
Appeal Decision

Site visit made on 5 May 2026

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Appeal Ref: 6004374

Land South of Pear Tree Lane, Whitchurch, SY13 3NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by R and C Fearnall against the decision of Shropshire Council.
 - The application Ref is 25/03837/PIP.
 - The development proposed is described as: residential development of between 3 and 5 dwelling houses.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by R and C Fearnall against Shropshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or PiP) establishes whether a site is suitable in principle, and the second, technical details consent (TDC), stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly.

Main Issues

5. Having regard to the above, the main issues are whether the location, land use and the amount of development is suitable, with particular regard to:
 - the effect of the proposal on the character and appearance of the area; and,
 - the council's strategy for the location of housing.

Reasons

Character and Appearance

6. The appeal site comprises undeveloped grassland located to the rear of existing residential properties which front Pear Tree Lane. There are steep slopes across the site, with the lowest point in the south eastern corner. The boundaries of the site are defined by mature trees and hedges, apart from where it adjoins the residential property known as Partridge House where there is a low, timber post and wire fence.
7. Pear Tree Lane, in the vicinity of the appeal site is characterised by a ribbon of predominantly detached dwellings which front the road. Beyond the residential curtilages to the south of Pear Tree Lane there is a distinct change, and the character is defined by expansive undeveloped countryside land, giving the area an open and verdant character. Whilst the access to the site is located close to existing built development, the site is otherwise surrounded by undeveloped land. The site has a visual and physical relationship to the surrounding countryside and, as such, it makes a strong positive contribution to the character of the area.
8. The shape of the site means that the proposed dwellings would be set back from Pear Tree Lane at the end of an access road. They would not have a street frontage and would project into the open countryside. This would not be characteristic of the layout of development in this part of Pear Tree Lane. The lack of built development to the east, south and west of the site, means that the development would not constitute infill development, nor would it represent a rounding off of the settlement edge. Conversely, the appeal development would appear as an incongruous feature in the landscape.
9. As the appeal relates to the PiP stage, there are no detailed plans of the development. However, the construction of three to five dwellings would result in built development where there is presently none. The proposed residential use would alter the visual appearance of the site with the likely introduction of driveways, garden areas and associated domestic paraphernalia. The resultant development and domestication of the land would erode its open and verdant character.
10. I appreciate that the site is not subject to any landscape designations. Nevertheless, built development would be readily visible within the landscape. Whilst landscaping could be secured at the TDC stage, this would not materially alter my finding of harm. This is because the harm derives not only from visibility, but also from the site's disconnected siting away from the ribbon development along Pear Tree Lane, and the resulting domestication of land that presently reads as countryside. Accordingly, even if landscaping softened views, it would not overcome these harms or the resulting erosion of countryside character.
11. Taking all of the above into account, I find that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development 2015 (the SAMDev). Taken together, these policies require, amongst other things, for development to contribute to and respect local context and respond appropriately to the form and layout of existing development and maintain and enhance countryside character.

Location

12. Together, CS Policy CS1 and SAMDev Policy MD1 set the strategic approach to the location of development in the district. The policies direct development to the most accessible locations, including Shrewsbury, Market Towns and Key Centres and in community hubs and clusters which are identified in CS Policies CS3 and CS4.
13. The appeal site is located outside of the defined settlement boundary of Whitchurch which is one of the Market Towns and Key Centres. SAMDev Policy S18 sets out the development strategy for Whitchurch including allocated sites for residential development.
14. As the site is not within the settlement boundary and not an allocated site, it is therefore in open countryside for planning policy purposes. Policy MD3 of the SAMDev allows for development outside settlement boundaries having regard to other local plan policies including CS Policy CS5 and SAMDev Policy MD7a. These policies limit new residential development in the open countryside to a number of exceptions. It is common ground between the main parties that none of the policy exceptions are applicable to this proposal.
15. Policy MD3 also seeks residential proposals which meet the design requirements of relevant local plan policies including, amongst others, CS Policies CS6 and CS17 and SAMDev Policy MD2. I have already identified above that the appeal proposal conflicts with these policies.
16. Consequently, the appeal site location conflicts with the Council's strategy for the location of housing. Permitting the proposed dwellings would be harmful in that the strategy for the distribution of housing would be undermined. Given that the proposal is inconsistent with an important element of the Council's approach to development I have judged the magnitude of harm to be substantial.
17. Taking all of the above into account, I find that the appeal site is not in a suitable location having regard to the Council's strategy for the location of housing. As such, the proposal would conflict with CS Policies CS1, CS3, CS4 and CS5 and SAMDev Policies MD1, MD3, MD7a and S18, as set out above.

