TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY BONINGALE DEVELOPMENTS LTD
LAND TO THE EAST OF TILSTOCK ROAD TILSTOCK WHITCHURCH SHROPSHIRE
NON-DETERMINATION PLANNING APPLICATION 24/04176/FUL RESIDENTIAL DEVELOPMENT OF 70 DWELLINGS INCLUDING ACCESS OPEN SPACE LANDSCAPING AND ASSOCIATED WORKS.

Planning Inspectorate Reference:	**APP/L3245/W/25/3362414**
Shropshire Council Reference:	**25/03362/NONDET**

CLOSING SUBMISSIONS ON BEHALF OF SHROPSHIRE COUNCIL

---

1. This appeal is an attempt to secure a large greenfield housing estate in a location which the Development Plan has already determined is not suitable for such growth. The entire structure of this case is straightforward. The statutory starting point is an up to date and coherent spatial strategy which remains fully aligned with national policy. The appeal proposal is in direct and unambiguous conflict with that strategy. The Council acknowledges the presently modest and transitional housing land supply shortfall. But the shortfall does not suspend the plan led system, and it does not license proposals which would cause significant harm to spatial strategy, accessibility and character.

Five-Year Housing Land Supply

2. It is agreed with the Appellant that the Council's five-year housing land supply provides a convenient starting point from which to assess the policy position in this appeal. The parties are not in dispute that the Council is presently unable to demonstrate a full five-year supply. The figure agreed by the Council following the Inquiry round table is 4.46 years.

3. That position represents a modest shortfall from the statutory benchmark and arises from the mechanical consequences of a change in calculation methodology rather than from any failure of plan delivery or monitoring. The Core Strategy and SAMDev Plan have delivered significant growth that exceeded need over this period, and Shropshire has maintained a pro-growth spatial strategy since adoption. The current position reflects a technical adjustment, not a structural deficiency. It is therefore important to distinguish between a temporary shortfall produced by changes in formula and a systemic under-performance, which this Council has never exhibited.

4. The Appellant relies upon the evidence of Mr Ben Pycroft to argue that the deliverable supply is no more than 3.56 years. That conclusion depends on two propositions: first, that the "latest available" datasets must always be used for the standard-method calculation of local housing need, producing a figure of 2,025 dwellings per annum rather than 1,994; and secondly, that over 2,200 dwellings should be removed from the deliverable supply by re-testing each site against an unduly restrictive reading of the "clear evidence" test. Neither proposition accords with the requirements of national guidance.

The Local Housing Need Calculation

5. The standard method is not a discretionary exercise but a prescribed formula. Paragraph 2a-004 of the Planning Practice Guidance explains the process in unambiguous terms:

"How is a minimum annual local housing need figure calculated using the standard method?
The standard method calculates a minimum annual local housing need figure as follows:
Step 1 – Setting the baseline – 0.8% of existing housing stock for the area.
Set the baseline using the value of existing housing stock for the area of the local authority (Dwelling stock, including vacants, Table 125: dwelling stock estimates by local authority district). The baseline is 0.8% of the existing housing stock for the area, and the most recent data published ***at the time*** should be used." [Emphasis added].

6. Those closing words are critical. The phrase “at the time” fixes the dataset to that available *at the base date of assessment*, not to data published months or years later. Mr Pycroft’s interpretation reduces the requirement to “the most recent data,” which strips the PPG wording of meaning and would require local planning authorities to recalibrate their base dates each time a new dataset is issued. That approach would make the monitoring process unworkable, since housing need and supply would be in constant flux rather than subject to the annual update envisaged by paragraph 78 of the NPPF.

7. The NPPF reinforces this fixed-date approach by requiring authorities to “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where those strategic policies are more than five years old.” The system is annual and cyclical, not perpetually self-revising.

8. In Shropshire’s case, as confirmed by Mr Corden, the datasets underpinning the local housing need figure—dwelling-stock and affordability ratio—had a base date of 31 March 2023, though they were not published until May and March 2024 respectively. The later datasets advocated by the Appellant, with a base date of 31 March 2024, were not published until May and March 2025, long after the 1 April 2024 assessment point for this appeal. It is therefore logically impossible to apply those later datasets to an earlier base date without retrospectively recalculating all elements of need and supply.

9. The Appellant’s approach cherry-picks certain data to increase the housing requirement while leaving the remainder of the calculation untouched. That is neither methodologically sound nor consistent with national guidance. It inflates the requirement by some 30 dwellings per annum without any corresponding adjustment to completions or permissions, creating a distorted picture of shortfall.

10. Accordingly, the correct local housing need figure for the base date is 1,994 dwellings per annum, producing a five-year requirement (including the 5 per cent buffer) of 10,469 dwellings. That figure forms the proper benchmark for assessing supply in this appeal.

Deliverable Supply

11. The Appellant's re-assessment of deliverable supply is equally misconceived. Mr Pycroft removes approximately 2,200 dwellings from the Council's trajectory by re-testing each site against his own reading of the "clear evidence" requirement in Annex 2 of the Framework. That exercise misunderstands both the purpose of the definition and the evidential threshold that it sets.

12. Paragraph 68-007 of the PPG requires that "robust, up-to-date evidence" supports the inclusion of outline or allocated sites, but it does not prescribe the form that such evidence must take. The examples given are illustrative, not exhaustive. The emphasis is on whether there is clear, contemporary and credible evidence of delivery, not on whether a specific category of documentation has been produced.

13. Shropshire's housing land statement meets that test. It was compiled through direct engagement with developers, infrastructure providers, and housebuilders, verified by the Council's monitoring system, and subject to an additional 10 per cent discount to reflect delivery risk. Those sources collectively amount to "clear evidence" within the meaning of the PPG. The Appellant's approach, by contrast, substitutes assertion for assessment, removing whole sites on the basis that they were "proposed allocations" even where live applications exist, infrastructure has commenced, or national housebuilders are contractually engaged.

