assessment of both spatial and visual openness and the effects of the proposal.
15. Due to the domestic nature of the appeal site, and hedgerows lining the south side of the boundary, visibility is largely limited to the adjacent dwellings. In terms of impacts upon openness visually, this would be very limited. However, where there is currently garden there would be 1 or 2 dwellings. While I don't have detailed designs at this stage, there would invariably be a loss of spatial openness due to the construction of dwellings and associated hardstanding.
16. Taken together, there would be a limited loss of openness of the Green Belt overall. Invariably this would result in harm to the Green Belt given its purposes, contrary to policy GB6 of the Framework. This harm must be given substantial weight.

Whether Suitable Location

17. The CS generally seeks to direct development to where it is most suitable and needed through policy CS1. A hierarchy of settlements is used, although the appeal site is not located within any of these. For the purposes of planning the appeal site is in the countryside, where policy CS5 states that development will be strictly controlled in accordance with national planning policies protecting the countryside. There are a number of exceptions given which broadly align with those given in the Framework.
18. Policy MD7a of the Site Allocations and Management of Development Plan (SAMDEV) (adopted December 2015) goes on to state that further to Core Strategy policies CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. The proposal would not meet any of these exceptions.
19. Policy S5 of the Framework advises that only certain forms of development should be approved outside settlements which are listed within part 1 (a-j) of policy S5. However, section 5 of S5 is clear that this policy does not apply to proposals in the Green Belt, unless the proposal would not be inappropriate in accordance with policy GB7. I have found the proposal would be inappropriate in the Green Belt, contrary to GB7.
20. I note the points made the appellant with regards to services and facilities nearby. However, given the circumstances of Shackerley Lane, which is narrow, unlit and has a national speed limit, I find it highly unlikely prospective future residents would choose to walk or cycle to the nearest shop or onto services in Albrighton from the appeal site. They would therefore be highly reliant on the private vehicle to access their day-to-day needs.

21. The matter in question is not whether the site is isolated, and I disagree that there are a 'considerable' number of houses in the locality. The area is inherently rural, where the development of houses is generally tightly controlled. The spread of houses in the wider area is generally reflective of that type of location. Regardless, the site is not within a recognised settlement in policy terms, and it does not meet any of the given exceptions in either local or national policy.
22. As such, I do not consider the location to be suitable for the proposed dwellings and there are no material considerations which indicate otherwise. This would conflict with policies CS1 and CS5 of the CS and MD7a of the SAMDEV which seek to direct development to the larger settlements of the area while the proposal does not meet any exceptions to the strict control of development outside of identified settlements.

Character and Appearance

23. The appeal site presents as a residential garden. It is located in a rural area surrounded by agricultural fields, narrow roads and woodland pockets. The M54 motorway to the south is a stark urbanising influence, albeit development is generally sparse in the area and is formed of limited detached dwellings and farmsteads.
24. Although I take on board the Council's concerns that the proposal would harm the rural character of the area, there are no definitive plans before me to substantiate this. To my mind, the proposal deals with matters of principle, and the Council has not substantiated this concern with an officer report or an appeal statement. The appellant has advised that the design approach would be to meet the exception given in of the Framework insofar as it would represent a design of exceptional quality.
25. I see no reason why this could not be achieved and with these matters determined under a technical details consent application, the proposal could accord with policies MD2 and MD7a of the SAMDEV which seek to ensure development would contribute to and respect locally distinctive or valued character and existing amenity value. The proposal could also accord with policy DP3 of the Framework which seeks to ensure development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings.

Other Considerations

26. There is no dispute between the main parties that the Council cannot demonstrate a five-year supply of deliverable housing sites. This figure is put at 3.81 years by the Council, and I see no reason to dispute it. As such, the contribution of 1-2 dwellings would make an important but limited contribution this undersupply. There would be further limited positive weight accrued through the construction process.
27. I have found that the site would not be previously developed and as such the reuse of such land would not weigh in favour of the scheme. The appellant advises that the dwellings would be self-build, although there is no planning obligation before me to secure this tenure. I cannot give this weight as a result.
28. Any boost to local services and facilities from new residents would be counteracted by the need to take these journeys in private vehicles given the lack

of evidence showing that sustainable travel options have been prioritised. The lack of harm to heritage assets or sites of nature conservation would be neutral in the planning balance rather than weighing in favour.

29. There are further claimed benefits through ecology and green credentials, although there is nothing before me to indicate what these would entail. As such I cannot give them weight in the balance.

Planning and Green Belt Balance

30. The benefits as presented to me are worthy of some positive weight, but this would be limited overall. Against this, I must give the harm to the Green Belt by way of inappropriateness and loss of openness substantial weight in each instance as per policy GB6 of the Framework. There would be further harm by way of the appeal site not being in a suitable location with reference to the Council's spatial strategy. These factors weigh against the proposal considerably.
31. Taken together, the adverse impacts of granting permission in principle would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

32. The proposal would be contrary to the development plan taken as a whole and the Framework. There are no material considerations which would dictate that a decision should be made other than in accordance with the development plan. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

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Appeal Decision

Site visit made 1 June 2026

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

Appeal Ref: 6005834

Ryton Grange, Ryton, Dorrington SY5 7LW

- 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 & Mrs R & E Morris against the decision of Shropshire Council.
 - The application Ref is 25/03477/FUL.
 - The development proposed is Conversion of an agricultural building into 2-bedroom dwelling including alterations to existing access road and creation of new parking spaces.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised car parking plan has been submitted in support of the appeal, titled Parking and Access Plan (Revised). This plan shows three parking spaces to the east of the building, dedicated to the appeal building and a passing point close to the site's entrance. This differs from the originally submitted location plan that showed all parking areas associated with the two existing holiday-let units, and which included five spaces alongside the appeal building. Furthermore, a structural report has also been submitted with the appeal documents.
3. I have considered the additional information in consideration of the *Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823* judgement. The revised highway details and structural report provide further supporting information regarding the intended operation of the site, and suitability of the building's conversion, but do not amend the proposal. As such, I have considered whether accepting the information would cause procedural unfairness to interested parties. I note that the Council has seen and provided comment on the additional details.
4. As the additional details do not amend the proposed development from that seen within the application, this evidence does not make a substantive change to the proposal, and interested parties would have seen these details as part of the appeal notification process. As a result, I have accepted the new evidence as it would not unfairly deprive those entitled to be consulted on the application, the opportunity to make representations.

Main Issues

5. The main issues are:

- Whether the building is deemed suitable for conversion in consideration of local policies,
- Whether the proposed dwelling would provide suitable living conditions for future occupiers, with particular respect to noise and disturbance and the provision of external space, and
- The effect of the proposal on highway safety.

Reasons

Suitability for conversion

6. The Shropshire Local Development Framework: Core Strategy (CS) [2011] establishes the Council's approach to the distribution of housing across the borough. CS policy CS5 includes support for the conversion of rural buildings which take account of, and make a positive contribution, to the character of the building and its surrounding countryside. This policy also states that open market residential conversions will only be supported where respect for the heritage asset and high standards of amenity is achieved.
7. Furthermore, policy MD7a of the Shropshire Council Site Allocations and Management Development (SAMDev) Plan [2015] provides requirements with respect to managing housing development in the countryside. This explains that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. It states that residential conversions will only be acceptable where the building is a design and form that is of merit for its heritage/landscape value, requires minimal alteration and would respect the significance of the heritage asset, its setting and the local landscape character.
8. Therefore, the key considerations of this issue are whether the building is regarded as a heritage asset, whether the scheme would respect the existing building with minimal alteration and whether it would support the heritage and landscape value of the site and its surroundings.

Heritage asset

9. The Council's 'Type and Affordability of Housing' SPD (TAH SPD) [2012] at paragraph 2.29 defines heritage assets as those that pre-date the 1950's, consist of traditional materials, are of permanent and substantial construction, and are of local significance and add value to the landscape. This is not a policy document but provides useful guidance as to the Council's identification as to what it regards as a heritage asset, providing certainty for applicant's in addressing CS policy CS5 and SAMDev policy MD7a.
10. The existing building is single storey and currently used as a store. It is largely of brick construction with a profile sheet roof. A breeze block lean-to runs along one side. The existing building is of functional design and has little architectural merit in itself. The appellant's Structural Report considers the suitability of the building for residential conversion, and it has found it to be in reasonable structural condition.
11. The building has barn doors at one end, two personal doors and several small windows and stands within a close-knit group of buildings. These include Ryton Grange Farmhouse, a Grade II listed building, and several large outbuildings that

have been previously converted to further residential use. The building is adjacent to the existing buildings within a village setting and is subservient to both the adjacent buildings and the local streetscene. The Council has explained that the building was built after 1954 and before 1972 based on historic mapping.

12. I note that a short statement has been provided by the appellant from the previous owner of the site. This suggests that the barn could pre-date 1950 and was in existence in 1954, but this evidence can only be afforded limited weight as it is not a statutory declaration. Therefore, whilst the building consists of traditional materials and is of substantial construction and represents the evolution of the farmstead, the most compelling evidence suggests that it was constructed after 1950, is of limited architectural or historic interest and is therefore not regarded as a heritage asset for policy purposes.

Respect the existing building/include minimal alteration

13. The Structural Report demonstrates that the building could be converted with relatively minimal alteration to its basic structure, retaining most of its structural elements and requiring only modest repair to some components. Nonetheless, the scheme would include substantial new wall openings along its long elevation consisting of several large, glazed panels. Furthermore, the existing doorways would be blocked up. Also, the proposal includes the addition of weatherboard cladding, a new veranda entrance, rooflights and high-level fencing. As such, and in contrast to the appellant's view, the altered building would not appear as a subordinate supporting agricultural structure to the main farmhouse or retain its simple form. Instead, it would become a building of heightened significance in the hierarchy of existing associated former farm buildings.
14. These alterations, taken together, represent the addition of non-traditional features and the removal of existing components that present a substantial change to the existing building's fabric and appearance. These works would, in combination, substantially alter the appearance of the building, adversely altering its currently subdued contribution to the grouping of traditional farm buildings. Whilst some materials could be altered and agreed by condition, such conditions could not adequately address the harmful extent of change proposed. Accordingly, the proposal would not respect the existing building and would include alterations that would not be regarded as minor.

The heritage and landscape value of the site and its surroundings

15. The grade II listed building of Ryton Grange Farmhouse originates from C17. It has a timber frame and brick walls, that have been largely concealed by pebbledash, and a plain tile roof. It has a range of interesting architectural features that reflect its significance, which derives from both its architectural and historic interest, being a traditional rural farmhouse.
16. The appeal building is set behind the farmhouse, alongside a larger two-storey outbuilding already converted to residential use. The proposal would be accessed via the shared track, but would not share the main courtyard, instead being served by an improved driveway and parking area at a point furthest from the listed building. Accordingly, the new activity associated with the proposal would be largely divorced from the listed building, thus preserving both the significance of the listed building and its curtilage listed buildings. Nonetheless, the local historic

context of the appeal site would require proposed development to be sensitive to this setting.

17. Due to its proximity to other farmstead buildings, the proposal would not respect its historic setting. The addition of contemporary alterations would substantially alter its appearance from a clearly subdued agrarian form to a more prominent domestic use. The proposed development would not therefore support the historic value of the site and its surroundings.
18. In the wider context, the building is hidden from public views due to topography and vegetative screening. It may be seen in some private views, but these would be filtered and distant, where the building is seen within the context of adjacent built form. The appeal site is within a cluster of buildings in the open countryside with distant views of fields used for arable purposes beyond the rear boundary of the site. As such, the proposed conversion would have a neutral effect on the site and surrounding area's landscape value.

Summary of the first main issue

19. Taking the above points together, the appeal building would be unsuitable for conversion in the form prescribed. The proposal would not make a positive contribution to the character of the building or its historic setting. Furthermore, the proposed alterations would result in a design that is not minimal or of merit in consideration of the site's heritage value. Consequently, the proposal would conflict with CS policy CS5, SAMDev policy MD7a and the Council's TAH SPD, whose requirements I have already set out above.

Living conditions

20. The Council identify that planning permission 16/01760/FUL, for a large agricultural building, has been approved close to the appeal building. The appellant's 'Response to Highways' note shows the location of the approved building and that it was approved in June 2016. This also shows a car park and an access occupying parts of the area of the appeal site and appeal barn. Furthermore, during my visit I saw no clear evidence that the development had lawfully commenced, and therefore this approval may well have expired unimplemented.
21. Although the Council declares that the approved scheme could yet be implemented, it has not demonstrated the full context of that approval or any conditions that would control its use even if built. The Council has also not presented a clear understanding of the potential conflict that would arise if these two schemes were to be implemented together. Therefore, the likelihood that the approved barn would cause demonstrable noise and disturbance to future occupiers of the proposal, even if both were in operation together, has not been demonstrated.
22. Furthermore, the Council identify the potential for noise and disturbance to be caused to the proposal from the existing holiday-let use to the south of the site. However, it is generally recognised that new residential uses within residential areas would be compatible with their surroundings. Furthermore, in this case, the proposed converted building would face away from the southern converted barn. This means that any noise, created between both units, would be unlikely to cause substantive levels of disturbance.

23. The appeal site, that is the area of land within the red-lined site, includes the access drive, the footprint of the building, car parking for 3 cars and a pocket of green space to the east of the site. As such, the external amenity space consists of a small parcel of land to the side of the car park. The appellant identifies that amenity space would be provided ahead of the terrace to the north of the building and would be private. However, this area is outside the redlined site plan and therefore cannot be considered as part of the proposed use. Whilst the appellant regards the external space to be clearly defined, the small green area within the site is small and fails to provide sufficient space for occupiers to use as meaningful outdoor space.
24. Accordingly, whilst the proposal would provide suitable living conditions for future occupiers with respect to noise and disturbance, it would provide limited and restricted external living space. Consequently, the proposal would conflict with CS policy CS6 and the TAH SPD. These require, among other matters, for development to safeguard residential amenity and create acceptable living standards for the provision of external private amenity space.

Highway safety

25. The proposed scheme intends to make use of an existing access onto the highway through the village. The access currently serves two buildings, used for holiday lets, and the appeal barn. A small courtyard is located adjacent to the two existing holiday lets and this includes a gated access onto the driveway and parking area in front of Ryton Grange Farmhouse.
26. The appellant's transport statement identifies that the proposal would attract minimal traffic and that the existing access has been in long term use without causing safety issues. Furthermore, the appellant asserts that the agricultural land associated with the site is limited and has most recently only been used for low intensity grazing, which does not routinely require tractors, large trailers or large machinery. During my visit, I noted that the associated agricultural land was small and, whilst only providing a snap-shot in time, seemed to be lightly used, aligning with the appellant's assertions.
27. The highway through the village is a country lane with several tight turns and is single width in places. From the site's access views to the left are largely clear, whereas views to the right are constrained with a visibility splay of only 20m, beyond which is a tight bend in the road. For this visibility splay to be provided and for the access to be used safely, vehicles would need to be passing at no faster than 17mph. Without a speed survey such low speeds (whilst likely) cannot be confirmed. Furthermore, the emerging right-hand visibility splay over-sails the corner boundary of the front garden of 4 Yew Tree Cottages and cannot be relied on as a retained visibility splay in the future.
28. However, whilst the Council is concerned as to the potential conflict caused between agricultural, holiday-let and residential users, the agricultural use of the access would be very infrequent. Furthermore, the access gates into the site seem to be recessed a sufficient distance for a vehicle to be fully parked off the highway while the gate is being opened.
29. No swept path analysis has been provided, but it appears from my on-site observations that an exiting vehicle would need to clear the access before an entering vehicle could gain access. Nonetheless, based on the light traffic levels

entering and exiting the site, and the low-key nature of the proposal, I am satisfied that the access would operate in a safe manner.

30. Motorist's forward visibility when travelling along the highway is restricted due to the blind bends, narrow highway forcing vehicles to drive cautiously and slowly. Due to the absence of footways, pedestrians were also noted walking within the highway providing a further reason for motorists to use the highway cautiously, which I noted whilst during my visit. These noted hazards would require motorists to be especially vigilant when using the route, inevitably resulting in slow speeds. As such, despite the absence of a speed survey, swept path analysis and the visibility splay oversailing the plot of No 4, I find that the access would operate in a safe manner taking the local context into consideration.
31. Consequently, the proposal would function in a safe manner without causing harm to highway safety. As such, the proposal complies with the National Planning Policy Framework (the Framework) which requires development to only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

32. The appellant reports that the proposal would create no risk to flooding and received no technical objections from consultees. Whilst I do not agree that the Highway Authority had no technical objections, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
33. The appellant identifies that the proposal would reuse an existing building, would contribute to the vitality of the village, contribute to the local housing mix in providing a modest sized home (which is apparently currently limited in Great Ryton) and would contribute to the Council's housing supply. It is also asserted that the proposal would provide a Biodiversity net gain of 13.47%. These benefits weigh in favour of the proposal.
34. A letter of support has been made by an interested party, identifying the limited traffic impact of the scheme and that the barn would be used to accommodate aging parents. However, these matters are of limited weight in favour of the proposal.

Planning balance

35. It is undisputed between parties that the Council cannot demonstrate it has a 5-year housing land supply, with a supply of 4.61 years (as at 1 March 2026). As a result, the circumstances as set out under footnote 8 of the Framework apply. Consequently, the development plan policies which are most important for determining the application are to be deemed out-of-date. In light of Paragraph 11(d)(ii) the benefits of the scheme and its adverse impacts need to be considered against the Framework policies as a whole.
36. The proposal would represent a small infill plot within a settlement boundary, gaining support from paragraph 73(d) of the Framework. Furthermore, the proposal would help boost the supply of housing as promoted under the Framework, albeit that a single unit would make only a modest contribution in these respects. There would also be some, albeit limited, benefits in terms of the generation of construction employment and support from future occupiers to local services.

37. Nonetheless, the proposal would cause harm to the character and appearance of the area, an objective sought by paragraph 135(c) which requires development to be sympathetic to local character. Furthermore, it would not provide a high standard of amenity for future occupiers as required by paragraph 135(f).
38. The several benefits of the scheme attract moderate weight overall. Against this, the identified harm in respect of character and appearance and for living conditions attracts significant weight. Therefore, I find the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the Framework. The presumption in favour of sustainable development as set out at paragraph 11 of the Framework would therefore not apply.

Conclusion

39. Therefore, for the above reasons, the appeal is dismissed.

B Plenty

INSPECTOR

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Appeal Decision

Site visit made on 2 September 2026

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2026

Appeal Ref: 6011150

Land off Welshpool Road and adjacent to Southerly, Chavel, Ford, Shrewsbury, Shropshire SY5 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by G Harrison and A Hall against the decision of Shropshire Council.
 - The application Ref is 25/04311/PIP.
 - The development proposed is described as “application for permission in principle for the development of between seven and eight dwellings on land off Welshpool Road and adjacent to Southerly, Chavel, Ford, Shropshire”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (the Framework) was published on 17 August 2026. The main parties were given the opportunity to comment, and the comments received have been taken into account in the determination of the appeal.
3. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (or permission in principle stage) establishes whether a site is suitable in principle and the second (technical details consent stage) is when the detailed development proposals are assessed. This appeal relates to the first stage.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development proposed. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

5. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular reference to:
 - whether the site would be a suitable location for the proposed development, in respect of the spatial strategy in the Development Plan, and accessibility to services and facilities; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

6. As an irregular-shaped parcel of land with hedgerows and trees along the boundaries of the open fields, the appeal site sits alongside further open fields, a group of dwellings and the busy A458.
7. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (CS) and policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17/12/15) (SAMDev Plan) set out the strategic approach to the location of development in the district. These policies aim to meet its needs and to make its settlements more sustainable and development will be supported in Shrewsbury, the Market Towns and Key Centres, and the community Hubs and Community Cluster settlements. Outside of these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
8. The appeal site is located outside of any of these settlements and therefore, for planning policy purposes, is classed as in the open countryside, where CS Policy CS5 establishes that new development will be strictly controlled. The policy provides a list of scenarios where on appropriate sites, which maintain and enhance countryside vitality and character as well as improve the sustainability of rural communities by bringing local economic and community benefits, proposals will be permitted. Based on the evidence before me, none of these would be met by the proposed development. Moreover, the proposal would not represent the types of housing development in the countryside given in SAMDev Policy MD7a, which strictly controls new market housing outside these settlements. Therefore, the proposed development is contrary to the Council's development plan spatial strategy.
9. CS Policy CS6 states that to achieve an inclusive and accessible environment, amongst other things, proposals likely to generate significant levels of traffic are required to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced.
10. Whilst not identified as such in the development plan, comments have been made by the main parties as to whether Chavel is a settlement. The definition of a settlement in the Framework includes cities, towns, villages and other predominantly built-up areas, but not hamlets and scattered groups of houses located outside predominantly built-up areas.
11. Chavel consists of a ribbon of houses, a restaurant, a hot food takeaway and a petrol filling station with a convenience store, to the southern side of the A458, and a more sporadic cluster of dwellings to the northern side. Due to the modest area covered by development and the prevailing sense of openness between the buildings with views of the surrounding countryside, I found that Chavel did not comprise a predominantly built-up area and therefore does not constitute a settlement for the purposes of my assessment.
12. Unchallenged distances of 400m, 440m and 450m to the restaurant, takeaway and convenience store respectively have been indicated. Furthermore, a bus stop and

a primary school are positioned further west at a distance of some 700m and 800m. The route to these from the appeal site would be via a lit footpath, with a central refuge crossing fronting the petrol filling station and convenience store.

13. Nevertheless, and despite this stretch of the A458 being subject to a 40mph speed limit, the footpath is narrow in places and positions pedestrians in close proximity to the busy traffic flow travelling east, which includes a noticeable proportion of large commercial vehicles that create a distinctive wind blast as they pass. The impact of these passing vehicles would be amplified during adverse weather. Cyclists using the A458 in either direction would also face a similar experience. Consequently, these conditions, in conjunction with the distances involved, would not be an attractive option for walking or cycling to access these services and facilities. The presence of public rights of way to Ford has not altered my findings as these are partly across fields via unlit and unmade surfaces
14. Therefore, due to a lack of genuinely sustainable travel choices, the occupants of the proposed dwellings would be heavily reliant on private motor vehicles to access services and facilities on a regular basis.
15. In addition, there is no compelling evidence before me that future occupants of the proposed houses would use the services and facilities on the A458 or within Ford, thereby enhancing or maintaining their vitality, rather than those that would be found in a town.
16. My attention has been drawn to the granting of permission in principle¹ for the replacement of an existing dwelling with 3 new dwellings in close proximity to the appeal site. I note that in the reason for approval the Council refers to Chavel as a hamlet and close to the village of Ford, and that the site is within reasonable walking distance of services and facilities. However, that development related to an existing residential use on the site and was located marginally closer to the services and facilities. Moreover, I have assessed the appeal scheme before me under the latest version of the Framework, including its definition of a settlement. I have therefore considered the appeal before me on its individual planning merits.
17. A further appeal decision² presented is materially different to the scheme before me. In that case, the Inspector found that future occupiers would have access to a reasonable bus service, with a bus stop at an approximate distance of 250m. As detailed above, such a scenario would not apply in this case. As such, a comparison is of limited relevance in this instance.
18. Moreover, I have found a former proposed housing allocation³ not to be comparable to the appeal site as it immediately adjoins Ford, including the bus stop on the A458 and on the opposite side of But Lane to the primary school. Furthermore, this allocation formed part of the previous draft Local Plan that was withdrawn.
19. I understand that the Council, as part of a comprehensive 'scoping consultation' for the next Local Plan, has sought views on a draft 'Community Hierarchy' that includes an assessment of the connectivity of all recognisable named communities in the district. Although this document, including the connectivity score of Chavel,

¹ Planning Decision Ref: 26/00858/PIP

² Appeal Decision Ref: 6005634

³ Housing allocation FRD011

is a material consideration, in light of the current stage of preparation of the emerging plan, I give this limited weight.

20. For the above reasons, I conclude that the appeal site is not in a suitable location for the proposed development, in respect of the spatial strategy in the Development Plan, and accessibility to services and facilities. It would conflict with CS Policies CS1, CS5 and CS6, as well as SAMDev Plan Policies MD1 and MD7a.
21. The reason for refusal refers to CS Policy CS11, which relates to the type and affordability of housing. As detailed development proposals are assessed at the second stage of the permission in principle consent route, I have found this policy not to be determinative on this main issue.

Character and appearance

22. The appeal site consists of part of a larger field and an existing vehicular access off the A458 that runs parallel to this highway and serves the field as well as Burnell House. High vegetation runs along much of the site's boundaries as well as the remainder of the field to the east that is also in the appellant's control. Whilst this reduces views of the site, glimpses are possible through breaks in the vegetation with clearer and far-reaching views possible from the access.
23. The proposal would not represent the rounding off of existing development, as only a relatively small part of the appeal site would be positioned between the spacious grounds of Southerly and Burnell House. I found the majority of the site to have a strong visual and physical relationship with the large expanse of open countryside that lies to the east and north, thereby making a positive contribution to the character and appearance of the area.
24. The indicative layout shows the provision of a main road off the access and 2 further smaller service roads serving 8 detached dwellings. Whilst no detailed plans are before me, the development of the site with 7 or 8 dwellings with associated access and hardstanding, would form a significant urbanising intrusion into the countryside, eroding the rural character and appearance of the area.
25. An appeal decision⁴ that found a housing proposal would infill a gap between existing residential properties has been presented in support of the proposal. Due to the size of the appeal site and its relationship with existing development, I have found this not to be the case with the scheme before me and therefore cannot draw any direct comparison with the proposal that would weigh in its favour.
26. In conclusion, the proposed development would have an unacceptable effect on the character and appearance of the area, contrary to CS Policies, CS5, CS6 and CS17 and SAMDev Plan Policy MD2. Together these policies seek, inter alia, developments that contribute to and respect local context and character, including the form and layout of existing development.

Other Matters

27. The second reason for refusal relates to the total floorspace of the proposal being likely to exceed 1000 square metres, which would categorise it as a major development and thereby causing it to be excluded from a grant of permission in

⁴ Appeal decision Ref: 6005634

principle. However, in this case, permission in principle has been sought for between 7 and 8 dwellings on the appeal site, which is below the 10 houses or more threshold for a major development. Moreover, as this is the first stage of the permission in principle consent route and there are no detailed plans before me, including floor areas, the appeal scheme does not constitute a major development.

