
Appeal Decision

Site visit made on 24 June 2026

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal Ref: 6005338

Land to the rear of Darby Close, Nesscliffe, Shrewsbury SY4 1DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by DM Brisbourne & Sons against the decision of Shropshire Council.
 - The application Ref is 25/02010/OUT.
 - The development proposed is outline planning for the erection of up to 26 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans which show details of the matters reserved, as illustrative.
3. The appellant has submitted additional documents with the appeal which include a Transport Statement, Visual Impact Assessment Study and Noise Assessment. These additional documents were available when the appeal was submitted, and the Council had the opportunity to comment. The additional documents provide clarity rather than propose any significant changes to the proposed scheme. Accordingly, I am satisfied that no one would be prejudiced were my decision to have had regard to the additional documents.
4. The appeal is accompanied by a unilateral undertaking (UU) dated 18th February 2026 which seeks to secure affordable housing provision. I comment further on the UU below.

Main Issues

5. The main issues are:
 - whether the proposed development would be appropriately located having regard to the Council's development plan policies and access to services and facilities,
 - the effect of the proposed development on the character and appearance of the area,
 - whether adequate living conditions would be provided for future occupiers with regard to noise,

- the effect of the proposed development on highway safety with regard to whether the appeal site can be accessed in a safe and satisfactory manner, and
- whether adequate affordable housing provision would be provided.

Reasons

Location

6. Policy MD1 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan 17/12/2015 relates to the scale and distribution of development and identifies Nesscliffe as a community hub. Nesscliffe does not have a defined settlement boundary, however, the appeal site does not form part of an allocated site for development.
7. Policy CS4 of the Shropshire Council Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) seeks to ensure that, amongst other things, that communities will become more sustainable by allowing development in community hubs that helps rebalance rural communities by providing facilities, economic development or housing for local needs.
8. The Council consider that while Nesscliffe does not have a defined settlement boundary, that the appeal site would be visibly located outside of the settlement and thereby lie within the open countryside. Nesscliffe has a predominately linear pattern of development with houses mostly following the road with this pattern of development extending up until the edge of the appeal site. Notwithstanding this, the appeal site is distinctly open and rural in appearance and expansive views of undeveloped land are possible from the appeal site and on approach for some distance which means the appeal site has the visible connection to the countryside.
9. The nearby housing is not appreciable on approach due to the dense vegetation and as such, while the appeal site has a physical connection by being next to existing housing, it does not have a visual connection to Nesscliffe, and the proposed development would therefore not form a logical addition to Nesscliffe. I therefore consider that the appeal site would be located outside of the settlement and would constitute the open countryside.
10. Policy CS5 of the CS and MD7a of the SAMDev seek to control development in the open countryside by meeting a set criteria, none of which would be met by the proposed development.
11. Nesscliffe has several services and facilities which include a pub, school, village hall, convenience store and petrol station. These facilities are all located within a moderate walking distance. There is also a bus stop which can be accessed by a modest walk. However, access to such facilities is not possible by a continuous footway and would require walking on a narrow road for most of the distance with limited verges and no lighting.
12. Walking is therefore unlikely to be an attractive option for future occupiers and particularly those with mobility issues and pushchairs would be discouraged. The lack of cycleways and lighting would also discourage cycling. As such, while there are some limited options for walking and cycling, due to the above reasons future occupiers are likely to be reliant on the use of a private car to access services and facilities.

13. I therefore conclude that the appeal site would not be appropriately located and access to services and facilities would be reliant on the use of a private car. The magnitude of harm would be substantial given that I have found clear conflict with the provisions of Policies CS1, CS4, CS5 and CS8 of the CS and Policies MD1, MD3, and MD7a of the SAMDev. Amongst other things, these seek to support sustainable development and improving access to services and facilities.
14. The Council have alleged conflict with Policy CS9 of the CS, however, this relates to infrastructure contributions which is not relevant to this main issue.

