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## Appeal Decision

Site visit made on 31 March 2026

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

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

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**Appeal Ref: 6003310**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Charlotte Woodward (Hopton Court Estate Ltd) against the decision of Shropshire Council.
  - The application Ref is 25/01505/FUL.
  - The development proposed is 3 No. self-build dwellings with garages.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

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

### Main Issues

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

### Reasons

#### *Character and appearance*

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

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

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

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

### *Biodiversity Net Gain*

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

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

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

### **Other Matters**

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

### **Planning Balance and Conclusion**

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

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

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

*H Smith*

INSPECTOR