28. I acknowledge the Council's concerns surrounding the efficient use of the land in the event permission in principle were to be granted. Nevertheless, as I am dismissing the appeal for other reasons, including its effect on the character and appearance of the area based on the proposed range of dwellings, I have found this to not be a determinative matter, and it is not necessary for me to examine this further.
29. The appellant refers to positive pre-application discussions. However, I am mindful that pre-application discussions are informal and not binding on any future decision the Council may make once a proposal has been subject to the formal planning process. This has not swayed me from my conclusions on the main issues in this case.
30. It is suggested that the proposal would deliver an appropriate level of affordable housing. However, as the proposal relates to a permission in principle, any provision could not be secured since planning conditions or obligations cannot be included. Any provision would need to be secured at the technical details consent stage.

Planning Balance

31. The appeal site would not be in a suitable location for the proposed development, in respect of the spatial strategy in the development plan, and accessibility to services and facilities, and would also have an unacceptable effect on the character and appearance of the area. I have found that the proposal would conflict with the development plan as a whole.
32. There is no dispute between the parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites, though the Council has stated the figure at 4.61 years and the appellant refers to 3.81 years given in an appeal decision⁵. However, irrespective of the scale of the housing land supply shortfall, the proposed development does not fall within any of the forms of development given in policy S5(1) of the Framework, including S5(1)(j) as, for the reasons already given, the appeal site is not physically well-related to an existing settlement. Consequently, the appeal scheme falls to be considered under policy S5(4), where proposals should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.
33. Paragraph 2 of Annex A of the Framework states that development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the Framework. The spatial strategy set out in CS Policies CS1, CS5 and CS6, as well as SAMDev Plan Policies MD1 and MD7a is consistent with the Framework's aim in locating development where it can support sustainable

⁵ Appeal Decision Ref: APP/L3245/W/25/3362414)

patterns of movement. However, considering the lack of a 5-year housing land supply, I attribute moderate weight to this conflict.

34. CS Policies, CS5, CS6 and CS17 and SAMDev Plan Policy MD2 are also consistent with the Framework in requiring development proposals to respond to their context, so that they integrate with and enhance their surroundings. Whilst there is scope to mitigate some of the harm through the technical details consents stage, due to the long-lasting nature of the effects, I afford significant weight to this conflict. In addition, national decision-making policy DP3(3) advises that development proposals should be refused if, without clear justification, they conflict with DP3(1), as is the case here with the evidence before me.
35. Set against the harm that I have identified, there would be benefits associated with the development. The proposal would make a positive contribution in the creation of 7 or 8 dwellings, where the Framework instructs substantial weight to be given to the provision of homes. There could also be the potential for the provision of affordable housing. There would also be associated economic benefits during the period of construction and once the dwellings are occupied as well as the delivery of Biodiversity Net Gain.
36. Having regard to the scale and permanence of the development, the benefits would not substantially outweigh the adverse effects, and exceptional circumstances have not been demonstrated. As such the presumption in favour of sustainable development set out in policy S5 of the Framework does not apply.

Conclusion

37. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

P Barton

INSPECTOR

Appeal Decision

Site visit made on 15 September 2026

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 October 2026

Appeal Ref: APP/L3245/Q/26/3378744

32 High Cross Avenue, Cross Houses, Shrewsbury SY5 6LJ

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 (as amended) against a failure to determine that a planning obligation should be modified.
 - The appeal is made by Stephen John Hawksworth against Shropshire Council.
 - The development to which the planning obligation relates is the erection of 54 low cost houses as more particularly described under planning application reference numbers S/90/227/61/90 and S/90/1102/61/90 or any approved modification thereof.
 - The planning obligation, dated 10 September 1992, was made between Shrewsbury and Atcham Borough Council and Fletcher Homes (Shropshire) Limited.
 - The application Ref 25/03909/VRA106 is dated 14 October 2025.
 - The application sought to have the planning obligation modified as follows: In the respective meaning of 'The Discounted Price' the end of the paragraph states 'subject to a discount of 20% of the said valuation.' I would like this to be modified to 'subject to a discount of 10% of the said valuation' (in respect of 32 High Cross Avenue).
-

Decision

1. The appeal is dismissed. The planning obligation, dated 10 September 1992, made between Shrewsbury and Atcham Borough Council and Fletcher Homes shall continue to have effect.

Preliminary Matters

2. This appeal follows the failure of the Council to determine the planning application within the prescribed period. Had it been able to determine the application, the Council has indicated that the application would have been refused.
3. I note the case set out within the Council's appeal statement. While this is not the application decision, as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.

Main Issues

4. Consequently, the main issues are;
 - Whether the obligation for 32 High Cross to be a low-cost house still serves a useful purpose,
 - Whether reducing the obligation to only require a 10% discount would also serve this purpose.
 - Whether the obligation should be modified

Reasons

Existing Obligation

5. The appeal site comprises one dwelling within a wider estate of 54 dwellings built with the express purpose of being 'low-cost houses'. I understand this status to be the equivalent of an affordable house and requires a dwelling be sold with a 20% discount, was secured by a Section 106 agreement. This agreement covers the dwellings in perpetuity and also restricts potential buyers to those identified as a 'qualifying person'. These are individuals who live within the rural area and have done so for ten out of the last fifteen years. A relaxation to this requirement is afforded where no offers have been made within one month of a property being for sale. The broader qualifying person is one who lives within the administrative area and has done so for five of the last ten years.
6. I am mindful that for affordable houses permitted now, the Council requires a discount of 40%, twice that of the discount attached to the appeal dwelling. While providing a reduced discount compared to current requirements, I am content that the appeal dwelling, and the others within the estate, still provide a notably lower price against market rates. Moreover, the restriction to qualifying persons would further ensure that the discount benefits those who need it. In all I find that the obligation contributes towards affordable housing.
7. Government objectives for housing include the suitable provision of affordable housing to meet local needs. There is no dispute between the parties that the Council have an acute shortfall of affordable housing, especially within rural areas. I also note the appellant's reference to house prices having increased and that the gap between incomes and house prices has similarly grown.
8. Against this background, the appeal dwelling provides an affordable house that contributes towards meeting an identified need. As a whole the estate provides a substantial contribution to this need and complies with Policy CS11 of the Shropshire Local Development Framework (the LDF). In this way the obligation still serves a useful purpose.
9. Although I note that the obligation does not set out why the requirement has been secured, the agreement does not need to justify itself, this would have been done elsewhere. Moreover, the test does not require that the obligation serves the useful purpose for which it was agreed, only that it must still serve a useful purpose.

Proposed Modification

10. The proposed modification would see the discount applied to the appeal dwelling reduced from 20% to 10%. No other dwellings would be covered by this modification. By retaining a discount, albeit one reduced, the dwelling would continue to be restricted for purchase by only qualifying persons, and at a lower than open market value.
11. The dwelling would therefore remain to be a reduced price against a non-discounted house. However, this would be a half of the existing reduction and a quarter of the Council's current requirements. The affordability of the dwelling would consequently be much reduced, and it has not been demonstrated that a 10% discount would provide a meaningful aid to those looking for an affordable

dwelling. It has also not been demonstrated that there is a need for affordable houses with a lower discount. As a result, the proposed amendment to the agreement would reduce the extent to which it could be said to serve a purpose.

12. While no other dwellings would be covered by this modification, there is a potential that further dwellings may come forward seeking similar modifications. There is consequently, a risk that the estate's contribution to affordable housing would be further reduced. The appellant has suggested that, due to when he bought the property and the works carried out, only his dwelling would be appropriate for such a reduction in the discount and, as such, no such risk would arise. However, while the house has been modified and upgraded, on the whole these are likely to be works replicated across the estate. Moreover, during my site visit I noted at least two other properties that appeared to benefit from two-storey side extensions. I have also not been provided with any evidence to satisfy me that the appellant is the only person to have bought one of these properties new.
13. In light of the above, the situation of the appeal dwelling is not so unique as to avoid the risk of eroding the obligation completely. Should other dwellings also have the discount reduced this could, given the number affected, significantly affect the supply of affordable housing within the area. The proposal would therefore put the purpose of the obligation at risk.
14. I therefore find that the proposed modification would not continue to serve the above purpose, given the reduced discount and the additional risk that this contribution is further reduced in the future.

Modification Conclusion

15. The obligation, as it currently stands, serves a useful purpose. This purpose would be eroded by the proposal and there would be a risk that the purpose could be substantially diminished or lost should other dwellings have their discount similarly removed. While it is within the right of the appellant to seek a modification of the agreement, it is clear from my assessment above that the obligation serves a useful purpose and that the proposal would compromise this. I find, therefore, that the agreement should not be modified. In reaching my decision I have been mindful of the National Planning Policy Framework and the Planning Practice Guidance on obligations.

Other Matters

16. I note the alterations, improvements and maintenance that the appellant has carried out during his occupation of the dwelling. I am also mindful that the appellant would not have benefited from a 20% discount when paying for these works. However, I find that the maintenance of a property is part and parcel of owning a dwelling. Moreover, while the appellant may not achieve the full reward for having undertaken alterations and improvements, the appellant would have had full awareness of the obligation when choosing to undertake these works.
17. The appellant has raised concerns that he would be unable to purchase another property should he sell the appeal dwelling with its current discount. However, no substantive evidence has been provided to this end. Therefore, this has not been determinative in my considerations.

Conclusion

18. The proposal would result in the agreement no longer serving a useful purpose in conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

Samuel Watson

INSPECTOR

Appeal Decision

Site visit made on 15 September 2026

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 October 2026

Appeal Ref: 6011445

Land to the East of, 5 The Hem, Shifnal TF11 9PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by R Cooke against the decision of Shropshire Council.
 - The application Ref is 26/01405/PIP.
 - The development proposed is permission in principle for the construction of up to two dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on the 17 August 2026. I have determined the appeal in the context of this revised Framework.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

6. The appeal site comprises a narrow, sloping paddock accessed via an unnamed road off the A4169. It is within the open countryside and is predominantly surrounded by open fields. However, there are also a number of dwellings nearby, including one immediately adjoining the site and a group on the opposite side of the brook at the bottom of the site. The appeal site is not within a settlement for the purposes of the Framework but, is also not isolated.

7. Policies CS1 and CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) and Policies MD1 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan (the SAMDev) direct new residential development to Shrewsbury, Market Towns, Key Centres, community hubs and community clusters. The appeal site is not within any of these locations. Where outside of these locations proposals can be supported where they meet particular local needs, identified by the appellant, are for an exception site or provide rural worker housing. On a plain reading, the location of this appeal site does not comply with the spatial strategy for this use and would not meet any of the relevant exceptions set out within the above policies.
8. The Framework, under Policy S5, sets out exceptions for where residential development in the countryside can be acceptable. In this case, exceptions (e), (h), and (j) of Policy S5(1) are of relevance to this appeal.
9. However, given the site's relationship to the surrounding development, it could not be said that the proposed dwellings would comprise infilling. Moreover, the appeal site is some significant distance from Telford, Shifnal and their respective stations. It is not, therefore, within a reasonable walking distance of, or physically well-related to, these. Consequently, the proposal does not fall within exceptions (e) or (h).
10. It is agreed by the parties that the Council cannot demonstrate a five-year housing land supply and therefore, there is an unmet need for housing. Nevertheless, as noted above, the appeal site is not physically well-related to an existing settlement. In light of this the proposal also does not comply with exception (j).
11. It is clear from the above that the proposal does not fall within any of the relevant categories of Framework Policy S5. S5(4) therefore requires that such a proposal should only be approved in exceptional circumstances, where the benefits of the proposal substantially outweigh the adverse effects. Particular regard is had to sustainable patterns of movement and the character of the countryside, these matters reflect the concerns of the Council, and I have considered them in turn below.
12. There are no services or facilities provided within The Hem, and I understand that the closest opportunities for these are within Telford and Shifnal. Future occupiers would therefore be required to travel to either of these to meet typical needs such as employment, education, shopping as well as reach other services and facilities.
13. The appeal site is some distance from either settlement and, given the distance, it is unlikely that future occupiers would walk. Moreover, the route from the appeal site to Telford is not served by a footpath or street lighting and so future occupiers would be required to walk in the carriageway or, where possible, on the verge. From my site visit, I noted what appeared to be a continuous footpath leading towards Shifnal. This is also unlit and would require future occupiers to cross the road which is covered by the national speed limit. Given the highway speeds walking along the carriageway or crossing it would be unsafe for future occupiers. This would be particularly so where pedestrians are more vulnerable, including children or those wheeling, and at times of poor visibility, such as overnight or during inclement weather.
14. The appellant has identified the main road as a cycling route, and it is likely that some cyclists would make use of this road. However, given the character of the

road set out above, future occupiers would be required to cycle in the carriageway amongst vehicles traveling at up to the national speed limit, and with no street lighting. I therefore find it would not be an attractive prospect for future occupiers to make regular use of in reaching their typical daily needs. The route would also have the potential to be unsafe should these needs require traveling in poor visibility or with vulnerable users. Therefore, while some cycling may occur, it would not comprise a realistic or viable option for future occupiers.

15. No public transport options, such as buses, have been identified that would be safely accessible, and so future occupiers would be reliant upon private motor vehicles to reach their typical needs. I am mindful that, when driven, the distance between the appeal site and the edge of nearby settlements is relatively short, but this distance is not to services and facilities which would require driving further. Moreover, I cannot be certain of any future occupier's social habits, nor require that they work from home and rely upon home deliveries. The proposal would therefore, by way of its location, be reliant upon private motor vehicles and not promote sustainable patterns of movement.
16. The proposal would introduce two new dwellings within the countryside adjacent to an existing group of residential development. The appeal paddock and its surroundings are primarily characterised by the rural and agricultural nature but, given the presence of the small number of dwellings, this character is not complete. I cannot consider the design of the proposed dwellings or their location within the site as this is a matter for the technical details consent stage. Nevertheless, I find that the presence of up to two additional dwellings in this location would affect the character of the area.
17. However, the appeal site is located within a somewhat discrete location away from the main road within a bowl surrounded by mature vegetation. Given this, any visual impact of the scheme would be limited to close views read against the existing sporadic development. I am content that given the above and the small scale of the proposal, only providing up to two dwellings, the effect on the character of the immediate area would not be so significant as to harm the rural character of the countryside.
18. Nevertheless, and having regard to its location and proposed land use, the appeal site is not suitable for residential development. The proposal therefore conflicts with the Council's spatial strategy and, as future occupiers would be reliant upon private motor vehicles to reach services and facilities, would not promote sustainable patterns of movement. The proposal therefore conflicts with ACS Policies CS1 and CS5 and SAMDev Policies MD1 and MD7a as set out above. The proposal would also conflict with the Framework, and particularly Policy S5 as above.

Conclusion

19. The Government's objective is to significantly boost the supply of housing, and the proposal would provide between 1 and 2 dwellings. These would contribute towards the Council's identified under supply of housing. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as some very limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal and mindful of the Framework, including Policy HO7, these matters, at most, attract substantial weight.

20. Conversely, the proposal's location, poor access to sustainable transport options and reliance upon private motor vehicles would result in harm, and conflict with both local and national policies. I find this also attracts substantial weight and therefore the benefits of the proposal would not substantially outweigh the adverse effects of the proposed development. Consequently, the proposal does not benefit from the exceptional circumstances set out under Framework Policy S5(4).
21. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweighs this conflict. Therefore, for the reasons outlined above, I conclude that the appeal is dismissed.

Samuel Watson

INSPECTOR



Appeal Decision

Hearing held on 17 June 2026

Site visit made on 17 June 2026

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2026

Appeal A Ref: APP/L3245/Q/26/3378204

Orchard Cottage, Ashford Carbonell, Shropshire SY8 4BX

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 (as amended) against a refusal to discharge a planning obligation.
 - The appeal is made by Mr S Angell against the decision of Shropshire Council.
 - The development to which the planning obligation relates is Erection of an affordable dwelling and garage/store, alteration to existing vehicular and pedestrian access and siting of temporary caravan attached to planning permission reference 11/05428/FUL.
 - The planning obligation dated 20.06.2012 was made between Shropshire Council and Mr S Angell.
 - The application Ref 25/03204/DSA106, dated 28 August 2025, was refused by notice dated 27 November 2025.
 - The application sought to have the planning obligation discharged.
-

Appeal B Ref: 6006022

Orchard Cottage, Ashford Carbonell, Shropshire SY8 4BX

- 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 S Angell against the decision of Shropshire Council.
 - The application Ref is 26/00102/FUL.
 - The development proposed is market value dwelling including detached ancillary office and alteration to existing vehicular access.
-

Decision

1. Appeal A is allowed and the planning obligation dated 20.06.2012, made between Shropshire Council and Mr S Angell, is discharged.
2. Appeal B is allowed and planning permission is granted for market value dwelling including detached ancillary office and alteration to existing vehicular access at Orchard Cottage, Ashford Carbonell, Shropshire SY8 4BX in accordance with the terms of the application, Ref 26/00102/FUL, subject to the conditions in the attached schedule.

Preliminary matters

3. The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedures for the modification and discharge of planning obligations under Sections 106A and 106B of the Town and Country Planning Act 1990 (the Act). An obligation can be modified or discharged if it predates 6 April 2010 or is over 5 years old. The obligation subject of appeal A meets this requirement.

4. The application subject of appeal B was submitted as a stand-alone planning application for a 'market value dwelling including detached ancillary office and alteration to existing vehicular access'. The Council amended the description of the development to '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'.
5. The change in application type and description of development was not agreed by the appellant. It is necessary to ensure that the description of development and application type reflects what was applied for. I have therefore considered the appeal as a stand-alone proposal for a new dwelling, not one for planning permission for development already carried out, and I have taken the description of development from the application form. This is reflected in the banner heading above. Nonetheless, whilst this amended description was the subject of statutory consultation, given the similarities in the development description I am satisfied that no procedural unfairness to interested parties has occurred due to that amended description.

Application for costs

6. An application for costs was made by Mr S Angell against Shropshire Council. This application is the subject of a separate decision.

Main Issues

7. Appeal A- The main issue is whether the planning obligation serves a useful planning purpose, with particular regard to the affordable housing restriction.
8. Appeal B- The main issue is if the site is in a suitable location for the proposal having regard to the spatial strategy in the development plan and access to services.

Appeal A

Reasons

9. The site is located in the small settlement of Ashford Carbonell. Ashford Carbonell is not a community hub or part of a community cluster and thus is classified as being in the open countryside in which policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev) and policy CS5 of the Shropshire Local Development Framework Adopted Core Strategy (2011) (CS) state that new market housing will be strictly controlled.
10. Planning permission was granted in July 2012 for the erection of an affordable dwelling¹. The submitted evidence indicates that this was granted under the exceptions approach outlined in CS Policy CS11 which allows single plot houses in locations that would not normally obtain planning permission on an exception basis that affordable housing for local people is provided.
11. The planning permission was the subject of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 which sought to ensure that the dwelling is retained as affordable, essentially securing it in perpetuity as an affordable home for persons with a local connection whose needs are not met by

¹ Application 11/05428/FUL

the market at a defined rate 60% below the local market rent/value. This also included a restriction on the maximum floor area of the dwelling. The Section 106 agreement (S106) sets out that planning permission for the dwelling would not have been granted without the agreement having been executed. The appellant met the S106's exception criteria and construction of the dwelling commenced in July 2012. The dwelling is currently incomplete, and the appellant's case is that the S106 has failed to deliver an affordable dwelling. The appellant submits that the obligation no longer serves a useful purpose and so should be discharged.

12. The evidence indicates that in Shropshire there are more than 5,290 households in housing need on the housing register², in addition to which the Council submit that there is likely to be additional hidden need in the form of eligible households not on the register. Whilst the exact numbers of persons in the local area who would be eligible to rent or buy the dwelling in accordance with the terms of the S106 are not before me, I have been presented with no reason to find that there is not a need for affordable housing in Ashford Carbonell, in particular given the average house prices and affordability ratios in the area.
13. The property has not been marketed as an affordable dwelling and alternative providers have not been approached. Given this, there is no evidence before me demonstrating an inability to secure alternative tenants or purchasers that could rent or purchase the site under the terms of the S106. As the obligation restricts the use of the dwelling as an affordable unit in perpetuity, any reduction in the available affordable housing stock would have a lasting detrimental impact on affordable housing provision.
14. Notwithstanding this, regard has to be had to whether the S106 has/ is likely to fulfil its purpose as a mechanism for delivering a dwelling available to eligible persons in housing need. Some 14 years after it was granted and construction began, the dwelling remains substantially incomplete lacking, amongst other things, flooring, electricity, sanitary facilities, heating and a staircase. The main parties agree that the dwelling has not appeared on the housing register. To date, no affordable dwelling has been delivered which is available to eligible persons in housing need. Indeed, I note that the appellant and his family, the affordable dwelling's intended occupiers, currently reside on site in an annexe.
15. The fact that the dwelling has not been completed does not in itself mean that there is no affordable unit to protect or that it cannot contribute to affordable housing stock in the future. Nonetheless, the appellant states that the construction of the dwelling has stalled and there is no prospect of an affordable unit being delivered. This is due to reported difficulties in receiving mortgage funding for the construction of self-build affordable properties for self-employed borrowers which mean that the appellant is unable to get a mortgage for the construction of the dwelling. This has resulted in the financing of the construction of the dwelling through earnings and loans, resulting in a long build-out period and the eventual stalling of the development with an estimated further £75,000- £100,000 of additional works needed to render the dwelling habitable. At the hearing I heard that the discharge of the obligation would enable the appellant to access mortgage funding, allowing the construction of the dwelling to continue.

² Appeal Statement of the Local Planning Authority

16. I acknowledge that an alternative provider or eligible person satisfying the requirements of the S106 may, theoretically, be willing and able to take the dwelling on in its part-completed form. However, in this particular case the appellant submits that, if the dwelling were sold to another person or alternative provider at 40% below market value in line with the requirements of the S106, given the level of capital investment in the development, significant financial losses would be suffered. Given this it is clear that the appellant would be unwilling to sell the site. Consequently, completion of the development would still be unlikely, especially given the likely costs outstanding.
17. Additionally, the appellant indicates that the financial losses that would be suffered if the site were sold in line with the restrictions in the S106 would result in the risk of homelessness for the appellant and his family, pushing them onto the housing register in an area in which the main parties agree there is a shortfall in affordable housing provision. There would be no guarantee that an affordable dwelling of the size required to accommodate the appellant and his family would be found within the local area.
18. Drawing together the above, based on the evidence before me and all that I heard during the hearing, no affordable unit has been delivered and it appears that there is no reasonable prospect of the unit coming forward as an affordable dwelling. Given this, the obligation has failed to deliver an affordable dwelling with no indication that it will do so in the future. Thus, with regards to the affordable housing restriction, the S106 no longer serves a useful planning purpose.
19. The site is the subject of a recent appeal to discharge the planning obligation³ in which the Inspector concluded that the affordable housing restriction in the S106 continued to serve a useful planning purpose. In that decision the Inspector commented that the dwelling had been constructed. That decision appears to have been made on the basis that the dwelling was capable of contributing to the affordable housing stock. In light of my above findings regarding the dwelling's unfinished nature and the likelihood of it coming forward as an affordable dwelling, I have reached a different conclusion with regards to whether the S106 continues to serve a useful purpose with regard to the affordable housing restriction.
20. The S106 includes a size restriction which seeks to ensure that the internal floorspace does not exceed 100m². The basis for this appears to be to ensure that the dwelling remains affordable to the intended occupiers since larger properties are generally more expensive. In a 2025 enforcement appeal⁴ the Inspector considered that the appellant's family/ personal needs justified extensions creating 25m² of additional floor area which resulted in the dwelling's internal floorspace exceeding the 100m² normally allowed for single plot exception properties. At the hearing it was explained that these extensions would be excluded from any valuation, thereby ensuring that the rental or sale price reflected the size cap restriction in the S106. To that end, the size restriction serves a useful purpose in that it ensures that the property does not become a larger, and thus less affordable, dwelling. However, as the S106 is failing to contribute to the affordable housing stock with no indication that it will in the future, it follows that a restriction on the dwelling size to ensure it remains affordable serves no useful planning purpose.

³ APP/L3245/Q/25/3363603

⁴ APP/L3245/C/23/3333460

21. My consideration under Paragraph 106(6) of the Act requires me to determine whether: a) the obligation shall continue to have effect without modification; b) if the obligation no longer serves a useful purpose, that it shall be discharged; or c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
22. The evidence indicates that the obligation has failed to deliver affordable housing and there is no indication that it will do so in the future. Were the obligation to remain without modification, the evidence before me, and all that I heard during the hearing, indicate that an affordable dwelling would not be delivered on the site and thus, as a mechanism to delivery affordable housing to serve persons in housing need, it is apparent that the obligation no longer serves a useful planning purpose. No modifications to the obligation which would enable it to serve that purpose have been put to me. It follows that, as the obligation no longer serves a useful planning purpose, it should be discharged, as set out in Paragraph 106(6)b of the Act. The consideration of whether the obligation serves a useful planning purpose in terms of its delivery of an affordable unit is not altered by the site's location in the open countryside and subsequent conflict with the spatial strategy in the development plan.

Conclusion- Appeal A

23. For the above reasons, I conclude that the Section 106 agreement in question serves no useful planning purpose with particular regard to the affordable housing restriction and should now be discharged. Hence, there is no justification for the existing obligation to continue and the appeal is allowed.

Appeal B

Reasons

24. The site is located in Ashford Carbonell, a small village. The proposal is for the erection of a market dwelling. Ashford Carbonell is not a community hub or part of a community cluster and thus is classified as being in the open countryside in which SAMDev policy MD7a and CS policy CS5 seek to control new market housing. The development would not meet any of the exceptions set out in CS policy CS11 and SAMDev policy MD7a. The proposed market dwelling would therefore conflict with the settlement strategy in the development plan.
25. The National Planning Policy Framework (the Framework) states that policies and decisions should play an active role in guiding development towards sustainable solutions and acknowledges that opportunities to maximise sustainable transport will vary between urban and rural areas, and this should be taken into account in decision-making.
26. Ashford Carbonell has some limited facilities including a primary school, play area, village hall, public house and a church and future occupiers of the proposed dwelling would have access to these basic services within walking distance of the site. Nonetheless, there are limited opportunities for employment within Ashford Carbonell, and access to secondary education, medical facilities, supermarket shopping and specialised services such as banking would likely result in additional vehicular movements to larger settlements including Ludlow, approximately 3 miles away.

