



Planning

Statement of Case

Client:

Albrighton Development Action Group

In respect of PINS Ref. 6007402

Appeal by Boningale Homes

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1. Introduction

- 1.1 This Statement of Case is provided on behalf of Albrighton Development Action Group ('ADAG'). ADAG have been granted Rule 6 status to the live planning appeal relating to Land at Patshull Road, Albrighton, Shropshire ('the Site') (PINS appeal ref. 6007402) for the following development:

'Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage'.

- 1.2 The Appellant announced their proposals to build 800 houses, a secondary school, an 80-bed care home, a local centre on Green Belt land in Albrighton South on 29th February 2024. ADAG was formed in March 2024, seeking a co-ordinated and unified public forum approach for the residents of Albrighton and the surrounding area to consider the proposals, and associated complexity of matters involved in such a scale of development.

- 1.3 ADAG has been involved throughout the application process to respond to the proposals. Responses included a residents' petition, with 3,724 signatures obtained opposing the proposal, emphasising the local interest. 1,127 objections in total were submitted to the Council during the application process. A public meeting was held with the Appellant, Mark Pritchard (Local MP) and Councillor Nigel Lumby on 16th May 2024 to

engage and discuss the proposals with the Appellant. Direct email correspondence with the Appellant followed later that year.

- 1.4 More recently, a public meeting was held on 23rd April 2026, which had a turnout of over 200 residents including Parish Council members and local businesses, reinforcing the overwhelming opposition to the proposals within the local community. It was agreed at this meeting that ADAG would put themselves forward as a Rule 6 party in the appeal.
- 1.5 This Statement of Case will focus specifically on elements raised within Reason for Refusal 1, set out within the Council's Decision Notice for the appeal scheme. As a Rule 6 Party, additional evidence is to be presented in the context of this refusal reason to expand upon the Council's position, including drawing from the lived experiences of residents.
- 1.6 For Reason for Refusal 2 ADAG endorses the Council's case, and this includes in terms of the overall planning balance.
- 1.7 The scope of the evidence to be presented by ADAG will focus on the scale of the scheme proposals, the extent of public interest and the relative locational sustainability of the Site. Specifically, the following points are emphasised:
 - Albrighton's planned growth has already been accounted for;

- The proposal is disproportionate to the level of growth that could be accommodated at Albrighton;
- Albrighton's public transport credentials and sustainable transport options are overstated;
- Growth would conflict with sustainability objectives; and
- Local services are more constrained than the settlement scoring suggests.

1.8 ADAG's evidence will be supported by the following documents:

- Sustainable Transport Assessment, to be prepared by John Russell Transport Planning;
- ADAG's Residents Survey;
- ADAG's evidence (including evidence prepared by ET Planning on behalf of ADAG) submitted during the application process.

2. Development Plan & Other Relevant Documents

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Development Plan

2.2 The Development Plan for purposes of this appeal comprises the Core Strategy (2011), Site Allocations and Management of Development (SAMDev) Plan (2015), 'made' Albrighton Neighbourhood Plan 'Light' (June 2013) and the Adopted Policies Map.

2.3 The key policies of the Core Strategy relevant to this appeal are as follows:

- Policy CS1 – Strategic Approach
- Policy CS3 - The Market Towns and Other Key Centres
- Policy CS5 - Countryside and Green Belt
- Policy CS6 - Sustainable Design and Development Principles
- Policy CS7 - Communications and Transport
- Policy CS8 - Facilities, Services and Infrastructure Provision
- Policy CS9 - Infrastructure Contributions
- Policy CS10 - Managed Release of Housing Land
- Policy CS11 - Type and Affordability of Housing
- Policy CS13 - Economic Development, Enterprise and Employment
- Policy CS15 - Town and Rural Centres
- Policy CS17 - Environmental Networks

- Policy CS18 - Sustainable Water Management

2.4 The key policies of the SAMDev Plan relevant to this appeal are as follows:

- Policy MD1 - Scale and Distribution of Development
- Policy MD2 - Sustainable Design
- Policy MD3 - Delivery of Housing Development
- Policy MD6 - Green Belt & Safeguarded Land
- Policy MD7a - Managing Housing Development in the Countryside
- Policy MD8 - Infrastructure Provision
- Policy MD12 - The Natural Environment
- Policy MD13 - The Historic Environment
- Policy S1 - Albrighton

2.5 The key policies of the Albrighton Neighbourhood Plan 'Light' relevant to this appeal are as follows:

- Policy ALB1 - Housing Requirements
- Policy ALB2 - Site Allocations
- Policy ALB3 - Provision for a Replacement GP Surgery
- Policy ALB4 - Leisure Facilities
- Policy ALB10 - Landscape and Wildlife
- Policy ALB11 - Design

2.6 The Neighbourhood Plan 'Light' makes provision for the delivery of up to 250 dwellings to be delivered between 2006-2026 through the site

allocations identified in Policy ALB2. This is reinforced in Policy S1 of the SAMDev. The Appeal Site is not identified for development within these documents.

