

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by: Boningale Developments Ltd

**Against: Non-determination by Shropshire Council of
Planning Application 24/04176/FUL for Residential
development of 70 dwellings including access, open
space, landscaping and associated works**

**At: Land to the East of Tilstock Road, Tilstock,
Whitchurch, Shropshire**

PROOF OF EVIDENCE

DANIEL CORDEN BSc (Hons), MSc, MPLAN, MRTPI

**Planning Inspectorate Appeal Reference:
APP/L3245/W/25/3362414**

**Shropshire Council Planning Application Reference:
24/04176/FUL**

Shropshire Council Appeal Reference: 25/03362/NONDET



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Relevant Core Documents	Reference
Hearing Statement regarding the Five Year Housing Land Supply (Emery Planning)	CD1.7
National Planning Policy Framework (NPPF)	CD2.1
Shropshire Council's Core Strategy (2011)	CD2.2
Site Allocations and Management of Development (SAMDev) Plan (2015)	CD2.3
Five Year Housing Land Supply Statement (Published February 2025)	CD2.4
Regulation 19: Pre-Submission Draft of the Shropshire Local Plan (December 2020)	CD2.5
Hierarchy of Settlements Assessment (August 2020)	CD2.17
Delivery & Viability Study (July 2020)	CD2.18
Adopted Development Plan Policies Map – Whitchurch Inset	CD2.19
National Planning Practice Guidance (NPPG) on Determining a Planning Application (ID21b)	CD2.20
National Planning Practice Guidance (NPPG) on Housing and Economic Needs Assessment (ID2a)	CD2.21
National Planning Practice Guidance (NPPG) on Housing Supply and Delivery (ID68)	CD2.22
SAMDev Plan Inspector's Report	CD2.23
Assessment of Conformity of the Adopted Core Strategy with the NPPF	CD2.24
Assessment of Conformity of Most Important Policies to this Appeal with the NPPF	CD2.25
Shropshire Council Cabinet Minutes Extract - 12.02.2025	CD2.26
Council's Statement of Case	CD3.2
Council's Response to the Appellants Statement of Case on the Shropshire Council Five Year Housing Land Supply	CD3.8

1. Introduction

Qualifications and Relevant Experience

- 1.1. This Proof of Evidence has been prepared by Daniel Corden BSc (Hons), MSc, MPLAN, MRTPI, Principal Planning Policy Officer, on behalf of Shropshire Council.
- 1.2. I hold a 1st class honours degree in Environmental Geography (BSc (Hons)) from Manchester Metropolitan University; a Masters in Planning Sustainable Environments (MSc) from the University of Salford; and a Masters in Planning (MPLAN) from the University of Manchester. I have been a member of the Royal Town Planning Institute (MRTPI) since 2012.
- 1.3. I have worked for Shropshire Council since 2012, undertaking a number of roles. Firstly, coordinating the roll-out and collection of the Community Infrastructure Levy (CIL) in Shropshire; and then in 2016 as a senior and subsequently principal planner within the Planning Policy Team. I previously worked within Planning Policy for Cheshire East Council between 2009 and 2012 and Macclesfield Borough Council between 2007 and 2009. I have accumulated over 15 years' professional planning experience.

Involvement in the Appeal Scheme

- 1.4. I have been asked by the Council's Development Management team to contribute evidence in support of the Council's case, specifically regarding planning policy context and housing land supply.

Scope of Evidence

- 1.5. This proof of evidence (proof) provides:
 - a. Information on Shropshire's adopted Development Plan, including identification of those planning policies most important in determining whether the principle of development on the appeal site is supported by the adopted Development Plan.
 - b. Policy evidence relating to **Main Issue 1**: 'whether the appeal site is an appropriate location for the development, having particular regard to relevant provisions of the adopted development plan.'