27. Public transport in Ashford Carbonell appears to be limited and I acknowledge that such journeys are more likely to be undertaken by private vehicle than by walking or cycling. However, it is to be expected, as the Framework indicates, that some travel by private vehicle is likely in rural areas such as this and Ludlow is not so distant that long journeys would occur. Moreover, the distances involved do not preclude some journeys being undertaken by bike and it would be feasible to cycle to the facilities and services in Ludlow using the quieter rural lanes and I have no evidence before me that these routes would be unsuitable for such journeys. Additionally, the development would have the same level of accessibility to facilities and services as the consented affordable dwelling and would not therefore result in any greater reliance on the private vehicle or additional vehicular movements on the highway network.
28. Drawing together the above, the proposal would have access to some basic services and facilities in Ashford Carbonell and future occupants would have some opportunities to access facilities and services by sustainable modes of travel in Ludlow. Nonetheless, due to the site's location in the open countryside, the proposal conflicts with the Council's spatial strategy and therefore does not represent an appropriate location for the proposed residential development. There is therefore an identifiable conflict with those aims of CS policies CS5 and CS11.

Other Matters

29. I have determined this appeal on the basis of what was applied for and there is no indication that the proposal would be used as business premises. The Council raised no objection to the scale of the ancillary office and based on the evidence before me I see no reason to take a different view.
30. I see no reason to suppose that my decision in this case would set a precedent. Differing circumstances would represent matters to be considered were other similar proposals to be advanced elsewhere in the future.

Planning Balance

31. The Council accepts that it is unable to demonstrate a 5-year housing land supply. As the proposal involves the provision of housing, footnote 8 of the Framework indicates the most important policies for determining the appeal are deemed to be out of date and paragraph 11d) ii. of the Framework is engaged. This requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
32. I have found that the development conflicts with the settlement strategy and that the site's location would likely result in additional vehicular movements to access services and facilities. Nonetheless, future occupiers of the development would have access to some facilities in Ashford Carbonell and Ludlow is not so distant that long journeys would occur.
33. On the other hand, the proposal would support the Government's objective of significantly boosting the supply of housing. There would also be economic benefits arising from the construction of the development and ongoing economic benefits

from future occupiers spend in the area. The proposal would allow the appellant and his family to continue residing in Ashford Carbonell, bringing demonstrable social benefits for the appellant's family. These benefits attract substantial weight, in particular given that the spatial strategy is failing to deliver a 5-year housing land supply.

34. The consented dwelling has failed to contribute towards meeting local affordable housing need and in Appeal A I have concluded that there is no reasonable prospect of the affordable dwelling coming forward. Given this it follows that there can be no loss of a community asset/ affordable dwelling and no harm arising in this regard. The proposal is for the erection of a dwelling, and the associated benefits of this for housing delivery must be taken into account in the planning balance.
35. Cumulatively these benefits attract substantial weight in favour of the proposal and I find that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies. Given this, material considerations indicate that the proposal should be determined otherwise than in accordance with the development plan. In this regard the appeal proposal differs from the appeal decisions to which my attention has been drawn⁵ in which the Council were able to demonstrate a deliverable 5-year supply of housing and in which the Framework's paragraph 11d balance did not need to be considered.

Conditions

36. The Council did not suggest any conditions. During the hearing the main parties were given the opportunity to comment on a list of suggested conditions. As construction of the dwelling has commenced through the implementation of application 11/05428/FUL there is no need to control the timescale for the implementation of the permission. It is necessary to specify the approved plans in the interest of certainty. In the interests of highway safety, it is necessary to condition the provision of the approved access and parking area.

Conclusion- Appeal B

37. The proposal conflicts with the development plan. However, material considerations indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

Conclusion on both appeals

38. For the reasons given above, I conclude that both appeals should be allowed.

N Robinson

INSPECTOR

⁵ APP/L3245/W/15/3024055 and APP/L3245/W/16/3155464

SCHEDULE OF CONDITIONS (Appeal B)

- 1.) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan dated 12 Jan 2026, Drawing number 650/24/1, Drawing number 650/24/2
- 2.) Prior to the first occupation of the dwelling hereby permitted the access shown on approved drawing number 650/24/1 shall be constructed.
- 3.) Prior to the first occupation of the dwelling hereby permitted, the car parking area shown on approved drawing number 650/24/1 shall be constructed, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking space shall thereafter be maintained at all times for that purpose.

End of Schedule of Conditions

APPEARANCES

FOR THE APPELLANT:

Simon Angell, appellant

Verence Angell

Rob Mills, MRTPI

FOR THE LOCAL PLANNING AUTHORITY:

Emma Green, Area Planning Manager

Dunya Fourie, Planning Officer

Maria Howell, Housing Enabling Manager

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Costs Decision

Hearing held on 17 June 2026

Site visit made on 17 June 2026

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2026

Costs application in relation to appeal Refs: APP/L3245/Q/26/3378204 and 6006022

Orchard Cottage, Ashford Carbonell, Shropshire SY8 4BX

- 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 Mr S Angell for a full award of costs against Shropshire Council.
 - The appeals were against a refusal to discharge a planning obligation attached to planning permission reference 11/05428/FUL (Appeal A- APP/L3245/Q/26/3378204) and against the refusal of planning permission for a market value dwelling including detached ancillary office and alteration to existing vehicular access (Appeal B- 6006022).
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may 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.
3. In relation to appeal A, it is stated that the Council behaved unreasonably by relying on an obsolete affordable housing restriction and failed to engage with the Inspector's findings in a recent enforcement appeal decision. It is stated that this led to the application to discharge the planning obligation being refused and costs incurred defending the appeal. At the hearing, the applicant also added to the costs claim that the Council failed to clarify what evidence it sought in relation to affordable housing need.
4. In relation to Appeal B, the applicant states that the Council behaved unreasonably by failing to carry out a planning balance properly, failing to consider development proposals in a consistent manner and failing to consider the appellant's personal circumstances. It is stated that this prevented development that should have been permitted and ultimately led to the planning application being refused and costs incurred defending the appeal. It is also stated that the Council initially declined to determine the planning application under Section 70A of the Town and Country Planning Act 1990 which led to significant and unnecessary delays and professional and legal costs.
5. In regard to Appeal A, I am satisfied that the Council presented a reasonably substantiated case which clearly set out why they considered the obligation was necessary including in relation to the obligation's affordable housing restrictions.

Whilst it would have been advantageous for the Council to outline the evidence they sought in support of this discharge application, it is ultimately for the applicant to ensure that all information in support of their case is submitted with the application, and the failure to seek this information does not amount to unreasonable behaviour.

6. Whilst the enforcement appeal¹ against an alleged breach of planning control in relation to extensions which took the dwelling beyond the 100m² restriction was allowed on grounds of the appellant's family/ personal needs, that decision does not confirm that the Section 106 restriction can be lifted. Rather, it states that the provisions found in the Section 106 agreement would remain in force. Given this, the extensions allowed in that appeal would be excluded from any valuation, thereby ensuring that the rental or sale price reflected the size cap restriction in the S106. I am satisfied that the Council engaged with the Inspector's findings in that decision and, notwithstanding that I have reached a different conclusion in the accompanying planning obligation discharge appeal, I am satisfied that the Council presented a case which set out the weight to be afforded to this and other decisions, including those cited as 'precedents' in the applicant's submissions.
7. In regard to Appeal B, whilst I have reached a different conclusion to the Council, I am satisfied nonetheless that the Council gave appropriate weight to all material planning considerations including the applicant's personal circumstances and the National Planning Policy Framework and set out why they considered that the conflict with the settlement strategy significantly and demonstrably outweighed the benefits of the proposal. Therefore, I am satisfied that the Council have presented a suitably substantiated case in support of their decision.
8. The PPG sets out that costs applications may relate to events before the appeal or other proceeding was brought, but costs that are unrelated to the appeal or other proceeding are ineligible. It goes on to state that all parties are expected to behave reasonably throughout the planning process, and although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded. I have not been presented with any evidence of substantive work undertaken preparing a case in respect of the submission of the pre-action protocol letter in response to the Council's initial decision to refuse to register the planning application under Section 70A of the Town and Country Planning Act 1990. Given this there is no evidence before me that these actions resulted in unnecessary or wasted expense in the appeal process.
9. For the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

N Robinson

INSPECTOR

¹ APP/L3245/C/23/3333460



Appeal Decision

Site visit made on 2 June 2026

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

Appeal Ref: 6005479

Steps West Castle Street To New Road, Bridgnorth, WV164BA

- 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 Rob Andrews against the decision of Shropshire Council.
 - The application Ref is 25/01766/FUL.
 - The development proposed is erection of detached dwelling and associated garage and vehicular access provision.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Not able to gain access to the site itself but was able to view the site and its relationship to neighbouring properties from a number of angles.

Main Issues

3. The main issues are:
 - Whether a suitable mechanism to secure the proposal as a self-build/custom house has been provided;
 - Whether the proposal is exempt from biodiversity net gain (BNG) requirements;
 - The effect of the proposal on special historic and architectural interest of nearby heritage assets, including the Birdgnorth Conservation Areal and two Scheduled Monuments, Birdgnorth Castle and Panpudding Hill;
 - The effect of the proposal on the living conditions of neighbouring occupiers with particular regard to overlooking to, and loss of for, the properties on Hollybush Road; and,
 - Whether the appeal site is suitable to accommodate the proposal with regard to land stability and any proposed mitigation measures.

Reasons

Self-build/Custom House

4. The proposed development has been described as a self-build or custom home (an SBCH). Such a dwelling is one where the initial owner has a primary input into its final design and layout. The submissions before me demonstrate that the appellant

is on the SBCH register and that they intend to be the occupier of the proposed dwelling.

5. The Council have suggested a condition to secure the dwelling as an SBCH. One element of this condition requires the submission of a mechanism to ensure the dwelling is occupied by those who commissioned its design and construction. It also requires that the first occupation must be for a period of at least three years.
6. However, it is not clear what mechanism the Council have in mind or indeed whether one would be possible. Given the limited details, I am not satisfied that a mechanism could secure the dwelling to be occupied by those who commissioned its design and construction. Equally it is not clear what enforcement action could be taken should the first occupier decide to move within the initial three-year period.
7. In light of the above I find that an appropriate mechanism to secure the proposal as an SBCH has not been provided. I therefore cannot be certain that the proposed dwelling would be occupied as an SBCH and as such have treated it as an open market dwelling.

Biodiversity Net Gain

8. Under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 ('the DMPO'), all applications for planning permission are required to be accompanied by certain information relating to BNG, except where one of the exemptions specified in the legislation applies. Where none of the exemptions apply, the application must be accompanied by a completed biodiversity metric calculation, showing the biodiversity value of the on-site habitat, and various other related details which are listed in full in sub-paragraph (c) of the above Article.
9. SBCH are one type of development exempt from the BNG requirements. However, as I have found above, I must consider the proposal to be an open market dwelling and therefore this exemption does not apply. I have not been provided with biodiversity metric calculations and so I cannot be certain that an appropriate gain would be achieved.
10. Without a relevant exception and lacking sufficient supporting information, the biodiversity gain objective would not be met by this appeal proposal. The proposal therefore conflicts with Section 15 of the National Planning Policy Framework (the Framework), specifically paragraph 187(d) which requires proposals to provide gains for biodiversity.

Heritage assets

11. The appeal site sits on a steep slope within Bridgnorth's historic core. The slope faces away from the centre towards the edge of Bridgnorth and the open countryside. It is within the Bridgnorth Conservation area (the BCA) and is closely related to a number of additional heritage assets. These are namely Bridgnorth Castle, a Grade II listed building; its grounds, a Scheduled Monument; and, Panpudding Hill, another Scheduled Monument.
12. The Conservation Area covers a large area of Bridgnorth's historic core, stretching across both sides of the river and covering Panpudding Hill. The BCA demonstrates a compact historic market town set around a promontory and on its

steep slopes. Development is diverse and shows the evolution of Bridgnorth and its economy. There is also extensive tree cover within the gardens and undeveloped parts of the slopes, these provide an important and softening feature on the hill, contrasting with its buildings. Overall, I find the significance of the BCA stems from its age, the legibility of its historic form and its appearance within the wider environment. I am mindful of the appraisal's reference to the former telephone exchange and the negative contribution it makes to the BCA as a result of it being a large, prominent building incongruous with its historic setting.

13. Bridgnorth Castle and its grounds contain the leaning remains of a keep from around 1200 and fragments of a curtain wall. Additional remains are buried under the public garden and there is potential for archaeology. The grounds have been scheduled for its age, the surviving fabric, rarity and, the presence of documentary evidence. I find that its significance arises similarly out of these elements. The castle and grounds are linked to the ringworks of a medieval fortification on Panpudding Hill on the opposite side of the narrow valley. This fortification has Anglo-Saxon origins and is of especial importance due to the presence of a bailey. I find its significance comes, at least in part, from the extent to which the ringworks are present, the rarity of the bailey feature, and that the works are still legible on the hill. This fortification would likely have also been associated with the castle and the two still benefit from intervisibility. This further strengthens the significance of these two assets.
14. The submissions before me do not provide a good illustration of the existing appeal site, or the proposal, and its relationship with the surrounding context. As the proposal includes significant changes to land levels and is within a designated heritage environment, these details are important to fully understand the implications of the proposal. The details before me are sufficient for me to make some assessment, which I have set out below, but there is nevertheless a risk of additional harm occurring.
15. The proposal would introduce into this historic environment a dwelling that, in its boxy design, extensive use of flat rooves and large windows, would be an incongruous feature. Rather than being sympathetic to the traditional form and materials of the surroundings buildings the dwelling would instead reflect the telephone exchange which is, as is accepted by both parties, a detrimental force within the surrounding historic environment. While novel designs can be acceptable within the historic environment, and can be more appropriate than a pastiche, contemporary designs should reference and reinforce their locality. The proposal before me does not and is not of such a design and quality that it would be acceptable in this case.
16. I am mindful that the stepped design of the dwelling, cut in to the slope of the hill would reduce the building's prominence. In this way the proposal would also somewhat follow the slope of the hill, reducing the harm outlined above. However, it would not be so effective in this regard as to fully remove the identified harm.
17. In particular, from the bottom of the valley and on the opposite side of it, including behind the steam railway, the proposal would be seen against a backdrop of mature trees, traditional built forms and the grounds of the castle. The boxy design outlined above would be a jarring and incongruous feature in this setting and distract from views of the Castle and its grounds. This is especially so when viewed in relation to Panpudding Hill.

18. Planting has been suggested around the proposed dwelling to provide a visual screen. However, it would take some significant time for any planting to grow sufficiently to become effective as a screen, and this is assuming that the planting could be an effective screen. I do not have sufficient details to confirm that any planting would screen or even soften the appearance of the proposal. I am also mindful that vegetation can easily die, be cut back or otherwise removed which would have the potential to completely negate any screening effect. This would be further exacerbated should any existing vegetation and, particularly, trees be removed. I recognise that the location of the appeal site on the slope and its proximity to buildings means that there would be some screening of the proposed dwelling. This screening would not, however, be sufficient to mitigate the identified harm.
19. The front of the appeal site is also adjacent to a small open area at the top of Ebenezer Steps. There is a mature tree here and brick walls at the rear of the pavement. Views are afforded from here to the other side of the valley. The BCA appraisal identifies this area particularly and notes it has potential to be an attractive space. The proposal would be viewed from this location within the BCA and would, given the harm I have found to the above heritage assets, also harm the conservation area and its appreciation. I note that a previously proposed garage has been removed and this has reduced the level to which the proposal would be visible. However, the scheme as a whole would still be seen in both close and distant views from within, but also into the conservation area.
20. From the submissions before me it is clear that there are still some questions as to the quality of the land forming the appeal site. There is, therefore, a risk that additional engineering works would be required to support the dwelling and associated works. Without confirmed details of the proposed engineering works I cannot be certain of what this may look like. Should these be above ground level or otherwise visible, they could form prominent or detrimental features harmful to the significance and interest of the surrounding historic environment.
21. Although there is a potential for archaeology to be present at the appeal site I am content from the available evidence and my observations on site that this potential is low. I find that in the event the appeal were to be allowed this could be dealt with via a suitably worded condition.
22. Against this background, and given the scale of the development, I find that a moderate degree of less than substantial harm to the significance of the designated heritage assets would occur. Although less than substantial, considerable importance and weight should be given to any asset's conservation. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
23. The Government's objective is to significantly boost the supply of housing, and the proposal would provide a new dwelling in a location with good access to services and facilities. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters would at most attract moderate weight.

24. As I have found the proposal to be an open market dwelling rather than an SBCH, it would not contribute towards any need for self-build housing or housing choice. This would not, therefore, be a public benefit weighing in favour of the proposal.
25. At the time of my visit the site was in a poor state, and the proposal would likely improve planting and tidy the site. It could also secure ongoing stewardship through the future occupiers. This would be beneficial to the appearance and appreciation of the surrounding area and, potentially to wildlife and habitats. However, the proposed dwelling would reduce the area of soft landscaping and, moreover, it has not been demonstrated that the proposal would be necessary to tidy the site. Therefore, while a public benefit it only weighs modestly in favour of the scheme.
26. While I have found public benefits above, at most I have afforded these moderate weight. In the circumstances of this appeal, these do not outweigh the harm to the designated heritage assets.
27. For the reasons given above the proposal does not preserve the noted designated heritage assets and any features of special architectural or historic interest they may possess. The proposal also does not provide any public benefits that outweigh this harm and consequently conflicts with Policies CS6 and CS17 of the Adopted Core Strategy (the ACS) and Policies MD2 and MD13 of the Site Allocations and Management of Development Plan (the SAMD). These policies, collectively seek for proposals to be of a high quality design that takes account of, reflects and reinforces the distinctive local character. This is especially so with the historic environment where a proposal should respond appropriately to the form, layout, architectural design and details of its surroundings. The proposal also conflicts with Chapter 16 of the Framework as outlined above.

Living Conditions

28. The proposal would result in a new dwelling set up the slope from a row of dwellings fronting on to Hollybush Road and closely related to the dwelling on Ebenezer Steps. Drawing PL-008 revision A shows the relationship between the proposal and those properties on Hollybush Road. While I have not been provided with a similar drawing for the property on Ebenezer Steps, I was able to understand the relationship between the properties during my site visit.
29. It is clear from drawing PL-008 revision A that an individual on the proposal balcony could look down towards the dwellings on Hollybush Road. As I have found above, I cannot be confident that the planting shown would be effective. It is therefore likely that any views from the balcony would extend lower than that shown on the drawing. Irrespective of this the sections shown on PL-003 show the location of the first-floor bedroom window on the Hollybush Road. The view line on PL-008 revision A directly reaches this window location. Occupiers of the dwellings along this terrace would consequently lose their privacy as a result of the proposal to the detriment of their living conditions. Given the relationship between the appeal site and the property on Ebenezer Steps there would be no loss of privacy to the detriment of the living conditions of its occupiers.
30. Given the steep slope of the hillside, views from the properties on Hollybush Road and Ebenezer Steps would primarily be of the hillside. Consequently, the appeal site would sit above the typical view and, even when visible, given the stepped nature of the building would not be an intrusive or dominant feature. However, I am

mindful that I do not have the full details of any engineering works required for the proposal, should works could include buttresses or retaining walls close to, or on, the site's boundaries. Therefore, I cannot fully assess whether the proposal would be overbearing on the neighbouring occupiers. As such there is a risk that any engineering works to support the proposal could result in an adverse overbearing impact detrimental to the living conditions of neighbouring occupiers.

31. The proposal would result in overlooking and a loss of privacy harmful to the living conditions of neighbouring occupiers. It would also have the potential to additional harm living conditions by way of an overbearing impact. The proposal therefore conflicts with ACS Policy CS6 which seeks to safeguard residential amenity by way of high quality design. While the Council have also referred to SAMD Policy MD2, I do not find it to be particularly relevant to the matters upon which this matter turns.

Land Stability

32. As has been noted above there is a risk that the site may not be stable. This is as a result of the site's steepness and the presence of made ground. The submissions before me identify a good understanding of the site's context and conditions.
33. While the information before me is not complete, and in particular no site-specific stability works have been provided, the submission is sufficient to generally confirm that a scheme of works would be possible to make the plot safe. I am content that in the event the appeal were to be allowed a condition could be imposed to secure this information. Similarly, I am content that a condition could be used to secure appropriate consideration of any potential site contamination.
34. I have found that this lack of information has resulted in harm to heritage assets and the living conditions of neighbouring occupiers. However, in terms of land stability only, I find this is not unacceptable in and of itself.
35. The proposal would not result in any undue risk as a result of land stability and therefore complies with ACS Policies CS6 and CS17 which seek to prevent adverse geological impacts and require proposals to be of a high quality design that safeguards health, wellbeing and geology. Whilst SAMD Policies MD2 and MD13 have also been referred to, I find that they are not directly relevant to this issue.

Other Matters

36. I note that both parties agree the Council cannot demonstrate a five-year housing land supply. However, the Framework provides a clear reason for refusing the development, the effect on heritage, and therefore the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

Appeal A

37. For the reasons given, I conclude that this appeal should be dismissed.

Appeal B

38. The proposal would not secure biodiversity net gain provision and is not exempt, it would also result in harm to designated heritage assets and the living conditions of

neighbouring occupiers. The proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that this appeal should be dismissed.

Samuel Watson

INSPECTOR

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Appeal Decision

Site visit made on 18 June 2026

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2026

Appeal Ref: 6007833

Oakfield Farm, Watling Street, Craven Arms SY7 8DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Colin Bowen against the decision of Shropshire Council.
 - The application Ref is 26/00791/AG1.
 - The development proposed is a covered muck store.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order (as amended) (GPDO) with regard to paragraph A.1(i), in particular whether the proposal would be for the storage of slurry or sewage sludge.

Reasons

3. The proposed development would be for the storage and handling of solid farmyard manure arising from the livestock enterprise. The manure would be solid, straw-based, stackable and non-pumpable. It is set out that it would not include slurry, liquid waste handling, tanks, lagoons or pumping infrastructure.
4. The wording at A.1(i) of Article 3, Schedule 2, Part 6, Class A, refers specifically to slurry or sewage sludge, which could imply water-based as opposed to solid animal manure. However, D.1 (1) of Part 6 provides interpretation for classes A to C, including that the definition of “slurry” means animal faeces and urine (whether or not water has been added for handling).
5. Even if there are other distinctions between what is slurry and solid manure, including those adopted by DEFRA and the Environment Agency and no evidence of any appeal decisions of legislative basis for treating a covered muck store for solid farmyard manure as slurry storage. For the purposes of interpreting “slurry” in relation to development permitted under Article 3, Schedule 2, Part 6, Class A.1(i) of the GPDO, slurry includes non-water based animal faeces. Consequently, the proposed storage of livestock manure would fall within the definition of slurry for the purposes of Part 6, Class A.1 of the GPDO in this instance. This is the case even though the manure would be solid and non-pumpable.

6. Accordingly, while the proposed development would be within the applicable dimensional thresholds, located on an agricultural unit exceeding 5 hectares and, be reasonably necessary for the purposes of agriculture, the proposed covered muck store would include the storage of 'slurry'¹. In view of this, and that the structure would be within 400 metres of the curtilage of a protected building; as undisputed by the main parties, means that the proposal would not be permitted development under Article 3, Schedule 2, Part 6, Class A(1)(i) of the GPDO.

Conclusion

7. For the reasons given above, I conclude that the appeal should be dismissed.

C Billings

INSPECTOR

¹ As defined under D.1 (1) of Article 3, Schedule 2, Part 6 of the GPDO



Appeal Decision

Site visit made on 23 June 2026

by Andrew Fulford BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2026

Appeal Ref: 6008564

Sunbreak, Annscroft, Shrewsbury, Shropshire SY5 8AN

- 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 Marc Fisher against the decision of Shropshire Council.
 - The application Ref is 26/00245/FUL.
 - The development proposed is the demolition of a dwelling (Sunbreak) and erection of 2no. semi-detached houses and parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address in the banner heading above from the Decision Notice as it more accurately sets out the property address than that on the application form. Given that the site is clearly defined on the location plan I am satisfied that neither party is prejudiced by this course of action.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposed development on the living conditions of the occupiers of Hillcrest and No. 1 Oak Terrace with regards to light and privacy; and
 - The effect of the proposal on the local highway network with regards to visibility and inclusive parking provision.

Reasons

Character and appearance

4. Annscroft is characterised by linear residential development in a rural location to the south-west of Shrewsbury. Dwellings vary in terms of appearance and age consisting of red brick or rendered properties and are no more than two storeys in height. Low walls and soft landscaping enclose front gardens. There is a substantial drop in land levels at the rear of properties.

5. On my site visit it was apparent that the majority of the appeal property had been demolished except for part of the front elevation. The front boundary of the appeal site is bound by a low-level wall with hedgerow above and metal gates.
6. The appeal scheme proposes the erection of a pair of semi-detached dwellings which would be finished in a white render with a tiled roof. They would be positioned notably deeper into the site than the dwellings either side thereby disrupting the building line within the street. This would therefore appear incongruous given the level of uniformity within the street.
7. Due to the need to provide parking for two dwellings the frontage would consist of almost entirely of hardstanding and no front boundary treatment. This would provide a bland, unattractive setting for the dwellings. The excessive amounts of hardstanding and lack of enclosure would be at odds with the pattern of the development locally.
8. The scheme would appear as a modest pair of two-storey semi-detached dwellings when viewed from the street but this would not be the case at the rear. The dwellings would have a substantial three-storey form that would have a significant scale and massing that would appear overly dominant and obtrusive. The incorporation of screening walls either side of the balconies would add to the dominance of the proposed dwellings when viewed from properties either side.
9. I conclude that the proposal would adversely harm the character and appearance of the area. It would be contrary to Policy CS6 of the Shropshire Council Adopted Core Strategy (March 2011) (SCCS) and Policy MD2 of Shropshire Council Site Allocations and Management of Development Plan (2015). Amongst other matters, these policies require development to be designed to a high quality which respects and enhances local distinctiveness through responding appropriately to the form and layout of existing development reflecting locally characteristic architectural design and building details.