Character and appearance

15. The appeal site is a large and open parcel of land which is mostly grassed. It is generally flat but there are sloping views beyond the appeal site towards agricultural fields which are distinctly open and rural due to a limited amount of tree coverage, which results in an open character and appearance.
16. The precise details of the layout and appearance of the proposed scheme are not before me, however, due to the distinctly open character and appearance of the area, any proposed development on the appeal site would be visible and prominent in this context. There are a number of public rights of way and routes that provide access to the surrounding area which would allow clear and also glimpsed views towards the appeal site which would further highlight the proposed development, eroding the open character and appearance of the area.
17. The appeal site is particularly large and open and due to the sloping levels, the surrounding fields and woodland are notable which makes the appeal site appear as open countryside as appose to an obvious end or beginning to Nesscliffe. The proposed development would therefore appear odd in this context and would not appear as a logical extension to Nesscliffe.
18. I have had regard to the appellants landscape visual assessment study, however, this focuses on viewpoints from a bridleway that is located a modest distance away from the appeal site, as well as a high viewpoint even further away. It identifies some partial views from these viewpoints, despite their distance away, however, due to the distance this does not outweigh my findings on the character and appearance of the area.
19. Dwellings in the area follow a predominantly linear pattern with most dwellings fronting the road with small front gardens or driveways. Layout is not a matter before me and as such there is very little evidence to suggest that an appropriate layout, in keeping with the pattern of development within the wider area could not be achieved. However, this does not outweigh the harm I have found to the character and appearance of the area.
20. I therefore conclude that the proposed development would harm the character and appearance of the area. The magnitude of harm would be significant. It would be contrary Policies CS4, CS5, CS6 and CS17 of the CS and Policies MD2 and MD12 of the SAMDev. Amongst other things, these seek to ensure that development protects and enhances the diversity, high quality and local character of Shropshire's Natural and built environment and contribute positively to the special characteristics and local distinctiveness of an area.

21. The Council have referred to Policy MD11 of the SAMDev, however, this relates to tourism and visitor accommodation which is not relevant to the proposed development.

Whether adequate living conditions would be provided for future occupiers

22. The appeal site would be located close to the Nesscliffe Bypass. The appellant has submitted a noise assessment in support of their appeal which found that the dominant noise source affecting the site was observed to be road traffic on the Nesscliffe Bypass and sections of the appeal site closest to the bypass would be most affected by the noise.
23. The noise assessment also recommends a number of measures to mitigate noise throughout the appeal site, however, details are limited with regard to the precise measures and what effect this would have.
24. However, based on the evidence before me, there is scope to incorporate sufficient measures within a layout to ensure that future occupiers would not be adversely affected by noise.
25. I therefore conclude that the proposed development would provide adequate living conditions for future occupiers with regard to noise. I find no conflict with Policy CS6 of the CS, Policy MD2 and of the SAMDev and Paragraph 135 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure developments provide a high standard of amenity for existing and future users.
26. The Council have alleged conflict with Policy S16.2 of the CS, however this relates to the provision of housing within Nesscliffe which is not relevant to this main issue.

Highway safety

27. The appeal before me is for outline planning permission with all matters reserved and as such, there was limited information submitted with the application in regard to highway impacts of the proposed development. The appeal has been accompanied by a transport statement but much of the information is on the basis of estimates in terms of the number of proposed occupiers and vehicle movements.
28. However, the appellant has illustrated proposed access to the appeal site and on the basis of the transport statement, it would appear to be capable of providing adequate visibility splays and accommodating the proposed traffic generation from the appeal site. The Council have not provided any conclusive evidence to the contrary and I am therefore satisfied that this matter is capable of being addressed at the subsequent reserved matters stage.
29. Notwithstanding the above, I have already found that the appeal site would not be appropriately located and access to services and facilities would be reliant on the use of the private car. The transport statement supports this by outlining the limited facilities that are located close to the appeal site as well as the lack of footways and cycleways.