- c. Details of the Housing Land Supply present in Shropshire to inform **Main Issue 7**: 'the extent of the Council's acknowledged housing supply shortfall.'
 - d. Information on the weight to be applied to the withdrawn Local Plan and associated evidence base in decision making.
- 1.6. This proof therefore provides my professional opinion on:
- a. Whether the appeal site is an appropriate location for the development, having particular regard to relevant provisions of the adopted development plan.
 - b. The Housing Land Supply present in Shropshire and implications for decision making.
 - c. The weight to be applied to the withdrawn Local Plan and associated evidence base in decision making.
- 1.7. This proof does not provide a detailed consideration of the development proposal nor does it discuss the overall planning balance, which are both issues discussed in Mr Thomas' Proof of Evidence.

Endorsements

- 1.8. The evidence I have prepared for this Planning Inquiry is true and has been prepared in accordance with the guidance of my professional institution. I confirm the opinions expressed are true and professional opinions.

2. The Adopted Development Plan

Introduction

- 2.1. Sections 70(2) and 79(4) of the Town and Country Planning Act (1990) (as amended) and section 38(6) of the Planning and Compulsory Purchase Act (2004) (as amended) state that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (CD2.1) confirms that *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."* It also stipulates that the NPPF (CD2.1) itself is *"a material consideration in planning decisions."*

The Shropshire Adopted Development Plan

- 2.3. The adopted Development Plan for Shropshire consists of:
- The **adopted Local Plan** which collectively covers the period 2006-2026 and comprises:
 - The Core Strategy (2011) (CD2.2): which sets out the vision, strategic objectives, broad spatial strategy, and strategic policies.
 - The Site Allocations and Management of Development (SAMDev) Plan (2015) (CD2.3): which provides detailed 'development management' and 'settlement' policies to guide future development and identifies site allocations.
 - **'Made' Neighbourhood Development Plans**
 - There are currently nine 'made' Neighbourhood Development Plans and several more in preparation.
- 2.4. **The adopted Development Plan is intended to be read and applied as a whole.**

Core Strategy

- 2.5. The Core Strategy (CD2.2) was adopted in March 2011. It provides the strategic element of the Development Plan for the County. In broad terms the Core Strategy (CD2.2) establishes the overall level of housing and employment development in the Plan period (2006-

2026); identifies Shrewsbury as the Strategic Centre and a network of 17 Market Towns and Key Centres; provides the strategic policy context for encouraging appropriate development in the rural area as part of a 'rural rebalance' approach; provides a broad division of growth between these areas; and provides a series of planning policies for the assessment of planning applications.

- 2.6. The Core Strategy (CD2.2) Policies I consider most important to this appeal are Policy CS1: Strategic Approach; Policy CS4: Community Hubs and Community Clusters; Policy CS5: Countryside and Green Belt; and Policy CS6: Sustainable Design and Development Principles. The Council's Statement of Case includes a short summary of each of these policies. I also consider Policy CS7: Communications and Transport is of relevance to this decision.
- 2.7. It is acknowledged that the Core Strategy (CD2.2) was prepared and adopted before the introduction of the NPPF in March 2012. However, following publication of the NPPF the Council undertook a conformity assessment. This assessment, summarised within the document *'Conformity of the Adopted Shropshire Council Core Strategy and the National Planning Policy Framework (NPPF)'*, concluded the Core Strategy (CD2.2) policies were in general conformity with the NPPF.
- 2.8. It is also acknowledged that there have been subsequent updates to the NPPF. For robustness, the Council has prepared a schedule *'Assessment of Conformity of Most Important Policies to this Appeal with the NPPF'* (CD2.24), summarising the assessment of the conformity of the Core Strategy (CD2.2) policies most important to this appeal with the latest iteration of the NPPF (CD2.1). This assessment concludes that these policies remain in general conformity with the NPPF (CD2.1).
- 2.9. I agree with the conclusions of this assessment and that the policies of the Core Strategy (CD2.2) most important to this appeal are in general conformity with the NPPF (CD2.1).

The SAMDev Plan

- 2.10. The SAMDev Plan (CD2.3) was adopted in December 2015. It seeks to contribute towards and facilitate the delivery of the strategic priorities and strategy (including the overall housing and employment requirements) set out in the Core Strategy (CD2.2).

