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# Appeal Decision

by B Plenty BSc (Hons) DipTP MRTPI

Site visit made on 1 June 2026

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

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## Appeal Ref: 6006234

### Stanton Mill, Stanton Upon Hine Heath SY4 4LR

- 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 George Daniels against the decision of Shropshire Council.
  - The application Ref is 25/01980/FUL.
  - The development proposed is Creation of a 3-bedroom open market dwelling (residential C3) following demolition of existing barn.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - whether the proposed dwelling would be located within a suitable location with respect to local and national policies, and
  - the effect of the proposal on flood related matters.

## Reasons

### *Locational matters*

3. The Shropshire Core Strategy [2011] (CS) establishes the Council's approach to the distribution of housing across the borough. CS policy CS4 seeks to focus development within its 'Community Hubs' and 'Community Clusters' in its rural areas. Outside of these, CS policy CS5 supports development that would maintain and enhance the countryside vitality and character. It supports development that would bring economic and community benefits. Nonetheless, it states that new development would be strictly controlled and limited to housing for agriculture and forestry and the conversion of suitable rural buildings. Policy MD7a of the Site Allocations and Management of Development (SAMDev) Plan [2015] reiterates this in seeking to strictly control housing outside of identified urban area types, mostly only supporting residential schemes in the countryside that consist of either rural exception sites, essential rural worker dwellings or conversions.
4. The small settlement of Stanton Upon Hine Heath is neither a hub or cluster and therefore is over-washed by the countryside in policy terms. This settlement provides a limited range of services consisting of a village hall, public house, church and play park. Further, the appeal site is outside the envelope of this small settlement.

5. The appeal site consists of a barn and includes crushed rubble hardstanding areas. Although the appellant asserts that the site is on the edge of the village boundary, it is some distance from the settlement edge, separated by several fields and dense vegetation. Access to the settlement for pedestrians would be via a narrow country lane with no footpath, limited grass verges to offer safe refuge and no streetlighting. As such, to access the limited services available in Stanton Upon Hine Heath, future occupiers would face a hazardous walk. Consequently, pedestrians would be likely to find this to be unattractive and unappealing, especially in poor weather or darkness. Whilst it is noted that the village itself also has no footpaths forcing pedestrians to walk in the highway, this environment is markedly different to the experience of pedestrians attempting to walk from the site into the village, along a narrow country lane with tall roadside hedging.
6. The appellant's Sustainability Report states that Stanton Upon Hine Heath benefits from excellent network links to a range of established settlements. However, it appears that such links to the local stated settlements would be via the highway network, using the private car, eroding the convenience of such links. Moreover, future occupiers would need to travel to Shawbury, being around 3km away, to reach the closest settlement with a good range of goods and services. The appellant suggests that Stanton Upon Hine Heath benefits from a bus service, but during my visit I saw no bus stops in the village itself, and the Council asserts no service runs through it, making any local service hard to access. As such, future occupiers of the proposed dwelling would be heavily reliant on the private car to access goods and services.
7. The site is not physically connected to the village, and its functional connection is eroded by distance, topography, vegetation and poor accessibility. As such, the site and the scheme would not be well related to the existing modest settlement pattern of Stanton Upon Hine Heath. Furthermore, the site is not within a transitional location on the settlement fringe but is divorced from the settlement within the open countryside.
8. The National Planning Policy Framework (the Framework) seeks to locate significant development which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Therefore, whilst the Framework is clear that opportunities to maximise sustainable travel solutions will vary between urban and rural areas, which should be considered in decision-making, the site is not within an accessible location.
9. Accordingly, the site has poor access to sustainable transport solutions where future occupiers would be reliant on the private car. In being located outside of a settlement boundary the proposal would undermine the Council's spatial and settlement strategy for the location of new housing and in supporting sustainable patterns of development. Consequently, the proposal would conflict with CS policies CS5 and CS6 and SAMDev policies MD2 and MD7a whose objectives I have already set out above.

### *Flood risk*

10. The site is at risk from fluvial flooding and surface water flooding, with a medium potential of risk to both types. The site is located alongside the River Roden, within Flood Zones 2 and 3, which therefore includes zones at intermediate and high risk of flooding. The flood zone includes a large area of land to the south and west of

the site, where agricultural land slopes away from the site. The proposal is for residential development, which is classed as being 'More Vulnerable' to the effects of flooding.