Living conditions of existing occupiers

10. The appeal site is located between two dwellings, Hillcrest and No. 1 Oak Terrace. The proposed dwellings extend significantly beyond the rear elevation of both neighbouring properties. Given the scale and massing of the proposed rear projection, exacerbated further by the screening walls, the development would adversely impact on the levels of light received by both neighbouring properties. This would therefore result in the rear facing ground floor habitable rooms becoming darker and more oppressive for the current occupiers.
11. Concerns have been raised over a loss of privacy due to the positioning of windows on the side elevation. However, given that these windows would either be secondary windows or serve bathrooms they could all be obscurely glazed. On that basis I am satisfied that any concerns over a loss of privacy could be addressed via a suitably worded condition.
12. I conclude that by virtue of a loss of light the proposal would have a significant adverse impact on the living conditions of the occupiers of Hillcrest and 1 Oak Terrace. The proposal therefore conflicts with Policy CS6 of the SCCS. The policy seeks to ensure that developments contribute to the health and well-being of communities, including safeguarding residential and local amenity.

Highway safety

13. The appeal property is located on a country lane which accommodates relatively fast moving traffic, given the lack of speed restrictions. Heading north towards the appeal site there is slight bend in the road which would impact on visibility to a certain degree.
14. The scheme proposes off-road parking on the site frontage, with two spaces provided for each dwelling. The four spaces would be directly adjacent to each other meaning that the site frontage would be entirely open creating a wide area where cars would be able to enter and exit the site. This would be much less restrictive than the current situation where there is only a single access point due to the front boundary wall.
15. No visibility splays have been demonstrated by the appellant. Given the increased intensity of use, the increase in the number of egress points, the nearby bend and the speed of passing traffic it is not possible to confirm that there would be sufficient visibility for vehicles exiting the appeal site. As such, it is likely that the proposal would increase the risk of road traffic collisions resulting in an adverse impact on highway safety.
16. Concerns have been raised that the appeal scheme would not be able to accommodate inclusive parking provision. The plot is sufficiently wide so that there would be additional hardstanding areas adjoining the northern most and southern most parking spaces. This would provide additional access space for wheelchair users. Given that the Council have not referred to any local parking standards I am satisfied that the scheme would provide acceptable inclusive parking provision.
17. In conclusion, the appellant has failed to demonstrate that the proposal would not have an adverse impact on highway safety. This is contrary to paragraph 116 of the National Planning Policy Framework (the Framework) which indicates that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Neither development plan policy referenced by the local planning authority address matters of highway safety and therefore I am unable to conclude against these policies.

Other Matters

18. The appellant's statement sets out a series of changes that they would be willing to make to try and address the concerns of the Council but no amended plans have been provided. To ensure fairness to all parties the changes suggested by the appellant will not be considered further.

Planning Balance

19. The proposal would deliver two dwellings, contributing to housing supply and supporting the Framework's objective of significantly boosting the supply of homes. The development would also provide economic benefits during both the construction phase and in future occupation. However, given the proposal is for just two dwellings, the benefits would be modest.
20. The appellant states that if allowed, the development would enable his son to take his first step on the property ladder. However, I have not been provided with evidence, financial or otherwise, as to why the son needs to live on the appeal site. I therefore attach limited weight to this benefit.

21. It has been suggested that due to the poor quality of materials used the appeal property, Sunbreak was not suitable for modern living and needed to be demolished. It is accepted that the replacement dwellings would be constructed using better quality materials, be more energy efficient and would provide a higher standard of living for the proposed occupiers. These betterments are necessary to make the development acceptable in planning terms and therefore only limited weight can be placed on them.
22. The appeal scheme would have no adverse impact on protected species. However, the lack of harm is a neutral factor in the planning balance.
23. The scheme would also deliver a minimum 10% biodiversity net gain. However, given this is a statutory duty I can only attach limited positive weight to this benefit.
24. I have found the proposal would harm the character and appearance of the area, adversely impact on the living conditions of adjoining occupiers and have an adverse impact on highway safety. These are major shortcomings of the appeal scheme, and I attach significant weight to this harm.
25. Taking all matters into account, the adverse impacts of the proposal would significantly outweigh the benefits.

Conclusion

26. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

Andrew Fulford

INSPECTOR



Appeal Decision

Site visit made on 30 June 2026

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

an Inspector appointed by the Secretary of State

Decision date: 21 July 2026

Appeal Ref: 6006763

37 Harley Road, Cressage SY5 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Matt Constance against the decision of Shropshire Council.
 - The application Ref is 25/04580/PIP.
 - The development proposed is: permission in principle for the construction of one or two dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for the construction of one or two dwellings at 37 Harley Road, Cressage SY5 6DF in accordance with the terms of the application, Ref 25/04580/PIP.

Preliminary Matters

2. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or PiP) establishes whether a site is suitable in principle, and the second, technical details consent (TDC), stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these two stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted.

Main Issue

4. The main issue is therefore whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development with particular regard to the Council's strategy for the location of housing and its access to services and facilities.

Reasons

5. The Council's development strategy is set out in the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and the Shropshire Council Site Allocations and Management of Development 2015 (the SAMDev). Together, CS Policy CS1 and SAMDev Policy MD1 set the strategic approach to the location of development in the district. The policies direct

development to the most accessible locations, including Shrewsbury, Market Towns and Key Centres and in community hubs and clusters in the rural areas.

6. The appeal site is located in Cressage adjacent to existing residential development. Cressage is not one of the settlements identified in the development strategy and it does not have a defined settlement boundary. As such, the site is located in countryside for the purposes of planning policy. Policy CS5 of the CS and Policy MD7a of the SAMDev control new development in the countryside such that only limited types of residential development are permitted. The exceptions listed in Policy MD7a are not applicable to this appeal proposal. The appeal site location would therefore conflict the Council's development strategy insofar as it seeks to control new development in the countryside.
7. Notwithstanding this conflict, Policy CS6 of the CS seeks development which is located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced. This is consistent with the National Planning Policy Framework (the Framework) which expects development to promote walking, cycling, and the use of public transport, while recognising that sustainable transport solutions will vary between urban and rural areas.
8. The main parties agree that Cressage has a range of services and facilities including a convenience store, doctor's surgery and church as well as regular bus services all within reasonable walking distance of the appeal site. Access to these facilities from the site would be along the A458 road, with most of the route benefitting from dedicated footways and streetlighting.
9. There is, however, a short section of road close to the appeal site where no dedicated footway is available. During my site visit, I walked this route and observed that a narrow strip, marked by a white line between the carriageway and the front boundaries of adjacent properties, provides a degree of separation for pedestrians. Whilst not a formal footway, this section is limited in length and lies within a 30mph speed limit. During my visit, there were regular vehicle movements along the A458 but there were frequent gaps in the traffic. Whilst I appreciate my observations were only a snapshot in time, I have no reason to believe that what I saw was not typical of circumstances at this site. Taking these factors together, I do not find that this would result in conflict between pedestrians and vehicles, compromise highway safety, or deter future occupiers from travelling on foot to the extent suggested by the Council.
10. I acknowledge that there are no dedicated cycleways in the vicinity of the site. However, neither Policy CS6 nor the Framework require all forms of sustainable travel to be available. Future occupiers would be able to access a range of local facilities on foot, together with bus services providing connections to other locations. Consequently, there would be realistic alternatives to the private car for some journeys. Whilst opportunities for cycling may be more limited than in more urban locations, this is not uncommon in rural areas, and in the context of the aforementioned policies, does not undermine the accessibility of the site.
11. Given the availability of local facilities and public transport, future occupiers would not, in my view, be reliant on the private car to the extent suggested by the Council. Having regard to the Framework's acknowledgement that opportunities to promote sustainable transport modes will differ between urban and rural areas, I

am satisfied that the site is in a location that accords with the aims of Policy CS6 and the Framework.

12. Taking all of the above into account, I find that the site location would conflict with Policies CS1 and CS5 of the CS and SAMDev Policies MD1 and MD7a insofar as the Council's development strategy seeks to control new development in the countryside. Notwithstanding this conflict, I also find that the site would be in a location which would provide access to services and facilities via sustainable travel solutions. As such, the proposal would not conflict with CS Policy CS6, as set out above.
13. The Council's decision notice also cites SAMDev Policy MD2. This policy seeks sustainable design and construction in development which respects local character and incorporates appropriate drainage, landscaping and open space. However, these are matters which would be considered at the TDC stage. As such, I find no direct conflict with Policy MD2 at this PiP stage.

Other Matters

14. I note the Council's concerns regarding whether the appeal site could accommodate two dwellings in the context of the prevailing density of the area and maintaining satisfactory living conditions for neighbouring occupiers. Reference is also made to the potential impact that built development on the site may have on views of the Wrekin. However, these are matters to be considered at the TDC stage. There is no compelling evidence before me to demonstrate that two dwellings could not be accommodated on the site. Nevertheless, whether two dwellings are excessive relative to the scale of the site and the context of its surroundings would be determined at the TDC stage.
15. I also note the Council's concerns regarding vehicular access to the site. However, as the scope of PiP is limited to principle matters, details such as visibility splays which may be needed to demonstrate highway safety would be matters for a TDC application. There is little before me to demonstrate that a safe and suitable access could not be achieved. If subsequent detailed assessment demonstrates otherwise, that would be a matter capable of resulting in the refusal of TDC rather than a reason to withhold PiP.

Planning Balance

16. The Council has confirmed that it cannot demonstrate an adequate supply of housing land and its latest Five Year Housing Land Supply Statement (March 2026) identifies a supply of 4.61 years. In such circumstances paragraph 11 of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including those directing development to sustainable locations.
17. The proposed development would conflict with the development plan insofar as it seeks to control new development in the countryside. Notwithstanding this conflict, I have found that future occupiers would have access to services and facilities and public transport within reasonable walking distance of the site, in accordance with CS Policy CS6 and the sustainable transport aims of the Framework. I therefore

attribute limited weight to the proposal's conflict with Policies CS1 and CS5 of the CS and SAMDev Policies MD1 and MD7a.

18. The Framework seeks to significantly boost the supply of housing provision, and two dwellings would make a positive contribution in this regard. Economic benefits would also arise from employment during the construction works, and occupation of the new units through additional expenditure in the area, to which I attach modest favourable weight.
19. Thus, in this case, the adverse impacts of the conflict with the development plan would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would benefit from the presumption in favour of sustainable development, set out at paragraph 11 of the Framework. The Framework is a material consideration of significant weight and, in this case, indicates that a decision should be made otherwise than in accordance with the development plan. Therefore, having regard to all other relevant material considerations, I conclude that permission in principle should be granted.

Conditions

20. The Council's appeal submissions set out what information is expected at the TDC stage. However, Planning Practice Guidance makes it clear that it is not possible for conditions to be attached to a grant of permission in principle. Therefore, I have not imposed any conditions.

Conclusion

21. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, the appeal should be allowed.

A O'Neill

INSPECTOR

Appeal Decision

Hearing held on 12 March & 5 May 2026

Site visit made on 5 May 2026

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2026

Appeal Ref: 6001474

Land at Oldbury Road, Oldbury Road, Bridgnorth, WV16 5DZ

- 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 David Doley against the decision of Shropshire Council.
 - The application Ref is 25/01257/FUL.
 - The development proposed is Cross Subsidy Housing Scheme comprising of 2 No semi-detached two storey affordable houses, 2 No detached two storey affordable dwellings, 4 No detached two storey open market dwellings and 2 No semi-detached open market dwellings, all with garages, construction of new access road and alterations to existing field access.
-

Decision

1. The appeal is allowed and planning permission is granted for a cross subsidy housing scheme comprising of 2 No semi-detached two storey affordable houses, 2 No detached two storey affordable dwellings, 4 No detached two storey open market dwellings and 2 No semi-detached open market dwellings, all with garages, construction of new access road and alterations to existing field access at Land at Oldbury Road, Oldbury Road, Bridgnorth, WV16 5DZ in accordance with the terms of the application, Ref 25/01257/FUL subject to the conditions in the attached schedule.

Application for costs

2. An application for the award of costs against Shropshire Council has been made by Mr David Doley. This is subject to a separate decision.

Preliminary Matters

3. At the outset of the appeal, the appellant submitted amended drawings to address matters raised during the application process, including comments from the Local Highway Authority. The amendments clarify and refine aspects of the scheme, as opposed to making any substantive or fundamental alterations to the proposal. As all parties have had a full opportunity to comment on the changes, I am satisfied, having regard to the Wheatcroft principles¹, that no party has been prejudiced by my acceptance of the amended drawings.
4. The hearing opened on 12 March 2026 but was adjourned until 5 May 2026 to allow the appellant an opportunity to consider late evidence submitted by the Council that was relevant to the determination of the appeal. Following discussion

¹ As set out in *Wheatcroft v Secretary of State for the Environment* (1982) and refined by *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018).

at the opening session, further evidence was also requested from the main parties before the hearing resumed.

5. During the adjournment, the Council published a new Five-Year Housing Land Supply Statement², which identifies that the Council continues to be unable to demonstrate a five-year housing land supply, albeit the stated shortfall (4.6 years) is modest.
6. All parties have had a full opportunity to comment upon all additional evidence submitted during the appeal including amended plans. Accordingly, I am satisfied that no party has been prejudiced by the process.
7. During the appeal, it emerged that an incorrect ownership certificate had been submitted with the planning application. However, evidence has been provided that suitably demonstrates all relevant landowners were aware of and supported the application and this subsequent appeal. Furthermore, as part of the appeal proposals each of the landowners has entered into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). In these circumstances, I am satisfied that no party has been prejudiced and that the error does not prevent the appeal from being determined.
8. The Council confirmed at the hearing that the amended plans address several of its previously held design concerns, although not all. Notably, it no longer contends that the proposal would provide inadequate living conditions through insufficient bedroom sizes. I have no reason to reach a different conclusion.

Main Issues

9. In light of the above, the main issues are:
 - i) whether the appeal site is a suitable location for residential development having regard to the Council's adopted local development strategy;
 - ii) whether an appropriate level of affordable housing would be secured as part of the proposed development having regard to local and national policy;
 - iii) the effect of the proposal on the character and appearance of the area, including the Oldbury Conservation Area;
 - iv) whether the proposed development would provide an appropriate provision of public open space; and
 - v) whether the proposed development would appropriately secure Biodiversity Net Gain.

Reasons

'Cross Subsidy Housing'

10. The development is described as a cross-subsidy housing scheme. Cross-subsidy housing is a funding model whereby profits generated from the sale of market housing are used to support the delivery of affordable housing. It is therefore a financial mechanism rather than a housing tenure.

² Shropshire Council Five Year Housing Land Supply Statement - Data to 31 March 2025 (Published 31 March 2026).

11. The Council's Type and Affordability of Housing Supplementary Planning Document (2012) (the SPD) supports the delivery of local needs rented homes on exception sites through cross-subsidy enabling development, subject to a range of criteria. The SPD explains that this approach responds to the difficulties of delivering local needs rented housing on exception sites with little or no public subsidy. However, as cross-subsidy housing is a funding mechanism rather than a tenure type, the SPD's approach represents only one model through which a cross-subsidy housing scheme may operate.
12. The evidence before me indicates that the appeal proposal has not been advanced as a rural exception site with the proposed affordable dwellings not put forward as local needs rented homes. Furthermore, prior to determination of the application, the appellant sought to amend the description of development to remove reference to its cross-subsidy nature, thereby avoiding any suggestion that the proposal should be assessed as an exception site.
13. Drawing these matters together, I find that the appeal scheme can properly be described as a form of cross-subsidy housing. However, that description merely explains the funding model underpinning the development. It does not mean that the proposal relies upon, or should be assessed against, the Council's exception site policy or criteria contained within the SPD.

Location

14. The appeal site comprises a predominantly open parcel of rough grassland on the edge of Oldbury, on the outskirts of Bridgnorth. Although it lies adjacent to existing residential development, Oldbury is not identified as either a Community Hub or Community Cluster within the Council's Site Allocations and Management of Development Plan (adopted 2015) (the SAMDev). Consequently, despite being a recognisable settlement, Oldbury is treated as countryside for planning purposes, and the appeal site is therefore also located within the countryside in policy terms.
15. Policy CS1 of the Shropshire Core Strategy (adopted 2011) (the Core Strategy) sets out the Council's overarching spatial strategy, including a "rural rebalance" approach that directs around 35% of housing growth to rural areas. However, such growth is focused primarily within designated Community Hubs and Community Clusters, with development elsewhere generally restricted to economic diversification and meeting local affordable housing needs. The supporting text makes clear that this strategy seeks to deliver growth in sustainable locations. While conflict with Policy CS1 did not form part of the Council's reason for refusal, the Council has nevertheless identified such conflict during the appeal proceedings.
16. Core Strategy Policy CS5 and SAMDev Policy MD7a seek to strictly control development in the countryside, permitting new housing only in limited circumstances. The proposal has not been shown to satisfy any of the relevant exceptions and therefore conflicts with those policies.
17. Meanwhile, Core Strategy Policy CS6 promotes sustainable design and development principles. This includes through locating development in accessible locations where opportunities for walking, cycling and public transport can be maximised and reduces the need for car-based travel.

18. Although Oldbury contains a church, village hall and a small number of commercial uses, these facilities would not meet the day-to-day needs of future residents.
19. Notwithstanding the above, the appeal site lies nearby to Bridgnorth, which is identified under Core Strategy Policy CS3 as a Market Town and Key Service Centre. The policy expressly recognises Bridgnorth's role in serving not only its resident population but also a substantial surrounding hinterland. The evidence before me, together with my own observations, confirms that the town provides a comprehensive range of services and facilities, including primary and secondary schools, employment opportunities, retail provision, leisure facilities, community services and public transport connections. As such, the site is located in rather close proximity to one of the County's most sustainable settlements.
20. Reference has been made to various guidelines concerning acceptable walking distances to facilities and services. However, such benchmarks are not absolute standards and should be applied with appropriate flexibility. What is important is whether future occupiers would have a realistic choice of travel modes. In this regard, many of Bridgnorth's facilities are within comfortable walking distance of the site and certainly within cycling distance. Indeed, in some instances, facilities and services are more readily accessible than from established residential areas within the town itself.
21. The principal route between the site and Bridgnorth benefits from continuous footways, of sufficient width, as well as streetlighting, thereby providing pedestrians a direct and safe connection to the town centre and its facilities. This route crosses a bridge over the by-pass, but still, this does not present any physical or perceptual barriers that are likely to discourage pedestrian movement between the site and the town. Moreover, although the route is characterised by a degree of gradient, this is not unusual within Bridgnorth and its surrounding area. I do not consider the incline to be so severe as to materially deter walking or cycling for healthy residents. The availability of a community-run bus service provides an additional transport option for those who have difficulty with other means of travel.
22. A permissive footpath also runs adjacent to the site that provides an alternative option to access Bridgnorth, whilst notably providing a shorter connection to nearby education settings that would be within 1km walking distance. This route is unmade, through woodland with limited natural surveillance and a lack of lighting. It would therefore not offer an attractive option during periods of darkness or adverse weather and is unlikely to be suitable for persons with mobility issues. Nevertheless, at times, I still consider it would provide a convenient and potentially well-used pedestrian link, particularly for parents accompanying children and for older pupils travelling independently. Furthermore, the schools remain within a reasonable distance for walking and/or cycling along alternative and safe routes.
23. In transport terms, the site is approximately 700 metres from the nearest bus stop, with several others located within Bridgnorth providing frequent services to destinations including Shrewsbury, Telford and Kidderminster. Consequently, future residents of the appeal site would have some opportunities to access services and facilities in wider centres without reliance upon the private car for all journeys.
24. The Framework recognises that opportunities to promote sustainable transport solutions will vary between urban and rural areas. It does not require

developments to be located where all journeys can be undertaken by sustainable modes, nor does it demand that future residents are unlikely to use private vehicles. Rather, the relevant consideration is whether genuine opportunities exist to reduce reliance on the car. Given the site's close relationship with Bridgnorth and the range of accessible services, facilities and transport options available, I am satisfied that future occupiers would have meaningful opportunities to undertake a proportion of journeys by walking, cycling and public transport.

25. Drawing these matters together, the appeal site is not a suitable location for residential development having regard to the Council's adopted local development strategy, as it conflicts with Core Strategy Policies CS1, CS5 and CS6 and SAMDev Policy MD7a that together provide the Council's spatial strategy for development and promote sustainable development principles. However, the conflict is tempered by the site's close and functional relationship with Bridgnorth, a sustainable settlement.
26. The Council's decision notice also refers to SAMDev Policy MD2 that relates to sustainable design. However, given the policy does not include accessibility/location criteria I do not consider it to be directly relevant to this main issue. Similarly, reference has been made to SAMDev Policy MD1. Whilst this policy provides additional detail to Core Strategy Policy CS1 regarding the scale and distribution of development within identified settlements, it does not address development outside those locations. Hence, I do not find it of direct relevance to the appeal scheme.
27. Nor do I find Core Strategy Policy CS17, which seeks to protect environmental networks and was stated within the Council's original reason for refusal to be directly applicable to this main issue.

Affordable Housing

28. Core Strategy Policy CS11 sets out the Council's approach to delivering affordable housing. Although not stated on its decision notice, from the discussions at the hearing and evidence submitted I consider it the key policy in relation to this main issue. The objective of Policy CS11 is to meet the current and future housing needs of Shropshire residents and to support mixed, balanced and inclusive communities. To achieve this, the policy requires new open-market residential developments to make an appropriate contribution towards local affordable housing provision. Further guidance is provided within the Council's SPD.
29. As previously noted, the appeal scheme is not a cross-subsidy development intended to deliver affordable rented housing as a rural exception site. Consequently, the SPD guidance relating to rural exception site criteria is not applicable in this case.
30. Case law establishes that supplementary planning guidance cannot introduce new policy requirements or impose more restrictive criteria than those contained within the development plan³. At the hearing, I was advised that the Council has monitored the effectiveness of the SPD since its adoption through annual housing monitoring reports and consideration of market indicators. Nonetheless, despite evidence of a long-standing under-supply affordable housing across the authority

³ *R (Skipton Properties Ltd) v Craven District Council* [2017] EWHC 534 (Admin); and *William Davis Ltd & Ors v Charnwood Borough Council* [2017] EWHC 3006 (Admin).

area, the SPD has not been updated since its adoption in 2012. Nor does it reflect significant subsequent changes in national policy relating to affordable housing delivery, including the introduction of Discounted Market Sale (DMS) housing. In these circumstances, I attach very limited weight to the wider guidance contained within the SPD.

31. Based on the evidence before me and discussions at the hearing, the applicable affordable housing contribution rate for this part of Shropshire is 20%. Applied to the proposed development, this equates to a requirement for two affordable dwellings. Policy CS11 also expects such provision to be delivered on-site.
32. The appeal scheme proposes six open-market dwellings and four DMS dwellings. DMS is a recognised form of affordable housing, defined in the Framework as housing *“sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households”*.
33. I find that the Framework's references to local incomes and house prices relate to the eligibility criteria for prospective purchasers rather than the level of discount that should be applied to DMS units. Accordingly, provided the dwellings are sold at least 20% below local market value and the discount is secured in perpetuity for eligible households, they fall within the definition of DMS affordable housing.
34. The main parties agree that DMS is a form of affordable housing and are also in agreement in respect of median sales values for housing in the area. However, no compelling, up-to-date evidence or policy basis has been presented to me to justify the Council's view that the discount to be applied to the proposed DMS units should exceed the national minimum requirement outlined within the Framework. I have therefore not been persuaded that a greater level of subsidy is necessary in this case.
35. The above view is reinforced by the Council's relatively recent approval of a cross-subsidy housing scheme (LPA Ref: 23/04167/FUL). In that case, the Council accepted DMS dwellings secured at 80% of market value, subject to local need and cascade provisions, as affordable housing. Although there are material differences between the schemes, including their location and overall level of affordable provision, no substantive evidence has been provided to demonstrate why a greater discount is necessary in this case for the proposed units to qualify as affordable housing.
36. I therefore find that DMS housing delivered at 80% of market value represents an appropriate form of affordable housing in this instance. It is consequently unnecessary to reach a definitive view on the main parties' respective income data or affordability calculations. Nevertheless, the presented evidence indicates that several mortgage lenders offer borrowing in excess of four times household income, with lending for affordable housing commonly capped at between 4.5 and 5 times gross annual household income. By contrast, the Council has presented no suitable policy basis or recognised standardised methodology to justify restricting affordability assessments for first-time buyers to four times median household income.
37. The executed Unilateral Undertaking (UU) would secure the provision of four on-site DMS dwellings, each to be made available to qualifying purchasers at 80% of open market value. The UU contains enforceable provisions governing eligibility,

including local need and cascade mechanisms, together with binding mechanisms to ensure that the dwellings remain available at the prescribed discount in perpetuity. I am therefore satisfied that the affordable housing offer would be effectively secured, delivered on-site and remain available to eligible households for the lifetime of the development. The proposal would consequently provide four affordable dwellings, equivalent to 40% of the total housing provision.

38. The scheme would therefore deliver affordable housing at a level significantly above the 20% required by Policy CS11. This overprovision is a public benefit to which I attach significant weight.
39. Drawing these matters together, I am satisfied that the proposed development would secure an appropriate level of affordable housing having regard to both local and national policy. The proposal therefore accords with Core Strategy Policy CS11 and CS9 which together set out the Council's approach to the delivery of affordable housing and key infrastructure.
40. The Council's decision notice refers to Core Strategy Policy CS5 and SAMDev Policy MD7a. These policies though relate to the management of development in the countryside, as opposed to specifically relating to affordable housing provision. While due to the proposal not being considered a rural exception site, I do not consider these policies to be directly applicable to this main issue.

