



Appeal by Boningale Developments Ltd

Statement of Case

Patshull Road Albrighton Shropshire

LPA Reference: 24/02108/OUT

Against the refusal by Shropshire Council of an “Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage”

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Document Control

Project Name: Albrighton South
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1. Introduction

1.1 Context

- 1.1.1. This Statement of Case ('SoC') is submitted by Marrons on behalf of Boningale Developments Limited ('the Appellant') and it relates to an appeal against Shropshire Council's ('the Council') refusal of outline planning application 24/02108/OUT, for which the description of development is as follows:

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

- 1.1.2. The Appellant considers a Public Inquiry is the most appropriate procedure by which to test the appeal proposal. A justification for this request is provided in accordance with the Planning Inspectorate's Procedural Guide's Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals,¹ found at section 1.4 below.
- 1.1.3. This SoC should be read alongside the submitted draft Statement of Common Ground ('SoCG') **[CD4.1]**.
- 1.1.4. An Education and Healthcare Statement of Case is appended to this submission at **Appendix 1**.
- 1.1.5. The Appellant has sought to engage proactively and positively with the Council throughout the application process.
- 1.1.6. The Appellant reserves the right to make an application for costs at a later date.

1.2 Appeal Site and Surroundings

- 1.2.1. The location of the site and its boundaries are shown on the Location Plan **[CD6.4]**.
- 1.2.2. The site occupies 48.04ha of land to the south of Albrighton, comprising parcels of agricultural land either side of Patshull Road. The site boundaries are defined by trees and hedgerow, as are internal field boundaries. A number of individual and small groups of trees are dispersed through the site. The village of Albrighton lies to the north

¹ [Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance appeals – GOV.UK - updated 5 August 2024](#)

of the site, together with an area of land which was proposed to be safeguarded for future development in the now withdrawn Draft Shropshire Local Plan. The northwestern boundary of the site is defined by Cross Road, whilst the southern boundary is defined by the A464 Holyhead Road and the village of Boningale. Newhouse Lane forms the eastern site boundary. Surrounding land to the south east and west is primarily agricultural, interspersed with clusters of development. The site, in comparison to steeper areas to the north, east and west, slopes gently to the south.

- 1.2.3. Two vehicular access points are proposed onto Holyhead Road to the south, alongside a vehicular access onto Cross Road to the north. There are existing public rights of way in the southeast of the site, and linking into Newhouse Lane.
- 1.2.4. In the adopted Core Strategy, Albrighton is defined as a 'Key Centre', benefitting from excellent transport links, including a railway station, and a range of services and amenities. The site is reasonably close to Wolverhampton and Telford, as well as the towns of Shifnal and Codsall, all of which are readily accessible by public transport.

1.3 Background to the Appeal

- 1.3.1. The outline planning application was received by the Council on 31 May 2024 and validated on 08 July 2024.
- 1.3.2. The statutory consultation on the application ran until 6 August 2024.
- 1.3.3. The latest extension to the determination period for the application was agreed to 28 November 2025.
- 1.3.4. The planning application was supported by a comprehensive suite of technical reports and supporting documents in accordance with the Council's validation requirements. Additional information was submitted through the course of the application. A full list of submitted information is included in the SoCG **[CD4.1]**.
- 1.3.5. The application was reported to the Council's Southern Planning Committee on 16 December 2025, with a recommendation to refuse the application.
- 1.3.6. The Southern Planning Committee resolved to refuse planning permission in accordance with the reasons recommended by officers. The decision notice was issued the same day, a copy of which is enclosed at **CD1.3**.

1.4 Summary of the Appeal Proposals

1.4.1. The appeal proposals comprise up to 800 dwellings, a care home of up to 80 beds, a secondary school, and a local centre, with associated access, infrastructure, landscaping, and drainage. The proposal is submitted in outline with all matters reserved other than the means of access.

1.4.2. As the application is in outline, an illustrative summary of how the site could be developed (informed by the reports accompanying the application) is contained in the Indicative Framework Plan (IFP) as shown at **CD6.9**.

1.4.3. In summary the appeal proposals will provide:

- Up to 800 new dwellings, addressing the significant need for housing in Shropshire;
- Up to 35% affordable housing in accordance with the Golden Rules;
- An 80-bed Care Home to meet the identified needs of older people;
- Provision of land for a secondary school to ensure sufficient capacity in secondary school places to accommodate the needs of the local area;
- A local centre including a supermarket, a GP surgery, a pharmacy, and flexible employment space to ensure a range of everyday services are easily accessible to future residents;
- Provision of 3 Electric Car Club places to promote sustainable travel choices;
- New vehicular access points from the A464 Holyhead Road and Cross Road, providing safe access to the site;
- Active travel corridors providing links for pedestrians and cyclists into Albrighton, alongside links into the local Public Right of Way network.
- High quality public open space and green infrastructure providing a range of spaces within the site including for play and recreation, alongside links into the countryside;
- Retention and reinforcement of existing hedgerows and trees to provide a strong defensible boundary and mitigate landscape impact;
- New planting and habitats, including on off-site land to the east, to deliver a Biodiversity Net Gain and
- Provision of a sustainable drainage strategy which will ensure the risk of flooding is mitigated, and the development will not increase the risk of flooding elsewhere.