2.7 The Adopted Policies Map identifies the Site as being outside of a defined settlement, and therefore within the countryside. The Policies Map further identifies the site as lying within the West Midlands Green Belt. The Site is not allocated for residential development within the adopted Development Plan.

2.8 The Council has recently withdrawn its Emerging Local Plan. A Local Development Scheme (May 2026) has been published confirming commencement on a new Local Plan will begin in September 2026, with Adoption anticipated for March 2029.

2.9 It was however agreed at the 12th February 2025 Council Cabinet Meeting that the Evidence Base supporting the withdrawn Emerging Local Plan (but not the Withdrawn Plan itself) forms a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in favour of sustainable development.

2.10 The weight accorded to different policies and evidence base documents is always a matter for the decision maker in line with paragraph 49 of the NPPF. Policies will generally gain weight as they progress through the

process of consultation and Examination, particularly where they do not attract objections. Policies that closely accord with adopted policy in the existing Local Plan may also merit more weight. The Emerging Local Plan is currently at its very early stages. In light of this, it is considered that only *limited weight* can be afforded to the Emerging Plan at the time of writing.

National Planning Policy Framework (NPPF)

2.11 The National Planning Policy Framework – December 2024 (as amended) ('NPPF') sets out the Government's planning policies for England, and how these policies are expected to be applied. The NPPF does not change the statutory status of the Development Plan as the starting point for decision-making, but is a material consideration. The NPPF is also supported by the guidance found within the Planning Practice Guidance ('PPG').

2.12 The NPPF is clear that the Framework should be applied positively and proactively to deliver sustainable development. The NPPF also makes clear that the purposes of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: an economic objective; a social objective; and an environmental objective.

2.13 Chapters of the NPPF (and associated PPG entries) relevant to this appeal are:

- Section 2 (Achieving Sustainable Development)
- Section 4 (Decision making)
- Section 5 (Delivering a sufficient supply of homes)
- Section 6 (Building a strong, competitive economy)
- Section 8 (Promoting healthy and safe communities)
- Section 9 (Promoting sustainable transport)
- Section 11 (Making effective use of land)
- Section 12 (Achieving well-designed and beautiful places)
- Section 14 (Meeting the challenge of climate change, flooding and coastal change)
- Chapter 13 (Protecting Green Belt land)
- Section 15 (Conserving and enhancing the natural environment)
- Section 16 (Conserving and enhancing the historic environment)

Consultation Draft NPPF (December 2025)

2.14 A new NPPF is expected to be published by the Government imminently. The Government consulted on a Draft NPPF from 16th December 2025 to 10th March 2026. The new NPPF will become a statutory tool for decision making on the day it is published and comes into effect (expected Summer 2026).

- 2.15 ADAG reserves the right to comment on the new NPPF, and how it impacts the appeal proposals, if it is published, as expected, before or during the Inquiry proceedings.

Other Material Documents

- 2.16 ADAG will refer to relevant appeal decisions and case law. This will be set out in the Proof of Evidence.
- 2.17 Other material documents that will be referred to includes the National Design Guide (2021) and the 'Planning for Walking' published by the Chartered Institution of Highways and Transportation ("CIHT Walking Guidance"), April 2015, the provisions of LTN1/20 or the (CIHT) 'Guidelines for Providing Journeys on Foot' (2000) and the Albrighton Market Town Profile Report (Spring 2021).
- 2.18 1,127 objections in total were submitted to the Council during the application process. The contents of individual objections may be referred to by ADAG in their appeal case.

