



Appeal Decision

Site visit made on 8 July 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2025

Appeal Ref: APP/L3245/W/24/3357661

Hengoes Park Residential Home, Hengoes, Shropshire SY10 7EE

- 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 Hengoes Park Ltd against the decision of Shropshire Council.
 - The application Ref is 24/01210/FUL.
 - The development proposed is creation of 25 assisted living bungalows and communal areas within courtyard.
-

Decision

1. The appeal is allowed and planning permission is granted for 25 assisted living bungalows and communal areas within courtyard at Hengoes Park Residential Home, Hengoes, Shropshire SY10 7EE in accordance with the terms of the application, Ref 24/01210/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's third reason for refusal related to a lack of information on the ecological impact of the proposal on a nearby pond and also whether the development would deliver at least a 10% increase in biodiversity value. However, after further consideration the Council is satisfied that the presence of great crested newts in the nearby pool was considered unlikely and precautionary working measures set out in the Update Preliminary Ecological Appraisal; 2024 (BiOME Consulting) are appropriate. Evidence therefore indicates that the proposal would be acceptable with respect to impacts on ecology, including protected species. A condition requiring that the development is carried out in accordance with the precautionary working measures would be necessary in the interests of ecological protection.
3. Furthermore, the Council has advised at appeal that it considers that the biodiversity net gain (BNG) requirement does not apply in this instance. This is because the application was submitted prior to April 2024 when the statutory requirement for 10 per cent biodiversity net gain came into force. Consequently, the effect of the proposal on ecology and biodiversity net gain is not a main issue within this appeal.

Main Issues

4. The main issues are:
 - whether the proposal would achieve acceptable living conditions for its future occupants, with particular regard to outlook, internal living space, and light; and

- the effect of the proposed development on the walled garden and Hengoed Park Residential Home as non-designated heritage assets, and on the setting of grade II listed Trewern model farm buildings.

Reasons

Living conditions

5. The proposal would result in built form along all four walls of the garden and eight units would be provided in a central block. This would achieve a relatively high density of development. Nonetheless, the units would be positioned around two rectangular gardens. Although some units would face directly onto other units, they would still have an oblique view of a rectangular garden. Planting is also proposed around part of the central block and in front of each of the other proposed living accommodation blocks. This would soften the outlook from within the proposed accommodation. Each would also look out over its own small area of covered outside space along its frontage. Consequently, the outlook for future occupants would be acceptable.
6. Each of the units would provide space for a single bed, en-suite shower room, kitchenette and a small table for meals, but on a reasonably compact scale. The amount of space per unit is said to fall well below the Nationally Described Space Standards for permanent living accommodation. However, the proposal is not to provide permanent homes for its occupants. It would instead provide adequate internal space to provide a sense of privacy and independence for occupants requiring accommodation during their rehabilitation. In addition, communal space would be available within the proposed new building that would be closest to the main house.
7. With respect to whether the proposal would provide sufficient light, each unit would be single aspect and no roof lights are proposed. However, each would have a window and a separate full height glazed opening on the front elevation. Combined with the open plan layout of each unit, this would maximise natural light inside the living space. The extent of sunlight within each of the rooms would vary depending on their orientation and position relative to other units. In any event, given that the accommodation is not to provide long term homes, and occupants would have access to other communal inside space, I find that the level of light within the accommodation would be adequate.
8. Accordingly, the proposal would achieve acceptable living conditions for its future occupants, with particular regard to outlook, internal living space, and light. It would thus accord with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (Core Strategy), and Policy MD3 of the Shropshire Council Site Allocations and Management Development (SAMDev) Plan (December 2015). Amongst other matters these seek to ensure proposals are designed to contribute to the health and wellbeing of communities, including residential amenity.

Historic environment

Significance

9. The walled garden is a non-designated heritage asset. It comprises a broadly rectangular brick wall enclosing a good-sized garden space, positioned close to

Hengoed Park Residential Home (the main building). From outside the walled garden it has a pleasing simplicity of form, comprising of brick walls without ornamentation. Within the walled garden, existing accommodation is situated along the length of one of its walls. Accommodation has also been added that adjoins the outside of one of the walls, closest to the main house. However, from within the garden there remains visibility of expanses of the walled garden and a pleasant sense of enclosure around the space. Therefore, for the purposes of this appeal, its significance is primarily derived from its simple, brick form and sense of enclosure.