14. That is a misapplication of national policy. The Council's process is precisely the transparent, evidence-based approach that paragraph 78 of the NPPF encourages. In contrast, the Appellant's methodology demands a level of proof approaching certainty, which would recast "deliverable" to mean "fully implemented." No version of the Framework supports such an interpretation.

15. The authorities on which the Appellant relies—*Braintree*, *South Oxfordshire* and *West Oxfordshire*—are not analogous. In those cases, the authorities had provided no contemporaneous written evidence or had relied upon outdated trajectories. Shropshire's statement, by contrast, post-dates the withdrawal of the draft Local Plan, reassesses each allocation on its merits, and reflects an updated dialogue with developers. Its evidence base is current, comprehensive and verifiable.

16. The more recent evidence in the Scott Schedule demonstrates that the assumptions made were correct, with many sites receiving planning applications including full applications, and many with associated developers.

17. The Appellant also fails to apply consistency to the use of post-base date information. While asserting that the 2024 datasets may be retrospectively imported into the need calculation, Mr Pycroft simultaneously rejects post-base date evidence of delivery, such as signed section 106 agreements, infrastructure works, and reserved-matters submissions, and other forms of application that confirm the deliverability of identified sites. The inconsistency is self-evident.

The Scale and Significance of the Shortfall

18. Even if every contested deduction were accepted, the difference between 4.46 years and 3.56 years is marginal in both numerical and policy terms. In either scenario, the Council cannot demonstrate a full five-year supply, and paragraph 11(d) of the NPPF is engaged. The distinction has no material consequence for the legal framework governing the appeal.

19. The attempt to magnify that marginal difference is designed to suggest chronic failure in housing delivery. That narrative is demonstrably false. The Council's record shows delivery that exceeded need over this period until the recent change in national calculation methodology. This is not a failing authority but one that has maintained a positive and pro-growth trajectory, accommodating around 35 per cent of county-wide development in rural areas, consistent with the "rural rebalance" strategy of the Core Strategy and SAMDev.

20. The temporary shortfall arises from the transition between datasets on need, not from under-performance. The Core Strategy and SAMDev would have remained on course to deliver their housing requirements had the standard-method adjustment not altered the calculation base. This is not a Council resistant to growth but one operating under an evolving national formula.

21. The Council has also acted promptly to address the updated position. Cabinet resolutions in February 2025 designated the withdrawn Local Plan evidence base as

a continuing material consideration to guide allocations and supply. Those allocations have since been reassessed, and where appropriate, planning applications have progressed on that same evidence. That ensures continuity of delivery and provides a comparable framework to that which would have existed had the emerging plan continued. It is therefore wrong to suggest that those allocations now have “no status.” The Council has maintained plan-led delivery through transitional arrangements that preserve both consistency and momentum. The Council has taken a proactive approach to speculative proposals, through encouragement of PPA and pre-application processes. The LDS from February also shows the intention to progress the next Local Plan as quickly as possible to respond to the changed LHN.

Weight and the Tilted Balance

22. The operation of the tilted balance does not remove the primacy of the Development Plan or render its spatial strategy irrelevant. It merely affects the weight given to certain restrictive policies for the duration of the shortfall. The Framework does not require that settlement boundaries be disregarded, only that their weight be considered in the light of current supply.

23. The Appellant’s assertion that the Council routinely grants permission outside settlement boundaries is misleading. As Mr Thomas’s evidence demonstrates, those permissions were issued in distinctive circumstances, typically on brownfield land, within settlements without defined limits, or in cases of exceptional local need. In all cases, those sites were judged to be sustainable, in full NPPF terms. They do not evidence a pattern of disregard for policy but the proper application of the Plan’s flexible provisions. The Council’s willingness to approve such schemes where justified confirms, rather than contradicts, its commitment to boosting housing supply.

24. The true position is that Shropshire remains a positively performing authority within a temporary methodological anomaly. The shortfall is modest, the Council’s response is proactive, and the integrity of the plan-led system endures.

25. The Council's housing land supply position is both transparent and robust. The agreed 4.46 year figure is derived from a disciplined assessment of the evidence, supported by detailed engagement with developers and infrastructure providers. It reflects a pragmatic and balanced view of deliverability and accords with the methodology endorsed by national policy and guidance.

26. In applying the tilted balance, the decision-maker must still give substantial weight to policies that remain consistent with the Framework, particularly those directing growth to sustainable locations. The Council's spatial strategy is both current and effective in achieving that purpose. The Appellant's analysis, by contrast, conflates numerical shortfall with policy failure, when in truth the shortfall merely affects weight, not status.

The Marrons Local Housing Need Assessment

27. The Appellant places reliance on a document entitled "Local Housing Need Assessment" prepared by Marrons, (CD 1.9 - MW Appendix 1). The Council submits that this document carries negligible evidential weight. It is not a policy compliant local housing need assessment within the meaning of the National Planning Policy Framework or Planning Practice Guidance, rather it first presents a demographic profile, drawing unsubstantiated conclusions from it; worse it then incorrectly applies a methodology intended to support the apportionment of a wider housing requirement to a Neighbourhood Plan geography in the absence of such an apportionment by a Local Authority, claiming that this constitutes an assessment of housing need.

28. In addition, although purporting to apply the standard methodology, this is done incorrectly as part of a calculation of sub-need. The assessment departs from the geographical basis of the adopted Development Plan, it departs from the spatial strategy of the adopted Development Plan, it involves no engagement with relevant communities to understand their needs, and it fails to follow the prescribed methodology for assessing affordable housing need. It is instead a private exercise in statistical apportionment, manipulated to engineer a settlement-level housing figure that can be used to justify a departure from the plan-led spatial strategy and win an appeal.

29. The first and fundamental error is geographical, in two parts: including areas outside the cluster, and extending the cluster to include an adjoining cluster. The Marrons document in asserting an assessment of ‘need’ for the Tilstock, Ash Magna/Parva, Prees Heath, Ightfield and Calverhall Community Cluster incorrectly includes the entirety of the parish containing this cluster. The Core Strategy explanation to Policy CS4 expressly states that Community Clusters are composed of two or more small settlements whose combined services contribute to a sustainable community, and that “development will only be allowed within, and not between, settlements. For planning purposes, the countryside between the settlements is not part of the cluster.” The Marrons study areas disregard that requirement, treating the intervening countryside as part of the calculation area. The result is an exercise that assesses need across whole parishes rather than within the defined clusters. It therefore fails at the first step to analyse the correct geography.

