



Appeal Decision

Site visit made on 17 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026.

Appeal Ref: 6002050

Land north of 13 Ash Magna, Whitchurch SY13 4DR

- 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 Jonathon Howcroft against the decision of Shropshire Council.
 - The application Ref is 25/01379/FUL.
 - The development proposed is demolition of an existing garage and creation of new two-storey dwelling with associated amenity space and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. Although not forming a reason for refusal, it is clear that the Council also objected to the proposal's effect on the living conditions of future occupiers, and the appellant has responded to these matters. Therefore, the main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area; and,
 - whether sufficient outside space would be provided for future occupiers.

Reasons

3. The appeal site is located to the rear of properties on Church Lane between a car park serving the White Lion public house and a car park for the village hall. The site itself comprises a rectangular plot with a utilitarian building. A one way gravel road leading from the village hall car park wraps around two sides of the site. The wider area is characterised by largely traditional buildings that while generally varied in their scale, appearance and form, are typically set within plots that by way of either being set back from the road or by way of their large gardens, appear spacious.
4. The proposed dwelling would sit close to the side boundaries and would appear to be more tightly set given the retaining walls along the maintenance gap, along the parking area and around the pedestrian access, which collectively stretch out the form of the dwelling. The dwelling would also sit close to, and partially below, the roadway along the front elevation of the dwelling. The close siting of the hedge between the dwelling and road would further exacerbate this. In all the dwelling would sit tightly within the plot and would appear cramped.
5. I am mindful that there would be a cluster of outside spaces provided for the dwelling to either side of the building. On one side of the dwelling would be a

parking area, a sunken terrace and a raised planting area, while to the other a private garden. Although collectively these create a space comparable to those in the surrounding area, they are not individually comparable to the outside spaces typical within the surrounding area. Given the visually cramped nature of the site, these outside spaces are not sufficient to result in a plot commensurate with its surroundings.

6. Given the location of the appeal site, as set out above, I find it is not site on a frontage. During my site observations the site reads as back land associated with the properties fronting onto the main road. Nevertheless, its location is readily visible from the nearby car parks and road. From these the sense of a lack of space across the plot and its tightness within its surroundings would be experienced by passersby. This would include from vehicles which would travel very close to the dwelling and in a modestly elevated position relative to it.
7. The existing building is of a poor quality and does not make a positive contribution to the surrounding area. Its removal would have the potential to provide an improvement but, given the harm I have identified above, this proposal would not result in a beneficial improvement to the character and appearance of the appeal site and its surroundings.
8. The proposal would therefore, by way of its size and form in relation to the plot, appear cramped and uncharacteristically constrained relative to the spaciousness of surrounding plots. The proposal therefore conflicts with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (the SAMD). These together, and amongst other things, seek for high quality design that responds to, and respects, local distinctiveness. Particular regard is had to the density, layout and pattern of development with regard to local context and character. the proposal also conflicts with Paragraph 135 of the National Planning Policy Framework (the Framework) under Section 12 which similarly seeks proposals to be well designed, sympathetic to the local character and maintain a strong sense of place.

Living Condition

9. The proposed dwelling would contain three bedrooms and therefore could be occupied by a family with children. I find the typical needs for a family home's garden would include space to sit out, hang out washing and for children to play. As outlined above, the resultant appeal site would provide a sunken patio and a small area of grass by the parking spaces, and a larger garden space to the other side of the dwelling.
10. There is some dispute between the parties as to whether SAMD Policy MD2 under point 5.ii is referring to private or public open spaces. The policy and its supporting explanation do not specify either. From a plain reading, and for developments under 20 units, I understand the requirement to be for open space in general rather than specifically public or private. Although this requirement has formed a starting point for my considerations, I have not been provided with sufficient evidence as to the area of outside space provided around the dwelling.
11. The arrangement of the proposed dwelling means that the larger garden is only accessible from bedroom 2. Given this it would be necessary for future occupiers to walk through this bedroom in order to use this outside space. As a result, I find it

unlikely that this space would be regularly used by the family as a whole. Consequently, I find that this outside space would be tantamount to a personal garden for the occupiers of bedroom 2 only. Irrespective of the poor access, this space is also not of a sufficient size to suitably accommodate for a family to sit out, hang out washing and play.

12. The remaining outside spaces comprise the sunken patio that is connected to a small area of grass by a set of steps. Given their small size these would also not be sufficient to meet the typical needs outlined above. This is particularly so with regard to children playing outside, especially given the area of grass is open to the road via the driveway.
13. Although I am mindful of the sweet chestnut tree, its position in relation to the garden means that it would only cause overshadowing during the early parts of the day and that this would not be so significant as to be detrimental to the occupier's enjoyment of the larger outside space.
14. I also note the children's play park nearby. I am content that this would accommodate some play for an occupier's children. However, given the separation of the park from the appeal site, it would not allow for spontaneous play and would likely require direct supervision from parents or guardians. Consequently, its effectiveness as a replacement for a private garden is therefore more limited.
15. In all the proposal would not provide a sufficient area of outside space suitable to accommodate the typical needs of future occupiers and would, therefore, provide a poor quality of living accommodation. As such, the proposal is contrary to ACS Policy CS6 and SAMD Policy MD2 which collectively require proposals to be of a high-quality design that provides a safe, useable and well-connected outdoor space that contributes to well-being and safeguards residential amenity. The proposal would also conflict with the Framework that similarly requires proposals to create places that are safe, accessible and promote well-being with a high standard of amenity for future users.

Other Matters

16. It is agreed by both parties that the appeal site is within close proximity to Brown Moss, which is part of the wider Midlands Meres and Mosses Phase 1 Ramsar site. While the appellant is willing to make a financial contribution there is some dispute as to whether one is necessary. Nevertheless, I have found harm to character and appearance, and the living conditions of future occupiers resulting from the proposed development. As such the appeal must fail and therefore any potential harm to the Ramsar would not occur and thus there does not need to be any means of mitigation in place. I therefore do not need to consider the matter further.
17. The parties have referred to a recent appeal decision¹ for a new dwelling. I note the similarities and differences raised by the main parties as to the nature and context of that case. However, I have not been provided with the full details and facts of these applications and decisions. Whilst other appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those Inspectors at the

¹ Reference: APP/L3245/W/20/3261877

time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.

Conclusion

18. There is no dispute that the Council is unable to demonstrate a five year housing land supply. The Government's objective is to significantly boost the supply of housing, and the proposal would provide one new dwelling on previously developed land and contribute towards the Council's housing land supply. It 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 these matters would at most attract modest weight.
19. Conversely, the proposal would result in harm to the character and appearance of the surrounding area and would provide unsatisfactory living conditions for future occupiers. These impacts are contrary to both local and national planning policy to which I give considerable weight.
20. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of Paragraph 11d of the Framework does not indicate that permission should be granted, and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations above do not justify making a decision other than in accordance with the development plan.
21. Therefore, for the reasons outlined above, I conclude that the appeal be dismissed.

Samuel Watson

INSPECTOR