



Appeal Decision

Site visit made on 18 March 2026

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2026

Appeal Ref: 6001947

3 Loxdale, Shrewsbury, Shropshire SY3 6AE

- 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 Clarke against the decision of Shropshire Council.
 - The application Ref is 25/03153/OUT.
 - The development proposed is the erection of 2no. dwellings (all matters reserved).
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 2no. dwellings at 3 Loxdale, Shrewsbury, SY3 6AE in accordance with the terms of the application, Ref 25/03153/OUT, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr and Mrs Clarke against Shropshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was made in outline with all details relating to access, appearance, landscaping, layout, and scale reserved for later consideration. Therefore, all plans showing layout and design of the proposed dwellings have been considered as indicative only.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the locality.

Reasons

5. The appeal site includes part of the garden and parking area, and an outbuilding related to 3 Loxdale, and is enclosed by close board fencing. It is within an established residential estate where the properties are in the main 2-storey and detached. They have dual pitched roofs and are generally one of 2 designs, either side facing gables with various flat roofed, single storey garage and porch editions; or front facing gables with the first floor within the eaves, and flat roofed dormers. These properties are generally positioned closely together, with space creates at first floor level by the use of single storey flat roof elements and the slope of roofs on the front facing gable properties.

6. Therefore, the residential estate has a dense suburban character with visual relief generally provided by the open frontages of the properties, predominantly used for parking, and road verges. However, the appeal site, grass verge along Six Acres Road and the space in front of 7, 9, and 11 Six Acres Road creates a gap in the street scene.
7. Yet the position of the appeal site, behind the verge and within a natural dip in the land means it is set back and lower than Six Acres Road and Nos 7, 9, and 11. Further the orientation of Nos 7, 9 and 11 clearly show a purposeful design to the space in front of them. Therefore, there is potential that 2 dwellings could be accommodated on the appeal site without intrusion intrude into the street scene and so would not harm the residential character of its surroundings.
8. However, although all matters are reserved in the scheme before me, it is important to consider whether the appeal site is large enough to contain 2 dwellings without harming the appearance of the area.
9. It is recognised that previous approvals on the appeal site include outline planning permission for 2 dwellings granted in 1978¹ and for 1 dwelling granted in 2024². And that for the 2024 approval the Council found the impact of 2 dwellings harmful so during the application process that scheme was reduced to 1 dwelling.
10. Nevertheless, the plot size analysis shows a comparability between that proposed for the 2 new dwellings, the donor dwelling and other properties in the estate. Also, that the appeal site could provide 2 regularly shaped plots would align with the general appearance of the area.
11. It is appreciated that the illustrative design of the dwellings is somewhat functional and the corner location of the appeal site would be reasonably visible within the locality. However, as all matters are reserved the Council would maintain control over the appearance, layout, scale, and access, and therefore orientation, design, and size of the proposed dwellings in relation to the visible nature of the site.
12. With this in mind, I am satisfied the appeal site could accommodate 2 well designed dwellings which would provide adequate access, parking, and private outdoor space without harming the overall appearance of the locality nor result in a cramped or over developed form of development.
13. The proposal could therefore be accommodated on the appeal site without harm to the character and appearance of the locality. It would, therefore, comply with Shropshire Local Plan Policies CS6 and MD2 insofar as they seek development to take account of local distinctiveness and respond appropriately to the form of existing development.

Other Matters

14. The proposal is accompanied by an Ecological Appraisal (EA) and Biodiversity Net Gain (BNG) Report. This clearly sets out that the proposal would not meet the 10% BNG required by Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and the general condition it applies to all planning permissions granted for the development of land. Nevertheless, the EA and BNG Report proposes the purchase of credit from a suitable habitat bank could mitigate

¹ Appeal reference APP/4360/A/75/2119 (application reference PH/AH/PL7/25)

² Application reference 24/00388/OUT

this. And the Council's Ecologist considers this, or the purchase of statutory biodiversity credits, to be acceptable. Accordingly, with nothing before me to contradict this conclusion, I find the proposal could comply with the BNG condition required by Schedule 7A.