11. The Compatibility Test, at table 2 of Planning Policy Guidance, identifies that 'More Vulnerable' development is appropriate in flood zone 2 and that 'Less Vulnerable' development is appropriate in flood zone 3a, but not in flood zone 3b.
12. The Framework requires a Sequential Test to be undertaken to explore whether there are 'reasonably available' sites appropriate for the proposed development in areas with a lower risk of flooding. Planning Policy Guidance states that alternative sites should be considered 'reasonably available' for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal. It also states that such alternative sites do not need to be owned by the applicant to be considered 'reasonably available'.
13. A Flood Risk Assessment (FRA), including a Drainage Assessment (March 2026) has been submitted in support of the appeal. Despite the site having no recorded flood incidents, it acknowledges that the Sequential Test must be met as the footprint of the proposed dwelling would be within both flood zones 2 and 3. It asserts that as the proposal relates to the redevelopment of an existing barn structure on Previously Developed Land (PDL) associated with the historic mill, as a site-specific scheme, the Sequential Test is passed.
14. In considering the site as a redevelopment opportunity, the Sequential Test assumes that the site is suitable for housing development and there is a compelling reason for the site to be developed in such a manner. However, once this presumption is correctly set aside, the Sequential Test should be applied to take into consideration sites, within a reasonable search area, that could instead accommodate the proposal. As the FRA does not consider alternative 'reasonably available' sites, within a defined search area, it does not pass the Sequential Test.
15. Furthermore, the Framework provides a limited range of exceptions for development that is not subject to the Sequential Test at paragraph 176. This exception includes some minor development and changes of use. Footnote 62 explains the exception includes householder development, non-residential extensions and most changes of use of land. As the proposal would not meet these exemptions, the FRA should undertake an assessment of alternative sites that could accommodate development before considering the appeal site.
16. Whilst the Council's drainage consultee has suggested that the proposal would be unlikely to significantly increase flood risk elsewhere, but this comment would not bypass the requirement for the proposal to satisfy a Sequential Test. Moreover, whilst the FRA notes that the garage should be considered as 'less vulnerable' to flooding, proposes minimum floor levels, flood compensation and drainage attenuation measures, these are matters that should be considered as part of an exception test. Such a test should only be undertaken once a Sequential Test is passed.
17. Accordingly, the proposal fails the Sequential Test and therefore does not demonstrate that 'reasonably available' sites do not exist for the proposed development in areas where it would be subject to reduced flood risk.

Consequently, the proposal would conflict with CS policy CS18 which requires, among other matters, for development to reduce flood risk.

### **Other Matters**

18. The appellant asserts that the design of the proposal responds to both the form and scale of the existing 'Dutch' barn on site and the historic use of the site as a mill. The dwelling is of contemporary design and provides a modern connection to the site's historic identity. As such, the proposal would complement the character and appearance of the area, a view shared by the Council. However, in finding no harm to the appearance of the area and thus complying with the Council's relevant design policies can only be considered as neutral factors in the planning balance. Furthermore, I do not concur with the appellant that the site is visually poor as it is relatively well screened, and occupied by a barn that is intact, and therefore it does not require new development to 'remedy' the site's appearance.
19. For similar reasons, despite the scheme having received no highway safety, environmental protection or ecological related concerns from the Council, these are only neutral factors in the planning balance.
20. The proposal is identified by the appellants as a self-build project, this weighs in favour of the proposal as it would support the provision of housing for different groups of the community, including for people wishing to commission or build their own homes. However, as this is not secured with a suitable legal mechanism, and a condition would be an unsuitable method to do so, it can only weigh to a modest extent in favour of the scheme. Nevertheless, it is recognised that the dwelling would be constructed as a sustainable, highly thermally efficient home. It would also include electric car charging points, although such provision is a necessity of building regulations approval.
21. Interested parties have raised several important points about the proposal in support of the scheme. These comments include recognition that the site is in an important and prominent location when entering the village, that it is a previously developed site and deemed suitable for redevelopment, that its untidy state brings health and safety concerns and that the design has been carefully considered to reflect its rural location. Despite the many letters of support submitted in favour of the proposal, this is not a reason in itself to allow development which would be poorly located and within a flood zone.
22. The Framework supports the redevelopment of PDL. However, the definition of PDL in the Framework excludes land that was last occupied by agricultural buildings. Also, the footprint of the existing barn is only partly shared by the proposed dwelling and occupies a significantly smaller area of land than the proposal. The original mill is to the rear of the site, but no part of the structure appears to remain other than its river boundary walls and the 'race' and has largely been absorbed back into the local landscape. As such, whilst part of the site may possibly be regarded as PDL, for the above reasons, this conveys only modest weight in favour of the scheme.
23. The site was previously occupied by a water mill which was demolished in the 1960's. As such, the site is regarded to have high archaeological potential. The proposal includes the restoration of the historic bridge and stonework sluice mill race. Based on the archaeological interest of the site, the Council's Archaeologist, whilst raising no objection, has requested conditions for a written scheme of