30. As a further unjustifiable complication, it then constructs an additional “study area” by merging the parish containing the Tilstock, Ash Magna/Parva, Prees Heath, Ightfield and Calverhall Community Cluster with the separate parish containing the Prees and Prees Higher Heath Community Cluster. This conflation of distinct policy units, incorrect in premise due to its extension to include the entirety of the parishes containing these Community Clusters, has no basis in the Core Strategy or SAMDev. Even on Marrons’ chosen geography, the logic of redistribution fails. If there is any unmet need within the Prees and Prees Higher Heath Community Cluster, it must properly be addressed within that Cluster, not transferred to Tilstock. The distribution of housing across settlements is a plan-making function, not a matter for an appellant commissioned spreadsheet. Nothing in the NPPF or PPG authorises the derivation of settlement specific housing numbers outside the Local Plan process.

31. The Marrons document also misrepresents what “local housing need” means in planning policy. The PPG defines Local Housing Need as an LPA wide minimum derived from the standard method, not a figure that can be disaggregated to parish or settlement level at will. Marrons’ approach reverses that principle by constructing a sub-LPA calculation based on selective demographic indicators and then treating the output as a quasi requirement. This is a methodological error that renders the entire exercise invalid for decision making purposes.

32. In its demographic analysis, the report misinterprets Census data to suggest that a decline in the 0–18 and 30–44 age cohorts reflects a lack of housing delivery. That is speculative and unsupported. Population change over time can result from a variety of factors, including fertility rates, economic migration, lifestyle choices and the national trend toward smaller families. Notably, the data actually shows an increase in the 19–29 and 25–34 age bands, which are those most closely associated with first-time buyers and young families. These gains directly contradict Marrons' claim that younger adults are being displaced from the area. The report therefore fails to establish any causal link between demographic change and housing supply.

33. Similarly, the use of "concealed households" as a proxy for unsatisfied housing need is misconceived. The presence of three or more adults in a household is not itself evidence of a shortage of dwellings; it may reflect family care arrangements, temporary co-residence, employment mobility, or lifestyle preference. The PPG requires a structured affordable housing need calculation that distinguishes between affordability, preference and actual housing shortage. Marrons carry out none of that analysis. The Council's own Housing Register records only three households in need within the parish. This is the correct measure of local need to be used for policy purposes, and it bears no resemblance to the wildly inflated figures in the Marrons assessment.

34. The under-occupation narrative is equally speculative. Marrons infer that older residents are "trapped" in larger homes for want of smaller dwellings. That inference is unsupported by evidence and ignores other reasons why people remain in their homes, such as financial costs, emotional attachment, or personal preference for larger dwellings. In any event, the proposed development—comprising predominantly larger market dwellings (19 x 4 bedroom properties) in an inaccessible location—would not meet the needs of downsizers even if such need existed. The assertion of a mismatch between household composition and stock is therefore irrelevant to this proposal.

35. The report also omits an NPPG compliant affordable housing need assessment. The PPG requires identification of current gross need from homelessness, temporary accommodation, overcrowding, and concealed

households with affordability testing, the addition of newly arising need, the subtraction of available stock, and the presentation of an annualised net figure. Marrons conduct none of these steps. They rely instead on Census proxies and speculative demographic inferences. Their assessment therefore cannot be treated as evidence of affordable need within the meaning of national policy.

36. Marrons' treatment of affordability misstates the relationship between national methodology and local market signals. The standard method already adjusts Local Housing Need to reflect local affordability ratios. Re-labelling that adjustment as a Tilstock specific requirement is simply double counting. The claim that the Tilstock MSOA is among the least affordable in Shropshire does not translate into a policy justification for additional market housing in the open countryside. The affordability uplift in the standard method has already accounted for those pressures at the district level, and it is through the Local Plan process, not ad hoc analysis, that distribution of that need is determined.

37. The most serious methodological flaw lies in Marrons' calculation of "unmet need." The authors apply an AECOM neighbourhood-planning toolkit intended to distribute a known housing requirement across a Neighbourhood Plan area in circumstances where this exercise is not undertaken by a Local Authority. They misuse it to generate a notional need figure at their assessment geography and settlement level. The AECOM guidance itself cautions that such figures must be confirmed with the local authority to ensure alignment with the current planning strategy – indeed this forms one of the steps within the toolkit; Marrons did not seek or obtain such confirmation.

38. In undertaking their assessment they also disregard the specific strategy identified for the Tilstock Cluster within the adopted Development Plan, despite the toolkit requiring consideration of the "most recently available local planning authority strategy", instead relying on the distribution of development to the entirety of the rural area of Shropshire.

39. They also apply inconsistent geography, using population-based shares from the entire parish to inflate need while deducting completions only within the Cluster settlements, omitting those in the wider parish. This mismatch exaggerates any

apparent shortfall and introduces risk of double counting, since the standard method's affordability uplift already compensates for historic under-delivery.

40. The resulting figures are internally inconsistent. Marrons use 45 completions in Tilstock since 2011, whereas verified Council data record 52. They further acknowledge that their population denominator includes the rural area of Alkington, confirming that the exercise does not relate solely to Tilstock village. Their conclusion that there is residual "unmet need" in Tilstock is therefore statistically and conceptually unsound.

41. The alleged economic benefits are equally generic. Construction jobs, supply chain spending and resident expenditure are benefits common to any housing development and are not dependent on this location. A better located site, closer to services and employment, would be likely to produce stronger and more sustainable economic effects.