3. Housing Supply Position

- 3.1. For the avoidance of doubt, ADAG accepts that the Council does not have a five year housing land supply at the current time.
- 3.2. The NPPF requires Local Planning Authorities to identify a five year supply of specific deliverable sites to meet housing needs. The Core Strategy (2011) was adopted in March 2011 and sets out a sound housing strategy for meeting the borough's needs over the plan period.
- 3.3. The NPPF (December 2024) introduced a new methodology for calculating local housing need figures, based on housing stock and affordability rather than population projections.
- 3.4. The most recent Five Year Housing Land Supply Statement (published 31st March 2026) confirms that the Council has a housing land supply of 4.61 years, below the required 5 years. The ADAG have no further comment to make on the figure beyond the above published position.
- 3.5. The presumption in favour of sustainable development therefore applies. Planning applications for new housing therefore, have to be considered in line with Paragraph 11d) of the NPPF which states that where the policies which are most important for determining the application are out of date, permission will be granted unless, *"the application of policies in this Framework that protect areas or assets of particular importance provides a*

strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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”.

- 3.6. The extent and duration of the housing land supply shortfall is relevant to weight and the planning balance, as set out in *Hallam Land Management Ltd v Secretary of State for Communities and Local Government* [2018] EWCA Civ 1808, (para. 47).

4. ADAG's Rule 6 Case

4.1 The refusal reasons on the Decision Notice are read as follows:

- 1. The proposed development site is wholly located in Green Belt countryside outside of any settlement development boundary which is not safeguarded or allocated land, and is not regarded as being grey belt. **Development in this location would be incompatible with the principles of sustainable development in that it would undermine the development strategy set out in the adopted Shropshire Council Core Strategy and Site Allocations and Management of Development (SAMDev) Plan which seek to facilitate residential development within a sustainable settlement hierarchy.** In addition to the proposal being inappropriate development in the Green Belt, it would result in harm to the character and appearance of the area. The wider benefits of this BMV land have not been recognised, nor has it been demonstrated that development of this site is necessary in preference to poorer quality land or land outside the Green Belt, therefore effective use of the land has not been made in accordance with NPPF paragraph 187b), and Sections 11 and 13. Less than substantial harm to the significance of the Boningale Conservation Area and Grade II Listed Lea Hall and Barn has been identified, and **whilst it is acknowledged that the proposal offers a number of wider local community benefits beyond the site itself, these have not been identified as responding to a local need. The adverse impacts of this unsuitable location would significantly and demonstrably outweigh the benefits of the proposed development contrary to the presumption in favour of sustainable development set out in the NPPF.** The proposed development will conflict with Policies CS1, CS3, CS5, CS6 and CS17 of the adopted Shropshire Council Core Strategy, and MD1, MD3, MD6, MD7a and S1 of the SAMDev Plan, in addition to the policies within the NPPF taken as a whole. Even in the context of the presumption in favour of sustainable development and associated tilted balance, it is not considered that the benefits of the scheme warrant a departure from the Development Plan [emphasis added, see para. 4.2 below].*
- 2. The Local Planning Authority has accorded substantial weight to the high level of harm which would result from the loss of this 48 hectare section of the West Midlands Metropolitan Green Belt through the proposed development. The proposed development site is within a*

parcel of Green Belt characterised by agriculture, tree lines and cover, and an absence of urbanising influences which make a strong contribution to checking the unrestricted sprawl of large built-up areas and to assisting in safeguarding the countryside from encroachment. The proposed development site is not regarded as grey belt and consequently the proposed development is inappropriate development in the Green Belt. It is therefore, by definition, harmful to the Green Belt and prejudicial to the reasons for including land within it. It does not constitute any of the exceptions to inappropriate development identified in paragraphs 154 or 155 of the National Planning Policy Framework and the circumstances advanced in the application are not considered to amount to the very special circumstances required to overcome an objection to the high level of harm identified. The proposed development is therefore contrary to Shropshire Council Core Strategy Policy CS5, SAMDev Plan Policy MD6 and the guidance set out in Section 13 of the National Planning Policy Framework.

- 4.2 The Rule 6 Party will focus its evidence specifically on the areas highlighted in **bold** in first reason for refusal as detailed above, having appropriate regard to the weight to be afforded to other material considerations.

Refusal Reason 1 - Site Location and Form

- 4.3 The Appeal Site is a triangular-shaped greenfield site which comprises approximately 48 hectares of agricultural land. The Site is physically separate and extends from the southern point of Albrighton to the A464 Holyhead Road which forms the Site's southern boundary. The Site falls outside of a settlement boundary and is wholly located within the Green Belt. The land is not allocated in the current or future Local Plan.
- 4.4 ADAG will present evidence to show that the proposed development cannot be accommodated in this location, without unacceptable impacts on the surrounding area.