Character and Appearance

41. Oldbury Conservation Area (the CA) derives much of its significance from its tranquil rural character, elevated setting, and strong relationship with the surrounding countryside. Its loosely knit pattern of development, comprising dwellings of varied age and design set within generous plots, reflects the village's gradual evolution and contributes to its informal character. Tree and hedge-lined lanes, extensive gardens, orchards, paddocks, and mature landscaping blur the distinction between settlement and countryside, creating a verdant and secluded environment with attractive views into, out of, and across the village. Together, these features foster a strong sense of spaciousness and rural tranquillity despite the CA's proximity to Bridgnorth.
42. Only a narrow strip of the appeal site lies within the CA. Nonetheless, the frontage hedgerow that is situated within the CA is a characteristic feature that reinforces its rural and verdant qualities. The CA is closely tied to its rural surroundings, and the appeal site, as an undeveloped grassed field, bound by hedgerows and hedgerow trees, makes a further positive contribution to its setting. Although largely enclosed by mature vegetation, the appeal site remains visible from Oldbury Road and nearby public/permissive footpaths, where its undeveloped and verdant character can be appreciated.
43. The proposal would result in the limited loss of the frontage hedgerow, which would be mitigated in part through replacement planting behind the proposed visibility splays. Nevertheless, the removal of this characteristic feature at a key gateway into the CA, together with the introduction of a modern estate road, would be at odds with its prevailing rural character thereby causing harm to the area's character and appearance.
44. Although the site is experienced as part of the residential edge of Oldbury rather than the wider open countryside, development would introduce dwellings,

associated infrastructure and domestic activity onto a currently undeveloped parcel of land. Whilst relatively well contained by landscaping, with dwellings set back from the main highway, and seen in the context of adjoining residential development, the proposal would nevertheless erode the rural edge of the village and diminish an important component of the CA's setting.

45. That said, the extent of the landscape harm would be modest and localised. Additionally, the proposal would result in some loss of physical and visual separation between Oldbury and Bridgnorth, but it would not result in settlement coalescence. The intervening bypass, changes in topography, retained areas of undeveloped land, and the presence of existing and proposed landscaping would ensure the scheme remains well contained and that the distinct identity of each settlement is maintained.
46. Meanwhile, the proposed dwellings are of a suitable appearance reflective of neighbouring residential built form, and the overall density would be appropriate to its context. The proposal would also make an efficient use of the site, through a balanced relationship between built form, plot sizes and landscaping, with green infrastructure integrated at various locations within the development site.
47. Proposed Plot 6 would retain a frontage to the street, although its design gives greater visual emphasis to the elevation facing the adjacent public open space. Whilst its orientation and detailing could be improved, I do not find its current arrangement would result in any meaningful harm to the character or appearance of the development. Moreover, the proposed arrangement would provide valuable natural surveillance, or at least a perception of it, over the public open space.
48. Generous parking provision is a common characteristic of development in the area, and the residential development opposite the site exhibits a notably suburban form, with substantial frontage parking and hardstanding. In this context, the proposed parking provision would not appear excessive or unduly dominant within the street scene. Likewise, the garages would remain subordinate to the host dwellings and would not appear incongruous.
49. Notwithstanding these positive aspects, the proposal would introduce an urbanising influence into a currently undeveloped site, causing harm to the character and appearance of the area including the Oldbury Conservation Area and its setting. As such, the development would conflict with Core Strategy Policy CS6 and SAMDev Policy MD13, which together seek to protect, conserve and enhance the natural, built and historic environment.
50. Taking account of the containment of the site and the mitigation afforded by proposed landscaping, I find that the harm that would arise to the character and appearance of the area, including to the CA and its setting, would be modest and localised.
51. In the context of the National Planning Policy Framework (the Framework) the harm to the designated heritage asset would be less than substantial and towards the lower end of this spectrum. Nonetheless, in accordance with the Framework, any harm to a designated heritage asset carries great weight.
52. The proposal would provide ten dwellings, of which four would be affordable units, in an area with an identified deficit of housing supply and significant need for affordable homes. I find the public benefits arising from the delivery of these

homes, would be sufficient to outweigh the harm identified to the heritage asset and therefore provides clear and convincing justification for the proposed development. I return to this matter as part of my overall planning balance.

53. Although the above view differs to that of previous Inspectors' decisions at this site⁴, there are material differences between the schemes. Notably, the current appeal scheme is for full planning permission, whereby the detailed design including landscaping arrangements can be more fully understood. Moreover, the current appeal scheme delivers greater public benefits, most notably through the provision of four affordable dwellings.

Public Open Space

54. From the evidence before me and the discussions at the hearing, it was apparent that the Council's concerns related to the quality of the proposed public open space rather than the overall quantity of provision.
55. The appeal scheme would incorporate several areas of public open space, including larger parcels located alongside the principal spine road and along the northern boundary of the site. Having regard to the scale of the development and the size of the proposed open spaces, these areas are unlikely to function as destinations for recreation or extended leisure use. Rather, they would perform a range of supporting functions, including softening the appearance of the development, providing visual relief within the streetscene, enhancing landscape character, delivering biodiversity net gain, and facilitating pedestrian movement through the site.
56. The principal area of open space adjacent to the site entrance and running along the spine road occupies a logical position in terms of the site's geometry, as well as acting as a gateway feature and focal point within the development. The proposed woodland planting would help assimilate the development into its surroundings, softening the visual impact of the built form, and would contribute to safeguarding both the living conditions of neighbouring occupiers and the character and appearance of the CA. Similarly, the area of open space to the rear of Plots 9 and 10 would enable the provision of additional woodland planting, allowing a robust vegetated buffer to be maintained with the adjoining residential property.
57. The north-western parcel is modest in size and intended to serve a dual function, accommodating an area of biodiversity net gain alongside a connection to the existing permissive footpath adjoining the site. Located between Plots 6 and 7 and extending partially to the rear of Plot 7, the space would not comprise a prominent feature within the proposed development, instead performing a discrete but purposeful role in supporting ecological enhancements and pedestrian connectivity. Furthermore, owing to its limited scale, its likely extent of use, and the degree of overlooking from adjacent dwellings, the space would benefit from sufficient natural surveillance. Consequently, whilst functional in nature, it would not result in a poor-quality, inaccessible, unsafe, or poorly integrated public open space.
58. In addition, the Council acknowledged at the hearing that its earlier concerns regarding the maintenance of public open space had been satisfactorily addressed

⁴ Appeal References: APP/L3245/W/15/3032664 & APP/L3245/A/13/2205748

through the submission of amended plans demonstrating that suitable access could be provided to the area of open space to the rear of Plots 9 and 10.

59. The possibility of encroachment of private gardens into areas of public open space is a speculative concern and does not provide a compelling basis for concluding that the proposed layout of open space is unacceptable. Furthermore, the Council has appropriate powers to investigate and seek to remedy breaches of planning control should they occur.
60. Drawing these matters together, I find that the appeal scheme would deliver a suitable and functional network of public open space, commensurate with its scale and character. The proposed development would therefore provide an appropriate provision of public open space. Accordingly, in respect of this main issue, the appeal scheme complies with Core Strategy Policy CS6 and SAMDev Policy MD2, insofar as they seek to secure open space that responds to and reinforces local character and context. Nor do I find any conflict with Core Strategy Policy CS9 relating to infrastructure delivery.

Biodiversity Net Gain

61. At the hearing, the main parties agreed that the relevant development plan policies in respect of this main issue are Core Strategy Policy CS17 and SAMDev Policy MD12. Together, amongst other matters, these policies seek to protect Shropshire's natural assets and promote their conservation and enhancement.
62. The parties also agree that the statutory 10% Biodiversity Net Gain (BNG) requirement can be achieved through a combination of on-site measures and the purchase of off-site biodiversity units from a suitable habitat bank. The dispute centres on whether those measures can be appropriately secured by a unilateral undertaking (UU), with the Council contending that a bilateral or multilateral planning obligation is necessary.
63. A UU, bilateral agreement and/or multilateral agreement are all recognised forms of planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended). Each binds the land and is enforceable as a planning obligation. However, because a UU is executed solely by the landowner and/or developer, it cannot impose obligations on the local planning authority or require it to undertake specific actions.
64. A bilateral or multilateral agreement could place obligations on all relevant parties regarding the delivery, monitoring and long-term management of BNG and would therefore represent the most comprehensive mechanism for securing those outcomes. However, I find the absence of such an agreement does not necessarily prevent mandatory BNG from being secured through a UU. As a section 106 obligation, a UU is capable of imposing binding and enforceable commitments on the landowner and/or developer in relation to the delivery and maintenance of BNG.
65. Its effectiveness must also be considered in the context of the wider statutory BNG framework established by Schedule 7A of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021. Under that regime, development cannot commence until a Biodiversity Gain Plan has been approved by the local planning authority. The authority is responsible for monitoring compliance and retains powers to enforce relevant planning conditions and section 106 obligations.

In addition, section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a biodiversity duty on public authorities. Consequently, while a UU cannot impose obligations on the Council, the Council nevertheless retains statutory functions and enforcement powers that contribute to securing the delivery and long-term maintenance of BNG.

66. In this case, the submitted UU requires the developer, amongst other matters, to submit a Habitat Management and Monitoring Plan (HMMP) for approval, deliver the on-site BNG within specified timescales, maintain the habitats for a minimum of 30 years and undertake monitoring in accordance with the approved HMMP. It also includes mechanisms to address any non-compliance.
67. As the Council is not a party to the UU, it is under no contractual obligation to act in the event of a breach. Nor does the UU require it to undertake site inspections, issue completion certificates or defect notices, oversee implementation, carry out management activities, or apply monitoring contributions for BNG purposes.
68. Nevertheless, the UU would impose enforceable obligations on the landowner and developer regarding the delivery, management and monitoring of BNG. When considered alongside the statutory BNG regime and the Council's regulatory powers, I am satisfied that the required BNG is achievable and would be suitably secured for the long term.
69. I therefore conclude that the proposal would appropriately secure Biodiversity Net Gain and. Despite not being referred to on the Council's decision notice, the proposal would also accord with Core Strategy Policy CS17 and SAMDev Policy MD12.

Other Matters

70. The Framework is clear that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
71. Additional traffic would inevitably be experienced by existing residents. However, the increase in vehicle movements arising from the development would be modest in the context of the existing road network. From discussions at the hearing and the evidence before me, adequate visibility splays can be achieved as well as sufficient parking and vehicle manoeuvring space. Subject to appropriate conditions, I am satisfied that the proposal would not prejudice highway safety. Nor do I consider that the scale of traffic likely to be generated would materially harm the living conditions of nearby residents.
72. Although the A548 bypass passes close to the site, it lies at a substantially lower level within a deep cutting. The appellant's Noise Impact Assessment demonstrates that all private gardens would comply with the outdoor amenity standards set out in BS8233:2014, with most achieving noise levels below the desirable threshold of 50dB LAeq,16hr. The assessment further confirms that the development's use of appropriate glazing, ventilation and façade specifications would achieve acceptable internal noise levels consistent with BS8233:2014 and World Health Organisation guidelines. The Council's Environmental Health Officer raises no objection, and no substantive evidence has been presented to support a contrary conclusion.

73. The proposed layout and dwelling sizes would provide future occupiers with a good standard of living accommodation, including adequate privacy, outlook and private amenity space.
74. Equally, the relationship between the proposed dwellings and neighbouring properties would not result in unacceptable impacts through overlooking, loss of privacy, loss of light, noise, disturbance or overbearing effects. Some temporary construction impacts are inevitable but a condition requiring approval of, and adherence to, a Construction Method Statement would provide suitable mitigation and prevent material harm to neighbouring amenity.
75. The Ecological Appraisal and BNG Assessment identifies the site as comprising predominantly neutral grassland, together with areas of scrub, trees and hedgerows. No evidence of protected or notable species was recorded. Based on desktop research and field survey work, the report concludes that no overriding ecological constraints exist. The proposal is also capable of delivering BNG through a combination of on-site measures and off-site biodiversity units. Subject to a condition securing biodiversity enhancements, I am satisfied that the development would not give rise to unacceptable ecological or biodiversity impacts.
76. The site lies within Flood Zone 1 and is therefore at low risk of flooding. The appellant's submitted evidence also indicates that the appeal site's ground conditions are likely to be suitable for infiltration or attenuation thus enabling the use of sustainable urban drainage systems. In the absence of persuasive evidence to the contrary, and subject to a condition securing approval of the detailed surface and foul water drainage, I am satisfied that the proposal would provide adequate drainage and would not increase flood risk elsewhere.
77. Subject to conditions securing landscaping and tree protection measures, I am also satisfied that the development would not result in the unacceptable loss of trees.
78. Reference has been made to other large-scale developments that have been approved nearby, albeit I have not been provided with detailed background information. Nevertheless, the Council continues to face a shortfall in housing land supply, and no compelling evidence has been presented to demonstrate that local services or infrastructure lack the capacity to accommodate the development.
79. Whilst prioritising development of brownfield sites can provide sustainability benefits, this does not preclude residential development on suitable greenfield sites, particularly where identified housing needs are not being met.
80. No robust evidence has been provided to demonstrate that land ownership issues, including the existence of a purported ransom strip, would prevent the development from being implemented. In any event, such matters are private legal considerations and are not determinative of the planning merits of the appeal.

Planning Balance

81. The proposal would make a valuable contribution towards housing supply, and affordable housing provision, in an authority area suffering from a shortfall of supply. Given the scale of provision, particularly the delivery of four affordable dwellings, I attach significant weight to these benefits. The scheme would also

- generate economic and social benefits during construction and occupation, including expenditure within the local economy and support for local services and facilities by future residents, to which I attach moderate weight. In addition, the proposal would deliver biodiversity net gain, which attracts modest positive weight.
82. Compliance with development plan policies relating to matters such as living conditions, highway safety and public open space represent neutral considerations in the planning balance.
 83. The development plan is time expired, but it remains the statutory starting point for determination of the appeal. The proposal conflicts with Core Strategy Policies CS1, CS5 and the locational requirements of CS6, together with SAMDev Policy MD7a. It also conflicts with the character, design and heritage objectives of Core Strategy Policy CS6 and SAMDev Policy MD13. Consequently, I find the appeal scheme conflicts with the development plan when read as a whole.
 84. Policies CS1, CS5 and MD7a seek to direct development to sustainable locations. These policies take a more restrictive approach to development in the countryside than the Framework but remain broadly consistent with its objectives. However, the Council has failed to deliver a sufficient supply of housing and the more limited flexibility inherent in these policies is likely to have contributed to that position. I therefore afford only moderate weight to the conflict with these policies.
 85. In respect of the distribution of development, Core Strategy Policy CS6 seeks, amongst other matters, to locate development where opportunities for walking, cycling and public transport can be maximised. The site does not represent a wholly sustainable location. Nevertheless, its close and functional relationship with Bridgnorth, a sustainable settlement containing a wide range of services, facilities and transport options, limits the extent of that conflict. Accordingly, I attach only modest weight to the harm arising.
 86. Policies CS6, along with Policy MD13, also seek to protect, conserve and enhance heritage assets. However, they do not reflect the balancing exercise required by paragraph 215 of the Framework where less than substantial harm has been identified to designated heritage assets. Accordingly, whilst I have attached great weight to the identified heritage harm, I afford only moderate weight to the resulting conflict with Policies CS6 and MD13.
 87. Main parties dispute the extent of the Council's housing land supply. Even if I were to accept the Council's higher figure of 4.6 years, a five-year supply would still not be demonstrable. As such, Paragraph 11d) of the Framework is engaged.
 88. For the reasons given, the public benefits of the proposal outweigh the identified less than substantial harm to the heritage asset. The Framework policies relating to assets of particular importance therefore do not provide a clear reason for refusing planning permission in this case, and the presumption in favour of sustainable development remains engaged.
 89. The proposal would support the Framework's aim to significantly boost the supply of homes, including affordable housing, and reflects its recognition that small and medium-scale developments can make an important contribution to meeting housing needs. These are matters to which I attribute significant weight. Economic and social benefits associated with the scheme align with those elements of the Framework and attract moderate weight. The proposal also aligns with the

Framework's aim of providing net gain for biodiversity, which attracts modest weight.

90. Against these benefits, the proposal would not fully accord with the Framework's objectives where it states that the planning system should actively manage patterns of growth and sustainable transport is to be prioritised. However, potential future occupiers would have realistic opportunities to access a reasonable range of services and facilities by means other than the private car and I therefore attach only limited weight to this conflict. The appeal scheme also fails to accord with the Framework, where it seeks to protect local character and conserve or enhance heritage assets. Albeit, for reasons outlined the harm that would arise in this respect is modest.
91. Drawing these matters together, I find the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies and the Framework indicates that this is a case where the development should be permitted.

Conditions & Section 106 Agreement

92. Main parties provided a list of agreed conditions in the event of the appeal being allowed and planning permission being granted. Apart from the standard condition setting out the timescale for commencement of development, the following conditions are also reasonable and necessary:

Pre-Commencement Conditions

- Approval of a construction method plan (in the interest of highway safety from the outset of development and to protect the living conditions of neighbours during the construction period)
- Approval of the detailed surface and foul water drainage (to avoid on site or downstream flood risk and ensure appropriate infrastructure is delivered at the outset of the development)
- Approval of a scheme of landscaping (to ensure development activity does not prejudice future landscaping from being suitably incorporated in the interests of the character and appearance of the area)
- Installation of tree protection measures (to protect trees during the construction period in the interest of the character and appearance of the area)

Pre-Occupation Conditions

- Approval of a scheme of biodiversity enhancements (in the interests of biodiversity)

Other Conditions

- Development to be carried out in accordance with approved drawings (for clarity and certainty)
- Restrictions on the routing of drainage and service infrastructure (to protect trees in the interest of the character and appearance of the area)

- Approval of external materials (in the interests of the character and appearance of the area)
- Maintenance of visibility splays (in the interests of highway safety)

93. As detailed at the hearing, where appropriate, I have amended the precise wording of the suggested conditions to align with the tests outlined at Paragraph 55 of the Framework and to improve precision.

94. I have not found it necessary to impose a pre-commencement condition requiring approval of a Biodiversity Gain Plan, as this requirement is imposed directly by paragraph 14 of Schedule 7A of the Town and Country Planning Act 1990 (as amended). I am also satisfied that the submitted UU suitably secures the off-site BNG requirements.

Section 106 Agreement

95. The submitted UU is dated and executed by all parties with an interest in the land and binds successors in title. As previously outlined, it would secure the provision of affordable housing in perpetuity and the delivery and long-term management of BNG. It would also secure the provision and ongoing maintenance of the site's public open space.

96. I have had regard to the relevant development plan policies, including Core Strategy Policies CS9 (Key Infrastructure) and CS11 (Affordable Housing), together with the Council's Developer Contributions Supplementary Planning Document (2011).

97. Based on the evidence before me, I am satisfied that the obligations contained within the UU meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended). In particular, they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the proposed development.

Conclusion

98. For the reasons outlined above, the appeal is allowed.

Lewis Condé
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents:
 - Location Plan: Drawing No. 24.003 1.00
 - Proposed Site Plan: Drawing No. 24.003.1.02P
 - Proposed Site Plan (affordable housing): Drawing No. 24.003.1.02O
 - Plans and Elevations Unit 1: Drawing No. 24.003.2.00B
 - Plans and Elevations Units 2 3 4 5: Drawing No. 24.003 3.00B
 - Plans and Elevations Unit 6: Drawing No. 24.003.4.00B
 - Plans and Elevations Units 7&8: Drawing No. 24.003 5.00C
 - Plans and Elevations Units 9 & 10: Drawing No. 24.003 6.00A
 - Proposed Garage Plans and Elevations: Drawing No. 24.003.9.00C
 - Proposed Habitat Plan BJ25-033E
 - Biodiversity Survey and Report (Dated March 2025)
 - Proposed Public Open Space and BNG Plan: Drawing No. 24.003.1.03 A
 - Road Alignment and Swept Path Plan: Drawing No. 944-24 SK 01e
 - Landscape Masterplan: Drawing No. 10028_P07a
- 3) No development shall commence until a Construction Method Plan has been submitted to, and approved by the local planning authority. The plan shall include details of:
 - i. parking arrangements for site operatives and visitors;
 - ii. storage of plant and materials;
 - iii. wheel washing facilities;
 - iv. measures to control noise, dust and vibration during construction;
 - v. hours of construction operations.The development shall thereafter be carried out in accordance with the approved Construction Method Plan.
- 4) No development shall commence until detailed landscaping specifications, consistent with the approved Landscape Masterplan (Drawing No. 10028_P07a), have been submitted to and approved in writing by the Local Planning Authority. The landscaping specifications shall include:
 - Details of ground preparation, planting pit specification, specification of trees and shrubs to be planted (including species, locations or density and planting pattern, type of planting stock and size at planting);

- Details of the planting period, any phasing of planting and date of completion;
- Details of post-planting monitoring and replacement planting for any tree, shrub or hedge that dies, is removed, becomes diseased or fails to establish within five years of planting

The development shall be carried out in accordance with the approved landscaping scheme.

- 5) No development shall commence until a detailed scheme for disposal of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented prior to the first occupation of any dwelling and shall thereafter be retained and maintained.
- 6) No development shall commence until all tree protection measures set out in Section 3 (Arboricultural Impact Assessment) and Section 4 (Method Statement) and Appendices A, B, C, D and E of the approved BS5837 Report (Sylvan Resources, November 2024) have been implemented. The tree protection measures shall thereafter be retained/adhered to for the duration of the construction period.
- 7) Prior to their use in the construction of the dwellings hereby approved, details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.
- 8) Prior to the first occupation of any dwelling hereby approved, a Biodiversity Enhancement Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, specification and installation timetable for:
 - At least 5 bat boxes or integrated bat bricks;
 - At least 11 artificial bird and swift nests of either integrated brick design or external box design;
 - At least 4 invertebrate bricks and/or invertebrate houses;
 - At least 2 hedgehog domes;
 - At least 4 house martin nesting cups;
 - At least 1 hibernaculum to provide refuge for newts.The development shall be implemented in accordance with the approved scheme and the wildlife features shall thereafter be retained and maintained for the lifetime of the development.
- 9) No drainage or service infrastructure shall be routed within the Root Protection Areas, indicated on the Tree Protection Plan (Appendix C, Plan SR3).

- 10) No structure, planting or other obstruction exceeding 0.6 metres in height shall be placed or permitted to grow within the approved visibility splays, as shown on the approved Road Alignment and Swept Path Plan (944-24 SK 01e). The visibility splays shall be provided prior to the first occupation of any dwelling and shall be permanently retained thereafter.

APPEARANCES

FOR THE APPELLANT:

A Stein	No 5 Chambers (Counsel)
G French	The Planning Group Ltd (Planning Agent)
M Parrish	The Planning Group Ltd (Planning Agent)
R K Morriss	Richard K Morriss & Associates (Heritage Consultant)

For THE COUNCIL:

E Green	Area Planning Manager
D Fourie	Planning Officer
M Howell	Housing Enabling Manager
B Jones	Senior Conservation Officer
D Cordan	Principal Planning Officer

INTERESTED PARTIES:

A Coley	Bridgnorth Civic Society
J Hart	Bridgnorth Civic Society

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Costs Decision

Hearing held on 12 March 2026 & 5 May 2026

Site visit made on 5 May 2026

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2026

Costs application in relation to Appeal Ref: 6001474

Land at Oldbury Road, Oldbury Road, Bridgnorth, WV16 5DZ

- 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 Mr David Doley for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for Cross Subsidy Housing Scheme comprising of 2 No semi-detached two storey affordable houses, 2 No detached two storey affordable dwellings, 4 No detached two storey open market dwellings and 2 No semi-detached open market dwellings, all with garages, construction of new access road and alterations to existing field access.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may 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.
3. The PPG identifies the late introduction of fresh and substantial evidence, where it necessitates an adjournment or causes extra preparatory expense, as conduct that may justify a procedural award of costs. It also explains that a substantive award may arise where a local planning authority prevents or delays development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations.
4. The Council introduced late evidence on affordable housing shortly before the hearing. It also produced new highway safety evidence less than two days before the hearing opened.
5. Both the applicant's Planning Statement and Affordable Housing Statement, submitted with the original application, made clear from the outset that the proposal would provide four discounted market units at 20% below local market value. That position was repeated in the appeal evidence. Although the Council refused the application partly because of the overall level and mix of affordable housing, it did not object to the proposed level of discount in the committee report, its reasons for refusal, or its original appeal statement of case. It was therefore unreasonable for the level of subsidy for affordable housing to emerge as an issue of contention only during the Council's review of the draft Section 106 agreement, shortly before the hearing, and then for it to be reinforced by late evidence.

6. The Council has also not provided any robust reasons why the highway evidence could not have been produced at an appropriate stage, notably as part of its original appeal statement of case.
7. At the opening of the hearing, the Council indicated that it did not wish to rely on the late highway evidence as a further reason for dismissing the appeal. However, because the evidence raised highway safety matters, it could not simply be disregarded. Its implications had to be properly understood and tested before the appeal could fairly be determined.
8. The timing of the Council's new evidence, and the limited supporting explanation for it, meant that the applicant could not reasonably be expected to respond to it fairly at the initial hearing. The hearing therefore had to be adjourned so that the evidence could be properly considered and addressed. The further hearing day, and the associated preparation, were avoidable. They arose directly from the Council's late production of evidence and associated new issues and caused unnecessary or wasted expense to the applicant.
9. I also have concerns about the Council's wider conduct. Its case developed in a piecemeal way before the initial hearing. Although invited to update its statement of case between the hearing sessions for clarity, it broadened or reframed aspects of its reasons for refusal. Further concerns arise from its approach to the cross-subsidy nature of the proposal and its conclusion that the site was in an unsustainable location, given previous appeal decisions at the site, nearby permissions and its own pre-application advice.
10. Nevertheless, I do not find that the Council acted unreasonably in refusing planning permission. It identified harm to the character and appearance of the area, including the Oldbury Conservation Area. While I do not share the same level of concern about the detailed design of the proposed development, I also found the proposal would cause such harm. The Council appears to have considered that harm against the relevant policy and statutory tests. Although I have reached a different overall planning balance, that does not make the refusal unreasonable. The balance was a matter of planning judgement. Previous Inspectors have also found harm from similar-scale schemes in this location to outweigh the benefits of housing development, albeit the precise contexts differed.
11. Even if the Council had accepted the affordable housing contribution as exceeding policy requirements, or the site as being in a sustainable location, I cannot be certain that the Council still wouldn't have found that the adverse impacts of the development to have significantly and demonstrably outweighed its benefits when assessed against the policies of the Framework taken as a whole. As such, an appeal may still have been necessary. A full award of costs is therefore not justified.
12. In summary, the Council's late introduction of affordable housing and highway safety evidence caused the hearing to be adjourned and reopened for a further day, with consequent additional preparation and attendance costs for the applicant. Those costs were avoidable and arose directly from the Council's unreasonable conduct. A partial award of costs is therefore warranted.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Shropshire Council shall pay to Mr David Doley the costs of the appeal proceedings described in the heading of this decision, limited to the reasonable costs arising from preparation for, and attendance at the reopened hearing date, including costs directly attributable to considering and responding to the late highway safety and affordable housing evidence; such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The applicant is now invited to submit to Shropshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Lewis Condé

INSPECTOR

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Appeal Decision

Site visit made on 22 September 2026

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

an Inspector appointed by the Secretary of State

Decision date: 13 October 2026

Appeal A Ref: 6012744

Grove Farm, Condover, Shrewsbury, Shropshire SY5 7BH

- 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 **Tori McHale (Blackladies Investments Ltd)** against the decision of Shropshire Council.
- The application Ref is 25/04065/FUL.
- The development proposed is barn conversion, link extension and change of use of land to domestic.

