
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: 02 July 2026

Appeal Ref: 6005224

Proposed Dwelling at Oakdene, Greenhill Bank, Criftins, Shropshire SY12 9LU

- 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 Mrs Jane Bailey against the decision of Shropshire Council.
 - The application Ref is 25/02235/FUL.
 - The development proposed is the erection of 1 No self-build dwelling with means of access following the demolition of an existing equestrian building and installation of package treatment plant.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description above are taken from the appeal form which is the same as the decision notice. These differ from the application form, but more appropriately describe the proposal and the site location.

Main Issues

3. The main issues are:
 - whether the site is in a suitable location, having regard to the Council's strategy for the location of housing and the site's access to services and facilities; and,
 - the effect of the proposal on the integrity of the Midlands Meres and Mosses Phase 2 Ramsar site.

Reasons

Location

4. The Council's development strategy is set out in the Shropshire Local Development Framework: Adopted Core Strategy 2011 (the CS) and the Shropshire Council Site Allocations and Management of Development 2015 (the SAMDev).
5. 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 in the rural areas. The appeal site is not within any of these defined settlements or areas and so it is located in open countryside for planning policy purposes.

6. I appreciate that the site is not isolated as it is located close to other existing development. However, CS Policy CS5 and SAMDev Policy MD7a limit new residential development in the open countryside to a number of exceptions, none of which are applicable to this proposal. As such, the site location does not accord with the Council's strategy for the location of housing.
7. Turning to the site's access to services and facilities, the National Planning Policy Framework (the Framework) expects development to promote walking, cycling, and the use of public transport, while recognising that sustainable transport solutions will vary between urban and rural areas.
8. There is a primary school located close to the site, but future occupiers would need to travel to Dudleston Heath or Ellesmere town centre to access other services and facilities. There are no dedicated footpaths, cycle lanes or streetlights for much of the route between the site and Dudleston Heath. Whilst the appellant asserts that the roads have low numbers of vehicle movements, this is not further substantiated. In any event, the absence of pedestrian and cycling infrastructure means that, even with low traffic volumes, this would not be a desirable route for walking and cycling, particularly during winter months.
9. It is stated that there is a bus service between Dudleston Heath and Ellesmere. However, access to the bus service would require walking to Dudleston Heath, which I have already found would not be an attractive route for pedestrians.
10. Permitting the proposed dwelling would be harmful in that the strategy for the distribution for housing would be undermined and the site location does not offer convenient access to sustainable travel. 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.
11. 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 and its access to services and facilities. As such, the proposal would conflict with CS Policies CS1 and CS5, SAMDev Policies MD1 and MD7a, and the sustainable travel aims of the Framework, as set out above.

Ramsar

12. The appeal site is located within the indicative catchment area of Cole Mere, part of the Midlands Meres and Mosses Phase 2 Ramsar, which is also a designated Site of Special Scientific Interest (SSSI). The Ramsar is protected by the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) which impose a duty on the competent authority to consider whether the development would be likely to have a significant effect, either alone or in combination with other projects, on the designated site; and if so, to make an appropriate assessment of the implications of the project for that site in view of the site's conservation objectives.
13. The Ramsar site is designated for its range of habitats, from open water to raised bog, supporting rare wetland species. These include nationally scarce plants such as cowbane and elongated sedge, bryophytes including *Dicranum affine* and *Sphagnum pulchrum*, and invertebrates such as the moth, caddisfly and sawfly. The Colemere Countryside Heritage Site Management Plan 2020 – 2025

indicates that the conservations objectives for the Ramsar site are to restore and maintain its features in favourable condition.