10. The main building is also a non-designated heritage asset. It comprises a two and three storey building which displays stone detailing and large sash windows below a shallow pitched, slate roof. Thus, insofar as it relates to this appeal its significance is primarily derived from its architectural detailing and its setting as a standalone building within substantial grounds.
11. Trewern model farm buildings are outside of the application site and are grade II listed (List Entry Number: 1307386)¹. Accordingly, the statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess. The farm buildings comprise a collection of buildings, of yellow brick in an Italianate style. Insofar as it relates to this appeal, the significance of Trewern model farm is primarily derived from their architectural quality and historic association with their agricultural use. The walled garden and the main building are thought to have been built at the same time as the model farm. There is therefore a historical association between them. Nonetheless, the walled garden comprises only a small part of the broad countryside setting of the model farm buildings.

Effect

12. The proposal involves the replacement of a pedestrian gate in the centre of one of the long walls, with a larger opening to provide for emergency vehicles. However, the gate would comprise only a small proportion of the length of that wall. The majority of the length of that wall would remain and would appear unaltered by the proposal. Moreover, the detailed design and materials of the gate could be secured by condition to ensure its sensitive treatment. Accordingly, subject to such a condition, this new entrance could be achieved without diminishing the ability to appreciate the walled garden as a non-designated heritage asset. It would also not detract from the ability to appreciate the main building or the model farm buildings.
13. The roofs of the proposal would be visible in some views from first floor windows on the main house. However, the proposed units would be low rise, with gently sloping roofs. This would minimise their prominence. Moreover, as a kitchen garden, a more functional rather than ornamental appearance would not be unusual. Furthermore, due to the position of the garden towards the rear of the house, views of the walled garden from the house would generally be oblique. Together with timber cladding, their form and materials would be reminiscent of garden buildings. Their low profile would also minimise the extent to which the proposed buildings would be visible from the grounds outside of the walled garden.

¹ Described on the National Heritage List for England as 'Model farmbuildings approximately 110 metres south west of Tre-wern'.

As such, the ability to appreciate the walled garden from outside of the walls would be largely maintained.

14. From inside the garden, new buildings would extend along the majority of three of its walls and would extend into all corners of the garden. In addition, block D would be positioned centrally within the site. This would reduce the sense of space to a certain extent. A small gap would be retained between proposed blocks A, B and C and the garden wall. Also, a rectangular garden would be provided to either side of the proposed central block D, retaining some open space and uniformity of shape. Furthermore, as reasoned above, pockets of planting along the front of each block would soften the appearance of the built form from within the garden. However, as little visibility of the garden wall would remain from within the garden, the proposal would diminish the ability to appreciate the non-designated heritage asset from there.

Conclusion

15. Given the degree of separation between the appeal site and Trewern model farm, the low profile of the proposed buildings, and the limited degree to which the walled garden contributes to its setting, the proposal would not result in harm to the significance of the grade II listed buildings. As it would preserve the special architectural and historic interest of the listed buildings, it thus satisfies the requirements of the Act and development plan policies insofar as relevant. Also, as the integrity of the garden wall would be largely maintained and visibility of the proposed buildings from outside of the garden would be limited, it would not harm the significance of the main building as a non-designated heritage asset.
16. However, from within the garden the reduction in visibility of the walls and reduction in the sense of space would harm the significance of the walled garden. As the effect on integrity of the wall from the outside would be limited, I find that the level of harm to the significance of the walled garden as a whole would be moderate.
17. In light of this harm, the proposal would conflict with Policy CS17 of the Core Strategy. This generally seeks to ensure that proposals are designed having regard to the character of their surroundings, including the historic environment. Policy MD13 of the SAMDev requires that where proposals are likely to affect the significance of a non-designated heritage asset, they should only be permitted where the public benefits clearly outweigh the harm. Paragraph 216 of the Framework also requires a balanced judgement to be made for development affecting non-designated heritage assets having regard to the scale of any harm and the significance of the asset.
18. The proposal would provide 25 assisted living bungalows and a communal area. This would amount to a considerable increase in accommodation available to support the needs of vulnerable people with drug and alcohol dependencies. The proposal would provide suitable, purpose-built accommodation to meet that particular need. Given the stated shortage of such accommodation, the public benefits of the proposal would be considerable. In addition, it would give rise to small economic benefits from construction and operation of the buildings.
19. Accordingly, the public benefits of the proposal would outweigh the moderate harm to the walled garden as a non-designated heritage asset. As such, it would accord with Policy MD13 of the SAMDev.