- 2.11. In broad terms the SAMDev Plan (CD2.3) includes a range of development management policies which are intended to complement the policies of the Core Strategy (CD2.2); identifies those settlements which are to act as Community Hubs and Community Clusters (progressing the 'rural rebalance' approach); and identifies development strategies for Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Clusters.
- 2.12. 'Rural rebalance' is about *"enabling rural communities to become more sustainable and thrive as living and working communities"*. It is that *"sensitively designed development that reflects the needs of the local community, and contributes towards much needed infrastructure and affordable homes for local people, has an important role to play in reinvigorating rural communities, and in reducing carbon emissions by maintaining local services and reducing the need to travel."*
- 2.13. These development strategies include the establishment of housing and employment guideline figures for each settlement. Where appropriate, the development strategies are supported by the identification of appropriate development boundaries (which support the application of the settlement strategy policy and other policies in the adopted Development Plan) and site allocations.
- 2.14. It is readily acknowledged that appropriate windfall development in appropriate locations forms part of the strategy for achieving the overall Core Strategy (CD2.2) housing requirement of 27,500 dwellings between 2006 and 2026 and applies in many of the development strategies for specific settlements. The individual settlement policies, along with other policies of the Development Plan, provide the framework for assessing the appropriateness of applications for windfall development.
- 2.15. The SAMDev Plan (CD2.3) Policies I consider most important to this appeal are Policy MD1: Scale and Distribution of Development; Policy MD2: Sustainable Design; Policy MD7a: Managing Housing Development in the Countryside; and Policy S18.2: Whitchurch Area Community Hub and Cluster Settlements. I also consider Policy MD3: Delivery of Housing Development is of relevance to this decision. The Council's Statement of Case (CD3.2) includes a short summary of each of these policies.

- 2.16. The SAMDev Plan (CD2.3) was prepared and adopted following introduction of the NPPF in March 2012. During the examination of the SAMDev Plan (CD2.3) it was found to be legally compliant, compliant with the duty to cooperate, and sound. In order for a plan to be considered 'sound' it must be positively prepared, justified, effective and consistent with national policy.
- 2.17. This requirement was documented within the SAMDev Plan Inspector's Report (CD2.23) which in paragraph 1 of the introduction explained that *"The National Planning Policy Framework (the framework) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy."*
- 2.18. The SAMDev Plan Inspectors Report (CD2.23) concluded in the table within the assessment of legal compliance that *"The SAMDev Plan complies with national policy except where indicated and modifications are recommended."* It then confirms in paragraph 2 of the overall conclusion and recommendation that *"I conclude that with the recommended main modifications set out in the Appendix the SAMDev Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework."*
- 2.19. It is acknowledged that there have been subsequent updates to the NPPF. For robustness, the Council has prepared a schedule 'Assessment of Conformity of Most Important Policies to this Appeal with the NPPF' (CD2.25), summarising the assessment of the conformity of the SAMDev Plan (CD2.3) policies most important to this appeal with the latest iteration of the NPPF (CD2.1). This assessment concludes that these policies remain in general conformity with the NPPF (CD2.1).
- 2.20. I agree with the conclusions of this assessment and that the policies of the SAMDev Plan most important to this appeal are in general conformity with the NPPF (CD2.1).

'Made' Neighbourhood Plans

- 2.21. It is not considered that there is a 'made' Neighbourhood Plan that relates to this particular appeal site.

