



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: 7 August 2025

Appeal Ref: APP/L3245/W/25/3363184

Plot adjacent to Dalesford in Cardingmill Valley SY6 6JF

- 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 Jayne Walton against the decision of Shropshire Council.
 - The application Ref is 24/03933/FUL.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the Council's decision, the Council has confirmed that it can no longer demonstrate a five year supply of housing land. Consequently, paragraph 11d of the National Planning Policy Framework (Framework) is engaged. I return to this subsequently.
3. Notwithstanding the address in the heading above, the site location is more fully described as Land adjoining Dalesford, Cardingmill Valley, Church Stretton, Shropshire.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with regard to Church Stretton Conservation Area and Shropshire Hills National Landscape, including its effect on trees;
 - whether it has been demonstrated that the proposal would be acceptable with respect to its effect on grassland within the Long Mynd Site of Special Scientific Interest; and
 - whether the proposal would be acceptable with respect to biodiversity net gain, in the absence of the minimum information having been provided.

Reasons

Character and appearance

5. The appeal site is within Church Stretton Conservation Area (CA). Accordingly, the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA covers a

wide area, including the historic town and surrounding residential areas. Insofar as it relates to this appeal, its significance is primarily derived from the architectural and aesthetic quality of its buildings and its landscape setting encompassing wooded hills.

6. The appeal site is located in an area where houses are widely spaced on the sloping hills at Carding Mill Valley. Houses in the vicinity of the appeal site share commonality in their traditional materials and form. This comprises pitched, tiled roofs, and a predominance of red brick, together with black and white timber and render. The consistency of this traditional design helps the houses to blend with the surrounding landscape, without drawing the eye to one particular dwelling. It thus makes a positive contribution to the character of this part of the CA and the National Landscape.
7. The proposed dwelling would present as a break from that style of dwelling, comprising a contemporary flat roof design with full height windows and wooden cladding. The flat roof would minimise the height of the two storey dwelling. However it would appear out of place given the prevalence of traditional pitched roofs in the vicinity. The use of predominantly vertical wooden cladding would give the building a natural appearance, helping it to blend with the wooded character of the surrounding land. However there would also be large areas of glazing due to the full height windows at first floor level and the presence of a glazed screen to the first floor balcony. This would be in stark contrast with the traditional, more modest window proportions characteristic of the area.
8. Contemporary design can be acceptable in conservation areas. Nevertheless, in the circumstances of this case, the combination of these contemporary features would draw attention to the appeal building. Rather than it blending or complementing the style of existing houses within the landscape, it would jar with their traditional features. This would be particularly noticeable in winter months when trees that currently screen the appeal site would not be in leaf. It would also likely be a prominent feature from footpaths on the slopes opposite the site.
9. Concern has also been raised that the proposal would put pressure on trees that currently contribute to the verdant character of the site and its surroundings. The appellant's Arboricultural Report (by Old Oak Tree Care, September 2023) confirms that the proposal requires the removal of a category U tree and a category C tree. Given their condition, removal of those trees would be acceptable without harm to the character and appearance of their surroundings, subject to suitable replacement planting that could be secured by condition.
10. I am satisfied that the proposed no-dig methodology for construction of a footpath from the existing stream crossing, along the bank above the stream, and providing steps into the site could be achieved without undue harm to the health of existing trees. Details of the sensitive surfacing of that path, along with other measures to control the delivery of machinery in light of the need to protect retained trees, could also be secured by a suitably worded condition. Similarly, it appears reasonably likely that the proposed drainage soakaway could be designed to avoid unacceptable harm to the root system of the sycamore (Sy3).
11. The Council's arboricultural officer also raises concern that the canopy height and spread of an existing beech tree and two sycamore trees in front of the appeal site would obscure the view from first floor windows of the appeal building. In addition,

that this would be to such an extent as to be oppressive to future occupants of the appeal scheme. Moreover, that there would consequently be pressure to reduce the canopy spread and height of these trees which could harm the physiology of the trees. Further, that this pressure would increase as the trees continue to grow (particularly the sycamores).

12. The proposal as submitted does not include alteration to those beech and sycamore trees. Furthermore, there is no right to a view. Nonetheless, the appeal building is designed with full height windows and a balcony on its front elevation. Consequently, whatever the stated intentions of that design, its future occupants are likely to want to make the best of their outlook. As such, it is reasonably likely that there would, in future, be considerable pressure for the Council to authorise works to those trees. Particularly in the event of growth of those trees being shown to hinder the outlook for occupants of the appeal scheme to an unacceptable level, or be otherwise harmful to their living conditions. Given the important contribution of these trees make to the wooded character of this part of the CA and the National Landscape, this would likely result in further harm to the character and appearance of the area.
13. Therefore, the proposal would harm the character and appearance of the area, with regard to the Conservation Area and National Landscape, including its effect on trees. As the proposal relates to a small portion of the CA as a whole, the harm would be less than substantial and at the lower end of the scale. Consequently, it is necessary for this harm to be weighed against the public benefits.
14. There would be small economic benefits of construction and occupation of the dwelling. The contribution of one new, modern house, whilst a small contribution, would be a significant benefit in the context of the Council's housing land supply shortage. The extent of the Council's shortfall in housing supply against their five year supply requirement has not been provided. However even if the shortfall were substantial, the provision of one dwelling and its associated modest economic benefits would not outweigh the great weight to be given to conservation of the heritage asset. Therefore, the enduring harm to the CA would not be outweighed by public benefits.
15. Accordingly, the proposal would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (Core Strategy) and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management Development (SAMDev) Plan (December 2015). Together these generally seek to ensure proposals achieve good design, taking into account the character and qualities of their surroundings. It would also conflict with Policy MD13 of SAMDev which seeks to avoid harm to heritage assets. It would further conflict with the requirements of the Act and the Framework.