14. The Management Plan sets out that increased public access and disturbance, as a result of new development, can have an impact on the nature conservation interest of the Ramsar site. As the proposal would result in an additional residential unit, it would increase the local population and would likely lead to additional recreational pressure on the Ramsar. It is therefore likely that, alone and in combination with other projects, the proposal would have a significant effect on the designated site through increased recreational disturbance; and without mitigation, it would not be possible to ascertain that the residential accommodation proposed would not adversely affect the integrity of the Ramsar site.
15. The Management Plan identifies measures that could be implemented at the site, to mitigate recreational impacts, including improved visitor signage, car park improvements and protection of the rare Least Water Lily. The Council's case indicates that a financial contribution would be required to assist in implementing visitor management measures to mitigate increased recreational pressure arising from the proposed development.
16. While I note the appellant's willingness to address the requirement for mitigation, there is nothing before me, such as a legal agreement, to secure a financial contribution or any other form of mitigation. Therefore, in the absence of a mechanism to secure the necessary mitigation, following appropriate assessment under the regulations, as the competent authority I am unable to conclude, beyond all reasonable scientific doubt, that the appeal scheme would not have an adverse effect on the integrity of the Ramsar.
17. In the light of a negative assessment on the implications on the designated site, the Habitats Regulations require consideration as to whether there are any alternative solutions and if not, whether there are any imperative reasons of overriding public interest. However, irrespective of whether there may be any alternative solutions to the project, the provision of one dwelling is not sufficient to amount to imperative reasons of overriding public interest. The Habitats Regulations indicate that permission must therefore not be granted. For the above reasons, the proposal would also fail to accord with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12. Taken together, these policies seek to ensure that development protects, restores, conserves and enhances the natural environment, including the Ramsar.

Other Matters

18. There would be some economic uplift in the local economy during the construction process and from the future spending of occupiers. The appeal proposal would also add to the supply of housing in the area. However, the contribution to the economy and housing supply would be minimal given the scale of the proposed development. As such, these benefits only attract limited weight.
19. The proposal is described as a self-build dwelling. This is a benefit in that it would contribute to meeting the Council's statutory duty in this regard, although there is nothing before me to demonstrate that the Council is not currently meeting this duty. Accordingly, I attribute this limited weight in the planning balance.

20. My attention has been drawn to a number of approved planning applications for new single dwellings in the vicinity of the site. The appellant contends that these permissions were granted without consideration as to whether the sites were in a sustainable location. There is limited information before me on those cases. However, the Council's evidence indicates that they complied with the requirements of relevant policies to be approved as affordable single plot exception dwellings. The appeal proposal before me now is not for an affordable dwelling. As such, the cited examples are not directly comparable to the appeal proposal. This consideration therefore does not lead me to an alternative conclusion on the first main issue of this appeal.
21. It is suggested that the site falls within the Framework definition of 'Previously Developed Land' (PDL), although this is disputed by the Council. Paragraph 125c of the Framework gives substantial weight to the value of using suitable brownfield land within settlements for homes unless substantial harm would be caused. However, as identified above, the site is not within a defined settlement. Therefore, even if the site would meet the definition of PDL, this consideration does not lead me to an alternative conclusion on the locational suitability of the site.
22. The fact that the proposed dwelling would replace an existing structure and may not be readily visible from public viewpoints do not materially alter my conclusions on the main issues of this appeal.

Planning Balance

23. The appeal proposal would conflict with the Council's strategy for the location of housing. It would also conflict with development plan policies which seek to ensure that development causes no adverse effect on the integrity of the Midlands Meres and Mosses Phase 2 Ramsar.
24. Paragraph 225 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 expects development to promote sustainable travel modes, and it seeks to protect and enhance biodiversity. Therefore, the conflict between the proposal and the aforementioned policies should be given significant weight in this appeal.
25. The Council has confirmed that it cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes paragraph 11 d) of the Framework is engaged. This states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 confirms the policies referred to are those in the Framework relating to, amongst others, Ramsar sites. Given my findings in relation to the Ramsar site, there is a strong reason for refusing the development proposed. The presumption in favour of sustainable development is therefore not applicable in this instance.
26. The Council's current housing supply is 4.68 years. However, as described above, the benefits of a single dwelling would be limited, even taking into account the Framework's objective of significantly boosting housing land supply. The benefits therefore neither outweigh the harm I have identified nor form considerations of

such weight that they warrant a decision to be made other than in accordance with the development plan.

Conclusion

27. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A O'Neill

INSPECTOR