- 4.5 ADAG will present evidence that the location and size of site extending south of Albrighton is not conjunctive with, or sympathetic to, the capacity of existing services and facilities in the town.
- 4.6 ADAG will present evidence that the proposed residential development guideline for Albrighton has already been accounted for through existing permissions, allocations, and windfall allowances. Any further growth at the scale proposed in this appeal would not represent sustainable growth for Albrighton.
- 4.7 ADAG will present evidence that Albrighton is recognised for its role within the Shropshire settlement hierarchy, however the proposed development far exceeds the scale of growth that is sustainable and appropriate for this settlement (a 'Key Centre' which falls within the second-third tier of the settlement hierarchy).
- 4.8 ADAG note that whilst this is an appeal relating to an outline application for all matters reserved except for access, this refusal reason is intrinsic to the consideration of the principle of development of the site for residential development.

Refusal Reason 1 – Sustainability Credentials of the Appeal Site

4.9 ADAG will present evidence that the appeal proposals do not meet the requirements of paragraphs 110 and 115 of the NPPF. These paragraphs do not require that every location considered for development must have access to every sustainable mode of travel. It does, however, require that the choice of transport modes should be 'genuine' (NPPF paragraph 110).

4.10 In the wider context, ADAG will also present evidence that the Appeal Site is not adequately connected to sustainable transport modes¹, nor does the appeal scheme meet the requirements of the National Design Guide (2021) and the 'Planning for Walking' published by the Chartered Institution of Highways and Transportation ("CIHT Walking Guidance"), April 2015, the provisions of LTN1/20 or the (CIHT) 'Guidelines for Providing Journeys on Foot' (2000).

4.11 As a consequence, ADAG will present evidence to demonstrate that it is reasonable to expect that in the absence of providing a 'genuine' choice of sustainable travel modes, the private car will remain the dominant mode of transport for most journey purposes, given that:

- Current levels of connectivity by sustainable transport modes is relatively low; and

¹ Utilising the Department for Transport's Connectivity Tool

- Current levels of connectivity for car drivers is comparatively high.

Refusal Reason 1 – Proximity to Services and Facilities and Provision of Community Benefits

4.12 In their evidence ADAG will articulate that whilst the provision of on-site community infrastructure (secondary school, GP and local centre) would have its benefits and would all be within a walkable neighbourhood distance, there is currently no commitment to their delivery in the appeal proposals (other than the safeguarding of land for these uses and contributions towards their delivery). The delivery of these community facilities (with the necessary development partners), and importantly the timing of delivery in respect of the delivery of homes at the Appeal Site, has not been appropriately considered.

4.13 In addition, ADAG will present evidence that the proposed scale and mix of development risks creating a separate and competing 'hub' south of Albrighton, weakening the relationship with the existing town centre and fragmenting the existing settlement pattern. ADAG will also present evidence that the justification and local need for certain proposed facilities has not been clearly demonstrated.

5. Planning Balance & Conclusions

- 5.1. In assessing the planning balance, ADAG will only comment on the significance of weightings covered within their evidence and set out within this Statement of Case. ADAG will defer all other weightings, including Green Belt harm, provision of housing etc., to the Council, to which ADAG endorse.
- 5.2. In terms of the scope of evidence covered in this Statement of Case, ADAG will demonstrate that development in this location would be incompatible with the principles of locational sustainable development. This would result in clear, significant and adverse impacts (i.e. the highest weighting) on the existing settlement of Albrighton.
- 5.3. In contrast to the Appellant's case that the appeal proposal accords with the Development Plan as read as a whole, ADAG agrees with the Council's conclusions that the appeal proposal would conflict with the Development Plan as read as a whole.
- 5.4. It should, of course, be recognised that planning decision making is not a mechanical or quasi-mathematical activity. The exercise to be undertaken is not one of balancing weights on scales, weighting is used as a metaphor: see *East Staffordshire BC v Secretary of State for Communities and Local Government* [2017] EWCA Civ 893 at [50].

- 5.5. The above Statement of Case has set out the clear reasons why permission should be refused on the principles of locational sustainability alone. ADAG's Proof of Evidence will expand upon this in more detail. Accordingly, it is ADAG's case that this identified harm of the proposed development should be attributed significant weight in the planning balance.
- 5.6. ADAG will therefore respectfully request the Inspector to dismiss the appeal.



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