Long Mynd Site of Special Scientific Interest (SSSI)

16. The proposed parking area for future occupants of the proposal would result in the loss of a small area of grassland within the SSSI. The Framework advises that development that is likely to have an adverse effect on land within a SSSI should not normally be permitted. This requires consideration of the effect of the development on its own as well as in combination with other developments. It confirms that the only exception to this is where the benefits of the development

clearly outweigh its impact on the features that make the site of special interest, and any broader impacts on the national SSSI network.

17. The loss of grassland arising from the appeal scheme would be small. Nonetheless, no robust evidence is before me to establish the extent to which the loss of grassland would impact on features that make the SSSI of special interest, either on its own or in combination with development in its surroundings. That existing parking occurs in the vicinity does not help to justify the proposal. Moreover, no robust evidence is provided on any cumulative effect of that parking on the SSSI, in combination with the appeal scheme. In the absence of such information, I cannot be sufficiently certain as to whether the benefits of the proposal would outweigh its impacts on the SSSI.
18. Therefore, it has not been demonstrated that the proposal would be acceptable with respect to its effect on grassland within the SSSI. As such, it would conflict with Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2 and MD12. Amongst other matters these require that proposals protect the natural environment and resources. It would also conflict with the requirements of the Framework.

Biodiversity net gain

19. As biodiversity net gain did not form part of the Council's reasons for refusal, and in the interests of fairness, the appellant was given the opportunity to comment on this as a main issue at appeal. Their comments have been taken into account. The provisions of the Environment Act 2021 relating to biodiversity net gain (BNG) came into force for non-major developments on 2 April 2024. Under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 (DMPO), relevant applications submitted after those dates are required to be accompanied by certain information relating to BNG.
20. The information required includes a completed biodiversity metric calculation, showing the biodiversity value of the on-site habitat, and various other related details which are listed in full in sub-paragraph (c) of the above Article. This requirement applies to all applications for planning permission, except where one of the exemptions specified in the legislation applies. These include an exemption for self-build or custom build housing developments. In this case the exemption for self-build or custom build was ticked on the planning application form. Planning Practice Guidance (the PPG), published by the Ministry of Housing, Communities and Local Government states that:

"In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout..." [ID: 57-016-20210208]

21. I do not doubt that the appellant intends to occupy the proposed dwelling and may have had primary input into the design and layout of the scheme. However, intentions can change, as can the ownership of the site. Without some means of ensuring that the dwelling in question would be occupied initially by the appellant, or another person fulfilling the same criteria, the occupation of that dwelling as a self-build or custom-build dwelling would not be sufficiently certain.
22. The occupation of the dwelling as a self-build dwelling could be secured by a Section 106 agreement or undertaking. But no such obligation has been entered

into and I have no power to impose one. Although a planning condition has been proposed by the Council, I am not persuaded that such a condition controlling the occupation of the property would be enforceable in these circumstances. Consequently, as there is insufficient certainty that the proposal would be a self-build or custom build house, the proposal does not benefit from any BNG exemption. Whether or not the Council was correct to accept the application in the absence of the minimum information or evidence of a valid BNG exemption, the appeal must be determined in light of the submitted evidence.

23. Therefore, the proposal would not be acceptable with respect to biodiversity net gain, in the absence of the minimum information having been provided. Although no specific development plan policy on biodiversity net gain has been highlighted, the proposal would fail to satisfy the statutory framework for biodiversity net gain. It would also be contrary to the approach in the Government's Planning Practice Guidance.

Other Matters

24. Outline planning permission is said to have been previously granted for a house on this site but is understood to have lapsed. In any event the appeal is determined in light of the specific proposal before me. The plot is level in anticipation of development. It is also said to benefit from a foul drainage connection and could be designed using recyclable materials. An absence of harm in respect of traffic would be a neutral consideration. Also, the site falls within the Church Stretton development boundary where the principle of development is considered acceptable.
25. Nevertheless, neither the support for new housing in the development plan or the Framework is at the expense of ensuring that all development is appropriately designed and integrates suitably with its surroundings. Although there is some local objection to the proposal, I note that there was also a small amount of local support. Nonetheless, given the harms identified, that does not alter my reasoning to the extent that a different decision would be justified.

Conclusion

26. For the reasons given, the proposal would conflict with the development plan as a whole. Furthermore, despite the absence of a five year housing land supply, policies in the Framework that protect assets of particular importance provide a strong reason for refusing the proposal. As such, the presumption in favour of sustainable development at paragraph 11d of the Framework does not indicate that planning permission should be granted. Therefore, the appeal should not succeed.

Rachel Hall

INSPECTOR