1.5 Justification for an Inquiry

- 1.5.1. With reference to the Planning Inspectorate's Procedural Guide's Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals, the Appellant requests a public inquiry for the following reasons:

There is a clearly explained need for the evidence to be tested through formal questioning by an advocate

- 1.5.2. Matters in relation to the principle of development, including whether the site is Grey Belt, the contribution of the site to the purposes of the Green Belt, and whether the site is in a sustainable location for development, and the extent of the housing land supply deficit are integral to the case and likely to be contested between the parties. An advocate will need to explore these matters in detail. Emerging case law in relation to the interpretation of national policy means detailed legal submission may be necessary.
- 1.5.3. The Council's reasons for refusal also make reference to the impact of the development on the character and appearance of the area, the loss of best and most versatile land, and harm to heritage assets. These are matters of disagreement between the parties which will warrant exploration through formal questioning by an advocate.
- 1.5.4. In addition to the above, local groups have made objections to the planning application on a wide range of issues (sustainability, viability, highway safety, ecological impact, heritage impact, Green Belt, landscape and visual harm, quantum of development, arboricultural impacts, flood risk and drainage, education capacity, healthcare capacity, active travel). Although highways impacts, impact on amenity and infrastructure, flood risk and drainage, and ecology were not raised by the Council in their reasons for refusal, they may warrant exploration through the course of the appeal.

The issues are complex

- 1.5.5. The above topic issues are complex in nature and will require evidence to be adduced by expert witnesses. As such it is the view of the Appellant that these matters will require cross-examination to establish the extent of the evidence which underpins the Council's claims.

The appeal has generated very substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing

- 1.5.6. The Council's Committee Report **[CD1.6]** states that 1157 public representations had been received by the time of its publication, including submissions made by solicitors on behalf of those objecting to the proposed development. Detailed comments have been made by Albrighton Parish Council, Badger Parish Council, and the local Councillor.
- 1.5.7. It is considered that a public inquiry is the most efficient and appropriate way to deal with matters raised by local residents. This is particularly the case if a Rule 6 party is formed. In addition to the Parish Council, the Appellant is aware of active local groups 'Albrighton Village Action Group' and 'Albrighton Development Action Group' which may seek to form a Rule 6 party.

Likely length of inquiry

- 1.5.8. It is considered that, to address all matters including those which may be raised as putative reasons for refusal, up to 20 sitting days will be required. This significantly exceeds the single day usually reserved for a hearing. The guidance therefore suggests that a public inquiry is necessary.
- 1.5.9. Expert evidence will likely be required in respect of the following matters:
- Grey Belt/Green Belt
 - Character and appearance
 - Heritage
 - Best and Most Versatile Land
 - Highway Safety & Sustainable Transport
 - Education Needs
 - Landscape and Visual
 - Flood Risk and Drainage
 - Ecology and BNG
 - Principle of development and planning balance
- 1.5.10. In addition to the above, evidence from expert witnesses may be required in relation to matters raised by any Rule 6 parties where they fall outside of the reasons for refusal given by the Council.



1.6 Core Documents

- 1.6.1. Submitted with this appeal is documentation considered during the planning application process including all documents submitted and assessed by the Council, relevant correspondence, consultation responses, and the Committee Report, Committee Minutes, and Decision Notice.
- 1.6.2. A further list of relevant documents will be added to the Core Document library that will be referred to during the course of the Appeal.

1.7 Statement of Common Ground

- 1.7.1. A draft SoCG has been prepared and accompanies this submission. This will be subject to ongoing engagement with the Council in coming weeks. It is expected a signed SoCG will be available prior to the Inquiry commencing.
- 1.7.2. Further SoCG on technical matters are likely to be produced to assist the Inspector in highlighting any areas of agreement or disagreement between the parties. It is anticipated that separate SoCG's will be prepared on heritage, landscape, ecology, highways, sustainability, education, healthcare, arboriculture and flood risk and drainage.

2. The Development Plan

2.1. Development Plan

2.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

2.1.2. The Appellant will adduce evidence to demonstrate that important material considerations exist which limit the weight that can be afforded to parts of the development plan and that allowing the appeal is wholly appropriate and justified.

2.1.3. The adopted development plan for Shropshire comprises of:

- Core Strategy Development Plan Document 2006-2026 (adopted 24 February 2011) **[CD2.2]**
- Site Allocations and Management of Development (SAMDev) Plan 2006-2026 (adopted 17 December 2015) **[CD2.3]**

2.1.4. The Appellant considers the following policies to be relevant to the determination of the appeal:

Core Strategy Development Plan Document 2006-2026

- CS1 – Strategic Approach
- CS3 – The Market Towns and Other Key Centres
- CS5 – Countryside and Green Belt
- CS6 – Sustainable Design and Development Principles
- CS7 – Communications and Transport
- CS8 – Facilities, Services and Infrastructure Provision
- CS9 – Infrastructure Contributions
- CS10 – Managed Release of Housing Land
- CS11 – Type and Affordability of Housing
- CS13 – Economic Development, Enterprise and Employment
- CS15 – Town and Rural Centres
- CS17 – Environmental Networks
- CS18 – Sustainable Water Management

SAMDev Plan 2006-2026

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

2.1.5. The Appellant's evidence will include a detailed analysis of the appeal proposals against the relevant policies of the development plan.