Appeal B Ref: 6011699

Grove Farm, Condover, Shrewsbury, Shropshire SY5 7BH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by **Tori McHale (Blackladies Investments Ltd)** against the decision of Shropshire Council.
- The application Ref is 25/04066/LBC.
- The works proposed are barn conversion, link extension and change of use of land to domestic.

Decisions

1. **Appeal A** is allowed and planning permission is granted for barn conversion, link extension and change of use of land to domestic at Grove Farm, Condover, Shrewsbury, Shropshire SY5 7BH in accordance with the terms of the application, Ref 25/04065/FUL, subject to the conditions in the attached schedule.
2. **Appeal B** is allowed and listed building consent is granted for barn conversion, link extension and change of use of land to domestic at Grove Farm, Condover, Shrewsbury, Shropshire SY5 7BH in accordance with the terms of the application, Ref 25/04066/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

3. The decision notices utilise a different description of development / works to that found on the application form. The description given on the application form included superfluous information. In the interests of clarity, I have utilised the description of development / works as found on the decision notices.
4. As the proposal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
5. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

6. A revised National Planning Policy Framework (Framework) was published on 17 August 2026 after the Council made its decision. In the interest of fairness, the parties were given the opportunity to comment on the Framework in relation to their respective cases. In determining the appeals, I have had regard to the revised Framework.

Main Issues

7. The main issues are:

- whether the proposal would preserve the setting of the Grade II listed building, known as Grove Farmhouse, or any features of special architectural or historic interest which it possesses; and
- whether the proposal would represent ancillary use to the host dwelling.

Reasons

Special interest and significance

8. Grove Farmhouse is a Grade II listed¹ building. The farmhouse is a three-storey building dating from the late 18th century or early 19th century. It is mainly constructed from coursed sandstone rubble with a dentilled brick eaves cornice, hipped slate roof and brick end stacks, two to each side. The front elevation, which faces south, has a small porch feature.
9. The Heritage Impact Assessment (dated 19 September 2025) states that the farmhouse was extended to the north and west during the 19th century. These additions comprise a stone-built extension to the north of the farmhouse, and a single-storey west range, which is constructed mainly from brick.
10. Traditional farm building ranges are positioned to the north of the farmhouse around a central courtyard. These appear to be mainly in residential use and separate ownership.
11. The listed building partly derives its significance from its historic agricultural use and architectural character, as well as its setting adjacent to a former courtyard farmstead surrounded by open countryside. This setting contributes positively to the understanding and the special interest and significance of Grove Farmhouse, along with the ability to appreciate it. I have had special regard to this matter in considering the appeals.
12. A modern agricultural barn is located within the curtilage of Grove Farmhouse. The barn has a large plan form with a low roof profile. It is enclosed on three sides with weathered boarding over a blockwork plinth and steel infrastructure. Its north elevation is fully open. The barn, which the evidence indicates was built in 1983, does not form part of the historic fabric of the listed farmhouse and is positioned separately from it. However, it does sit within the setting of the Grade II listed building.
13. The immediate setting in which Grove Farmhouse is experienced includes the driveway entrance, the modern agricultural barn, and the traditional farm building ranges to the north. The boundary of Condover Hall Park, a Grade II Registered Park and Garden, lies immediately east of the appeal site on the opposite side of

¹ List entry Number: 1176063.

Station Road. The evidence indicates that this is a heritage asset of high significance, to which I agree. It provides a rural context to Grove Farmhouse. As such, the listed building's immediate and wider setting contribute positively to its special interest and significance.

Proposal and effects

14. The proposed link extension would connect the single-storey west range of the farmhouse with the east wall of the modern barn. It would be a fully enclosed timber-framed glazed link with a lead flat roof. The width and depth of the link would be narrow, creating minimal additional floorspace, and its height would be lower than the adjoining buildings. It would also be set in from their north and south elevations. This would result in the link being seen as subordinate, due to its modest scale, proportions and recessed design.
15. The contemporary elements of the proposal, such as the glazing and lead flat roof, would be clearly distinguishable from the historic fabric of the listed building. The timber-framed elements would not appear excessive or prominent, especially when seen in the context of the modern barn. Consequently, it would not distract from the listed building's architectural interest.
16. Furthermore, the proposal would have limited visibility outside the appeal site due to the positioning and orientation of the existing buildings, and mature vegetation. I observed that it would not be visible from the road or the boundary of Condover Hall Park. While glimpses of it may be possible from the neighbouring courtyard development, these views would be in the context of the existing built form.
17. The Council argue that the link extension would artificially extend the historic linear range. However, the barn as existing is located at the south-western corner of the farmstead complex, and to the west of the farmhouse and separate from it. It is therefore peripheral to the historic farmstead. Moreover, while the farmhouse's existing west-range does have a linear form, it is not extensive and the footprint of the main farmhouse building stretches beyond it. The proposal would introduce a clearly contemporary, lightweight link between the farmhouse's west-range and the barn, which would remain legible as two separate and distinct buildings. It would maintain their individual form, character and historic identity, without competing visually with, or diminishing appreciation of, either building.
18. The appellant confirms that the link extension would not be physically attached to the listed building. Given the age of the barn, there is little before me to suggest that any historic fabric would be affected by the formation of the link extension. Subject to appropriate conditions to secure materials, the link extension would cause no harm to the listed building's significance.
19. The proposed external alterations to the modern barn, which would include external cladding, would be modest. Due to the barn's low roof profile, views of the proposed solar panels would be limited. As the barn is already present on site, its conversion would not create additional footprint or bulk to the farmhouse and would remain subordinate. In addition, views of the barn are partially screened by the adjacent buildings and a boundary brick wall.
20. Taking the above into account, I find that the proposal would not erode any of the elements which contribute positively to the special interest of Grove Farmhouse. I therefore conclude that the proposal would preserve the setting of Grove

Farmhouse and would not harm its significance. It would also preserve the setting of Condover Hall Park, Grade II Registered Park and Garden.

21. Accordingly, it would comply with Policies CS6 and CS17 of the Shropshire Core Strategy (Core Strategy) (adopted 2011), and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (adopted 2015). These policies, amongst other things, require heritage assets and their settings to be preserved, having regard to the special architectural or historic interest of its character, appearance and the contribution made by its setting. It would also comply with Policy HE4 of the Framework which requires heritage assets, as an irreplaceable resource, to be conserved in a manner appropriate to their significance.

Ancillary use

22. The Council is concerned that the proposal would facilitate activities and patterns of occupation that are not incidental to the enjoyment of the dwellinghouse, giving rise to the potential for intensified, independent or otherwise non ancillary use. However, the proposal would make use of an existing barn within the curtilage of the listed building.
23. The proposal includes a gym, wet room, workshop, storage areas and plant room, which would have a clear functional dependency on the main house. The barn would remain subsidiary to the farmhouse in terms of its size, form and ancillary use. The link extension would provide a functional and direct connection from the farmhouse's west wing to the converted barn. Indeed, the use of the linked extension demonstrates the appellant's intention to utilise the barn as ancillary accommodation to the farmhouse.
24. The occupancy of the barn is also capable of being controlled by condition, and any change of use to create a separate dwelling would require a further grant of planning permission. Therefore, such a condition would restrict its use to that of ancillary space linked to Grove Farmhouse.
25. The Council states that no substantive justification has been provided to demonstrate a genuine need for the facilities of this scale, nor why such requirement cannot be accommodated within the existing dwelling or elsewhere within the established curtilage. However, the barn is an existing building within the curtilage of the listed building. Furthermore, the proposal would secure the future of a redundant and dilapidated rural building, re-using and restoring the barn for a sustainable use.
26. For the reasons above, the proposal would represent ancillary accommodation to the existing farmhouse. Consequently, the proposal would accord with Policy CS6 of the Core Strategy and MD2 of the SAMDev.

Conditions

27. In addition to the standard time limit condition, I have imposed a condition that requires the development/works to accord with the approved plans. This is necessary in the interests of certainty.
28. I have also imposed a condition relating to external materials. This is necessary to ensure the external appearance of the development/works is satisfactory. Finally, a condition requiring the development to be used for purposes ancillary to the main

house is necessary to accord with the terms of the application and in the interests of certainty.

Conclusions

29. **Appeal A:** For the reasons given, the proposal would accord with the development plan as a whole and the Framework and therefore in accordance with Policy S3(c) should be approved. I therefore conclude that Appeal A should be allowed.
30. **Appeal B:** For the reasons given I conclude that Appeal B should be allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 1) The development/works hereby permitted shall begin not later than 3 years from the date of these decisions.
- 2) The development/works hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan – as existing, Drawing No: 1183-01-100-OS
 - Site Plan – as proposed, Drawing No: 101-PR.
 - Ground Floor – as existing. Drawing No: 110-EX.
 - Roof – as existing. Drawing No: 112-EX.
 - Elevation 1 – as existing, Drawing No: 120-EX.
 - Elevation 2 – as existing. Drawing No: 121-EX.
 - Elevation 3 – as existing. Drawing No: 122-EX.
 - Elevation 4 – as existing. Drawing No: 123-EX.
 - Ground Floor – as proposed, Drawing No: 110-PR.
 - First Floor – as proposed. Drawing No: 111-PR.
 - Roof – as proposed, Drawing No: 112-PR.
 - Elevation 1 – as proposed. Drawing No: 120-PR.
 - Elevation 2 – as proposed. Drawing No: 121-PR.
 - Elevation 3 – as proposed. Drawing No: 122-PR.
 - Elevation 4 – as proposed. Drawing No: 123-PR.
- 3) No development/works above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as Grove Farm, Condover, Shrewsbury, Shropshire, SY5 7BH.

End of Conditions



Appeal Decision

Site visit made on 30 June 2026

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

an Inspector appointed by the Secretary of State

Decision date: 28 July 2026

Appeal Ref: 6008009

Land Adjacent Ryton Villa Farm, Ryton, Dorrington, Shrewsbury SY5 7LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Bishton against the decision of Shropshire Council.
 - The application Ref is 26/00264/OUT.
 - The development proposed is the erection of a detached two-storey self-build dwelling (to include access and scale).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access and scale to be considered at this stage, and all other matters reserved for future consideration. I have considered the appeal accordingly.
3. A completed legal agreement dated 1 May 2026 was submitted as part of the appeal. I return to this later in my decision.
4. Whilst the reasons for refusal do not refer to character and appearance, the Council's submission indicates they object to the proposal in this regard. The appellant has also addressed this matter in their submission.

Main Issues

5. Having regard to the above, the main issues are:
 - whether the site is in a suitable location having regard to the Council's strategy for the location of housing and its access to services and facilities; and,
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

6. The Council's development strategy is set out in the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and the Shropshire Council Site Allocations and Management of Development 2015 (the SAMDev). Together, CS Policy CS1 and SAMDev Policies MD1 and MD3 set the strategic approach to the location of development in the district. The policies direct development to the most accessible locations, including Shrewsbury, Market

Towns and Key Centres and in community hubs and clusters in the rural areas, which are identified in CS Policy CS4.

7. The appeal site is located in the small settlement of Ryton, which is not identified in the development strategy. The appeal site is therefore in open countryside for the purposes of planning policy. CS Policy CS5 and SAMDev Policy MD7a limit new residential development in the open countryside to a number of exceptions, none of which are applicable to this proposal. As such the site location does not accord with the Council's strategy for the location of housing.
8. Turning to the site's access to services and facilities, CS Policy CS6 requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This is consistent with paragraph 110 of the National Planning Policy Framework (the Framework) which states significant development should be focused on locations which are or can be made sustainable.
9. I acknowledge that a proposal for one dwelling may not constitute significant development, nor is it likely to generate significant levels of traffic. Nevertheless, Policy CS6 also requires development which is safe and accessible to all. Furthermore, paragraph 115 of the Framework seeks for sustainable transport modes to be prioritised and for safe and suitable access to be achieved, regardless of the size of the development.
10. I appreciate that the appeal site is not isolated given its location close to other existing built development. Ryton has some services and facilities including a public house, village hall and church. However, these are unlikely to meet the day to day needs of future occupiers who would need to travel approximately one mile to the settlement of Dorrington which has other services and facilities.
11. There are no dedicated footpaths, cycle lanes or streetlights in the vicinity of the appeal site. Thus, while the distance to Dorrington would not be excessive, the lack of pedestrian and cycling infrastructure means that the route would not be desirable for all future occupiers, particularly during winter months.
12. It is stated that Ryton is on a bus route between Ludlow and Shrewsbury and there is a bus stop 500 metres away from the site. The same bus stop is also used for a school bus service to a secondary school in Church Stretton. However, I have not been provided with the location of the bus stop, timetables or journey times. As such, I am not satisfied that future occupiers would have access to a regular bus service which would provide convenient access to services and facilities.
13. I acknowledge the appellant's commitment to installing electric vehicle charging, however, there is no guarantee that future occupiers would make use of them.
14. The appellant accepts that future occupiers would be more reliant on the use of the private car to meet their day to day needs. I also recognise that sustainable transport solutions will vary between urban and rural areas. However, even considering the site's rural location, for the reasons set out above, I find that the proposal would fall short of prioritising sustainable transport.
15. It is suggested that the lack of pedestrian infrastructure is characteristic of rural areas. Be this as it may, this consideration does not justify the appeal development

in light of the conflict I have found with the Council's strategy for the location of housing and the lack of sustainable transport options.

16. Taking all of the above into account, I find that the appeal site is not in a suitable location having regard to the Council's strategy for the location of housing and its access to services and facilities. As such, the proposal conflicts with CS Policies CS1, CS4, CS5, CS6, SAMDev Policies MD1, MD3 and MD7a, and the sustainable travel aims of the Framework, as set out above.

Character and Appearance

17. The appeal site is part of a larger parcel of open grassland located at the edge of the built-up area of Ryton. To the north of the site are residential properties forming Ryton Villa Court and to the west is the residential property known as Ryton Villa Farm. The boundary between Ryton Villa Farm and the appeal site is defined by dense, mature trees and planting and so there is limited intervisibility between the two. It is possible to see some of the built development to the north of the site above the planting at the northern boundary of the site.
18. The boundary treatments to Ryton Villa Farm and the properties on Ryton Villa Court serve as a clear demarcation between the built-up part of the settlement and the surrounding open countryside. Although there is built development to the north and west of the site, it is otherwise surrounded by open countryside. The site itself has an open and verdant appearance which reflects its countryside setting and I observed it to have a greater visual and physical relationship to the surrounding countryside than the built-up part of the settlement. In its current, undeveloped state it makes a strong positive contribution to the countryside character of the area.
19. It is suggested that the appeal site's southern boundary would line up with the southern boundary of the rear garden of Ryton Villa Farm. However, there is no boundary currently in this location. The plot for the proposed dwelling would therefore project into the open countryside. The appeal development would not appear contained within the built form of the settlement and would instead appear as an incongruous addition to the landscape.
20. Whilst the detailed design and layout of the proposal would be determined at the reserved matters stage, it would result in built development where there is presently none. The proposed residential use would alter the visual appearance of the site with the likely introduction of a driveway, garden area and associated domestic paraphernalia. The resultant development and domestication of the land would erode its open and verdant character. This harm could not, in my judgement, be fully overcome through the layout of the development nor with a landscaping scheme, as suggested.
21. Taking all of the above into account, I find that the proposal would harm the character and appearance of the area. As such, it would conflict with CS Policies CS5 and CS6 as well as SAMDev Policies MD2, MD7a and MD12. Taken together these policies require development proposals to be of high quality design which respects local context and character, including countryside character, and responds appropriately to the form and layout of existing development.

Other Matters

22. I acknowledge the appellant's intention to utilise sustainable construction techniques and onsite renewable energy in line with the Council's Sustainable Design SPD. Other cited benefits include ecological enhancements to the site and that the dwelling would be built to Lifetime Homes standard. I also appreciate that there is the potential for future occupiers to support services in other nearby settlements. However, the scale of the proposed development means it would have limited social and economic benefits. One additional house would make a limited contribution to the supply of housing, as would the support that its construction and future occupancy would provide to construction employment and the local economy.
23. The Council's submission refers to potential harm to neighbour amenity, although its case is not further substantiated in this regard. Based on the evidence before me, including my observations on site, I am satisfied that one dwelling could be accommodated on the site without harm to the living conditions of neighbouring occupiers.
24. I appreciate that the Council raises no objection in relation to highway safety, ecology and trees. I also acknowledge that the site is not subject to any specific landscape or heritage designations. Nevertheless, these are neutral factors that weigh neither in favour of, nor against, the proposal.
25. The appeal proposal is described as a self-build dwelling and would be secured as such by the legal agreement submitted with this appeal. This is a benefit in that it would contribute to meeting the Council's statutory duty in this regard, although there is nothing before me to demonstrate that the Council is not currently meeting this duty. Accordingly, I attribute this limited positive weight in the planning balance.
26. The proposed dwelling would be designed to meet the needs of one of the appellants who has reduced mobility. However, as acknowledged by the appellants, this would be a private benefit. It is a well-founded principle that the planning system does not exist to protect private interests. In any event, the proposed dwelling would be permanent, as would the harm identified, which would not be the case for the needs of the appellant. Therefore, this consideration does not alter my conclusions.
27. Reference is made to a number of other sites which have been granted planning permission for residential development in Ryton. There is limited information provided on most of these examples. Consequently, I cannot make a direct and reasoned comparison between those schemes and the appeal proposal.
28. Extracts have been provided from the Committee Report for the site known as The Fox (Planning Application Ref: 14/00701/FUL). I note that, in that case, the site location conflicted with development plan policies for the location of housing, but the Council determined that was outweighed by other material considerations. In that case, the proposal was found to represent an efficient use of brownfield land with no encroachment into open countryside. However, the appeal site before me now is not brownfield land and I have found that the proposal would result in encroachment into the open countryside. Accordingly, the two are not directly

comparable and as such, this consideration does not alter my conclusions on this case, which I have determined on its own merits.

29. My attention has been drawn to an appeal decision on another site in Shropshire (Appeal Ref: APP/L3245/W/25/3362414) in which the Inspector concluded that the harms arising in that case would be significantly and demonstrably outweighed by the benefits. That case concerned a development of 70 dwellings on a site in a different settlement and is therefore not directly comparable to the appeal proposal before me now. Moreover, the weight to be given to the benefits and harms in the planning balance of this appeal is a matter for me.

Planning Balance

30. The proposal would conflict with the Council's strategy for the location of housing set out in CS Policies CS1, CS4, CS5 and CS6 and SAMDev Policies MD1, MD3 and MD7a. The proposal would also conflict with CS Policies CS5 and CS6 and SAMDev Policies MD2, MD7a and MD12 insofar as they seek development which protects and enhances local character. The proposal would therefore conflict with the development plan as a whole.
31. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework expects development to promote sustainable travel modes. Furthermore, the countryside is not protected for its own sake, but its intrinsic character and beauty is recognised by the Framework which also indicates development should maintain the prevailing setting and character. Therefore, the conflict between the proposal and the aforementioned policies should be given significant weight in this appeal.
32. The Council has confirmed that it cannot currently demonstrate a five year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes that paragraph 11d) is engaged. There is nothing before me to suggest that the policies identified in footnote 7 of the Framework provide a strong reason for refusing the development proposed under paragraph 11 d) i). Hence, the balance in paragraph 11 d) ii) applies.
33. Paragraph 11 d) ii) states planning permission should be granted unless 'any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations,...'. In addition, measures set out to achieve well designed places in paragraphs 135 and 139 of the Framework constitute key policies for the purposes of paragraph 11 d) ii).
34. The Council has not specified the extent of its shortfall in housing land supply. The appellant refers to several figures, the most recent of which is 4.61 years, dated 30 March 2026 and I have based my reasoning on this. Whilst the Framework does recognise the contribution that small sites can make to meeting the housing requirement for an area, one dwelling would make a minimal contribution to the overall supply of housing and as described above, the benefits associated with one additional dwelling would be limited, even taking into account the Framework's objective of significantly boosting housing land supply. I therefore attribute these benefits limited weight.

35. Consequently, the adverse impacts on the Council's development strategy and of increasing travel by private vehicle, as well as the harm to the character and appearance of the area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

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

A O'Neill

INSPECTOR

Appeal Decision

Site visit made on 18 June 2026

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 August 2026

Appeal Ref: 6007389

Barn adj to Spring Cottage, Thriftwicket Lane, Haytons Bent, Ludlow SY8 2AU

- 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 R Pritchard against the decision of Shropshire Council.
 - The application Ref is 25/04839/FUL.
 - The development proposed is conversion of existing farm building to a single dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Shropshire Hills National Landscape (SHNL). Therefore, I have a statutory duty to seek to further the purposes of this protected landscape, including whether the proposal would contribute to the conservation and enhancement of the special qualities of the SHNL. Therefore, views were sought from the main parties about the effect of the proposal on the SHNL and, I have had regard to any comments made.
3. Whether any unauthorised works have been carried out in relation to the appeal building or within the appeal site are not matters for this section 78 appeal. Therefore, I have determined the appeal proposal on the basis of the existing and proposed plans and the evidence provided.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area and appeal building, including whether the proposal would conserve and enhance the Shropshire Hills National Landscape and in regard the historic character and structural stability of the building.

Reasons

Character and appearance - landscape

5. The SHNL has several special qualities with key components including its hills, farmed countryside, woodlands, rivers and river valleys. The hills define the identity of the area and are the backbone of the national landscape. The patchwork of fields bounded by hedges result from generations of farming and the hedgerow and field trees give the landscape a mature character. Much of the field settlement pattern is very ancient with tiny lanes. Stone and timber framed buildings in a variety of styles

reflect the diversity of local material available. Also, the SHNL is a haven of tranquillity, peaceful and quiet, dark skies and unspoilt views.

6. The appeal site is accessed via an established track leading from a narrow single width road. It includes parts of two fields set on land that rises up from the road with mature boundary hedges and trees to the peripheries of the fields. There are long views from parts of the appeal site across the valley to the rolling hills of the wider national landscape area and, the appeal site has a tranquil feel containing notable attributes of the special qualities of the SHNL. This includes its scenic quality, field pattern, mature hedgerows and open rural character.
7. The appeal site includes parts of two separate fields and it is proposed to dissect the traditional field pattern, creating an anomalous triangular, rather than rectangular enclosed area, introducing hedge planting at odds to the existing historic mature field boundary layout in the area. The proposed garden area of the new dwelling would be extensive and due to the rising land topography, the lower portion of the garden, between the road and the cottage, would likely be prominent from wider views across the rolling hills and from the gap where the road access is. Also, the use of the land as garden would likely introduce more formal planting and domestic paraphernalia, which together with the anomalous shaped plot pattern, would be harmful to the open and traditional agricultural character of this part of the valued landscape.
8. There is an existing established vehicular access and field track leading up at an incline to the stone building. This has a rural character, with loose chippings and is predominately used by farm vehicles. Therefore, it is likely that enhancements would be needed to the track to allow domestic vehicles to use it, including additional surfacing and lighting. The access improvement works, together with the proposed large garden area, changes to the field pattern and boundary landscaping would harmfully affect the rural, traditional and unspoilt character and tranquillity of the appeal site. Consequently, this would harm the special qualities of the SHNL, even if the harm would be more localised.

Character and appearance - building

9. Policy MD7a of the Shropshire Local Development Framework Adopted Core Strategy (CS) (March 2011) sets out that the conversion of buildings to open market use will only be acceptable where the building is of a design and form which is of merit for its heritage/ landscape value, minimal alteration or rebuilding is required to achieve the development and the conversion scheme would respect the significance of the heritage asset, its setting and the local landscape character.
10. From the evidence provided and my site observations, the main part of the appeal building is a traditional stone building that pre-dates 1950. The proposal would convert the building back to its original, historic residential use and, while lean-to structures have been added on both sides of it and its roof has been replaced with modern material, the traditional stone walls and the main structural elements of the building remain intact. Also, there are a number of historic features within the building, including fireplaces, a bread oven and flagstone flooring.
11. Therefore, even if the building is not a non-designated heritage asset, the appeal building has some surviving historic interest. Additionally, as the building is an historic, stone structure, typical of traditional local stone buildings, it positively contributes to the special qualities of the SHNL. Consequently, the proposal would

involve the conversion of a building of historic merit which makes a positive contribution to the character and value of the surrounding landscape.