42. Dan Corden performed a very effective demolition of the Marrons document in cross examination, and MW subsequently confirmed that the Appellant was no longer placing much reliance upon it. That, however, would not have made itself apparent from the Proofs and the evidence that were submitted as part of the Appellant's case. What may be understood from this is that the Appellant is very proficient in all elements of its case in pursuing an advocacy driven approach that is not actually founded upon policy or the evidence, and this should have the effect of putting the decision maker on alert for such tactics.

Main Issue 1: Whether the Appeal Site is an Appropriate Location for the Development, Having Particular Regard to the Relevant Provisions of the Development Plan

43. The statutory starting point is, of course, section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan ("DP") is the foundation for all planning decisions. The NPPF reinforces rather than replaces the plan-led system. Paragraph 15 of the NPPF states that planning should be genuinely plan-led and that decisions should

follow an up-to-date development plan unless material considerations indicate otherwise.

44. Engagement of the tilted balance does not alter that statutory position, it merely affects the relative weight accorded to DP policies. The Appellant's case, which treats the five-year housing land supply shortfall as justification for departing from the spatial strategy, is misconceived. As Mr Corden and Mr Thomas both emphasise, the key issue is not the mere existence of a shortfall but whether the relevant policies remain consistent with national policy. Consistency determines weight.

45. The Development Plan for Shropshire, (Core Strategy (2011) and the SAMDev Plan (2015)), provides a coherent and internally consistent spatial strategy that directs growth to sustainable locations while safeguarding the countryside from unsustainable expansion. It remains fully aligned with the NPPF's three interdependent objectives of sustainable development.

46. Policy CS1 establishes the strategic distribution of growth, providing that about 35 per cent of new housing (not a limit, as MW initially suggested) will occur in the rural area through a "rural rebalance" approach focused on Community Hubs and Community Clusters. Development outside those settlements is confined to economic diversification and affordable housing meeting local need. The appeal scheme—seventy market dwellings on unallocated farmland beyond Tilstock's boundary—falls outside that framework and directly conflicts with the third bullet point of CS1.

47. The Appellant's interpretation of "rural rebalance" as a mandate for unconstrained growth is wrong. The policy is not a licence for rural expansion but a mechanism for proportionate growth that reinforces existing settlements. This proposal would create an isolated enclave at odds with that principle, increasing car dependency and reducing rather than improving sustainability.

48. Policy CS4 operationalises the spatial strategy by focusing development within Community Hubs and Clusters and prohibiting development outside them unless permitted under CS5. It requires that proposals be of a scale appropriate to

the settlement and sympathetic to its character. The explanatory text confirms that development will be allowed within, and not between, settlements and that the countryside separating them is excluded from the cluster. The proposal, lying beyond Tilstock's defined boundary, is in plain conflict with the whole of CS4.

49. Tilstock forms part of the Whitchurch Rural and Ightfield and Calverhall Community Cluster under SAMDev Policy S18.2(ii). The appeal site lies outside the defined boundary and therefore beyond the area where CS4 permits growth. As both Mr Thomas and Mr Corden observe, the boundary is deliberate and meaningful. It was introduced through SAMDev to maintain compact settlement form and prevent the very kind of ad hoc sprawl represented by this appeal.

50. The suggestion that boundaries are of lesser importance because they post date the Core Strategy is unsustainable. Paragraph 4.70 of the Core Strategy expressly anticipated that SAMDev would define such boundaries. The two documents form a single integrated plan: the boundaries are not subsequent additions but the spatial expression of CS1 and CS4.

51. Nor does adjacency equate to compliance. CS4 distinguishes between land within the settlement and land outside it. Adjacency is insufficient where, as here, the site is physically and functionally detached from the village. Mr Thomas's appraisal demonstrates that it would not read as a logical rounding-off but as a detached estate projecting into open countryside.

52. The scale of the proposal exacerbates this conflict. Policy S18.2(ii) identifies an indicative growth figure of about fifty dwellings for Tilstock across the plan period, to be achieved through the phased-delivery of three named allocations (TIL001, TIL002 and TIL008) and limited infill within the boundary. The appeal scheme, adding seventy dwellings beyond that boundary, would more than double the planned growth for the settlement. Mr Corden notes that such a scale of unphased delivery undermines the settlement hierarchy and the proportionality fundamental to the spatial strategy.

53. Policy CS5 reinforces these restrictions. It provides that new development in the countryside will be strictly controlled and limited to categories that maintain or

enhance countryside vitality and character—affordable housing for local need, agricultural dwellings, conversions, and small-scale economic diversification. The appeal scheme fits none of those categories. It is large scale open market housing on an undeveloped greenfield site, and therefore directly contrary to CS5.

54. Policy MD1 of SAMDev confirms that sustainable development will be supported in Shrewsbury, the Market Towns, and the identified Community Hubs and Clusters, having regard to their settlement policies. It does not authorise development beyond those boundaries. Its purpose, as Mr Corden explains, is to secure delivery of the Core Strategy's targets within those defined settlements. Allowing growth outside that framework would defeat the policy's core function. Ms Wilson's claim that the proposal is "broadly consistent" with MD1 and S18.2(ii) because it reflects the "spirit" of growth for Tilstock is unfounded. Policy compliance must be measured against the explicit requirements of the Development Plan, which envisages small scale, proportionate growth within defined boundaries, not large scale expansion into open countryside.

55. Policy MD3, supported by paragraph 3.22 of its explanatory text, permits development outside a boundary only where it is otherwise in accordance with policy and demonstrably sustainable. This proposal meets neither condition.

56. Policy MD7a provides the detailed implementation of CS5 and CS11. It states unequivocally that new market housing will be strictly controlled outside Shrewsbury, the Market Towns, Key Centres, and the Community Hubs and Clusters. Exception site dwellings and conversions are supported only where they meet evidenced local housing need. The appeal scheme satisfies none of these criteria. Megan Wilson in her proof (CD1.9) at 3.66 accepted that the scheme conflicts with MD7a. The limited identified need within Tilstock, namely three registered households is capable of being met through existing allocations and permissions. The Marrons Local Housing Need Assessment carries negligible evidential weight for the purposes of MD7a.

