

From: [Megan Wilson](#)
To: [Charlotte Morrison](#)
Cc: [Ollie Thomas](#); [Sarah MacPherson](#)
Subject: RE: 24/04176/FUL - Land at Tilstock Road, Tilstock
Date: 25 February 2025 16:36:23
Attachments: [RE 2404176FUL - Land To The East Of Tilstock Road Tilstock Whitchurch Shropshire.msg](#)

Good Afternoon Charlotte,

I hope this email finds you well.

Further to the very disappointing email sent to my colleague Sarah MacPherson from Ollie yesterday (attached for ease) Boningale Developments have regrettably been placed in a position whereby they have no option but to submit an Appeal against non-determination of the above listed application. We had been hoping to work with the Council to avoid the need to make this decision, but it is clear from the email that the Council will not be accepting further submissions in regard to the application despite the fact that we still have no sight at all of comments from the highways authority. It is now business critical for Boningale Developments that progress is made with regard to the application. They are expecting to complete on their current development site later this year, and as such, as an SME, the uncertainty around determination of this application is untenable.

I will therefore be serving notice of the intention to submit an Appeal on Friday 28th February and expect to submit the Appeal to PINS around the 14th March 2025. We will be requesting an Inquiry and suggesting a minimum of 4-days sitting. On the basis that, aligned with some of my below thoughts, we will be adducing substantial evidence on Housing Land Supply, we consider that cross-examination of witnesses will be necessary.

Whilst I do not wish to go through and respond to Ollie's points as part of this email, noting that we will submit a detailed and robust Statement of Case setting out our position with the Appeal submission, we are very disappointed with the approach that the Council are choosing to take with regard to the application and wish for it to be placed on the record at this point that the changes made throughout the application process have responded directly to comments from statutory consultees or indeed, in the incredibly limited correspondence we have had with him, from Ollie himself. Therefore, I do not accept the assertion (without evidence) that the application that the Council are seeking to determine is not the same scheme that was submitted. I do not consider that any of the updates are material and further note that far more significant and indeed material changes to applications are regularly accepted by LPA's, including Shropshire Council.

You will note that within the attached email, Ollie confirms that the tilted balance is engaged by virtue of an accepted shortfall in the provision of housing and that in policy terms Tilstock is a sustainable location for growth. I am still not aware of any significant technical issues relating to the site and we have received no correspondence from either Ollie or statutory consultees with regard to specific comments on landscape harm. Despite this, it would appear to be the Council's position that owing to the fact that the site lies beyond the defined settlement boundary for Tilstock, that it is 'unsustainable' (noting that no statutory consultees have suggested that the development could not be accommodated or would indeed exceed existing capacities at local services).

I admit I find this a very curious position for the Council to take for a number of reasons. The first being that in the absence of a demonstrable housing land supply, case law, appeal decisions and indeed national policy and guidance would suggest that such policies could, and often are considered, out of date and carry significantly reduced weight. Indeed, given the datedness of the settlement boundaries which Ollie seeks to rely upon, it is interesting to note that the Council have indeed, in order to maintain a supply in the past, had to grant planning permission for sites beyond such boundaries and within the open countryside.

Furthermore, I am sure you are very familiar with the updated Housing Land Supply report published earlier this month and the components of supply listed. Notwithstanding the fact that at present we believe that a significant percentage of the claimed supply is not supported by anywhere near enough evidence to meet the tests of deliverability set out in national policy, if one were to apply the logic that sites outside of adopted defined settlement boundaries, and within the open countryside, are

unsustainable, then the Council simply cannot seek to include a significant number of sites listed within the supply. I haven't at this stage reviewed the component sites in detail, but note that in table 2 of the HLS report, 2,071 dwellings on draft allocations are included. Whilst some of these sites may be located within defined settlement boundaries, many are not – the same of which could be said for SLAA sites and indeed sites with planning permission, a resolution to grant etc. Therefore, I admit I am confused as to the Council's position as it would appear significant levels of inconsistency in decision making are at play.

