
Appeal Decision

Site visit made on 27 August 2025

by **Felicity Thompson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

Appeal Ref: APP/C3240/C/24/3358102

Former RAF Sick Quarters, Cotwall Road, Shirlowe, Telford, Shropshire TF6 6AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Richard Bruckshaw of Cotwall Property Limited against an enforcement notice issued by Telford and Wrekin Council.
 - The notice was issued on 26 November 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised demolition of 2no. buildings, the subsequent erection of 1no. replacement building and the unauthorised engineering operation consisting of the alteration of ground levels including the laying of foundations.
 - The requirements of the notice are to:
 1. Demolish the new building marked A edged blue on the attached red line plan ensuring the preservation the remnants of the original buildings shown hatched on the attached red line plan.
 2. Remove the replacement foundations laid in the approximate location marked B on the attached red line plan.
 3. Remove to an authorised disposal site all soil & materials associated with the unauthorised demolition of buildings and unauthorised engineering operation.
 4. Remove to an authorised disposal site all materials and debris arising from compliance with requirement 1 & 2 above.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. The appellant raised a procedural issue with the way the Council's submission was made – specifically that it was submitted as a Rule (6) party comment. Notwithstanding this error, the submission was received and cross copied to the appellant in accordance with the appeal timetable, and the appellant was evidently aware that the Council's representative made the submission. They were not therefore prejudiced by this error.

The appeal on ground (a) the deemed planning application

3. The appeal site is a former RAF Sick Quarters located in a rural location approximately eight miles from Telford Town Centre and half a mile from High Ercall. The Council consider the former RAF site to constitute a non-designated heritage asset, and on this basis planning permission was conditionally granted for

the change of use of buildings on the site to four dwellings¹. All but one of those buildings and the water tower have subsequently been demolished and work begun on the construction of replacement buildings.

4. The terms of the appeal on ground (a) derive directly from the alleged breach of planning control set out in the notice and as built. Nevertheless, I do have the power under section 177(1)(a) of the 1990 Act to grant planning permission for any part of the matters stated in the notice. However, planning permission cannot be granted for more than what is alleged in the notice or a partially constructed structure.
5. Moreover, the allegation cannot be corrected to enable a development different to that correctly identified in the allegation. The allegation relates only to the demolition of two buildings, and the erection of a replacement building and foundations. There is no error in the allegation since building (A) is partially constructed and does not yet constitute a dwellinghouse.
6. Accordingly, neither the development of the site for four dwellings, or the conversion of the remaining building together with the erection of building A for use as dwellings, properly fall within the statutory power to grant planning permission. My consideration is confined to the development in the allegation, namely the demolition and erection of the replacement building and foundations.
7. However, it would be inappropriate to grant planning permission for the partially constructed building and foundations. Another grant of planning permission would be required to complete the development, so it would not be helpful to the appellant to allow the appeal on ground (a).
8. Notwithstanding the above, since there is no dispute that the development subject of the notice was carried out with the intention of providing housing, and it is on this basis the parties made their cases, I shall consider this.
9. The site is located in the rural area for development plan policy purposes. Policy HO10 of the Telford and Wrekin Local Plan 2011 – 2031 Adopted January 2018 (Local Plan) relates to development in the rural area and sets out that the Council will direct most new rural housing to sites with unimplemented planning permissions.
10. The policy also provides for limited infill housing in a number of named settlements, including High Ercall. Despite the appellant's assertion, the site is around 0.5 mile away from and therefore not within the settlement of High Ercall. The policy goes on to set out that, elsewhere in the rural area the Council will support proposals for housing in a number of exceptions including, and relevant to this appeal, where it will result in the optimal use of a heritage asset.
11. This approach is consistent with national policy in the National Planning Policy Framework (Framework) which sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that isolated new homes in the countryside should be avoided subject to a number of exceptions, including where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

¹ TWC/2023/0308

12. The Framework also states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. However, the site is not located within a settlement and therefore would not accord with the aims of the Framework in this regard.
13. I have had regard to the assessment provided by Richard K Morriss & Associates in respect of the heritage value of the remains and the Council did not dispute that the remaining, original structures continue to be of heritage value and worthy of retention.
14. However, as already stated my consideration is confined to the development subject of the notice as built. In this respect, whilst Policy HO10 does not preclude demolition, given the extent of demolition and rebuilding, the development could not be said to represent the optimal *use* [my emphasis] of the heritage asset.
15. The development subject of the notice, if developed for housing, would be contrary to Policy HO10 of the Local Plan and national policy in the Framework which together seek to ensure that residential development is directed to the most sustainable locations.
16. As already stated, it would be inappropriate to grant planning permission for building A in its existing state, but that its demolition would impact adversely on the significance of the settings of those surviving structures and the overall group value, is a matter which should properly be considered as part of any future proposal/s for the site. In this respect I note the appellant's wish to continue engaging with the Council to reach a solution, and the comment in the Council's submission that officers would raise no objection to the conversion of the one remaining building.
17. The six-month compliance period should be used to explore whether an alternative scheme for the site, which may give scope for the retention of some or all of building A, could be granted planning permission. I emphasise that I make no comment about the acceptability of such a proposal/s.
18. By virtue of section 180(1) of the Act, if planning permission were subsequently granted for a scheme incorporating building works subject of the enforcement notice, the enforcement notice would cease to have effect insofar as it were inconsistent with any planning permission.

Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Felicity Thompson

INSPECTOR