57. The Appellant also contends that the policies governing settlement boundaries and countryside restraint are out of date because they pre date the NPPF. That is incorrect. Paragraph 232 of the NPPF confirms that policies should not be regarded as out of date merely because they pre-date the Framework; the

relevant test is consistency, not chronology. The rural restraint policies remain wholly consistent with national objectives to protect the intrinsic character and beauty of the countryside, promote sustainable patterns of development, and support thriving rural communities within their environmental limits.

58. Nor can the five-year housing-land-supply shortfall justify a fundamental departure from this spatial strategy. As both Mr Corden and Mr Thomas explain, the shortfall at 4.46 years supply is relatively modest and transitional, arising from methodological changes and the withdrawal of the emerging plan, not from failure of the adopted strategy. The Council is already addressing the position through new plan preparation and active engagement with developers on sustainable sites. A proposal in direct conflict with the spatial strategy cannot assist in remedying supply; it merely compounds imbalance by diverting growth to unsustainable locations.

59. The Appellant's reliance on generic economic and construction benefits also carries limited weight. Such effects are common to virtually all housing development and cannot outweigh fundamental conflict with the DP. As Mr Thomas observes, adherence to the settlement hierarchy preserves fairness, predictability, and infrastructure balance across the district: objectives undermined by this proposal.

60. Read together, policies CS1, CS4, CS5, MD1, MD3, MD7a and S18.2(ii) form a coherent and enduring framework for managing rural development. The appeal proposal represents a clear and direct breach of that framework. It lies outside the defined boundary of Tilstock, conflicts with the settlement hierarchy, exceeds the planned scale of growth for the cluster, and meets none of the recognised exceptions. Mr Carter's attempt to dissect individual provisions to claim partial conformity is unpersuasive. The correct legal test is whether the proposal accords with the Development Plan read as a whole. As MC himself acknowledged, "I am taking policy conflict on the chin."

Main Issue 2: Whether the Appeal Site is an Appropriate Location for the Development, Having Particular Regard to Accessibility to Facilities and Services

61. The second main issue concerns whether the appeal site offers reasonable access to facilities and services such that it can be regarded as a sustainable location for housing. The question is not whether some services exist within a measurable distance, but whether the spatial relationship between the site, the settlement, and key services accords with the sustainable development objectives of the Development Plan and the National Planning Policy Framework (NPPF).

62. The safety of the access point is now an agreed matter. It is, however, pertinent to clarify the sequence of events that led to the Council's final position. Mr Mead began his role as the Council's highways witness on 9 April 2024. His appointment remediated the chronic under resourcing and delay that had afflicted the department before his arrival which, it is accepted, resulted in an absence of response on this point to the Appellant. However, this is a procedural point, unrelated to the quality of decision-making. As soon as Mr Mead had reviewed the scheme, Mr Thomas promptly conveyed his professional views to the Planning Inspectorate and to the Appellant. Contrary to MC's criticism in opening submissions, the Appellant was informed of those views as soon as they became available, and not "for the first time in the Council's Hearing Statement". Mr Mead's critique was valid, and the Appellant ultimately accepted it, amending the access design accordingly.

63. The Appellant argues that the Council's case on accessibility runs contrary to the designation of Tilstock as a sustainable settlement in the Development Plan. Mr Carter suggested that it is "a confusing line of argument that whilst Tilstock is a sustainable settlement, the site is not." That criticism misunderstands the Council's position. Tilstock is sustainable only for the level of growth envisaged by the Development Plan. Sustainability is not a static label but a function of scale, capacity, and accessibility. As Mr Mead and Mr Thomas both make clear, the appeal site fails to meet the metrics of accessibility required by the NPPF and by local policy.

64. The relevant policies—CS1, CS4, CS5, CS6, MD1, MD7a, and S18.2(ii)—operate together to ensure that new housing in rural areas is directed to locations with adequate accessibility and infrastructure. Policy CS1 promotes rural sustainability through development in Community Hubs and Clusters, where facilities and services can be shared efficiently. Policy CS4 focuses growth within those settlements, requiring that it be of a scale appropriate to their character and contribute positively to sustainability. Policy CS6 reinforces this by requiring development likely to generate significant traffic to be located where opportunities for walking, cycling, and public transport use can be maximised and the need for car-based travel reduced.

65. On all of these measures, the appeal site performs poorly. It lies beyond Tilstock's defined boundary, separated from the main built form by open agricultural land and detached from the core of the settlement where services are located. There are no continuous pavements linking the site to the village centre. Sections of Tilstock Lane and Tilstock Road are narrow, unlit, and lack verges of adequate width to accommodate pedestrians safely. The configuration of the village and the limited public transport provision combine to make the development heavily car dependent.

66. The Appellant relies upon the existence of a primary school, public house, village hall, and church as indicators of accessibility. This only takes the Appellant so far. The route to each facility is sub-optimal, where it involves walking on the carriageway where footways are limited to one side of Tilstock Lane and routes to facilities can require walking in the carriageway without any footway provision. Distances cited in the Appellant's evidence are understated. The public house is around 610 metres from the site access, not 400 metres as claimed, and the route is unlit and narrow. The proposal does nothing to "maximise" this access, other than to link the site to the pre-existing PROW.

67. The Appellant further relies on bus services to Whitchurch. These are not frequent and cannot reasonably be described as providing a genuine alternative to the private car. Mr Mead's review confirms that weekday services are sporadic, with no evening or Sunday provision. They do not enable realistic commuting. His evidence also shows that the "example commuter journey" advanced by the

Appellant demonstrating access from Tilstock to Manchester was not truly illustrative of choice but of constraint, representing the only viable combination of timings available.

68. The absence of facilities for cyclists reinforces the same point. There are no cycle connections linking the site to Tilstock itself. Suggestions that children might use the public right of way as a cycle route were sensibly abandoned. Realistic cycling to Whitchurch or beyond would require use of the B5476, a busy rural road with limited verges and no segregation, unsuitable for safe walking and cycling commuting. The Appellant has provided nothing to “maximise opportunities” for sustainable travel, contrary to the expectations of paragraph 110 of the NPPF.

