



# Appeal Decision

Site visit made on 23 September 2024

by **Juliet Rogers BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 December 2024**

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**Appeal Ref: APP/L3245/W/24/3343807**

**The Swan Inn, Highley Road, Knowle Sands, Bridgnorth WV16 5JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Dr Kay Gibbons of Kay E Gibbons Holdings Ltd - The Swan Inn against the decision of Shropshire Council.
  - The application Ref is 24/00115/OUT.
  - The development proposed is the replacement of a function room with a larger two storey building consisting of six one bedroom and six two bedroom apartments for a mixture of open market housing, affordable housing, pub letting and owner accommodation in currently redundant space between the pub and the rear car park.
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**This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 24 October 2024.**

## Decision

1. The appeal is dismissed.

## Applications for Costs

2. An application for costs has been made by Dr Kay Gibbons of Kay Gibbons Holdings Ltd – The Swan Inn against Shropshire Council. This is the subject of a separate decision.

## Preliminary Matters

3. The appeal scheme is for outline planning permission with all matters reserved for future approval. Matters relating to layout, scale, appearance and landscaping are reserved for future approval. Therefore, I have treated details relating to access, layout, scale, appearance and landscaping submitted with the application, including on the plans, as indicative.
4. I have also dealt with another appeal on this site for the change of use of the public house to a single dwelling<sup>1</sup>. That appeal is the subject of a separate decision.

## Main Issues

5. The main issues are:
  - whether the appeal site is suitable for the proposal, with particular regard to the local development strategy on the location of development; and

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<sup>1</sup> Appeal Ref: APP/L3245/W/24/3342722

- the effect of the proposal on the character and appearance of the area.

## Reasons

### *Location*

6. The appeal site is located adjacent to the B4555 within the settlement of Knowle Sands. Although not referred to on the decision notice I am aware from another appeal in Shropshire that some types of new development are supported only in specific settlements, including those identified as Community Hubs and Community Clusters in Policy MD1 of the SAMDev<sup>2</sup>. Knowle Sands is not listed as a Community Hub or Community Cluster and I have no substantive evidence before me to conclude this status has been proposed by the Parish Council (an exception required by Policy MD1). Beyond these hubs and clusters, and other larger settlements, new development is considered to be located in the countryside.
7. Therefore, for the purposes of the local development strategy, the appeal site is located in the countryside where development is strictly controlled by Policy CS5 of the Core Strategy<sup>3</sup>, reflecting the objectives of the National Planning Policy Framework (the Framework). Whilst open market housing is not precluded from the countryside, Policy MD7a of the SAMDev restricts new market housing to exception site dwellings and residential conversions. Neither of these circumstances apply in this case.
8. I conclude that the appeal site would not be suitable for the proposal, with particular regard to the local development strategy on the location of development. It would conflict with Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev which support the strict control and management of development in the countryside.

### *Character and appearance*

9. Matters relating to scale comprising height, width and length of the proposed built form are reserved for consideration at a later date although the number of apartments proposed is included in the description of development. The appeal site as shown on the Location Plan<sup>4</sup> but excluding the existing access drive comprises sufficient area to accommodate the appeal scheme. Whilst the proposed built form footprint is not shown on the application, even for illustrative purposes, I have limited compelling evidence before me to conclude the appeal scheme would amount to overdevelopment on the site.
10. As scale and appearance are reserved matters, detailed plans and elevations are not required for the principle of development to be established. Therefore, the design of the proposed development is unknown, as is its relationship with the existing public house. Consequently, there is limited evidence for me to determine that the proposed built form would be of a disproportionate scale to the existing building on the site and/or would dominate the local setting. Even if I were to determine that the proposed built form would be clearly visible from the B4555 due to the slope of the site, this does not necessarily imply it would harm the character of the area.

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<sup>2</sup> Site Allocations and Management of Development (SAMDev) Plan

<sup>3</sup> Shropshire Local Development Framework: Adopted Core Strategy (the Core Strategy)

<sup>4</sup> Plan ref: TQRQM23244144649242

11. I conclude that the proposed development would not harm the character and appearance of the area and complies with Policy CS6 of the Core Strategy insofar as it relates to the incorporation of high-quality sustainable design principles. Policy MD2 of the SAMDev amplifies Policy CS6's design and development principles, amongst other aspects, by setting out how a development proposal is to be considered acceptable.

### **Other Matters**

12. The proposed development would provide social and economic benefits from the provision of new homes, including two affordable housing units. However, I have no substantive evidence before me indicating that the Council is unable to demonstrate a five-year supply of deliverable housing sites or that there is a particular need in Knowle Sands for apartments. As such, I attach modest weight to the benefits which would be derived from the proposed development.
13. Whilst the implementation of a surface water drainage scheme which reduces the existing runoff onto the B4555 is proposed, no substantive evidence demonstrating how this can be achieved is before me. Similarly, given the in-principle nature of the proposals, any environmental benefits resulting from the incorporation of rainwater harvesting facilities into the development are undetermined. I therefore give any resultant public benefits limited weight.
14. The proposed development could provide the opportunity to improve the existing access arrangements on the site. However, given the proximity of the conservatory and the property immediately adjacent to the access with the B4555 carriageway, opportunities to enhance visibility at this location are significantly constrained. As no substantive details have been provided to demonstrate how improvements to the access could be achieved, I give them neutral weight in my decision.
15. Other public benefits including a local shop, heat recovery system, ultra-rapid EV charging points, and improved access including a disabled parking space and toilet facilities, alongside a reduced area for the public house are indicated in the Planning Statement. However, these are not included in the description of development and would be located beyond the redline site boundary, albeit on land within the ownership of the appellant. As there is no mechanism before me which provides certainty that these elements will be implemented, I attribute limited weight to the benefits that could be derived from them.
16. Moreover, given my decision on the other appeal to allow the change of use of the public house to a single dwelling, were I to allow this appeal, there remains the possibility that both developments or part thereof, could be implemented. This could lead to a development without the full range of public benefits set out above.
17. My attention has been drawn to a previous planning permission<sup>5</sup> on the site. Even if this permission has not expired, I have limited substantive evidence before me which provides certainty of this status and the likelihood for it to be completed or, more crucially, the development it relates to, aside from an extract of a car park plan. Consequently, it is not a determinative factor in my decision.

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<sup>5</sup> Application ref: BR/FUL/00/0091

**Conclusion**

18. The proposed development would conflict with the development plan when taken as a whole and material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

*Juliet Rogers*

INSPECTOR