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## Appeal Decision

Site visit made on 7 April 2026

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2026

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**Appeal Ref: 6003404**

**Land at Pentreheylin, Dudleston Heath, Shropshire SY12 9LH**

- 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 Ms. Doo Rickett against the decision of Shropshire Council.
  - The application Ref is 25/03090/FUL.
  - The development proposed is temporary consent (3 years) for the continuing residential occupation of 4 no. static caravans.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development in the banner heading above is taken from the original planning application form, albeit I have removed text that does not involve an act of development.
3. The appeal scheme is retrospective in nature and has been determined on this basis.
4. During the appeal, the Council withdrew its reason for refusal relating to foul and surface water drainage. This follows the appellant's submission of a Drainage Technical Note demonstrating that the development is served by adequate drainage arrangements that do not result in increased flood or pollution risk. In the absence of substantive evidence to the contrary, I have no reason to disagree.

### Main Issues

5. In light of the above, the main issues are:
  - Whether the appeal site is an appropriate location for the temporary residential development having regard to the adopted local development strategy and access to facilities and services; and
  - The effect of the development on the character and appearance of the area.

### Reasons

#### *Location*

6. Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev, adopted 2015) establishes the strategy for the scale and distribution of development, supporting sustainable development within Community Hubs and Clusters, subject to defined criteria. This approach is

reinforced by Policy CS4 of the Shropshire Local Development Framework Adopted Core Strategy (2011), which directs development in rural areas to such settlements to promote more sustainable communities, resisting development elsewhere unless it complies with other relevant policies.

7. Although the caravans are located alongside existing built development, the appeal site lies well outside the settlement boundary of Dudleston Heath, a Community Hub. It is therefore regarded in policy terms as open countryside under the Core Strategy and SAMDev.
8. Of pertinence to the appeal are Core Strategy Policy CS5 and SAMDev Policy MD7a. Together, these policies seek to strictly control development in the countryside to promote sustainable patterns of growth and protect rural character, while allowing for limited exceptions such as dwellings to house agricultural, forestry or other essential countryside workers, replacement housing or conversion schemes, or provision of affordable housing
9. Although the appeal scheme seeks only temporary residential use of the caravans, the above development plan policies remain applicable.
10. The caravans may be intended to accommodate workers associated with the wider equestrian use of the site, but this has not been adequately evidenced. Additionally, no clear justification has been provided for an on-site residential need in relation to the scale or nature of the equestrian operations, whilst no essential agricultural need has been demonstrated. Nor has it been shown that the proposal falls within any of the exceptions set out in Policies CS5 or MD7a.
11. No detailed information has been provided regarding the availability of local services. From my observations, Dudleston Heath offers only a limited range of facilities, notably a Parish Hall incorporating a Post Office. Although these are within walking distance of the site via a footpath along the highway opposite the site entrance, they are unlikely to meet the day-to-day needs of future occupiers.
12. Furthermore, there is also no detailed evidence regarding the availability of services and facilities in wider settlements, such as distances and routes to schools, shops or employment areas. The surrounding highway network in the vicinity of the site is rural in character, with intermittent footpath provision, a general lack of streetlighting and natural surveillance, whilst roads are typically subject to relatively high-speed limits. As such, walking or cycling to wider facilities or services is unlikely to be an attractive or realistic option to occupiers of the appeal development, particularly in periods of darkness or inclement weather.
13. Bus stops are located within walking distance, on either side of the main road that runs past the entrance to the appeal site. However, no detailed information is before me as to the frequency of services, the available routes, or if the services remain operational.
14. Based on the available evidence and my site observations, future occupiers would be likely to rely heavily on private car use, the least sustainable mode of transport.
15. The National Planning Policy Framework (the Framework) acknowledges that opportunities to utilise sustainable transport varies between urban and rural areas. Even so, there is insufficient evidence that the site is accessible to a suitable range of services via sustainable modes.

16. I therefore conclude that the appeal site is not an appropriate location for the temporary residential development, having regard to the adopted local development strategy and its access to facilities and services. The proposal consequently conflicts with Core Strategy Policies CS4 and CS5 and SAMDev Policies MD1 and MD7a, which collectively guide the location of new development.
17. The Council's reason for refusal also refers to Core Strategy Policy CS3. However, as Dudleston Heath is not identified as a Market Town or Key Centre, I don't not consider the policy directly relevant to the appeal scheme.