3. Main Issue 1: An appropriate location for development, having particular regard to relevant provisions of the adopted Development Plan

Strategic Approach

- 3.1. Policy CS1 of the Core Strategy (CD2.2) sets the overall strategic approach for the County, including establishing the broad strategic distribution of growth between Shrewsbury, the Market Towns and Key Centres, and the rural area.
- 3.2. Policy CS1 details that through an approach referred to as 'rural rebalance', rural areas (outside Shrewsbury, the Market Towns and Key Centres) will accommodate *"around 35% of Shropshire's residential development over the plan period"*.
- 3.3. It stipulates that this residential development will predominantly occur in Community Hub and Community Cluster settlements. Outside these settlements *"development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing"* (my emphasis).
- 3.4. Policy MD1 of the SAMDev Plan (CD2.3) complements Policy CS1 of the Core Strategy (CD2.2), addressing the scale and distribution of development. It directs sustainable development towards Shrewsbury, the Market Towns, Key Centres and the Community Hubs and Community Cluster settlements.
- 3.5. Specifically, it states *"...sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4."*
- 3.6. Policy MD1 of the SAMDev Plan (CD2.3) also identifies the Community Hub and Community Cluster settlements, within Schedule MD1.1. Within this Schedule, Tilstock is identified as part of a Community Cluster in the Whitchurch Place Plan Area, alongside Ash Magna/Ash Parva, Prees Heath, Ightfield and Calverhall.

Community Hubs

- 3.7. Policy CS4 of the Core Strategy (CD2.2) supports the strategic approach set out in policy CS1, by detailing the overarching strategy for Community Hub and Community Cluster settlements.
- 3.8. The policy allows development that helps *"rebalance rural communities by providing facilities, economic development or housing for local needs and is of a scale appropriate to the settlement"* (my emphasis).
- 3.9. It also specifies that *"Market housing development is expected to provide a suitable mix of housing that caters for local needs, deliver community benefits in the form of contributions to affordable housing for local people and contributions to identified requirements for facilities, services and infrastructure."*
- 3.10. Finally, it stipulates that all development in Community Hubs and Clusters is expected to be of *"a scale and design that is sympathetic to the character of the settlement and its environs"* (my emphasis).
- 3.11. Settlement Policy S18.2(ii): Whitchurch Rural & Ightfield and Calverhall Community Cluster of the SAMDev Plan (CD2.3) expands upon Policy CS4 of the Core Strategy (CD2.2), setting out the development strategy for this Community Cluster, which includes Tilstock alongside Ash Magna/Ash Parva, Prees Heath, Ightfield and Calverhall.
- 3.12. In summary, Tilstock is expected to provide around 50 dwellings, delivered through the development of allocated sites (TIL001, TIL002 and TIL008), together with development of *"infilling, groups of houses and conversions on suitable sites within the development boundaries identified on the Policies Map"* (my emphasis).
- 3.13. The appeal site does not constitute all or part of any of the site allocations at Tilstock identified on the Policies Map S18 – Whitchurch (Inset 3) of the adopted Development Plan (CD2.19).
- 3.14. Furthermore, the appeal site is located outside of the development boundary as identified on the Policies Map S18 – Whitchurch (Inset 3) of the adopted Development Plan (CD2.19). As such, for the purposes of planning policy the appeal site is located within the 'countryside'.

Countryside

- 3.15. Policies CS5 of the Core Strategy (CD2.2) and MD7a of the SAMDev Plan (CD2.3) establish the policy approach for residential development within the 'countryside'.
- 3.16. Policy CS5 states "*New development will be strictly controlled in accordance with national policies protecting the countryside*" (my emphasis).
- 3.17. Whilst advocating strict control in order to support the aspirations of other policies such as Policies CS1 and CS4 of the Core Strategy (CD2.2) and Policies MD1 and S18.2 of the SAMDev Plan (CD2.3), Policy CS5 nevertheless recognises that it is important to support Shropshire's large rural area, and therefore encouragement is provided to development proposals which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing economic and community benefits.
- 3.18. The policy goes on to identify a range of specific types of development for which support can be provided in order to achieve the policy's aspirations of improving the sustainability of rural communities.
- 3.19. With regards to the types of housing specifically identified, Policy CS5 states that these are dwellings to house agricultural, forestry and other essential countryside workers and other affordable housing to meet a local need. The only non-affordable housing that is identified as a component of improving the sustainability of rural communities within Policy CS5 is conversion schemes.
- 3.20. Policy MD7a of the SAMDev Plan (CD2.3) expands upon the policy approach for those areas in the 'countryside', stating "*Further to Core Strategy (CD2.2) Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters*" (my emphasis).
- 3.21. Policy MD7a then addresses the forms of residential development suitable within the 'countryside', namely suitably located affordable exception site development and market residential conversions. Specifically, Policy MD7a includes "*Suitably designed and located exception site dwellings and residential conversions will be positively*

considered where they meet evidenced local housing needs and other relevant policy requirements.”

