



Appeal Decision

Site visit made on 10 July 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/L3245/W/25/3363781

Land north of Station Road, Woofferton, Herefordshire SY8 4AW

- 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 & Mrs Paul & Kath Lewis against the decision of Shropshire Council.
 - The application Ref is 25/00247/FUL.
 - The proposed development is described as: 'Erection of a dwelling and residential annex'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site would be a suitable location for the proposal, having regard to its accessibility to services and facilities;
 - whether the proposed development would provide suitable living conditions for the occupiers of the proposal, with particular regard to noise and air pollution from the adjacent properties;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the biodiversity; and
 - whether the proposed development would provide suitable living conditions for the occupiers of the proposal, by way of disturbance and privacy within the appeal site.

Reasons

Location

3. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (Core Strategy) states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Policy MD7a (2) of the Shropshire Council Site Allocations and Management of Development Plan Adopted Plan (2015) (SAMDev) states that dwellings to house essential rural workers will be permitted if: (a) there are no other existing suitable and available affordable dwellings or other buildings which could meet the need; and (b) in the case of a primary dwelling to serve a business without existing permanent residential accommodation, subject to relevant financial and functional

tests are met; or (c) in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the enterprise for the majority of the time, subject to functional test being met.

4. The appeal site is situated on the northern side of Station Road, outside the settlement development boundary of Woofferton and within the open countryside. Woofferton is a small settlement located at the junction of A49 to Leominster to the south and Shrewsbury / Ludlow to the north, the junction of A456 to Kidderminster and Tenbury, and B4362 (also known as Station Road) to Comberton.
5. Notwithstanding that, Woofferton is not a strategic site as suggested by the appellants. Although there are hotels, a small food shop, a coffee shop, a petrol station and bus stops on A49, the settlement offers only limited facilities and services. Although the appellants already live nearby and make use of facilities and services available in the wider area, the appeal site is located at a considerable distance from many essential services and facilities required for day-to-day living. Such circumstances are not sufficient to justify the appeal site as a suitable location for a new dwelling, in the context of the above development plan policies.
6. A footpath runs along the northern side of Station Road; however, the footpath is narrow and lacks adequate street lighting. Given these constraints, occupiers of the appeal proposal would be unlikely to use the footpath regularly, even for visiting the nearby food store, particularly during the winter months when conditions are likely to be less accommodating. Furthermore, although it is claimed that Brimfield is physically contiguous with Woofferton, Brimfield is a settlement some distance from the appeal site. Consequently, the occupiers would be reliant on private vehicles rather than more sustainable modes of transport.
7. One appellant asserts that his established local business meets the border definition of a rural worker. There is a lack of detailed evidence to support this claim, and there is very little information before me to show that there are no other existing suitable and affordable dwellings or other buildings which could meet any need for him to live in this area.
8. I also appreciate that the other appellant is a practising doctor and a recognised key worker. Whilst the National Planning Policy Framework (the Framework) and the development plan policies acknowledge the importance of housing for essential local workers, it has not been shown that the appeal proposal would comprise an affordable or key worker housing unit.
9. Overall, I conclude that the appeal site would not be a suitable location for the proposed development, having regard to the Council's spatial strategy and its accessibility to services and facilities. The proposal would, therefore, be contrary to Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev. These policies seek, amongst other matters, to limit development in the open countryside and to direct the majority of new development to the settlements where services and facilities can be easily accessed.

Living Conditions – noise and disturbance from the adjacent properties

10. The appeal site is bounded by industrial and commercial uses to the west and north. At my site visit, I observed that the majority of the western boundary comprises of mesh security fencing, with some timber fencing located near the site

entrance. The appellants contend that the proposal would not be subject to noise or air pollution, based on their own observations and the absence of complaints from local residents. Whilst that may be the case, there is little evidence to support this claim, particularly given the open nature of the boundary treatment, the proximity and the nature of these industrial and commercial units.

11. I note that there are some hedges along the northern and southern boundary of the appeal site, however, they would only mitigate the noise and air pollution arising from these units to a limited extent. There is no detailed evidence to show they would likely be sufficient to adequately protect the living conditions of occupiers of the proposal.
12. The appellants contend that the appeal site lies within a setting of mixed-use compatibility. On the contrary, the appeal site serves a key purpose in maintaining the spatial separation necessary between commercial and residential development. As a result, the appeal proposal would undermine the site's essential role in separating incompatible land uses and protecting residential amenity.
13. There is no legal agreement before me to tie the proposed dwelling to operation of an adjacent business. I do not see how this could be required by any reasonable and enforceable condition. I do not therefore accept that as an adjacent business is currently operated by one of the appellants, there would be limited opportunities for noise and disturbance from that adjacent use to harm the living conditions of any future occupiers of the proposal.
14. Overall, I conclude that the proposed development would not provide suitable living conditions for the occupiers of the proposal, with particular regard to noise and air pollution from the adjacent properties. Therefore, in this regard, it would conflict with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev, which require new development to comprise high quality sustainable design which respects existing amenity value and responds appropriately to the layout of existing development and the way it functions, including mixture of uses, amongst other things.