69. The Council’s position is not that rural residents can or should avoid all car use. It is that new development should minimise reliance on the private car as far as practicable. The NPPF at paragraphs 85 and 105–108 recognises that opportunities to maximise sustainable transport solutions vary between urban and rural areas but does not dispense with the requirement that significant development be located where services are accessible by walking, cycling, or public transport. This proposal, for seventy dwellings in a location dependent on car travel for almost every daily need, conflicts squarely with that policy intention.

70. The scale of the proposal accentuates the problem. In the Tytherington appeal decision [CD 15.28] , the Inspector held that seventy-five dwellings constituted “significant development” and reiterated that the NPPF seeks to focus significant development on locations that are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. This scheme does nothing to limit the need to travel.

71. The Appellant’s suggestion that modern conveniences such as broadband, home working, and delivery services offset poor physical accessibility misconstrues the meaning of sustainability. Virtual connectivity cannot substitute for spatial accessibility. Home deliveries and courier journeys increase vehicular movements rather than reducing them and do nothing to sustain local services. Housing in more sustainable locations with better access to services is more likely to have more positive local impact as residents can use those services, rather than being reliant on

on-line retail. The purpose of the DP's spatial hierarchy is to maintain viable rural communities, not to create disconnected enclaves of digitally enabled dwellings.

72. Policy MD7a confirms that new market housing outside defined settlements will be strictly controlled and will only be supported where it meets evidenced local housing need and is of an appropriate scale and location. The phrase "appropriate location" incorporates considerations of accessibility. The appeal site is neither within nor immediately adjoining the built form of Tilstock, is poorly connected to its limited service core, and would not enable safe or convenient access to Whitchurch, Prees Heath and the rest of the community cluster within which it sits, without reliance on the private car.

73. MC's criticism that this logic would imply Tilstock itself is unsustainable is misplaced. Tilstock is sustainable for the modest growth envisaged in the Development Plan, but not for expansion beyond it. Policy CS6 embodies aspiration as well as achievement: it seeks to move communities towards greater sustainability, not to assume that they have already achieved it. Community Clusters are designed as groups of smaller settlements that work together to become more sustainable, not as carte blanche for unplanned expansion.

74. The Appellant's evidence that Tilstock scored "5" in the settlement hierarchy for transport options also lacks the weight claimed for it. That score derives from a binary quantitative system where a bus stop equates to a train station. It is not a qualitative assessment of service frequency or practicality and cannot be taken as confirmation of sustainability for development of this scale.

75. The Council's approach is consistent with both policy and recent appeal decisions. In the Hurst decision [CD 15.29] , the Inspector concluded that the location of a proposed development was not readily accessible by sustainable means and that, although opportunities vary between rural and urban areas, this does not justify significant development in areas with restricted accessibility. The same conclusion applies here.

76. The Appellant's reliance on supposed "precedent approvals" elsewhere in Shropshire is misplaced. As Mr Thomas explains, each case turns on its own facts.

Many of the cited permissions were within settlements without formal boundaries or were granted during earlier periods of acknowledged supply deficit. None compare to this proposal, which lies outside a defined boundary and would create an entirely new edge to the countryside.

77. Ultimately, the question is whether residents of this scheme would have a genuine choice of sustainable transport modes. On the evidence, they would not. The site therefore fails the Development Plan's accessibility tests in CS1, CS4, CS5, CS6, MD1, MD7a, and S18.2(ii), and is inconsistent with NPPF paragraph 110, which requires growth to be "managed" to achieve its objectives.

78. Accessibility is not an ancillary matter of design but a defining element of sustainable location. The Inspector is invited to find that the site's inherent inaccessibility forms a separate and decisive reason for dismissing the appeal.

Main Issue 3: The Effect of the Development on the Character and Appearance of the Area, Including Consideration of Urban Design Matters

79. The third main issue concerns the effect of the proposed development on the character and appearance of the area, with particular reference to urban design. This is a matter of policy compliance and spatial coherence: whether the design, layout and form of the scheme respect the established character of Tilstock and its landscape setting as a small rural community.

80. The Council submits that the proposal would cause significant and demonstrable harm to the character and appearance of the area, conflicting with Core Strategy Policies CS4, CS5 and CS6, and SAMDev Policies MD1, MD2, MD7a and S18.2(ii). These policies, read together, require that new development in rural settlements be proportionate in scale, well related to the existing built form, and designed to enhance local distinctiveness. The appeal proposal fails each of these tests.

81. Tilstock is a compact settlement within a designated Community Cluster. Its form is organic, centred around the village core, with a clear transition from built form to open countryside. The southern approach along Tilstock Lane is characterised by

open fields and hedgerows, defining a soft rural edge. The appeal site lies beyond this edge, extending development into open countryside. Its openness and separation from the built form are integral to the village's visual structure and to its legible relationship with the landscape.

82. The Appellant's design witness, Mr Pullan, describes the proposal as a "logical rounding-off" of the settlement and asserts that it would "integrate well" with Tilstock. That assertion is unsustainable. As Mr Thomas's spatial analysis demonstrates, the site would not round off the village but project a new built edge deep into countryside that currently reads as open and undeveloped. The site is not contiguous with the village, sharing a boundary with only one existing dwelling, No. 4 Crabmill Meadow, and its relationship to the settlement is therefore tenuous. The proposed development would form a detached, inward-facing enclave separated from the main body of the village by open land.

83. The notion of "rounding-off" assumes an existing envelope of built form into which the site would fit. No such envelope exists here. The built form of Tilstock terminates abruptly to the north, beyond which the landscape opens to agricultural fields. The introduction of seventy dwellings would double the visual extent of the settlement on approach from the south, fundamentally altering its perceived scale. This would not reinforce but replace the existing pattern with a suburban estate character alien to the rural morphology of Tilstock.