Other Matters

18. The contribution of three to five dwellings to the housing supply, although positive, would be limited. Nevertheless, in light of the Council's housing land supply position, I attribute this moderate weight. There would be some economic uplift in the local economy during the construction process and from the future spending of occupiers and this also attracts moderate weight.
19. The main parties refer to another site on Pear Tree Lane which has been granted PiP for residential development (Application Ref: 25/04392/PIP). However, I have not been provided with the location, full plans and details of that application. Therefore, I cannot make a direct and reasoned comparison between that scheme and the appeal proposal. From what is provided by the Council, I note that the other site has different characteristics to the appeal site. This includes direct road frontage and a clearer integration with the existing settlement pattern. I have not been provided with any evidence to the contrary. Given the unique nature of land and development proposals, the effects on the immediate context are highly likely

to be materially different. As such, this consideration has had little bearing on my assessment of this case, which I have determined on its own merits.

20. The appellant suggests that development on other nearby sites (Planning Application Refs: 14/05617/OUT, 14/01329/OUT and 25/02878/OUT) have a greater impact on the appearance of the landscape than the appeal proposal. Reference is also made to development in other streets nearby, the layout of which the appellant contends are comparable to the appeal proposal (Chester Road, Chester Avenue, Orchard Avenue, Croft Gardens, The Brambles, The Firs, Bryn Estyn Avenue, The Beeches and Oak Tree Way). I have not been provided with the location of these sites, nor any other details pertaining to the applications. I therefore cannot be certain that these examples are directly comparable to the proposal before me now. However, from what is provided by the Council, the cited examples have materially different relationships with the surrounding built form and landscape compared with the appeal site. Accordingly, I have considered the proposal based on its own merits and these considerations do not alter my conclusions.
21. In addition, the appellant's submission cites the following applications and appeals: 15/00680/FUL3, 24/04176/FUL (the Tilstock Appeal) and 24/04199/PIP (the Whitehouse Appeal). However, there is limited detail provided on these cases, and so I cannot make a direct and reasoned comparison between those examples and the appeal proposal.
22. The appellant asserts that the proposal would be in line with the draft revised National Planning Policy Framework which was published for consultation in December 2025. As this document has not been adopted and is likely to be the subject of modification, it can attract only limited weight. Moreover, the appellant has not further substantiated their point in this regard. Consequently, this consideration does not alter my overall conclusions.

Planning Balance

23. The proposal would conflict with CS Policies CS5, CS6 and CS17 and SAMDev Policy MD2 insofar as they expect development to protect and enhance local character. Additionally, the appeal site location would conflict with CS Policies CS1, CS3, CS4 and CS5 and SAMDev Policies MD1, MD3, MD7a and S18. The proposal therefore conflicts with the development plan as a whole.
24. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework recognises the intrinsic character and beauty of the countryside and seeks development that is sympathetic to its context. Therefore, the conflict between the proposal and the aforementioned policies should be given significant weight in this appeal.
25. It is common ground between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes that paragraph 11d) is engaged. There is nothing before me to suggest that the policies identified in footnote 7 of the Framework provide a strong reason for refusing the development proposed under paragraph 11 d) i). Hence, the balance in paragraph 11 d) ii) applies.

26. Paragraph 11 d) ii) states planning permission should be granted unless 'any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole...'. Measures set out to achieve development that is sympathetic to local character and landscape setting in paragraph 135 constitute key policies for the purposes of paragraph 11 d) ii).
27. The Framework seeks to significantly boost the supply of homes. The Council has confirmed that it currently has a supply of 4.73 years of deliverable housing land. Whilst the Framework does recognise the contribution that small sites can make to meeting the housing requirement for an area, as described above, the benefits of three to five dwellings would be moderate.
28. Consequently, the adverse impacts on the character and appearance of the area and on the Council's development strategy would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

29. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR