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## Appeal Decision

Site visit made on 18 February 2025

by **Tamsin Law BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> April 2025

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**Appeal Ref: APP/L3245/W/24/3351551**

**Enderby, High Street, Cleobury Mortimer, DY14 8DN**

- 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 Tara and Gurbal Singh and Kaur against the decision of Shropshire Council.
  - The application Ref is 24/02158/FUL.
  - The development proposed is creation of dwelling and associated garaging on vacant land.
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### Decision

1. The appeal is allowed and planning permission is granted for creation of dwelling and associated garaging on vacant land at Enderby, High Street, Cleobury Mortimer, DY14 8DN in accordance with the terms of the application, Ref 24/02158/FUL, subject to the conditions in the attached schedule.

### Main Issues

2. The main issues are: the effect of the proposed development on the character and appearance; highway and pedestrian safety; and the living conditions of nearby residents.

### Reasons

#### *Character and Appearance*

3. The appeal site comprises part of the side garden of an existing residential dwelling, known as Enderby. The host dwelling, along with several other properties lie behind building that front on to High Street. The site is currently accessed via a single-track lane that serves several properties. The relatively unkempt nature of the garden combined with its secluded location at the end of the access lane means it does not contribute positively to the character and appearance of the area.
4. The surrounding area has a mixed use, with commercial uses fronting on to High Street and residential dwelling located behind. The area is characterised by detached and terraced buildings, single storey and two-storey in nature. Whilst buildings vary considerably in their individual design characteristics there is a general consistency in the use of red brick and render. that share a general consistency in appearance but vary in their precise detailing. Whilst along High Street dwellings and buildings typically front on to the highway, there are several examples of dwellings located behind frontage development, accessed via short lanes, such as the appeal site and neighbouring Cottage Gardens.

5. Whilst the development of one single storey dwelling to the side of Enderby would be to the rear of High Street, it reflects that back land layouts that are not entirely uncharacteristic of this area.
6. The plot would have a similar size plot to neighbouring dwellings. Additionally, the proposed dwelling would be modest in size and therefore sit suitably within its plot. Furthermore, the plot arrangement would be consistent with the grain of the immediately adjoining neighbouring properties.
7. The proposed dwelling would be single storey and would sit well back from High Street in a secluded location. The appeal scheme would therefore not be readily visible from the street scene. Even when viewed from the proposed access, the development would be partly obscured by existing built form. Therefore, any inconsistencies between the character of the development and the wider prevailing residential grain would not be particularly appreciable from public vantage points.
8. Overall, the proposed development would not appear cramped or give rise to any harmful impacts to the character and appearance of the area. Consequently, I do not find conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (CS) or Policy MD2 of the SAMDev. Together these policies, amongst other matters, seek for development to be of a high-quality design that responds to the form and layout of existing development.

#### *Highway and Pedestrian Safety*

9. The proposed development would utilise an existing access from High Street. My visit to the appeal site was a snapshot in time regarding highway conditions but it was reasonable to conclude that levels of traffic would increase during peak hours when people return from work and school. The crux of the matter for the Council and in regard to this main issue was that the intensification of the use of the existing access, which in their view is substandard.
10. High Street is a busy road but, the access would be out on to a relatively straight section of road with no on street parking. This combined with the cross over would provide opportunity for any vehicles exiting the site to see any approaching vehicles and vice versa. It would also offer good visibility of any pedestrians. Additionally, whilst there are limited opportunities for passing, most of the access lane is straight and offers good visibility. As such, any vehicles wanting to enter the access would be able to see any vehicles moving towards the junction with High Street. Furthermore, pedestrians utilising the pavement and public right of way would also be visible and vehicles would have appropriate time to stop and allow them to pass.
11. With the above in mind, vehicles utilising the proposed access would have good visibility and the net increase in use of the access by a single dwelling would not have a harmful impact on highway safety. Accordingly, the proposed development would comply with CS Policy CS6 and SAMDev Policies MD2 and MD8 which together seek to ensure that developments are served by adequate infrastructure. Additionally, I find no conflict with paragraph 115 of the National Planning Policy Framework (the Framework) which seeks to ensure that development does not have an unacceptable impact on highway safety.

#### *Living Conditions*

12. The proposed development would be located to the side of Enderby and to the rear of Monterrey, both residential dwellings. To access the dwelling future occupants would also travel passed Isca Place. The Council's concerns relate to the impact of additional traffic travelling along the access lane on the living conditions of Enderby and Monterrey.
13. The driveway and turning area for the proposed dwelling would follow a similar route to an existing access serving both Enderby and Monterrey. Given that this is an established route for vehicles, noise and light arising from vehicle movements will already be experienced by the occupants of neighbouring properties. I also noted that there is a fair level of background noise in this location given its location close to High Street.
14. Taking into account the existing situation, I am of the view that the construction of an additional dwelling with its associated vehicle movements would not result in a significant increase in noise or light pollution at a point where it would be unduly detrimental to the living conditions of the occupants of neighbouring properties.
15. I note that the appeal site is already in use as garden and that the majority of the garden space allocated to the proposed development would be positioned away from the boundaries with neighbouring properties.
16. I therefore conclude that the proposed development would not be harmful to the living conditions of neighbouring residents. It would therefore accord with CS Policy CS6 which seeks, amongst other things, to ensure that developments do safeguard residential and local amenity.

### **Conditions**

17. The Council have provided a list of conditions which the appellant has had the opportunity to comment on. A plans condition and time limit condition are required in the interests of certainty. To protect highway safety and living conditions of nearby residents, a construction management plan should be provided. I consider that conditions regarding external lighting, and biodiversity enhancements are necessary in order to ensure that the biodiversity and environment of the area are safeguarded during construction and lifetime of the development. An amended arboricultural impact assessment is not necessary as sufficient detail has been provided.
18. I consider that a condition regarding surface water drainage is necessary in order to ensure that surface water is appropriately managed for the lifetime of the development. A condition requiring the provision of the access and turning area is necessary in the interest of highway safety, however an access scheme is not required.
19. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework. One of the Council's conditions included a list of the information required to be submitted and reference to other guidance. However, such is not necessary for the conditions to be precise or enforceable. I have, therefore, not included such lists so as to allow the parties to agree the relevant information and guidance against which it should be assessed for this specific site and at the time that agreement for the details is sought.

**Conclusion**

20. For the reasons given above the appeal should be allowed.

*Tamsin Law*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 05/2024/02b (Location Plan, Block Plan and Garage Plan) and 05/2024/02b (elevations as proposed and floor plans as proposed).
- 3) Prior to commencement of the development hereby permitted, a scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the dwelling.
- 4) Prior to first occupation of the dwelling hereby permitted, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be maintained for the lifetime of the development.
- 5) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
- 6) Prior to commencement of development, which including any works of demolition, a Traffic Management Plan for construction traffic shall be submitted to, and approved in writing by the Local Planning Authority, and shall include a community communication protocol. The approved Statement shall be implemented in full throughout the duration of the construction period
- 7) Prior to first occupation of the dwelling hereby permitted, the access, parking and turning areas as detailed shall be completed.