84. The Council's design policies provide clear direction. Policy CS6 requires that development be "appropriate in scale, density, pattern and design taking into account the local context and character." Policy MD2 requires that proposals "respond appropriately to the form and layout of existing development and the way it functions." The form and layout of Tilstock are defined by small groups of dwellings following historic lanes, with irregular plots and variable frontages. The appeal scheme's looped estate roads, uniform house types and repetitive street pattern bear no relationship to this form. Its suburban geometry would sit incongruously within a rural landscape of irregular field boundaries and scattered cottages.

85. The internal layout reinforces this incompatibility. It is not a simple cul-de-sac, as the Appellant suggests, but an estate with circulating internal roads giving what

Mr Mead described as “fluidity”. A driver entering the site would not perceive it as a cul-de-sac but as a suburban estate layout designed for convenience of car movement. The arrangement maximises car ownership and use, reflected in the significant provision for parking spaces, which will be essential given the site’s poor accessibility to services. Materials and detailing are similarly unconvincing: they are not characteristic of Tilstock and do not evoke a genuinely rural idiom.

86. The Appellant relies heavily on shared surfaces to demonstrate “pedestrians first” design. However, as Mr Mead highlighted during the design round table, pedestrians could not in fact rely safely on a theoretical entitlement to priority. Shared surfaces depend on low vehicle speeds and clearly legible pedestrian routes. Neither is convincingly achieved here. The layout lacks clear desire lines, and tactile paving serves only inclusivity, not route legibility. As Mr Thomas observed, while the Appellant offered to “tinker and tweak” through conditions and post permission amendments, paragraph 117 of the NPPF requires that the priority of pedestrians and cyclists be demonstrated as part of the proposal, not deferred for later refinement.

87. Every dwelling within the site would lie beyond the CIHT’s recommended 400-metre walking distance to a bus stop. The Appellant’s answer is to disregard that guidance. The same approach is taken to the Department for Transport’s LTN 1/20 guidance for likely cyclist behaviour on rural B-roads, which the Appellant also dismisses because it does not support their case. The result is a scheme that maximises car dependence rather than reducing it.

88. The Appellant accepts that the NPPF differentiates between urban and rural expectations for sustainable transport but, as AM conceded in cross-examination, that distinction does not provide carte blanche to ignore those expectations entirely. It does not mean that rural development can dispense with the need to promote walking, cycling and public transport simply because of location.

89. The Appellant’s landscape and design witnesses seek to downplay the impact on character and appearance. Yet the Appellant’s own Landscape and Visual Impact Assessment (LVIA) acknowledges adverse effects, recording medium magnitude changes to landscape character and major to moderate adverse visual effects from

90. the public right of way and from Tilstock Road, particularly in the early years. Views will be available along all 350 metres of the public right of way. The path is valued locally, and indeed the Appellant intends it to become a principal pedestrian route between the site and the village, thereby increasing its use. The suggestion from Mr Furber that people who dislike walking past a housing estate could simply use other rights of way was met by Mr Thomas's clear observation that no convenient alternatives exist nearby.

91. The moderate adverse effects identified in the LVIA will be permanent. LVIA paragraph 5.23 defines these as representing noticeable change to landscape character and to key views, and the assessment confirms that every visual effect recorded is an adverse one. The Appellant's claim that the scheme would "conserve and enhance" the landscape, as required by policy, rests on an assumption that mitigation planting will have matured after fifteen years. Even at year 15, all visual effects remain adverse. As Mr Thomas explained, deferred mitigation does not satisfy a policy requirement to conserve and enhance at the point of decision.

92. Neil Furber stated that the site is "contained and can be made more visually contained," despite the removal of a further eighty-nine metres of hedgerow for the new access. That claim is internally inconsistent. It was also said that there is "good intervisibility between the site and the village," a statement which Mr Thomas rebutted, pointing out that the site is not visually well connected to Tilstock. The site's limited physical and visual connection is demonstrated in the site layout plan, [CD 6.21] and was recognised in the Crabmill decision [CD 3.7, paragraph 9], which confirmed that the harm of that earlier, smaller proposal was not limited to the loss of trees.

93. The Appellant's response to the effect that harm of this kind is to be expected when building on greenfield sites is not an answer. It is precisely why development is directed away from open countryside except where justified by plan-led policy.

94. Mr Pullan's argument that Tilstock has evolved incrementally through proportionate growth fails to assist. This begs the question as to what the continued growth is proportionate to. His logic that as the village grows, further growth appears less significant leads to a circular conclusion in which expansion perpetually justifies

itself. This mirrors Ms Meer and Ms Wilson's suggestion that because Tilstock was considered suitable for around fifty new dwellings in the plan period, it must also be capable of accommodating seventy more. That approach disregards the purpose of the settlement boundary defined in SAMDev, which establishes what constitutes proportionate growth. Paragraph 110 of the NPPF requires the active management of growth: it does not permit unbounded expansion.

95. The Appellant's reliance on landscaping to mitigate harm misconceives its purpose. Screening can soften appearance but cannot make an incongruous form acceptable. The need for extensive planting is itself evidence of poor fit between the proposed built form and its surroundings. The loss of openness and the redefinition of the village's southern approach as an urban frontage cannot be screened away.

96. The Council's evidence is that the principal harm lies in the impact on the character of Tilstock itself, rather than on distant landscape views. This point, made clearly by Mr Thomas, is entirely consistent with the Appellant's own LVIA. The Council's assessment is not "thin", as Mr Carter suggested, but focused on the settlement level effects that matter most. The scheme would fundamentally alter Tilstock's visual and functional relationship with the countryside.

97. The Appellant's claim that the proposal represents a "positive arrival experience" misunderstands the character of the village. The present approach is rural, defined by open fields and hedgerows gradually giving way to the compact built form. Replacing this with a dense estate frontage would introduce an abrupt and urbanised entry point, contrary to the gentle rural transition that the Development Plan seeks to preserve through CS5 and MD7a.

98. Landscape harm is accompanied by structural harm to the pattern of the village. The proposal would double Tilstock's size in one direction, displacing its focus of community activity and undermining the plan-led objective of incremental, proportionate growth within defined boundaries.