Character and Appearance

15. The appeal site is undeveloped land. Its open nature and rural character offer a pleasant visual break between the existing industrial and commercial units to the west and the settlement boundary of Woofferton to the east. As such, it makes a positive contribution to the character and appearance of the countryside.
16. There are some mature hedges along Station Road and the proposed buildings would be positioned set back from the edge of the road. However, the proposed buildings would be visible from public vantage points due to their substantial scale. Whilst the buildings would be adjacent to the existing commercial sites, it would not be an infill plot or natural rural extension as suggested by the appellant given that there would be a small open field to the east of the appeal site.
17. Given the open nature of the site, the proposal would result in an incongruous feature that would undermine the positive contribution of this valuable visual break between the industrial and commercial sites and the settlement boundary of Woofferton. The adverse effect would be exacerbated by the substantial scale of

the proposed buildings and their set-back position relative to other nearby residential properties.

18. Overall, I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area. This would be contrary to Policies CS6 and CS17 of the Core Strategy and Policies MD2, MD7a and MD12 of the SAMDev. Taken together, these seek to ensure that development is designed to a high standard and to respect the character of the area.

Biodiversity

19. Policy CS17 of the Core Strategy requires development to identify, protect, enhance, expand and connect Shropshire's environmental assets to create a multifunctional network of natural and historic resources.
20. An Ecological Impact Assessment was provided; however it primarily relates to the parcel of the land located to the west of the appeal site. The assessment also provides limited information specific to the appeal site itself. Furthermore, the assessment makes no reference to the environmental network corridor that runs adjacent to the northern boundary of the site or the proposal.
21. Whilst the appeal proposal is not subject to the Biodiversity Net Gain requirement, Policy CS17 requires all development to protect and enhance the diversity of Shropshire's natural environment. In this context, the absence of a site-specific assessment is contrary to Policy CS17 of the Core Strategy, which seeks to achieve the aims I have identified above.

Living Conditions – within the appeal site

22. The appeal proposal consists of a detached dwelling and single-storey annex with garage, and the layout creates a vehicle courtyard between the two buildings. In this instance, given that the volume of vehicle movements associated with domestic use would be relatively low, it is unlikely to result in an unacceptable level of disturbance to the occupiers of the proposed annex.
23. With regard to the potential intervisibility between the two buildings, there would be a reasonable separation distance between the two buildings. In addition, the proposed annex would be positioned at an angle to the main dwelling. As such, the proposal would not result in unacceptable loss of privacy for the occupiers, especially considering the inherent relationship between those living in the two buildings proposed.
24. Whilst the proposal would include a sizeable hardstanding area within the site, the plot is of a size that could accommodate grassed area and a robust soft landscape scheme. It could also provide an acceptable level of amenity space for both the proposed dwelling and the annex.
25. Overall, I conclude that the layout of the proposed dwelling, garage and annex will not create unacceptable living conditions for future occupiers on account of their orientations, proximity to each other, and positions of windows. Therefore, in this regard, it would comply with CS6 of the Core Strategy and Policy MD2 of the SAMDev.

Planning Balance

26. Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Material considerations include the Framework. I have found that the proposal would conflict with the spatial strategy of the development plan and with policies that seek to protect the distinctive rural character and appearance of the area, living conditions of the occupiers of the proposal and the biodiversity of the site and the area, and I find the cumulative magnitude of those harms to be significant. The proposal would, therefore, conflict with the development plan as a whole.
27. However, it is not disputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The Council's evidence indicates that the supply is 4.73 years. In these circumstances, Paragraph 11d)ii of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
28. The Core Strategy was adopted in 2011, but the weight to be attached does not hinge on its age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality and sustainable buildings and places is fundamental to what the planning development process should achieve. It also seeks that developments are sympathetic to local character. Therefore, the conflict between the proposal and Policies CS5, CS6, and CS17 of the Core Strategy and Policies MD2, MD7, MD7a and MD12 of the SAMDev should be given significant weight in this appeal.
29. There would be temporary and ongoing economic benefits due to the construction of the proposal and ongoing domestic expenditure in the area from its occupants. The land has been managed for a number of years with the planting of native species, which continue to support the biodiversity of the site. However, the combination of these benefits would be limited due to their modest scale. I therefore attach modest weight to them.
30. The appeal proposal would provide what is claimed to be a self-build family dwelling, although there is no legal agreement before to secure it as a self-build dwelling and I do not see how this could be required by condition. I appreciate that the appeal proposal would enable the appellants to live close to their workplaces and their family in the area. However, these are private benefits that carry very limited weight.
31. Consequently, the adverse effects of the proposal, taking into account, the site location and the rural character of the area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

32. The proposal conflicts with the development plan as a whole and there are no material considerations to indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

O Tresaie

INSPECTOR