investigation and a programme of archaeological work. The effect of the proposal on the heritage asset can be adequately addressed by condition and the efforts to improve the historic understanding of the site weigh moderately in favour of the proposal.

### **Planning Balance**

24. In consideration of the Council's five-year housing land supply position at 4.61 years and that the proposal relates to the provision of housing, paragraph 11(d) of the Framework is engaged. Sub paragraph (i) states that permission should be granted unless the application of policies in the Framework, that protect areas or assets of particular importance, provide a strong reason for refusing the development proposed. Footnote 7 of paragraph 11(d) of the Framework lists areas at risk of flooding as one such asset of particular importance.
25. I have found that the appeal site is located within an area identified as at risk of intermediate and high risk of flooding and that the proposal fails to demonstrate that no other sites are reasonably available in locations that are outside flood zones 2 and 3 and it therefore fails the Sequential Test. This therefore causes conflict with paragraph 170 of the Framework, in seeking to direct development away from areas at highest risk of flooding and provides a clear reason to refuse the scheme by affecting an area of particular importance as defined by footnote 7.
26. Nonetheless, failing a Sequential Test may not provide a strong reason to refuse the development proposed. In its merit the FRA demonstrates that the proposed dwelling would be elevated out of flood areas. It would have a floor level that would be 0.6m freeboard above the modelled flood level and thus would prevent the habitable spaces from flooding. Only the garage would be within flood zone 3 and liable to flooding during flood events.
27. However, the FRA fails to adequately demonstrate that a safe means of access would be available to occupiers during flood events and inadequate hydraulic modelling has been provided to illustrate that the floodplain compensation would be sufficient to illustrate that the scheme would not increase flood risk elsewhere. For these reasons, in combination with the absence of a Sequential Test, demonstrate that the identified flood risk concerns provide a strong reason to refuse the scheme and as such the presumption in favour of sustainable development does not apply.
28. The proposal would not be in an accessible location where future occupiers would be able to access goods and services without reliance on a private car and is separate from the nearby small village. As such, its location would undermine the Council's spatial housing policies, the spatial requirements of which are consistent with the Framework.
29. The proposal would enhance the vitality of a rural community, gaining support from paragraph 83 of the Framework. Furthermore, the proposal would help boost the supply of housing as promoted under the Framework, where even a single unit would make a valuable contribution to housing supply. There would also be some, albeit limited, benefits in terms of the generation of construction employment and support from future occupiers to local services, contributing to the local community's long-term viability. Nonetheless, whilst a self-build new dwelling is proposed, this has not been secured by a legal mechanism, gaining only moderate further support for the scheme.

30. The identified additional conflict with spatial housing policy and the site's poor accessibility weighs further against the proposal. Therefore, for the avoidance of doubt, the adverse impacts of the development would also significantly and demonstrably outweigh the benefits, when the proposal is assessed against the policies of the Framework when taken as a whole.
31. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the proposal does not benefit from the presumption in favour of sustainable development and material considerations do not outweigh the harm that would arise from the conflict with the development plan policies and the development plan as a whole.

### **Conclusion**

32. For the above reasons, the appeal is dismissed.

*B Plenty*

INSPECTOR