Conclusion

- 3.22. Having taken into account the strategic policies set out in the Core Strategy (CD2.2) and SAMDev Plan (CD2.3), I consider that by virtue of the appeal site not constituting all or part of one of the site allocations identified on the Policies Map S18 – Whitchurch (Inset 3) (CD2.19) and being located outside the defined development boundary for Tilstock as identified on the Policies Map S18 – Whitchurch (Inset 3) (CD2.19) of the adopted Development Plan, it does not conform with policies CS1, CS4 and CS5 of the Core Strategy (CD2.2); or policies MD1, MD7a and S18.2 of the SAMDev Plan (CD2.3).

4. Main Issue 7: Shropshire Housing Land Supply and Implications for Decision Making

Overview

- 4.1. Shropshire Council's latest assessment of housing land supply is summarised within the Five Year Housing Land Supply Statement (31st March 2024 base date) (CD2.4).
- 4.2. In summary, within this Five Year Housing Land Supply Statement (CD2.4), Shropshire Council concluded that *"on the basis of the new 'standard methodology' for assessing local housing need, it is unable to demonstrate a five year housing land supply."* Specifically it was concluded that a 4.73 years supply of deliverable housing land existed, based on local housing need calculated using Governments updated standard methodology.
- 4.3. I consider the methodology and conclusions of this assessment are proportionate and robust. I also consider that they are responsive to and consistent with the NPPF (CD2.1) and NPPG (including that on Housing and Economic Needs Assessment (ID2a) (CD2.21) and Housing Supply and Delivery (ID68) (CD2.22).
- 4.4. In support of this appeal, the appellant has prepared a 'Hearing Statement regarding the Five Year Housing Land Supply (Emery Planning)' (CD1.7). This statement challenges the deliverability of a range of housing sites included within the Council's Five Year Housing Land Supply (CD2.4).
- 4.5. Shropshire Council has given due consideration to this Hearing Statement and in response prepared the document 'Shropshire Council Response to the Appellants Statement on the Shropshire Council Five Year Housing Land Supply' (CD3.8).
- 4.6. In summary, this response:
 - Accepts the appellants opinion regarding a select few sites included within the Five Year Housing Land Supply and agrees that they should be disregarded – resulting in a 100 dwelling reduction to the identified deliverable supply; but
 - Disagrees with the appellants opinion regarding the majority of sites included within the Five Year Housing Land Supply and in

support of this position provides further detail on why these sites are considered to be deliverable.

- 4.7. As a result, the Council considers that a **4.68 years' supply** of deliverable housing land exists in Shropshire, based on local housing need calculated using Governments updated standard methodology. I agree with the Council's conclusions in the 'Shropshire Council Response to the Appellants Statement on the Shropshire Council Five Year Housing Land Supply' (CD3.8) regarding the extent of the housing land supply in Shropshire.
- 4.8. Consistent with the Case Management Conference (CMC) Shropshire Council is committed to preparing a Statement of Common Ground (SoCG), to incorporate a jointly prepared 'Scott Schedule' confirming respective positions upon disputed sites.
- 4.9. So as to undertake this process in the way intended, the Council's and my own position on the extent of the housing land supply that exists in Shropshire may be updated to reflect any agreements reached on the deliverability of housing sites in the Shropshire housing land supply.