30. In regard to accessing the nearest facilities within Nesscliffe, this would require walking on a road with no footways or lighting which is unlikely to be an attractive and safe option for future occupiers, particularly families, pushchair users or those with mobility issues. The transport statement considers the use of signage to warn of potential pedestrians in the road; however, this is unlikely to improve pedestrian safety to a degree that would make walking acceptable.
31. I therefore conclude that while access to the appeal site by vehicles is likely to be safe and satisfactory, the appeal site would not provide safe and satisfactory access for pedestrians. The magnitude of harm would be substantial. The proposed development would therefore be contrary to Policy CS6 of the CS and Policies MD2 of the SAMDev. Amongst other things, these seek to ensure that developments are safe and accessible for all.
32. The Council have alleged conflict with Policy S16.2 of the CS, however this relates to the provision of housing within Nesscliffe which is not relevant to this main issue.

Affordable housing

33. Policy CS11 of the CS seeks to create mixed, balanced and inclusive communities through requiring contributions to affordable housing. Sites of 5 dwellings and above are expected to provide affordable housing on site and should be a mix of size, type and tenure based on housing needs at local level.
34. The appellant is proposing 6 affordable dwellings which is more than is required but the proposed mix would not meet those that are considered to be required by the Council. The appellant has provided a UU with the appeal which seeks to secure affordable housing. However, while there is some commitment to provide affordable housing within the obligation, the housing mix, tenure and amount is not secured. Page one of the UU is also undated.
35. I therefore conclude that adequate affordable housing provision would not be provided, the magnitude of harm would be significant. The proposed development would be contrary to Policies CS1, CS9 and CS11 of the CS and Policy S16.2(iv) of the SAMDev. Amongst other things, these seek to ensure developments make adequate provision towards affordable housing that meet the needs of local people.

Other Matters

36. The appellant has referred to other developments in an attempt to justify their case. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
37. In regard to 14/03259/OUT (Council's reference), this relates to a housing development close to the appeal site. The Council found harm to highway safety, however determined the benefits of the development outweighed the harm which differs from the appeal before me. It is also noted that the application site is located closer to Nesscliffe and a pedestrian path was provided, reducing the amount of road that future occupiers would require to walk on which differs from the appeal scheme before me where a greater distance of walking would be required.
38. The appellant considers that adequate parking would be provided and that future occupiers would not park on the surrounding roads, while I have no reason to conclude otherwise, this is a neutral matter.

Planning Balance

39. The proposal would not be appropriately located in terms of access to services and facilities, would harm the character and appearance of the area, would not provide safe and satisfactory access for pedestrians and would fail to provide adequate affordable housing provision. When combined, the magnitude of harm would be substantial.
40. The proposed development would be contrary to Policies CS1, CS4, CS5, CS6, CS8, CS9, CS11 and CS17 of the CS and Policies MD1, MD2, MD3, MD7a, MD12 and S16.2(iv) of the SAMDev. These Policies are generally consistent with the Framework in seeking to ensure that developments should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, are sympathetic to local character, create places that are safe, inclusive and accessible and provide affordable housing to meet local needs. The conflict with these Policies should therefore be given significant weight in this appeal.
41. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be conflict with the development plan as a whole.
42. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The appellant states that the Council is only able to demonstrate a 3.81 supply which is not disputed by the Council and therefore represents a significant undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
43. The proposed development would make a contribution to housing where there is shortfall which is a benefit that attracts significant weight. There would also be some short-term economic benefits through the building out of the scheme and longer-term benefits through future occupiers spending. There would be some social benefits through providing a mix of housing and also maintaining the viability of local services, however this only attracts limited weight as the identified local need of affordable housing would not be provided and future occupiers would be reliant on the use of a private car. There would also be some moderate environmental benefits through building energy efficient homes.
44. I have found that adequate affordable housing would not be provided and the proposed development would conflict with Policy CS11 of the CS. However, the submitted UU would have secured affordable housing in some form and while page one was undated this would have been resolved by straightforward administrative request for a date by the appellant. For this reason, and while not Policy compliant, the proposed development would still secure affordable housing in some form which is a significant benefit in favour of the proposed scheme.

45. However, on the basis of the substantial harm caused by the proposed development, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

46. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed

D Wilson

INSPECTOR

Richborough