12. The proposal would replace one of two later lean-to additions at the side of the building, which is currently an open ended timber structure used as an animal shelter. The proposed side extension would have a larger floor area and overall volume than the existing lean-to and its roof would be slightly higher. However, as the existing larger lean-to on the other side of the building would be removed as part of the proposal, overall, the additions to the building would be smaller in volume and footprint compared to that in situ. Furthermore, the removal of the larger lean-to would expose more of the original stone walls of the building and the modern metal roof would be replaced with a tiled slate roof. This would make positive improvements to the character and appearance of the building, restoring and enhancing its traditional features.
13. While there would be a number of openings in the new lean-to and new rooflights, the existing openings in the main stone part of the building, on its gable and other side would be utilised, albeit their size amended. The overall shape and scale of the building would be maintained, including the overall height and form of the main roof of the stone building. Furthermore, the structural survey of the building sets out that it is structurally in good condition, suitable to convert to residential with only minor repairs needed. Therefore, minimal alteration or rebuilding would be required to convert the appeal building and the proposed conversion works would respect the building's heritage, setting and the surrounding landscape character.
14. In view of the above, while the proposed conversion of the building itself would not be harmful to its character and appearance, in regard to the wider proposed development, the proposal would harmfully affect the character and appearance of the surrounding area and fail to conserve and enhance the special qualities of the Shropshire Hills National Landscape. In this regard, the proposal would conflict with Policy CS5 of the CS and Policy MD7a of the Shropshire Council: Site Allocations and Management of Development (SAMDev) Plan (December 2015), which, amongst other matters, requires development to make a positive contribution to the character of the countryside.
15. Furthermore, there would be conflict with the National Planning Policy Framework (the Framework) which sets out at paragraph 189 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 in relation to these issues.

Other Matters

16. The Council cannot demonstrate a 5 year supply of deliverable housing land, which is currently stated to be 4.61 years. Therefore, the proposal would contribute to the government's objective of boosting housing in an area where there is a shortfall. Although, one dwelling would only make a small contribution to this and so, I give moderate weight to this consideration.
17. There is an existing established access, which would provide a suitable and safe means of access to the proposed dwelling. The appeal site is in an area at low risk of flooding and, appropriate wildlife mitigation and biodiversity enhancement could be carried out, subject to conditions. However, these are neutral matters in regard

to the main issue and my findings on it. Therefore, these matters do not weigh in favour of the proposal.

18. That no objections have been raised by interested parties and the actions and advice of the Council are neutral matters that do not weigh in favour of the proposal.
19. Policy MD7b of the SAMDev sets out that permitted development rights will be removed to safeguard the character and setting of converted buildings, although the requirements of other policies within the development plan, including Policy CS5 of the CS and MD7a of the SAMDev would still need to be met. Therefore, this is a neutral consideration.
20. Paragraph 84 of the Framework supports the reuse of redundant or disused buildings. However, the appeal building is currently in use for the sheltering of horses and storage of hay and so it is not redundant or disused. Also, while it is asserted the building would become derelict without the proposed development, no substantive evidence has been provided to demonstrate this.

Planning Balance and Conclusion

21. While the Council cannot demonstrate a 5 year supply of deliverable housing land and the proposal would provide an additional dwelling to contribute toward the deficit, paragraph 11d)i of the NPPF sets out that policies within it that protect assets of particular importance, including the protection of National Landscapes, provides a strong reason for refusing the development proposed. Therefore, paragraph 11d) ii is not engaged in this instance.
22. For the reasons given above, the proposal conflicts with the development plan, and the material considerations, including the National Planning Policy Framework, do not indicate that the appeal should be decided other than in accordance with it.
23. Accordingly, the appeal is dismissed.

C Billings

INSPECTOR



Appeal Decision

Site visit made on 18 June 2026

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2026

Appeal Ref: 6006953

Land West of Woodhill Road, Highley, Shropshire WV16 6HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Harry Scriven of Scriven Developments Ltd against the decision of Shropshire Council.
 - The application Ref is 25/02350/OUT.
 - The development proposed is residential development (Accessible Single Storey Dwellings) and Associated Works.
-

Decision

1. The appeal is allowed and planning permission is granted for the residential development, (Accessible Single Storey Dwellings) and Associated Works, at land West of Woodhill Road, Highley, Shropshire WV16 6HT, in accordance with the terms of the application, Ref 25/02350/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is for outline planning permission for residential development, with all matters, including access reserved for future consideration. Paragraph 5 (3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Order) says, "Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated." While no fixed point of access is proposed as part of the appeal scheme, the evidence, including the Design and Access Statement, and indicative sketch plan show that a single point of access for vehicles would be from Woodhill Road whereby appropriate visibility splays could be achieved. I am satisfied that this meets the relevant requirements of the Order.
3. The submitted sketch plan (indicative), drawing no. SP1 is for illustrative purposes only and so, I have considered it on this basis.
4. A complete, dated planning obligation by way of a unilateral undertaking has been submitted with the appeal, which includes obligations for the provision of onsite affordable housing. The Council has had opportunity to comment on this as part of the appeal process. Additionally, the proposal is CIL (Community Infrastructure Levy) liable. I have determined the appeal having regard to such.

Main Issues

5. The main issues are:
 - whether the proposed development would be in a suitable location;

- the effect of the proposal on the character and appearance of the area, and;
- biodiversity.

Reasons

Location

6. The appeal site is outside the settlement boundary for Highley, on an unallocated site in the open countryside. Due to this, the proposal would not be in a suitable location, as it would conflict with Policies CS3 and CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (CS) and Policies S9, MD1 and MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015), which amongst other matters, restrict development in the open countryside and seek to focus development within settlements. Also, despite that the proposal would deliver on-site affordable housing and be CIL compliant, due to the conflict with Policy CS5, the proposal would conflict with Policy CS4 of the CS.
7. However, as undisputed by the main parties, the Council does not have a 5 year supply of deliverable housing land and the site is in a sustainable location in terms of distance to services and facilities. Additionally, the proposal would deliver affordable housing. Therefore, in view of this and that Policy MD3 of the SAMDev sets out that where settlement housing guidelines are not met, additional sites outside the settlement boundaries may be acceptable and so, there would be no conflict with Policy MD3 of the SAMDev.

Character and appearance

8. The appeal site is a gently undulating agricultural field within the open countryside. There is a substantial hedge along its Woodhill Road boundary, with houses opposite on the other side of the road. The boundary hedge creates an attractive, verdant edge to the settlement. To one side is a private access way to residential development that includes converted agricultural buildings that abut part of the rear boundary of the site. To the opposite side are Fir Tree Cottages, with their long rear gardens and open agricultural land beyond them, that rises up. At the rear of the appeal site, where it opens out into further agricultural land, the land dips and then rises again and there is a copse of trees. Therefore, in view of surrounding development and features, the appeal site is fairly enclosed to most of its boundaries.
9. There are views of the appeal site from neighbouring residential properties and other private land. Also, there are some more limited wider distance public views across adjoining land and property from a public footpath at the other side of the Fir Tree Cottages and a glimpsed view through a gap at the Fir Trees Cottage end of the site, from Woodhill Road. Although, generally, due to the substantial road frontage boundary hedge, views into the site are limited from Woodhill Road. Additionally, no public right of ways cross the appeal site and so, subject to the scale of development, new housing would not appear that prominent from public vantage points.
10. However, new housing within this open grazing land would inevitably urbanise and change its open, rural character. It would add built form, even if only single storey and low density, within otherwise open land. Additionally, the creation of a vehicular access, with associated visibility splays along Woodhill Road would create a break

in the existing frontage hedge and so, would change this strong verdant feature at the edge of the settlement. Consequently, the proposal would erode the green and open character of the appeal site at the settlement edge, harmful to the character and appearance of its immediate surroundings.

11. The Landscape and Visual Sensitivity Assessment (LVSA) (2018) produced for the draft local plan for the District has been adopted by the Council. This includes the appeal site as part of a much larger 'Highley C' area. As a whole, the Highley C area is assessed as having medium-high landscape and high visual sensitivity for new housing. However, the appellants' Landscape & Visual Impact Statement (LVIS) (dated 11 December 2025), is focused on the appeal site, which comprises a small portion of the wider area considered in the LVSA.
12. The LSVA considers the effect of development within the whole Highley C area on the Shropshire Hills National Landscape (SHNL). The special qualities of the SHNL include rolling landform and panoramic views. From the site specific LVIS and my site observations, the appeal site is a fairly small and enclosed field, set at a lower land level compared to the rising agricultural land further to the north and west. Also, existing surrounding development and the nearby woods create a degree of separation between the appeal site and the wider area of Highley C.
13. The substantial frontage hedge, lower and less undulating topography of the appeal site, means there are limited views of the site from Woodhill Road and across it towards the Shropshire Hills National Landscape (SHNL). Also, while there are some views towards the SHNL from within the appeal site and from the public footpath network nearby, they would not be harmfully affected by the proposed development. Additionally, the development of the appeal site for housing would not erode the overall field pattern of the area, interrupt any connections between ancient woodlands and, there are no public rights away crossing or immediately adjacent to the appeal site. Furthermore, subject to the layout and design of the new development, including the position and design of the access, it is likely that much of the frontage hedgerow would be retained.
14. On wider views from the nearby public footpath network, including the footpath beyond Fir Tree Cottages, the proposed residential development would be seen against the backdrop of existing houses along and leading from Woodhill Road, which are predominately two stories high with pitched roofs. Also, subject to retention of most of the boundary hedgerow and additional planting, which could be secured as part of the landscaping scheme for the development, it would ensure suitable mitigation and allow transition from the more built up urban development form along Woodhill Road towards the open countryside. This would appropriately facilitate a soft edge to the appeal scheme, without harming the character and appearance of the wider open countryside.
15. Therefore, taken individually, the appeal site has a low-medium landscape and visual sensitivity for housing and so, it does not make a strong contribution to the overall landscape merits of the wider area Highley C, as identified on the LSVA, or the special qualities and setting of the SHNL. In view of this, together with the topography and enclosed site context, the proposed residential development, subject to its scale and form, could be successfully assimilated within the appeal site without harmfully affecting the wider landscape character and visual sensitivity of the area, including skyline views of and the overall setting of the SHNL. Therefore, subject to landscaping, the scale, form and layout of the new residential

- development, which would be appropriately considered and controlled at reserved matters, it would not have a harmful effect on the character and appearance of the wider landscape.
16. Fir Trees Cottages are non-designated heritage assets. They are a terraced row of three separate dwellings converted from a previous Methodist Chapel in the early 1900s. They are constructed from stone with slate hipped roofs. The cottages have front and rear main elevations facing toward the fields on with either side, including facing toward the appeal site. Each dwelling has a long garden, with their rear boundaries aligning with that of the appeal site. There are strong definitive boundary treatments around the cottages, including hedgerows to their field boundaries. Therefore, the significance of these non-designated heritage assets is their historical use and external materials and their plot arrangement, including long enclosed gardens and fairly open, verdant surrounding context.
 17. The proposed development would not negatively affect the historic use or external shape and materials of the cottages, nor would it diminish the boundaries and plot arrangement of the cottages, including their long gardens. Therefore, subject to the layout and landscaping of the proposed development, including a landscape buffer to the side of the cottages, to maintain the open aspect to the side of them, the proposal would not harm the significance and setting of these adjacent non-designated heritage assets. An appropriate landscape buffer could be appropriately secured by condition.
 18. The Council has referred to some appeal examples, including ref APP/L3245/W/24/3355634 at Land on the south side of Manor Court, Uffington, Shrewsbury for a single dwelling; ref 6002113 at Land off Terrick Road, Whitchurch for outline planning permission for some 42 dwellings; and, ref APP/L3245/W/25/3363184 at Land adjacent to Dalesford, Cardingmill Valley for one dwelling. Even though copies of these appeal decisions have been provided, I have not been given any substantive information in relation to these examples.
 19. However, even though they were all dismissed and related to residential development in the countryside, from the Inspectors decisions provided, they relate to development in different locations with different site contexts. For example, the Manor Court and Terrick Road developments were dismissed due to harm caused to the setting of listed buildings and in the Dalesford example, the Inspector found harm in relation to a Conservation Area and National Landscape within which the appeal site was located. Therefore, I have determined the appeal case based on its own merits.
 20. Having regard to the above, while I find no harm would be caused to the wider landscape character and appearance, the proposal would have a harmful effect on the character and appearance of the appeal site itself and its immediate surroundings. In such regard, the proposed development would conflict with Policies CS5 and CS6 of the CS, which amongst other matters, require development to maintain and enhance the character of the countryside.
 21. However, the proposal would not conflict with Policy CS17 of the CS or Policies MD2 and MD12 of the SAMDev, as the proposal would not harmfully affect Shropshire's environmental assets, including the setting of the SHNL.

Biodiversity

22. The mandatory 10% increase for Biodiversity Net Gain is applicable to the proposed development. Under the statutory framework, every grant of planning permission is deemed to have been granted subject to the conditions that the biodiversity gain objective is met. Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, sets out the minimum information required where a proposal would be subject to the biodiversity gain condition. The appellant has set out that the development will be subject to the deemed biodiversity gain condition and, that they would submit a Biodiversity Gain Plan and Habitat Management and Monitoring Plan prior to commencement of development, thereby securing any on-site gains for 30 years.
23. Details of the pre-development biodiversity values of the appeal site, with completed metric calculations has been provided. On the basis of the information submitted and that the appeal proposal is for an outline residential scheme, with all matters reserved, with no fixed layout and number of housing units proposed and, that the site is of a reasonable size, on balance, it would likely be possible to successfully discharge the biodiversity gain condition in this instance. Therefore, subject to a condition to ensure the development delivers on-site biodiversity net gain and, the monitoring of it via securing a Habitat Management and Monitoring Plan prior to commencement of any development, the proposal would be in accordance with Schedule 7A of the Town and Country Planning Act 1990.
24. Interested parties have raised concerns about the impact on local wildlife and that the boundary hedge is important habitat for wildlife. However, the findings of the preliminary ecological appraisal (PEA) do not identify likely harm would be caused to protected species. Therefore, without substantive evidence to the contrary and subject to condition, as recommended within the (PEA), including precautionary working methods for certain species and replacement hedgerow planting, the proposal would not cause harm to local wildlife or their habitats.
25. In view of the above, the proposal would not have an unacceptable effect on biodiversity and so, there would be no conflict with Policy CS17 of the CS, which amongst other matters, requires development to contribute to local distinctiveness, having regard to the quality of Shropshire's environment, including biodiversity. Also, there would be no conflict with Policy MD12 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015), which requires, amongst other matters, that proposals do not have a significant adverse effect on biodiversity.

Other Matters

26. As of the 31 March 2026 the Council has 4.61 years deliverable housing land supply. Therefore, paragraph 11 (d) applies. The appeal proposal would deliver a number of additional houses and so, make a meaningful contribution towards meeting the district's housing land supply, supporting the governments agenda to boost housing numbers. This weighs significantly in favour of the development.
27. Highley is identified as a Market Town/Key Centre, where within the settlement boundary, sustainable development is supported by Policy CS3 of the CS. Even though outside the settlement boundary, the appeal site is close to its edge and there is a bus route along Woodhill Road, with facilities and services within reasonable walking and cycling distance from it. Therefore, as undisputed by the

- Council, the appeal site is in a sustainable location, with accessible services and facilities via a variety of transport modes. I give significant weight to this.
28. The appeal site is in flood zone 1, with a low probability of flooding and as it is under 1 hectare, a flood risk assessment is not necessary. Therefore, while local residents refer to surface water flooding and drainage constraints within the village and, there may be a broken pipe on the site, subject to appropriate drainage facilities for the new development, secured by condition, the proposal would not cause harmful flooding or drainage issues.
29. The appeal site is not within a Conservation Area and the nearest designated listed buildings are some distance away, with intervening development between and so, there would be limited possible intervisibility to and from designated heritage assets. Also, the significance of the listed buildings referenced within the Highley area is their architectural design and detailing. As a consequence, the proposed housing development, by virtue of its proximity and lack of intervisibility with nearby listed buildings, would not harm the setting or significance of these listed buildings.
30. Highley is likely to be a Saxon settlement, which was occupied throughout the medieval period and so, there is a possibility for previously buried archaeological remains within the appeal site. The Council's archaeological advisor sets out that there is potential for unrecorded activity relating to Medieval and Roman periods within the site. Therefore, while the desk based assessment undertaken sets out that archaeological potential is low, it would be appropriate and necessary for further site investigations to be carried out and any archaeological remains found, appropriately recorded. A pre-commencement condition requiring further investigations and recording if remains are found, would appropriately ensure no harm is caused to archaeological interests.
31. There would likely be some disruption and noise caused by the construction of the new development. Although, this would be short term and could be appropriately managed by a construction management plan condition, including in relation to construction vehicle movement and parking. Furthermore, in view of the likely scale of the development and without any substantive evidence about air quality concerns, it is unlikely that the proposal would have a harmful effect on air quality.
32. Access to the development is a reserved matter, although it would be from Woodhill Road at some point along it. The appeal site is not that large and the envisaged scale of development not substantial. Also, Woodhill Road is a fairly straight main road in front of the appeal site. Therefore, suitable details could be agreed to ensure a safe means of access and that parking is provided within the new development for its future occupiers. Consequently, it is unlikely that the proposed development would cause unacceptable highway safety and traffic congestion problems, which would harmfully affect the free flow of traffic on the highway or cause highway safety issues by way of increased road accidents.
33. Previous pre-application advice given by the Council and the previous application for residential development within the appeal site relate to different proposals. Furthermore, national planning policy has been revised and the Council's housing land supply position has changed since such times. Therefore, I have determined the appeal proposal having regard to its own merits, including the evidence provided, and current national policy.

Planning Balance

34. There would be conflict with policies within the CS and SAMDev in regard to restricting development within the open countryside. Also, there would be some localised harm caused to the character and appearance of the appeal site and immediate area by building on open land. Therefore, in such respect, the proposal would conflict with the development plan as a whole.
35. However, it is undisputed that paragraph 11d) is engaged in this instance, as the Council cannot demonstrate a 5 year supply of housing land, having a current supply of 4.61 years. Albeit not that below the 5 year supply requirement, this shortfall weighs significantly in favour of the proposal, particularly as a number of new houses would be delivered as part of the scheme. Therefore, the proposal would make a meaningful contribution towards the governments objective of significantly boosting the supply of homes. This weighs significantly in favour of the proposal.
36. Aligned with the Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document (SPD) (September 2012) and requirements of Policy CS11 of the CS, the completed planning obligation includes that 20% of the dwellings will be affordable, including 70% for rent and 30% as intermediate or other affordable housing. This would help contribute towards identified housing needs in the area for affordable housing. Therefore, I give significant weight to these economic and social benefits.
37. Also, the proposal would provide some social and economic benefits through its construction and occupation, including supporting local businesses and services. Although, as the construction benefits would only be short-term, I give these benefits moderate positive weight.
38. While the proposed development would be outside the settlement, it would be adjacent to it and so, is in a sustainable location with regard to access to services and facilities by various means of transport. I give significant positive weight to this.
39. Due to the size of the site and that vegetation is mostly to its peripheries, it would be possible to retain and enhance most of the existing landscaping and provide the required biodiversity enhancement. Also, the development would not involve the loss of high grade agricultural land or harm the setting of the nearby Shropshire Hills National Landscape.
40. While it is intended that the development would be for bungalows, with age 50+ and less mobile residents, no substantive evidence has been provided to demonstrate this would meet a particular identified need within the local area. Also, the sketch plan showing the new dwellings would be bungalows is indicative only and, no restrictions by way of an obligation or condition has been proposed to restrict their design and occupation. Therefore, I give neutral weight to these matters.
41. In the absence of any Framework policies that protect areas or assets of importance that provide a strong reason for refusal, I have considered the proposal against paragraph 11 d) of the Framework, with particular regard to key policies for directing development to sustainable locations, making effective use of land, SBC housing and providing affordable homes and other social and economic benefits.

42. Consequently, I find that the adverse impacts of granting permission would not significantly or demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the presumption of sustainable development applies.

Conditions

43. The main parties have had opportunity to comment on conditions and I have considered any comments made. Having regard to the advice in the Planning Practice Guidance and the Framework, in the interests of certainty, conditions are needed to clarify the reserved matters, the approved plan and the timescales for seeking approval and commencing works on the development. However, as the Sketch Plan is for indicative purposes only, I have not included this as an approved plan.
44. To protect the character and appearance of the surrounding area and setting of the non-designated Fir Tree Cottages, conditions are needed to specify the level of detail of hard and soft landscaping required at the reserved matters stage and in relation to tree and hedge protection and replacement planting measures. Although, it would not be necessary or reasonable to specify the width of the landscape buffers needed, as it would depend on the scale, form and layout of the development and the design and height on planting of any landscaping.
45. As noted above, to protect, enhance and maintain biodiversity interests, conditions are necessary to require BNG and working method statements for certain species. For similar reasons, a condition is needed to ensure a sensitive lighting design strategy for the site in the interests of protecting bats. Although, I have no substantive evidence to justify the need for a specific number of bat and bird boxes to make the development acceptable, and so I have not included such condition.
46. To protect existing and future residents against flooding and the appropriate provision of drainage for the development, conditions are needed to require, agree, implement and retain suitable surface and foul water drainage schemes and the connection to the foul drainage infrastructure.
47. As a heritage impact assessment (HIA), albeit brief, was submitted with the application, it would not be reasonable or necessary to require the submission of a further HIA for the development proposal via condition.

Conclusion

48. In view of the above, the presumption in favour of sustainable development applies and indicates that a decision should be taken other than in accordance with the development plan taken as a whole in this case.
49. Accordingly, subject to conditions, the appeal should succeed.

C Billings

INSPECTOR

See Overleaf for Schedule of Conditions

Schedule of Conditions

1. Details of the access, appearance, landscaping, layout and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application/s for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the Location Plan ID CM-00315343.
5. The first reserved matters application shall include details of the site access and off-site highway works. The details shall include:
 - a) details of the design and geometry of the site access junction;
 - b) appropriate visibility splays in both directions;
 - c) parking and turning spaces for all dwellings, to include annotated drawings that indicate the internal dimensions of garages;
 - d) visitor parking spaces;
 - e) turning facilities within the site for delivery, refuse and emergency vehicles, with vehicle tracking shown;
 - f) dimensioned carriageway and footway widths;
 - g) details of any off-site highway works including footway provision improvements and bus stop enhancements;
 - h) details of the construction and implementation programme for any access and highways works;The approved access and off-site highway works shall be implemented in full prior to the first occupation of any dwelling, in accordance with the agreed details and programme of implementation and, shall thereafter be retained for the lifetime of the development.
6. The first reserved matters application shall include a specification for all site infrastructure, including any areas of landscaping, open space, and areas of hard and soft landscape, based on a landscape-led design. The information shall include:
 - a) details of trees and hedgerow shrubs to be planted, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post planting maintenance and replacement of losses, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape ' Recommendations, or its current version;

- b) details of the specification and location of any barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above);
- c) the retention and enhancement of existing boundary vegetation, demonstrating connectivity with new landscape features and enhancing the existing on-site green infrastructure;
- d) mitigation planting for any section of roadside hedgerow lost as a consequence of the creation of a site access;
- e) a native landscape buffer along the western and northern boundaries of the site, with no built development, fencing or private curtilage encroaching into structural landscape buffers;
- g) details of all hard surfacing materials, with specific regard to be paid to sensitive boundary treatments and,
- h) an implementation programme for any infrastructure and landscaping.

The approved landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with the approved scheme of management and/or maintenance.

7. Before the development is first occupied, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. All landscaping shall be managed in accordance with the approved landscape management plan.
8. No development shall take place, including the creation of any access or site clearance works, until a tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: Trees in relation to design, demolition and construction- Recommendations (or in an equivalent British Standard is replaced) have been submitted to and approved in writing by the local planning authority. The scheme for the protection of retained trees shall be carried out as approved.
9. Any protective fencing required in accordance with the approved details submitted for the purposes of condition 8, shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained in situ until all equipment, machinery and surplus materials have been removed from the site. No equipment or machinery shall be stored, no fires lit, the ground levels shall not be changed and no excavation shall be undertaken within any agreed protective areas throughout the construction period of the development.
10. No development shall take place until a detailed surface and foul water drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority. This shall include details for its subsequent implementation and its management and maintenance for the lifetime of the development. The development shall be carried out in accordance with the

approved scheme and details and the drainage shall thereafter be retained for the lifetime of the development.

11. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; the location of any site compound; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction including road sweeping measures; delivery, demolition and construction working hours; and, a routing plan for construction traffic. The approved CMP shall be adhered to throughout the construction period for the development.
12. No development shall take place until: (i) An archaeological Written Scheme of Investigation (WSI) been submitted to and approved in writing by the local planning authority; and (ii) Any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority. The development should be carried out in accordance with the approved details within the WSI.
13. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:
 - a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and,
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Notice in writing shall be given to the Council when the HMMP works have started. No development shall take place until:

- (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 - (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.
- The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

14. No development shall take place until a precautionary working method statement has been submitted to and approved in writing by the local planning authority. This shall include details in regard to the recommendations for construction works, as set out within the Preliminary Ecological Appraisal by Arbtech, dated 23 September 2024 for reptiles, badgers and hedgehogs. The development shall be carried out in accordance with the approved details throughout the construction period of the development.
15. Any vegetation removal associated with the development shall be undertaken outside the bird nesting season, including not between 1st March to 31st August.
16. No dwelling shall be occupied until its access, parking and turning areas have been provided in accordance with the approved details.
17. No dwelling shall be occupied or other building brought into use until details of the design and locations of bat and bird boxes to be provided have been submitted to and approved in writing by the local planning authority. The approved bat and bird boxes shall be installed in accordance with the agreed details and maintained thereafter for the lifetime of the development.
18. Prior to the installation of any external lighting, full details including height, design, location, intensity and shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be designed taking account of the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. The lighting shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

End of Schedule

Appeal Decision

Site visit made on 2 September 2026

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2026

Appeal Ref: 6010905

34 Coalport Road, Broseley, Shropshire TF12 5AZ

- 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 Adam Wilson against the decision of Shropshire Council.
 - The application Ref is 25/03794/FUL.
 - The development proposed is erection of a garden fence.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (the Framework) was published on 17 August 2026. The policy emphasis of the parts of the Framework most relevant to this appeal have not changed. As a result, I have not sought comments on the new version of the Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. 34 Coalport Road is located on a corner plot at the junction between Coalport Road and Forester Road, which marks an entrance to a housing development consisting of similar age and style properties. The layout of the housing development is predominantly open plan, with high boundary treatment generally set back from the highway behind landscaping or open grassland.
5. My attention has been drawn to a number of examples on the housing development, where there is high boundary treatment, such as walls or fences, immediately next to the back of the pavement. I found that these presented themselves in very stark contrast to the overall street scene.
6. Although the existing high brick garden wall at No. 34 that faces Forester Road would remain, a new high fence would be positioned to the back of the pavement. This would consume the sizeable strip of grass, and some landscaping, between the existing garden wall and the side of the house, and the pavement. Consequently, this would introduce a visually intrusive feature that would result in the erosion of the prevailing open and verdant character and appearance of the

area. The harm would be compounded by the prominent position of the site at a wide and spacious gateway into the housing development.