Implications for Decision Making

- 4.10. Shropshire Council considers that on balance of considerations it is currently unable to demonstrate a five year housing land supply. The NPPF (CD2.1) outlines a 'presumption in favour of sustainable development'.
- 4.11. Footnotes 7 & 8 and Paragraph 11 d) ii) of the NPPF (CD2.1) detail the implications of not having a five year housing land supply for decision making in the context of this 'presumption in favour of sustainable development'.
- 4.12. Footnote 8 of the NPPF (CD2.1) indicates that where a Council cannot demonstrate a five year supply of deliverable housing sites, the planning policies most important to the decision will be considered out of date.
- 4.13. Paragraph 11 d) ii) of the NPPF (CD2.1) states: "*where there are no relevant development plan policies, or the policies which are most*

important for determining the application are out-of-date, granting permission unless:

- i. 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*
- ii. 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.”*

4.14. Footnote 7 of the NPPF (CD2.1) details areas and assets of particular importance when applying Paragraph 11 d) ii) of the NPPF (CD2.1).

4.15. Importantly, I consider that Footnotes 7, 8 and Paragraph 11 d) ii) of the NPPF (CD2.1) do not change the legal principle, set out in Sections 70(2) and 79(4) of the Town and Country Planning Act (1990) (as amended) and section 38(6) of the Planning and Compulsory Purchase Act (2004) (as amended), that decisions on planning applications are governed by the adopted Development Plan read as a whole, unless other material considerations indicate otherwise.

4.16. Indeed, if this were the case the NPPF (CD2.1) would be contrary to the referenced legislation and would be internally inconsistent given this legal principle is expressly stated in Paragraph 2 of the NPPF (CD2.1).

4.17. Rather paragraph 11 d) ii) of the NPPF (CD2.1) invites the decision maker to apply less weight to policies in the adopted Development Plan, and more weight to the presumption in favour of sustainable development, as a significant material consideration, when reaching a decision. It is for this reason that it is commonly referred to as the ‘tilted’ balance.

4.18. I consider that this principle is relevant to those policies of the adopted Development Plan considered ‘out of date’ as a result of paragraph 11 d) ii) of the NPPF (CD2.1). They still constitute part of the ‘starting point’ for decision making and as such are to be attributed weight within the decision making process.

- 4.19. The amount of weight to be attributed to the policies of the adopted Development Plan, including those considered 'out of date' as a result of paragraph 11 d) ii) of the NPPF (CD2.1), is a matter for the decision maker.
- 4.20. This principle is confirmed within the High Court of Justice decision on the case of Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518 (CD.9.5).
- 4.21. Notably, paragraph 232 of the NPPF (CD2.1) stipulates that "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" Whilst policies are 'out of date' for the purposes of paragraph 11 d) ii), I consider they are in conformity with the NPPF (CD2.1).
- 4.22. Importantly, the tilted balance maintains the general principle of good planning, in that development should be genuinely sustainable in order to be approved.
- 4.23. Indeed, paragraph 11 d) ii) of the NPPF (CD2.1), when inviting determination of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, and conclusions as to whether a proposal is genuinely sustainable directs 'particular regard' to key NPPF (CD2.1) policies for:
- a. Directing development to sustainable locations,
 - b. Making effective use of land, and
 - c. Securing well-designed places and providing affordable homes, individually or in combination.

5. Weight to be applied to the withdrawn Local Plan and associated evidence base in decision making

Introduction

- 5.1. The draft Local Plan (2016-2038) (CD2.5) was submitted to the Secretary of State for examination on 3 September 2021.
- 5.2. Unfortunately, in March 2025 the Inspectors recommended the withdrawal of the draft Shropshire Local Plan (CD2.5), alternatively indicating that they would be minded to prepare their examiners' report finding the draft Shropshire Local Plan (CD2.5) to be unsound.
- 5.3. The decision to withdraw the draft Local Plan (CD2.5) was subsequently made by full Council on 17 July 2025 and withdrawal from examination formally occurred on 25 July 2025.