We have consistently sought to work proactively with the Council in regard to this application and are disappointed that it is now necessary to submit an Appeal. However, we remain committed to working with the Council to limit the areas of disagreement, in line with the outcome of the Rosewell Review, and reduce in so far as possible the now considerable financial and human resource that will be required at Appeal by both parties.

As always, we would be happy to discuss this with you in further detail. Please see free to contact me at any stage.

Many thanks,

Megan Wilson MRTPI CIHCM

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bank account to which we are asked to send money.

From: Megan Wilson

Sent: 14 February 2025 14:38

To: Charlotte Morrison <Charlotte.Morrison@shropshire.gov.uk>

Cc: Ollie Thomas <Ollie.Thomas@shropshire.gov.uk>; Dean Trowbridge
<dean.trowbridge@boningalehomes.co.uk>

Subject: 24/04176/FUL - Land at Tilstock Road, Tilstock

Good Afternoon Charlotte,

I hope you are well.

I'm writing with regard to the live application for 70 dwellings at Tilstock Road, Tilstock (24/04176/FUL) and further to recent correspondence with the Case Officer Ollie Thomas. I have copied Ollie into this email to ensure full transparency.

At present that deadline for determination has passed. We are still yet to receive any comments on the proposal from the Highways Authority, noting however that we did submit a pre-application enquiry that Highways provided comments on.

Ollie indicates in his email of 11th February, that he will not be accepting further submissions in regard to the application and as a starting point I am very concerned that this prejudices the applicants ability to respond to highways comments once received. Comments should have been provided by highways in December 2024 and it is, in my assessment, unreasonable for the Council to take the position that additional information will not be accepted in the context of such a significant delay in a response from a key statutory consultee.

I am also concerned that when providing additional information to Ollie, it is taking a considerable amount of time for this to be uploaded to the portal. Indeed, we have had to resort to providing this information directly to statutory consultees to avoid delay. We have ensured that Ollie is copied into all correspondence.

Further to publication of an updated Housing Land Supply position by the Council, Ollie has quite rightly acknowledged that the tilted balance is engaged but has indicated that at present he is unlikely to support the application on the basis of asserted landscape and visual harm and concerns over sustainability and quantum of development. We have repeatedly, and most recently on 11th February, asked Ollie to provide some additional information/substantiation in regard to both of these points. As far as I can see, statutory consultees have not raised any concerns in regard to landscape or visual harm or indeed any concerns in regard to sustainability. Indeed, in direct contrast to this, the comments received from the Council's Policy Team refer to Tilstock as an appropriate location to achieve sustainable development. Indeed, if such evidence is intended to form a reason for refusal it would be unreasonable not to disclose it to the applicant as part of transparent decision making.

Boningale Developments have a number of land interests across Shropshire and are really eager to work with the Council as proactively as possible, supporting the Council in any way, but in the context of the Council's current position and in the absence of any meaningful engagement or justification for the concerns raised by Ollie, reluctantly, the applicant is considering submitting an Appeal against Non-Determination of the application in the short-term.

Naturally, we are keen to avoid the need to take such steps, which would invariably include adducing detailed evidence on the Council's new claimed housing land supply position – which obviously you will note includes a number of draft allocations and SHLAA sites, which in my experience, could be difficult to defend at Appeal on the basis of the tests of deliverability set out in national policy.

We would be keen to discuss this with you briefly, again noting that we genuinely want to work with the Council rather than against the Council and are simply seeking some confirmation or guidance on

what the specific concerns with the proposed development are and indeed how this is evidenced by the Council. On the basis of the information in front of us, and in the context of the putative reasons for refusal mentioned in Ollie's email of the 11th February not having been evidenced by the Council in the form of statutory consultee responses, we are struggling to see how they would stand up at Appeal.

Many thanks,

Megan Wilson MRTPI CIHCM
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