7. Whilst the approved¹ boundary wall at 1 Tarbach Close is positioned to the back of the pavement, its length is noticeably shorter than the appeal scheme before me and is also located within the housing development rather than at a key entrance. I have found material differences between this approved wall and the proposed fence, and its presence does not overcome the harm that I have otherwise found.
8. Claims that a 1m high fence could be erected along the property's boundary with the highway without planning permission are noted. However, this would not be a high boundary treatment and therefore would be less dominant than the proposal.
9. For the above reasons, the proposed development would have an unacceptable effect on the character and appearance of the area. It would be contrary to Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (Core Strategy) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17/12/2015) (SAMDev Plan). Together these require, amongst other things, all development proposals to be appropriate in design, taking into account the local context and character, and those features which contribute to local character.

Other Matters

10. The arrangement of a grass strip next to No.34 is similar to others in the locality. Although the proposal would increase the size of the garden and address concerns surrounding the maintenance of the grass strip as a result of littering and dog fouling, these factors are not sufficient to outweigh the significant harm that would be caused by the new fence on the character and appearance of the area.
11. It is asserted by the appellant that the proposed development has support from neighbours. Nevertheless, this does not outweigh my concerns detailed above.
12. I acknowledge the appellant's comments over the Council's handling of the application, including the absence of an officer report and that no photographs were taken by the case officer during their site visit. However, this is not a matter that I can consider under a section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Planning Balance and Conclusion

13. There is consistency between Core Strategy Policy CS6 and SAMDev Plan Policy MD2, and national decision-making policy DP3 of the Framework, which seeks proposals that respond to their context, so that they integrate with and enhance their surroundings. Consequently, the proposals would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances, as set out in policy S4(2)(c). I have found that the benefits of approving the proposed development would be substantially outweighed by adverse effects, when assessed against the national decision-making policies in the Framework, and the presumption in favour of sustainable development set out in policy S4 of the Framework does not apply.

¹ Planning Decision Ref: 22/02864/FUL

14. The proposed development conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

P Barton

INSPECTOR

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Appeal Decision

Site visit made on 2 September 2026

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2026

Appeal Ref: 6008785

Land adjacent Hanley House, Hook-a-Gate, Shrewsbury SY5 8BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Richards against the decision of Shropshire Council.
 - The application Ref is 26/00065/OUT.
 - The development proposed is outline application for the erection of two dwellings.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr & Mrs Richards against Shropshire Council, and this is subject to a separate decision.

Preliminary Matters

3. A new version of the National Planning Policy Framework (the Framework) was published on 17 August 2026. The main parties were given the opportunity to comment, and the comments received have been taken into account in the determination of the appeal.
4. The appellants have submitted a site section plan with the appeal. This plan does not involve a substantial difference or fundamental change, and the Council has been given the opportunity to comment on it. Whilst the plan has not been subject to public consultation, I am satisfied that it would not cause procedural unfairness to anyone involved in the appeal. As such I have considered these plans in making my decision.
5. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. The proposed block plan shows the layout of 2 detached dwellings, one of which is labelled as a bungalow. I have taken this plan into account for indicative purposes only.

Main Issues

6. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;

- whether the site would be a suitable location for the proposed development, in respect of the spatial strategy in the Development Plan, and accessibility to services and facilities;
- the effect of the proposed development on the living conditions of the occupiers of Windy Ridge and Meadowbrook, with particular reference to outlook and privacy; and
- whether the proposed development would make adequate provision for Biodiversity Net Gain.

Reasons

Character and appearance

7. The appeal site forms the western tip of a wider field that runs between the Rea Brook to the north and a lane, as well as the grounds of Hanley House, to the south. Ground levels rise noticeably to the eastern section of the field. The field is partly subdivided by a post and wire fence.
8. High vegetation is located at the lane's junction with Longden Road, screening much of the site from the main road that runs through the centre of Hook-a-Gate, except for where it crosses the Rea Brook. Here the road provides a slightly elevated position with views over lower vegetation, towards the appeal site and the line of dwellings positioned to the south of the lane, which is also a public right of way. Estate fencing marks the appeal site's boundary with the lane giving open and expansive views of the field and its pleasant valley setting. Consequently, I found the site to be both physically and visually well-connected to this landscape.
9. The sides of the lane have distinctively different characteristics, and the lane marks a clear boundary of the built-up part of Hook-a-Gate and the open countryside. The contrast between either side of the lane is a significant contributing factor to the setting of Hook-a-Gate as well as the character and appearance of the area.
10. Due to the spacious and verdant nature of Hanley House's grounds when viewed from the lane, it appears appreciably separate from the line of dwellings facing the appeal site, which are reflective of the close-knit arrangement of the properties that line either side of Longden Road to the southwest.
11. The siting of 2 dwellings, with separate accesses off the lane, in this corner of the wider field would be visually intrusive, erode the existing open and rural nature of the site, and lessen the clear distinction between the built-up part of Hook-a-Gate and the open countryside. Moreover, the resulting clear encroachment into the countryside would fail to recognise its intrinsic rural character. The urbanising impact of the appeal scheme would be particularly visible from the public right of way that runs along the lane and from surrounding properties, as well as where Longden Road crosses the Rea Brook.
12. The Council has identified Hanley House as a non-designated heritage asset (NDHA). The Planning Practice Guidance (PPG) highlights that NDHAs have a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.

13. Hanley House is identified as a historic farmstead, and the farmhouse and the traditional building ranges are shown on historical maps. I found it to be an attractive 2-storey house with an elevated position to the adjoining field that includes the appeal site, as well as the Rea Brook. Based on the evidence before me, and from my observations, its significance come from its longstanding presence and the visible open field in the foreground makes a positive contribution to its countryside setting.
14. Although the proposal would encroach into this open space there would remain a gap between the new dwellings and Hanley House, thereby retaining its presence with no resulting harm to its significance.
15. Utilising external materials on the proposed dwellings, which would be characteristic of the local vernacular, and appropriate landscaping that would mature in time as part of the reserved matters, would not outweigh the harm I have identified in this main issue.
16. I therefore conclude that the proposed development would have an unacceptable effect on the character and appearance of the area. It would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 17/12/2015 (SAMDev Plan). Collectively these policies seek, amongst other things, developments that contribute to and respect local context and character, including the form and layout of existing development. Following my findings on the significance of Hanley House, the proposed development would not conflict with SAMDev Plan Policy MD13, which includes the need to protect and conserve the district's heritage assets.

Location

17. CS Policy CS1 sets out the strategic approach to the location of development in the district. These policies aim to meet its needs and to make its settlements more sustainable and development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster Settlements. Outside of these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
18. Hook-a-Gate is identified as a Community Cluster Settlement, along with Longden, Annscroft, Longden Common and Lower Common/Exfords Green. Whilst Hook-a-Gate does not have a settlement boundary, for the reasons given above in relation to the character and appearance main issue, I have found the appeal site to be immediately adjacent to, but not within, the settlement and not constituting infill development or the rounding off of the existing edge of the settlement
19. Therefore, for planning policy purposes, the site is classed as in the open countryside, where CS Policy CS5 establishes that new development will be strictly controlled. The policy provides a list of scenarios where on appropriate sites, which maintain and enhance countryside vitality and character as well as improve the sustainability of rural communities by bringing local economic and community benefits, proposals will be permitted. Based on the evidence before me, none of these would be met by the proposed development. Moreover, the supporting text to CS Policy CS4 specifically resists windfall development

adjoining the village, unless it is an exception site for affordable housing or other development allowed under CS Policy CS5. The proposal would also not represent the types of housing development in the countryside given in SAMDev Plan Policy MD7a, which strictly controls new market housing outside these settlements. Therefore, the proposed development is contrary to the Council's development plan spatial strategy.

20. There are limited services and facilities in Hook-a-Gate, including a pub and a children's nursery, and future occupants of the proposed dwellings would need to travel further distances to meet a wider range of day-to-day needs. Longden Road, beyond Hook-a-Gate, has no footpath or streetlighting, and the route to Bayston Hill is via an uneven and unmade track between fields, incorporating a relatively steep gradient. Whilst I appreciate that Sustrans Route 44 runs past the site along Longden Road, it consists of stretches with noticeable gradients. These conditions would not be an attractive option for all cyclists and walkers and those with mobility issues, particularly during adverse weather and during the hours of darkness.
21. The 'Connect by Demand' bus service runs through Hook-a-Gate, and I saw the associated bus stop during my site visit. Information before me indicates that it operates Monday to Saturday between the hours of 7am and 6:30pm, can be booked in advance and appears reasonably priced. However, there are limited details in what this would mean in real terms with regard to the frequency of the service and whether it would be a feasible option, for example, for commuting to work or a place of education. Consequently, I am not persuaded that this bus service would represent a reasonable level of public transport for some journeys.
22. Therefore, due to a lack of genuinely sustainable travel choices, the occupants of the proposed dwellings would be heavily reliant on private motor vehicles to access services and facilities on a regular basis.
23. In addition, there is no compelling evidence before me that future occupants of the proposed dwellings would use the services and facilities in nearby rural settlements, thereby enhancing or maintaining their vitality, rather than those that would be found in a town.
24. Whilst I acknowledge that the site was 'green lit' in the 2018 Strategic Land Availability Assessment (SLAA), this does not equate to either a site allocation in the development plan or an assessment through the formal planning application process. I am also mindful of the intervening period of time since the SLAA was undertaken and the current stage of preparation of the emerging plan. Consequently, I give this limited weight.
25. I recognise that in the consideration of a previous application¹ for a single dwelling on part of the current appeal site, the Council indicated that Hook-a-Gate was a sustainable location for housing development based on service provision. However, for the reasons outlined above, I have reached a different conclusion, and this factor has not swayed me away from my findings on this main issue.
26. For the above reasons, I conclude that the appeal site is not in a suitable location for the proposed development, in respect of the spatial strategy in the Development Plan, and accessibility to services and facilities, conflicting with CS Policies CS1, CS4, and CS5, as well as SAMDev Plan Policy MD7a. I have also

¹ Planning Decision Ref: 25/00817/OUT

found conflict with CS Policy CS6 and SAMDev MD3. These seek to create sustainable places and achieve an inclusive and accessible environment, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel can be reduced, as well as support the delivery of housing development. The relevant reason for refusal refers to CS Policy CS11, which relates to the type and affordability of housing. As detailed development proposals of the proposed houses would follow at the reserved matters stage, I have found this policy not to be determinative on this main issue.

Living conditions

27. Matters of layout, scale and appearance are reserved for future consideration. Notwithstanding this, the appeal site is located on a slope falling towards Rea Brook with the adjoining lane, as well as Windy Ridge and Meadowbrook, positioned higher up the incline.
28. In light of the modelled flood level, the likely finished floor level of the dwellings would be below the lane and the existing dwellings opposite. Taking into account the interfacing distances and changing ground levels, there is no compelling case before me that the introduction of the 2 proposed dwellings would result in an overbearing experience or a detrimental loss of privacy to occupiers.
29. In conclusion, the proposed development would have an acceptable effect on the living conditions of the occupiers of Windy Ridge and Meadowbrook, with particular reference to outlook and privacy. There is no conflict with CS Policy CS6, insofar as it relates to safeguarding residential amenity.

Biodiversity Net Gain (BNG)

30. Schedule 7A of the Act introduced a statutory framework for BNG and, with some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC). This requires that at least 10% increase in biodiversity value is met. It follows that the proposal is subject to the general BGC, as set out in the Act. The appellants' Preliminary Ecological Appraisal (PEA) identifies that the proposal would result in the loss of modified grassland that is heavily grazed, has poor species diversity and its loss is of limited ecological significance. The PEA also highlights that a BNG in excess of 10% would be achieved through the enhancement of modified grassland, and the planning of native trees and a native hedgerow to the area to the western end of the appeal site.
31. I am mindful that the PPG states that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to BNG, to refuse an application on the grounds that the BNG objective will not be met. However, the PPG continues that decision makers may need to consider more broadly whether the BNG condition is capable of being successfully discharged, with matters for consideration including the appropriate balance expected between on-site gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy.
32. Although the Council's ecologist raises no issues with the PEA and the BNG proposals, the Tree Officer expressed that the BNG area does not appear sustainable given the space allocated and the quantity of trees proposed. However, the PEA emphasises that the proposed native trees would reach a small

size by the end of the BNG term. Therefore, based on the evidence before me, and without any meaningful contradictory evidence, I see no reason to challenge or disagree with the conclusions of the PEA. This would be a statutory requirement for later consideration in the event of an approval.

33. Therefore, I find that the proposed development would make adequate provision for BNG, in accordance with CS Policies CS6 and CS17, and SAMDev Plan Policy MD12. Together, these policies seek, amongst other things, that all development protects, restores, conserves and enhances the natural environment, and does not adversely affect the ecological values and functions of these assets.

Other Matters

34. I acknowledge the appellants' concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.
35. A number of decisions² have been brought to my attention by the appellants in support of the proposed development, including where Inspectors determining appeals have identified that housing requirements are set as a minimum and the guideline number is not a cap. I have also found cases to be materially different to the appeal scheme before me including where they were found: to be within a settlement; to benefit from accessibility to services and facilities by sustainable travel choices; to result in no adverse effect to the character and appearance of the area; and to be of a design of exceptional quality. A further case related to a dwelling a short distance from the appeal site to the north on Longden Road. Due to the time that has passed since the determination of that proposal it is not evident whether the reference to a regular bus service is commensurate to the current public transport provision. Therefore, a comparison of these decisions is of limited relevance in this instance, and I have therefore considered the appeal before me on its individual planning merits.

Planning Balance

36. The appeal site would have an unacceptable effect on the character and appearance of the area, as well as not be in a suitable location for the proposed development, in respect of the spatial strategy in the development plan, and accessibility to services and facilities. I have found that the proposal would conflict with the development plan as a whole.
37. There is no dispute between the parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites, though the Council has stated the figure at 4.61 years and the appellant refers to 3.81 years given in an appeal decision³. In either case, the proposed development falls to be considered under policy S5(1)(j) of the Framework as it would address an evidenced unmet need, be physically well-related to an existing settlement and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure. In such circumstances policy S5(1) advises that development outside settlements should be approved, unless the benefits of

² Decision Refs: APP/L3245/W/21/3288834, APP/L3245/W/21/3267148, APP/L3245/W/23/3324882, APP/L3245/W/24/3352860, 24/01248/FUL and 14/04876/OUT

³ Appeal Decision Ref: APP/L3245/W/25/3362414

doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.

38. Paragraph 2 of Annex A of the Framework states that development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the Framework. The spatial strategy set out in CS Policies CS1, CS4, CS5 and CS6, as well as SAMDev Plan Policies MD3 and MD7a is consistent with the Framework's aim in locating development where it can support sustainable patterns of movement. This also includes SAM Dev Policy S16.2(xi), referenced by both parties but not included in the decision notice, that sets out the housing allocations for the Community Cluster in Longden Parish. However, considering the lack of a 5-year housing land supply, I attribute moderate weight to this conflict.
39. CS Policies, CS5, CS6 and CS17 and SAMDev Plan Policy MD2 are also consistent with the Framework in requiring development proposals to respond to their context, so that they integrate with and enhance their surroundings. Whilst there is scope to mitigate some of the harm through the reserved matters stage, due to the long-lasting nature of the effects, I afford substantial weight to this conflict. Policy S5(2) outlines that the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposals would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific cases. National decision-making policy DP3(3) advises that development proposals should be refused if, without clear justification, they conflict with DP3(1), as is the case here with the evidence before me.
40. A lack of harm or policy compliance with regard to highway safety and flood risk have a neutral impact on the planning balance.
41. Set against the harm that I have identified, there would be benefits associated with the development. The proposal would make a positive contribution in the creation of 2 dwellings, where the Framework instructs substantial weight to be given to the provision of homes, which are expected to be built to the Passivhaus Standard. There would also be associated economic and social benefits during the period of construction and once the dwellings are occupied, as well as the delivery of Biodiversity Net Gain.
42. Having regard to the scale and permanence of the development, the benefits would be substantially outweighed by the adverse effects, when assessed against the national decision-making policies in the Framework. As such the presumption in favour of sustainable development set out in policy S5 of the Framework does not apply.

Conclusion

43. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

P Barton

INSPECTOR

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Costs Decision

Site visit made on 2 September 2026

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2026

Costs application in relation to Appeal Ref: 6008785

Land adjacent Hanley House, Hook-a-Gate, Shrewsbury SY5 8BE

- 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 Mr & Mrs Richards for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for outline application for the erection of two dwellings.
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance advises that costs may 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.
3. The applicants contend that the Council has made inconsistent decisions, introduced new reasons for refusal, failed to consider submitted evidence, and failed to engage positively and proactively.
4. A previous planning application¹ is materially different to the current appeal in that, amongst other things, it was for fewer dwellings on a smaller site. This previous application concluded that Hook-a-Gate is considered a sustainable location for new housing development due to its identification as a Community Cluster Settlement in the Development Plan. However, the Council's case on the current appeal demonstrates that an objective analysis of the accessibility to services and facilities was undertaken, resulting in a different conclusion, and that most day-to-day needs for future occupants would be met by car use. This included the range of those services and facilities provided within Hook-a-Gate itself as well as the sustainable travel options to a broader provision in Bayston Hill and Shrewsbury. The Council also demonstrated consideration of the 2018 Strategic Land Availability Assessment.
5. In the determination of both applications, the Council found that the sites were not within the settlement. The officer report on the previous application identified that the site had a strong visual connection to the open fields and broader countryside, which was reflected in the reason for refusal relating to the siting of an isolated dwelling. I have found this to be generally consistent with the Council's concerns

¹ Planning Decision Ref: 25/00817/OUT

- with the current appeal scheme's impact on the pattern and grain of existing development.
6. Whilst an indicative plan was submitted with the current appeal scheme, there are no details before me identifying whether such an indicative plan was submitted with the previous planning application. On the basis of the provision of the indicative plan, it is reasonable that the Council made an assessment on the impact of the proposal, subject to the appeal, on living conditions.
 7. Moreover, the application form on the appeal scheme stated that if the development is granted, the general Biodiversity Gain Condition would apply. No compelling evidence has been presented showing that this also applied to the previous application. Although the Council's Ecologist raised no concern with the submitted Preliminary Ecological Appraisal, it is evident that the Council took into consideration the comments from the Tree Officer with regard to the space given to the tree planting. Whilst I did not share the Council's conclusion on this main issue, the decision maker is not compelled to agree with the advice received. In this instance, reasonable planning grounds have been illustrated for taking a contrary view.
 8. DM3 of the National Planning Policy Framework (Framework) requires local planning authorities to, inter alia, work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision, and take account of planning matters raised during any pre-application engagement. Although I understand that pre-application discussions were not undertaken with either planning application, there was communication following a review at a pre-validation stage of the second application.
 9. Whilst I appreciate the applicants' frustration, and that they have followed a number of procedures and sought to address the previous reason for refusal, I am satisfied that the Council has exercised its duty to determine the planning application, subject to the appeal, in a reasonable manner. It refused the planning application on the grounds it was not in accordance with the development plan, and no material considerations, including the Framework, indicated that planning permission should be granted.

Conclusion

10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Barton

INSPECTOR

Appeal Decision

Site visit made on 2 September 2026

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 September 2026

Appeal Ref: 6008804

Overs Farm, Church Lane start of to Haughton Farm junction, Tasley, Bridgnorth, Shropshire WV16 4RF

- 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 Tranter against the decision of Shropshire Council.
 - The application Ref is 25/04206/FUL.
 - The development proposed is described as “Siting of five Wigwam cabins for holiday use on a parcel of land at Overs Farm, Haughton, Bridgnorth. The proposal also includes the use of an existing timber cabin as a reception/office facility, the provision of parking spaces within the existing yard area and a private treatment plant for foul drainage”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (the Framework) was published on 17 August 2026. The main parties were given the opportunity to comment, and the comments received have been taken into account in the determination of the appeal.

Main Issue

3. The main issue is whether the site would be in a suitable location for the proposed development, having regard to the spatial strategy in the development plan, and accessibility to services and facilities.

Reasons

4. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (CS) sets out that in rural areas, development will be located predominantly in community hubs and community clusters, and outside these settlements they will primarily be for, amongst other things, economic diversification. CS Policy CS5 lists criteria for suitable development in the countryside, of which one relates to sustainable rural tourism and leisure and recreation proposals, which require a countryside location. This is subject to compliance with CS Policy CS16, which in turn includes visitor accommodation in accessible locations served by a range of services and facilities, and stipulates that proposals be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. This policy context provides a distinction between development that supports or diversifies existing rural enterprises and new standalone commercial uses.

5. Located in the countryside, the proposed cabins would be positioned on a parcel of land that contains fruit trees and is mainly enclosed by high vegetation. Adjacent to this, and also within the appeal site, is a track accessed off the adjoining highway, leading to an existing area of hardstanding where a number of modest structures are positioned, including an existing timber cabin that would be used as an office/reception. To the immediate west is Overs Farm, a detached 2-storey dwelling, and surrounding the appeal site are predominantly open fields.
6. There is no substantive evidence before me to demonstrate that Haughton and Tasley are settlements and there is very limited information in terms of local public transport services. Bridgnorth appears to be the closest settlement with a range of services and facilities, which is a noticeable distance from the site. Therefore, I have found that the site is neither close to nor within a settlement.
7. Moreover, access to Bridgnorth is via a narrow country lane with no footpaths or street lighting, and not an attractive environment for all but experienced walkers and cyclists, particularly in the dark and during poor weather conditions. Consequently, visitors to the proposed development would be heavily reliant on private cars. Although rural areas are unlikely to have the same level of public transport as urban areas, this does not give reason to locate development within locations that are inherently inaccessible by means other than private car.
8. I understand that until 2000, the site was run as a pig farm, by previous owners, and the area not within the appeal site or the farmhouse now consists of woodland and a grassland field. The appellants state that they are keen to develop a tourism enterprise at Overs Farm. Based on the evidence before me there is no established and viable tourism enterprise on the site.
9. Although the appellants identify that the intention is to become part of a franchise, which has a significant number of locations across Britain, there is nothing before me preventing the proposed holiday accommodation from not operating under the franchise. Taking all the factors into account, including the nature of the franchise business model, I am not persuaded that the proposal relates to an established and viable tourism enterprise.
10. Whilst it is argued that a rural setting is necessary for this type of proposal and visitors could use the adjoining woodland, there is no compelling case before me that the proposal is required in this particular location. I appreciate the appellants wish to operate the holiday accommodation from the site to assist in securing the woodland's long-term future. However, this does not negate the development plan's locational requirement to be close to or within a settlement with access to a range of services and facilities.
11. For the reasons given, the site would not be in a suitable location for the proposed development, having regard to the spatial strategy in the development plan, and accessibility to services and facilities, and contrary to CS Policies CS1, CS5 and CS16. I have also found conflict with CS Policies CS6 and CS13, as well as Policy MD11 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17 December 2015) (SAMDev Plan). Together, these policies, amongst other things, support green tourism, and seek an accessible environment, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel can be reduced, as well as compliance with CS Policies CS5 and CS16.

12. The reason for refusal includes SAMDev Plan Policies MD2 and MD7a, which relate to sustainable design and housing developments in the countryside. I have found these policies, as well as whether the proposed structures would conform with the legal definition of a caravan, not to be determinative in the consideration of this main issue.

Planning Balance

13. The appeal site would not be in a suitable location for the proposed development, having regard to the spatial strategy in the development plan, and accessibility to services and facilities. I have found that the proposal would conflict with the development plan as a whole.
14. As a result of the site's location outside of a settlement, policy S5 of the Framework is relevant. It lists certain forms of development that should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. If development proposals do not fall within one of the categories set out in policy S5, they should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.
15. Paragraph 2 of Annex A of the Framework states that development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the Framework. The spatial strategy set out in CS Policies CS1, CS5, CS6, CS13 and CS16 and SAMDev Plan Policy MD11 is consistent with the Framework's aim in locating development where it can support sustainable patterns of development, particularly policy TR3. Despite the requirement for a rural location, there is no compelling argument that the nature of the development would make it impractical to limit the need to travel, particularly by private car, and offer a genuine choice of transport modes. Moreover, there are no details before me that opportunities exist to improve walking, wheeling, cycling and public transport, and enhance the connectivity of the area. Consequently, due to a lack of genuinely sustainable travel choices, I afford very substantial weight to this conflict.
16. A lack of harm or policy compliance in respect of the effect of the proposal on the character and appearance of the area, as well as the highway, would have a neutral effect which neither weigh for nor against the proposal.
17. On the other side of the balance, there would be benefits associated with the development. In line with Policy E2(1) of the Framework, substantial weight is given to the economic benefits, which would include the period of construction and the accommodation's occupation by visitors. Further benefits would be in the form of the appellants' ambition to create a legacy to help secure the woodland's long-term future and enable visitors to access this land. Moreover, Policy E4(1)(b) and (c) supports the diversification of land-based businesses as well as rural leisure and tourism. However, as there is no cogent case as to why the proposal needs to be located where it is not well served by public transport, policy E4(2) offers minimal support, even though the proposal would utilise an existing structure.
18. I recognise that the accommodation would be for those who wish to experience a countryside location. For the purposes of my assessment, accepting that S5(1)(b)

applies, and a location outside a settlement is necessary, balancing all considerations and having regard to the scale of the proposal, the benefits would be substantially outweighed by the adverse effects, when assessed against the national decision-making policies in the Framework.

19. For completeness and applying S5(4), the benefits would not substantially outweigh the adverse effects, and exceptional circumstances have not been demonstrated.
20. Therefore, in either scenario, the presumption in favour of sustainable development set out in policy S5 of the Framework does not apply.

Conclusion

21. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

P Barton

INSPECTOR