Other Matters

20. Planning permission was previously granted for erection of 17 assisted living bungalows, of which 14 were proposed within the walled garden (the fallback scheme). The planning permission is understood to have lapsed in December 2024. Nonetheless, it appears reasonably likely that a proposal of that nature would be granted in the event of a similar scheme being submitted to the Council. Furthermore, in the event of this appeal being dismissed, I consider it reasonably likely that the fallback scheme would be developed. No substantive evidence indicates otherwise. Consequently, it amounts to a valid fallback scheme to which I attribute considerable weight.
21. Compared to the appeal proposal, the fallback scheme would provide fewer units within the walled garden and would not include a central block. As such, it would have a lesser impact on the ability to appreciate the walled garden. However, in providing fewer units, its benefits to those in need of such accommodation would also be lower. Therefore, the presence of the fallback scheme does not lead me to a different conclusion on this appeal.
22. There is local concern that the number of bungalows proposed may increase in future. Nevertheless, the appeal can only be determined in light of the proposal as submitted. Any future proposal for additional accommodation would need to be determined having full regard to its effects at that time.
23. I appreciate that instances of occupants of the appeal site approaching neighbouring houses from time to time could cause alarm to local residents. However, no substantive evidence indicates that the appeal scheme would be likely to result in this occurring on a more regular basis or to the extent that would justify increased security measures outside of the appeal site.
24. With regard to the quality of materials and their relationship with that of existing buildings, a condition is imposed to require that details of the materials to be used in the construction of the accommodation is submitted to the Council for their approval. Given the heritage interest in the walled garden, a further condition is imposed to require details of external windows and doors and any other external joinery. These are necessary to ensure the materials and design are appropriate due to its historic context. Given the self-contained nature of the proposal, a condition relating to external lighting is not necessary.
25. Concern has been raised about existing foul drainage issues, and that the proposal would exacerbate this. However, there is no firm evidence before me that the proposed drainage scheme would not adequately drain the proposal. A condition is imposed to require that the proposed foul and surface water drainage system for the appeal scheme is installed in accordance with the approved details. This is necessary to ensure the proposal is drained appropriately.
26. Although the appeal site is in a rural area and therefore accessed by rural roads, I am not persuaded that the proposal would be likely to alter travel to and from the site to the extent that it would lead to highway safety concerns. Consequently, measures to reduce traffic speeds, road conditions, or pedestrian routes in the locality would not be justified. In addition, noise from any increase in vehicles entering or exiting the site would not be so significant as to result in unacceptable harm to neighbours' living conditions.

27. As the archaeological potential of the site is considered to be low, and the proposals are confined to within the walled garden where ground levels are likely to have previously disturbed, a condition to require an archaeological watching brief is not considered necessary.
28. As set out in Preliminary Matters, the proposal is considered acceptable with respect to ecology and biodiversity. It would therefore accord with Policy CS17 of the Core Strategy and Policy MD12 of SAMDev. These include requirements for proposals to protect ecology and biodiversity assets.

Conclusion and condition

29. For the reasons given and taking into account the public benefits, the proposal would accord with the development plan as a whole. Therefore, the appeal should be allowed.
30. In addition to the conditions already mentioned above, a condition specifying the approved plans is required for certainty.

Rachel Hall

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 01; Proposed Site Plan 05 Rev G; Drainage Layout Plan HP-DL-600; Proposed walled garden Unit A plan and elevations 07 Rev E; Proposed walled garden Unit B plan and elevations 08 Rev D; Proposed walled garden Unit C plan and elevations 09 Rev E; Proposed walled garden Unit D plan and elevations 10 Rev D; Proposed communal area plan and elevations 06 Rev C; Proposed typical elevations walled garden units 12 Rev C; Proposed typical ground floor plan walled garden units 11 Rev D.
- 3) The development hereby permitted shall be carried out in accordance with the Great Crested Newt precautionary working measures set out in the Updated Preliminary Ecological Appraisal; 2024, prepared by BiOME Consulting.
- 4) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including roofs, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples and retained as such thereafter.

- 5) No installation of external windows and doors and any other external joinery shall take place until details of these shall have been submitted to and approved in writing by the local planning authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in accordance with the agreed details and retained as such thereafter.
- 6) No development above ground level shall take place until details of the proposed widening of the pedestrian access in the garden wall to form a vehicular access, to include details of the proposed gate, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 7) The development hereby permitted shall not be occupied until the drainage scheme as shown on approved plan reference HP-DL-600 shall have been completed in accordance with the approved details.