
Appeal Decision

Site visit made on 24 June 2026

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026.

Appeal Ref: 6006550

Land adjacent to White House, Coopers Lane, Porth-y-Waen, Oswestry SY10 8LY

- 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 Mr T Dunkerley against the decision of Shropshire Council.
 - The application Ref is 26/00214/PIP.
 - The development proposed is Permission in Principle for the construction of between 2 No and 8 No dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. 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 permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issues

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development

Reasons

Location

5. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) sets out the Council's strategic approach to housing, which seeks to focus most development in Shrewsbury, market towns and other key centres. Some residential development is identified within rural settlements which include community hubs and clusters.

¹ Paragraph: 012 Reference ID: 58-012-20180615

6. Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan 17/12/2015 identifies Porth-y-Waen as part of a community cluster whereby Policy S14.2 of the SAMDev outlines a future housing growth of 15 dwellings to help meet a need for affordable housing to allow young people to stay in the area. No specific site allocations are proposed, but Policy S14.2 of the SAMDev outlines that sustainable development by infilling, conversions and small groups of houses may be acceptable on suitable sites.
7. The appeal site is a modest, undeveloped parcel of land which is located outside of the development boundary for the community cluster. As such, the appeal site is classed as the open countryside whereby Policy CS5 of the CS sets out that new developed will be strictly controlled and subject to certain criteria, none of which would be met by the proposed development.
8. Policy MD3 of the SAMDev allows for additional sites outside of a settlement boundary in circumstances where a settlement housing guideline appears unlikely to be met, subject to other considerations. However, based on the information before me, it would appear that it is likely that the settlement housing guideline of 15 houses is likely to be met, based on those permissions granted by the Council.
9. I therefore conclude that the proposed development would be unacceptable in terms of its location. The magnitude of harm would be substantial given that I have found clear conflict with the provisions of Policies CS1 and CS5 of the CS, Policies MD1, MD3 and MD7a of the SAMDev and Paragraph 129 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure development proposals on appropriate sites which maintain and enhance countryside viability where they improve the sustainability of rural communities.

Land use and amount of development

10. The appeal site has extant permission in principle for between 2 No. and 4 No. dwellings² and as such the use of the land for residential use has been established. The appeal proposal however seeks to provide up to 8 dwellings and as such there is the potential for double the number of dwellings when compared to the extant permission.
11. The appeal site is modest in size and is mostly laid to grass with woodland surrounding the borders. The wider area is residential with a limited number of total dwellings that follow the sloping land. Dwellings are mostly large, detached and predominantly front the road with moderately sized front gardens or driveways. As a result, and due to the appeal site's location towards the edge of built form, the area has an open and rural character and appearance.
12. I am mindful that the details of the proposed houses, including their form, layout and appearance are not before me and the plans are indicative; however, the modest size of the site would mean that more than 4 dwellings are unlikely to be able to be accommodated in a layout that follows the established linear pattern of development within the wider area, particularly when taking account of the potential for up to 8 dwellings.

² APP/L3245/W/25/3358745

13. This could result in dwellings being located further within the appeal site, on higher ground as well as being particularly small as shown on the indicative plans. This would also extend the amount of built form where there is currently nothing, appear cramped and erode the open and rural character and appearance of the area.
14. I therefore conclude that while the proposed development would be an acceptable land use, that the amount of development would be unacceptable. The magnitude of harm would be substantial. It would be contrary to Policies CS5 and CS6 of the CS and Paragraph 135 of the Framework which amongst other things, seek to ensure that development protects, conserves and enhances the natural and built environment and is appropriate in scale, density and design taking into account the local context and character.

Other Matter

15. The Council have not found that the proposed development would harm highway safety and that specific details can be addressed at technical details stage. While I have no reason to conclude otherwise, this is a neutral matter.

Planning Balance

16. The proposed development would be unacceptable in terms of its location and the amount of development. I have judged the magnitude of harm in both cases to be substantial.
17. The proposed development would be contrary to Policies CS1, CS5 and CS6 of the CS and Policies MD1, MD3 and MD7a of the SAMDev. These Policies are generally consistent with the Framework in supporting housing developments that reflect local needs and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. The conflict with these Policies should therefore be given significant weight in this appeal.
18. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be conflict with the development plan as a whole.
19. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The shortfall is disputed by the parties, however taking the appellants lower figure, the Council are only able to demonstrate a 3.81 year supply which represents a significant undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.

20. The proposed development would make a small contribution to the supply of new homes in a situation where there is a shortfall. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. The proposal also has the potential to provide housing for young people in accordance with the Council's objectives albeit these details are not before me and could represent a more efficient use of land. However, the totality of the benefits would only be modest over those as a result of the extant permission.
21. Consequently, the substantial harm caused by the proposed development's unacceptable location and amount of development 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

22. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

D Wilson

INSPECTOR