#### *Character and Appearance*

18. The caravans are located within a larger site comprising a range of equestrian buildings and structures, of varying condition, which nonetheless exhibit a strong rural vernacular through their form, detailing and materials. The caravans are set well back from the main highway, accessed via a long shared driveway that also serves a separate large dwelling, and are screened from public vantage points by intervening built form. The site is otherwise predominantly surrounded by open fields and pockets of woodland.
19. Although in proximity to existing built form, the dispersed siting of the four caravans has resulted in a sprawl of development across the appeal site and has introduced a more domesticated appearance to this rural setting. The basic form and appearance of the caravans also contrasts poorly with the established rural vernacular of buildings on the site and nearby.
20. There is a lack of public views whilst the development is proposed to be temporary. Nevertheless, the scheme represents an unsympathetic form of development that fails to respect or integrate effectively with its surroundings. The fact that the caravans have been present for some time as unauthorised development does not diminish this harm. While the temporary nature of the proposal may moderate the degree of harm, it does not remove the requirement for development to be sympathetic to its context nor render the Council's design policies inconsequential.
21. Accordingly, the development causes harm to the character and appearance of the area. Although the level of harm is modest, it remains that the appeal scheme conflicts with Core Strategy Policy CS6 and SAMDev Policy MD2. Together, amongst other matters, these policies matters seek to deliver development that is of a high-quality design and reflective of local context.

#### **Other Matters**

22. There is no robust evidence before me to verify the appellant's claims that the caravans have been in situ for in excess of 10 years.
23. I have limited information regarding application ref: 26/00474/FUL, including whether it has been determined. In any event, the available evidence indicates that it is materially different from the proposal before me, notably involving the conversion of existing buildings, including potential heritage assets. As such, the policy context and possible benefits of that scheme differ from those of the current appeal.
24. Moreover, the appeal scheme is premature in seeking to secure temporary residential accommodation in connection with development that does not have

planning permission. While the appellant may have received positive pre-application advice in relation to the above planning application, this does not guarantee that permission will be granted. Indeed, the Council's evidence indicates that previous applications for the conversion of buildings on the site to residential use have been refused.

25. Even if application ref: 26/00474/FUL is to be/has been approved, it remains that no robust justification has been provided for the need for four temporary residential units at the site until such time as that development is available for occupation. Furthermore, I am not persuaded that the proposal would offer any betterment over the use of typical temporary site cabins or paraphernalia associated with construction activities on new developments.
26. It is for the Council to decide whether or not to pursue enforcement action against any unauthorised development. However, in this case, I attach no meaningful weight to the certainty that granting permission would provide, nor to any potential cost savings from avoiding enforcement action. To do so would undermine the proper functioning and purpose of the planning system.
27. At the time of my site visit at least some of the caravan units appeared to be occupied. Article 1 of the First Protocol of the Human Rights Act 1998 (the HRA) states that every person is entitled to the peaceful enjoyment of their home. Additionally, Article 8 of the HRA affords the right to respect for private and family life. Dismissal of the appeal would interfere with the occupier's rights under both Article 1 of the First Protocol and Article 8. However, these are qualified rights, and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality.
28. The consequence of dismissing the appeal may lead to the occupiers of the development losing their current residence. However, the identified harms in respect of the development taking place in an unsustainable location and resulting in adverse effects on the character and appearance of the area are such that dismissal of the appeal would be a proportionate and necessary response that would not violate the appellant's rights under the HRA.

### **Planning Balance and Conclusion**

29. The appeal scheme likely provides some socio-economic benefits associated with the occupation of the units, albeit these have not been quantified by the appellant. Given the scale and nature of the proposal, I consider such benefits are likely to be modest in nature.
30. Compliance with development plan policies, for example, in respect of flood risk and pollution are neutral matters in the planning balance.
31. For the reasons set out above—including its countryside location, poor access to services and facilities, harm to the character and appearance of the area, and conflict with the development plan policies—I conclude that the appeal scheme is contrary to the development plan as a whole. These policies broadly align with the Framework's objectives of directing development to sustainable locations and securing development that is of a high-quality design.
32. The Council cannot demonstrate a five-year housing land supply. Consequently, Paragraph 11d) of the Framework is engaged.

33. The proposal would align with the aims of the Framework to significantly boost the supply of housing and its recognition that small-scale developments can make an important contribution to meeting housing requirements. It also would utilise previously developed land and likely provide some socio-economic benefits associated with the occupation of the units.
34. Notwithstanding the Council's housing shortfall, and the fact that the appeal scheme will be of great importance to its residence, the proposal relates to a small number of temporary units and therefore the associated benefits would be modest.
35. Delivering sustainable patterns of development is a fundamental objective of the Framework. In this case, the site's poor accessibility to services and facilities by sustainable modes gives rise to harm to the social and environmental dimensions of sustainable development. Despite the temporary nature of the proposal somewhat moderating this harm, I still find it to attract significant weight.
36. The appeal scheme also conflicts with the Framework's objective of achieving well-designed places. While the harm to the character and appearance of the area is modest and tempered by its temporary nature, it nonetheless attracts moderate weight.
37. Taken together, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The presumption in favour of sustainable development therefore does not apply.
38. In conclusion, the proposal conflicts with the development plan taken as a whole and there are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

*Lewis Condé*

INSPECTOR