15. The appeals site is within a Coal Mining Report Area. The Council's Environmental Protection team consider this can be dealt with by condition. There is nothing before me to conclude otherwise.
16. Concerns have been raised in relation to access impingement for the existing dwellings 7-11 Six Acres, flooding, and that there is a covenant on the appeals site requiring it to be maintained for garden use.
17. Although a reserved matter, the Local Highway Authority has raised no objection in terms of access and specific conditions have been proposed to ensure that any future access would be adequately constructed and laid out. There is no evidence that flooding is a risk should the appeal site be developed and there is nothing before me to contradict the Council's position that the surface and foul water drainage can be dealt with via condition. Matters relating to covenants on land should be dealt with under legislation dealing with private legal rights, and in this instance, they would not alter the planning merits of the case.

Planning Balance

18. The Council cannot demonstrate a 5-year housing land supply, with the Shropshire Council Five Year Housing Land Supply Statement for 2024 indicating the Council has a 4.73-year housing land supply. As such it is necessary for me to apply paragraph 11 of the Framework.
19. The proposal could provide 2 dwellings reasonably quickly in an accessible location. I have considered that the Framework seeks to boost significantly the supply of housing and recognises the importance of small sites in meeting the housing requirement of the area. Along with the associated economic and social benefits 2 new dwellings could have, this contribution to the windfall element of the Council's 5-year housing land supply attracts modest weight based on the number of houses involved.
20. No harm has been identified in relation to the character and appearance of the locality, and no other adverse impacts have been identified otherwise which would outweigh the benefits of the proposal. The proposal would therefore represent the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.

Conditions

21. The Council has suggested several conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity and reduced pre-commencement conditions to a minimum.
22. In addition to securing submission of reserved matters and commencement within the relevant statutory timeframe (conditions 1, 2 and 3), I have imposed condition 4 requiring adherence to the approved plan but only in relation to the proposed development as an outline proposal with all other matters are reserved. Condition 5 ensures specific details relating to the context of the site are submitted at

reserved matters stage, and condition 8 will ensure the access to the site and vehicle parking is constructed safely and maintained.

23. As set out in the other matters condition 6 ensures that risk from historic coal mining is assessed and mediated accordingly. As it is fundamental to agree these details prior to works commencing on site condition 6 must be discharged prior to development commencing, and the appellant has agreed to this.
24. Condition 7 has been imposed to ensure adequate drainage and to avoid potential flood risk, and conditions 9, 10 and 11 secure the recommended mitigation and enhancements for protected species in the appellant's EA and BNG report and to minimise disturbance for bats, a protected species.
25. The appellant is also reminded of the BNG condition discussed in Other Matters.

Conclusion

26. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, allowed.

RJ Redford

INSPECTOR

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 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 approved plan '01 Revision A' insofar as it identifies the location of the appeal site, and all other elements are disregarded.
- 5) Details pertaining to the reserved matters shall include, but are not restricted to: -
 - means of access and its construction and layout; and
 - vehicle parking and turning.
- 6) No development shall commence until:
 - A) an assessment of the risks posed by coal mine gases has been submitted to and approved in writing by the local planning authority. This shall be carried out in accordance with authoritative UK guidance, CL:AIRE, 2021 'Good Practice for Risk Assessment for Coal Mine Gas Emissions' (ISBN 978-1-905046-39-3);

- B) if the risk assessment requires, a remediation scheme including a validation and verification plan, should be submitted to and approved in writing by the local planning authority;
 - C) the remediation scheme should then be implemented and verification undertaken in accordance with the validation and verification plan; and
 - D) no dwelling hereby permitted shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority.
- 7) No works above ground shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the local planning authority. The drainage scheme shall then be implemented prior to the first occupation of the development and thereafter maintained.
 - 8) No dwelling hereby permitted shall be occupied until the means of access, vehicle parking and turning have been constructed in accordance with the details agreed within the reserved matters and thereafter retained.
 - 9) No dwelling hereby permitted shall be occupied until a minimum of 2 bat and 4 bird boxes have been installed in accordance with details which have first been submitted to and approved in writing by the local planning authority and thereafter retained.
 - 10) Notwithstanding the details required by condition 9, no dwelling hereby permitted shall be occupied until the mitigation and enhancement measures provided in Sections 6.3 and 6.5 of the Ecological Appraisal & BNG (Ben Jones Ecology, August 2025) have been implemented and thereafter retained.
 - 11) Prior to the installation of external lighting, details shall first be submitted to and approved in writing by the local planning authority. The external lighting installation shall then be carried out in accordance with the approved details and thereafter retained.

END OF SCHEDULE