99. Good design in policy terms is not about aesthetic refinement but about appropriate relationship to context. As paragraph 130 of the NPPF makes clear, developments must be visually attractive, sympathetic to local character, and create

a strong sense of place. This proposal does none of these things. The appearance may be competent, but externally it is alien to its context.

100. In conclusion, the proposal would introduce an incongruous suburban form into open countryside, eroding Tilstock's rural character and distinct identity. It fails to respect the established settlement pattern, the landscape setting, and the principles of sustainable design. The adverse effects on character and appearance are fundamental and not capable of mitigation through landscaping or detailing.

101. The Council therefore submits that the proposal conflicts with Core Strategy Policies CS4, CS5 and CS6, SAMDev Policies MD1, MD2, MD7a, and S18.2(ii), and with the design and character provisions of the NPPF. The harm identified is significant and enduring. These design harms weigh heavily in the overall planning balance.

Best and Most Versatile Agricultural Land.

102. The issue of best and most versatile (BMV) agricultural land is an agreed harm in the balance and remains a relevant material consideration. The evidence demonstrates that the appeal site comprises a mix of Grade 2 and Grade 3a agricultural land as defined by the Agricultural Land Classification system. Both categories fall within the NPPF definition of BMV land.

103. The NPPF requires that planning decisions should recognise "the economic and other benefits of the best and most versatile agricultural land" and that significant development of such land should be avoided where possible. The policy does not impose an absolute prohibition but establishes a presumption in favour of safeguarding high-quality soils as a finite national resource.

104. In this case, the development would result in the permanent loss of approximately three hectares of BMV land to built form and associated infrastructure. The Appellant's suggestion that the site's contribution to agricultural output is negligible overlooks the cumulative effect of incremental losses of high-grade soils across the rural area. The spatial strategy of the Development Plan, directing housing growth to defined settlements and previously developed land, is specifically

intended to minimise such cumulative harm. The conversion of productive land to urban use without compelling justification runs counter to the plan-led approach.

Overall Planning Balance

105. The Development Plan for Shropshire provides a coherent, comprehensive and enduring framework for managing growth across the district. Its policies, principally CS1, CS4, CS5, CS6, MD1, MD2 MD7a, and S18.2(ii) set out an integrated spatial strategy which directs housing to sustainable locations within defined Community Hubs and Clusters, safeguards the countryside from unplanned encroachment, and promotes design quality that reflects local distinctiveness. That strategy remains wholly consistent with the objectives of the National Planning Policy Framework to secure genuinely plan-led, sustainable development.

106 The appeal proposal stands in direct conflict with that framework. It lies outside the defined settlement boundary of Tilstock, a small village whose planned growth has already been accommodated through existing allocations and consents. The proposal would extend built development into open countryside, contrary to the express restraint imposed by CS1, CS4, CS5, MD1, MD7a, and S18.2(ii). It would create a self-contained enclave unrelated to the established form of the village and would not represent proportionate or sustainable growth in the terms required by the Development Plan.

107. On accessibility, the site is inherently car-dependent. For all journeys beyond Tilstock, there is a lack of continuous footways or safe pedestrian routes, no viable opportunities for cycling, and poor provision by infrequent bus services. Residents would rely on private car travel for virtually all day-to-day needs, contrary to the sustainable transport objectives of CS6 and the NPPF. The physical separation of the site from Tilstock's limited service core compounds this functional isolation and reinforces its unsustainable character.

108. In terms of character and appearance, the proposal would transform a clearly defined rural edge into a suburban housing estate. The design, scale and layout bear no relationship to the established pattern of Tilstock or its landscape setting. The resulting harm would be substantial and permanent. The site's openness and its role

in defining the transition between village and countryside would be irreversibly lost. The proposal would fail to conserve or enhance local character as required by CS5, CS6 and MD2, and would undermine the rural identity of the settlement.

109. Although the loss of best and most versatile agricultural land is of limited weight in this case, it adds incrementally to the environmental disbenefits. The cumulative effect of these conflicts is significant. The scheme would erode the settlement hierarchy, disrupt the balance of rural growth, and introduce a form of development expressly prohibited by the Development Plan's spatial principles.

110. Against these substantial harms, the benefits are standard and generic. The delivery of seventy dwellings carries weight in circumstances where the Council's acknowledged housing shortfall is limited and transitional. The Council continues to address that shortfall proactively through plan-led measures, including the reinstatement of the withdrawn Local Plan evidence base and early engagement with developers on sustainable sites. The benefits of short term construction activity and limited economic expenditure are common to all housing schemes and cannot outweigh direct and fundamental policy conflict.

111. Even applying the tilted balance under paragraph 11(d) of the NPPF, the adverse impacts of this proposal would significantly and demonstrably outweigh its benefits. The shortfall in housing supply affects the weight of certain policies but not the coherence of the spatial strategy itself. The relevant policies remain consistent with national policy and must continue to attract substantial weight. The Appellant's reliance on the housing deficit as a licence for unplanned expansion misconceives both the law and policy: the tilted balance does not grant immunity from the plan-led system.

112. The decision in this case must therefore uphold the integrity of the Development Plan. To do otherwise would undermine the principle of certainty for communities and developers alike, encouraging speculative proposals beyond settlement boundaries and eroding confidence in the plan-making process. The NPPF reaffirms that planning should be genuinely plan-led. That principle would be wholly defeated if proposals such as this were allowed to bypass adopted spatial policies on the basis of a temporary and modest housing land supply shortfall.

113. The Council's case has never been that the rural area cannot accommodate growth. It has done so very successfully. The issue is that growth must remain plan led, proportionate and sustainable. This proposal is none of those things. It conflicts with the statutory spatial strategy. It fails on accessibility. It harms the character and form of the settlement. There is no credible evidence of any material local need that could justify a departure of this magnitude. Even in a tilted balance, the adverse impacts significantly and demonstrably outweigh the benefits. The Council therefore invites the Inspector to dismiss the appeal.

Sarah Clover

Kings Chambers

3 November 2025