Weight to the Evidence Base

- 5.4. As detailed in the justified test of soundness, preparation of a Local Plan must be underpinned by 'proportionate evidence'.
- 5.5. As Shropshire is large and diverse, the evidence base associated with the withdrawn Local Plan covered an extensive range of issues. Much of this evidence base constituted 'factual assessment', identifying baseline conditions, issues and opportunities. In this way it provided support and justification for proposals and policies.
- 5.6. Furthermore, in many instances this evidence base had been informed and refined through stakeholder engagement. For instance:
 - a. The Council's Hierarchy of Settlements (CD2.17) methodology was established through a consultation exercise. Communities and other parties were then invited to provide input into the assessment of services and facilities to ensure accuracy.
 - b. The Delivery & Viability Study (CD2.18, CD6.3a and CD6.3b) undertaken for the Council included a specific engagement exercise with the development industry.
- 5.7. On 12 February 2025 Shropshire Council's Cabinet agreed that the evidence base supporting the now withdrawn Local Plan forms "*a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in*

favour of sustainable development." This includes on "*planning applications for new development on sites proposed to be allocated*" in the now withdrawn Local Plan (CD2.26).

- 5.8. Reflecting the characteristics of the evidence base associated with the now withdrawn Local Plan I agree that it is appropriate for it to constitute a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in favour of sustainable development
- 5.9. I consider this approach is consistent with the NPPG on determining a planning application (ID21b) (CD2.20) which specifies in paragraph 8 that a material consideration is "*one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).*"
- 5.10. Consistent with the NPPG (ID21b) (CD2.20) it is "*for the decision maker to decide what weight is to be give[n] to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.*"

6. Conclusion

Main Issue 1

- 6.1. Having taken into account the strategic policies set out in the Core Strategy (CD2.2) and SAMDev Plan (CD2.3), I consider that by virtue of the appeal site not constituting all or part of one of the site allocations identified on the Policies Map S18 – Whitchurch (Inset 3) (CD2.19) and being located outside the defined development boundary for Tilstock as identified on the Policies Map S18 – Whitchurch (Inset 3) (CD2.19) of the adopted Development Plan, it does not conform with policies CS1, CS4 and CS5 of the Core Strategy (CD2.2); or policies MD1, MD7a and S18.2 of the SAMDev Plan (CD2.3).

Main Issue 7

- 6.2. The Council's latest Five Year Housing Land Supply Statement (31st March 2024 base date) (CD2.4) concludes that *"on the basis of the new 'standard methodology' for assessing local housing need"* that the Council is *"unable to demonstrate a five year housing land supply."*
- 6.3. Having reviewed material submitted by the Appellant which challenges the deliverability of specific sites, I consider a **4.68 years' supply** of deliverable housing land exists in Shropshire, based on local housing need calculated using Governments updated standard methodology – as detailed in CD3.8. However, this position may be updated through the Statement of Common Ground (SoCG) which is to incorporate a jointly prepared 'Scott Schedule' confirming respective positions upon disputed sites.
- 6.4. Consistent with Footnotes 7 & 8 and Paragraph 11 d) ii) of the NPPF (CD2.1), I consider the 'presumption in favour of sustainable development' is of relevance. This does not change the legal principle that decisions on planning applications are governed by the adopted Development Plan read as a whole, unless other material considerations indicate otherwise. Rather it invites the decision maker to apply less weight to policies in the adopted Development Plan, and more weight to the presumption in favour of sustainable development, as a significant material consideration, when reaching a

decision. It is for this reason that it is commonly referred to as the 'tilted' balance.

- 6.5. I consider that the amount of weight to be attributed to the policies of the adopted Development Plan, including those considered 'out of date' as a result of paragraph 11 d) ii) of the NPPF (CD2.1), is a matter for the decision maker.

Weight to the Evidence Base of the Withdrawn Local Plan

- 6.6. Reflecting the characteristics of the evidence base associated with the now withdrawn Local Plan I consider it is appropriate for it to constitute a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in favour of sustainable development. It is for the decision maker to determine the weight given to material considerations in arriving at their decision.