2.2. Weight to be Afforded to the Development Plan

2.2.1. The Appellant will adduce evidence setting out its position on the weight that can be afforded to the policies of the development plan and any conflict that there may be with them, in accordance with Paragraphs 11, 231 and 232 of the National Planning Policy Framework 2024 (NPPF) **[CD2.1]** and other relevant material considerations.

2.2.2. The Development Plan was adopted in 2011 (Core Strategy) and 2015 (SAMDev), and as such is over 10 years old, based upon an out of date evidence base formed prior to the adoption of the first NPPF. The geographic development limits were fixed to accommodate an outdated assessment of development needs.

2.2.3. Shropshire Council formally withdrew their draft local plan from examination in March 2025, following prolonged examination and unresolved objections, including legal compliance concerns. As such, none of the policies in this draft failed plan can be afforded any weight. The Council are now intending to commence plan-making from the beginning once more, starting from January 2026, under the revised NPPF and the 'new' plan-making system.

2.2.4. Furthermore, the Council cannot currently demonstrate a five-year supply of housing land. This follows a recent appeal decision in Tilstock², where the Inspector found that

² APP/L3245/W/25/3362414



the Council has only a 3.81-year supply of deliverable housing sites, rather than the 4.73 years reported in the Council's Housing Land Supply Statement³, published in February 2025. This reduction arose because the Inspector removed several sites from the Council's claimed supply on the basis that they did not meet the definition of "deliverable" as set out in the Framework. It is anticipated that circa 400 of the 800 dwellings could be delivered within the five-year deficit period.

- 2.2.5. While an up-to-date Local Development Scheme is yet to be published, setting out a timeline for Local Plan preparation, it is clear that any forthcoming plan would not be adopted, or even sufficiently advanced so as to be afforded weight, for at least 18-24 months, and probably much longer. The prospect of plan-led housing delivery in the short term is therefore almost nil.
- 2.2.6. The chronic lack of housing land supply and the extreme dated-ness of the development plan means that, in accordance with NPPF paragraph 11(d), planning permission should be granted 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
- 2.2.7. This position was confirmed by the Inspector in the Tilstock decision, who outlined that as consequence of the housing land supply shortfall, the policies most important for determining the scheme are deemed out-of-date, per footnote 8 of the NPPF.
- 2.2.8. Thus, the tilted balance is engaged (and not disengaged by any matter within footnote #7), and it is expected that the Council will agree to this as per the SOCG.
- 2.2.9. The Appellant will adduce evidence to demonstrate that the extent of housing shortfall and housing land supply, including the deficit in the delivery of affordable housing situation, is a crucially important material consideration in the conclusion of this case

³ [Shropshire Council Five Year Housing Land Supply Statement \(2020\)](#)



2.2.10. The proposals are considered to accord with those elements of the development plan policies which are regarded as up-to-date by virtue of their degree of consistency with the NPPF, and generally considered to secure a well-designed place in an appropriate location, aligning with principles outlined in paragraph 11(d).

3. Material Considerations

3.1. National Planning Policy Framework

3.1.1 In terms of the Framework, paragraph 2 states that the NPPF is a material consideration in planning decisions. Paragraph 61 references the government's objective of significantly boosting the supply of homes. The Appellant will adduce evidence to demonstrate that the appeal proposal responds to this national policy ambition and represents sustainable development.

3.1.2 The Appellant will demonstrate that, having regard to the proper application of the Framework, the following can be said of the appeal proposals.

Sustainable Development

An economic objective

3.1.3 Evidence will be adduced to demonstrate the beneficial economic impacts of the appeal proposal. The delivery of new market and affordable homes now in Albrighton will contribute to enabling Shropshire to promote and sustain a strong, responsive and competitive economy.

A social objective

3.1.4 It will be demonstrated that the appeal proposals will deliver new homes of the right type and mix, in the right place and at the right time to meet market and affordable housing needs and support Shropshire's growth ambitions, including the delivery of up to 800 new homes, of which 35% would be affordable in line with the Golden Rules, to address the pressing local needs for housing and the national policy imperative to significantly boost the supply of housing.

3.1.5 The provision of formal and informal public open space on site is an additional social benefit of the proposal.

3.1.6 It will be demonstrated that the site is located in an accessible and sustainable location close to key services and facilities, and the wider area, which will help support the health, social and cultural wellbeing of Albrighton and the wider Shropshire area.

An environmental objective

- 3.1.7 It will be demonstrated that the appeal proposals have no unacceptable environmental effects. The proposals involve the provision of informal and formal public open space, landscaping and ecological mitigation. Trees are incorporated throughout, both new and retained.
- 3.1.8 Overall, the scheme will deliver significant material benefits, and the proposal represent sustainable development.

The Presumption in Favour of Sustainable Development

- 3.1.9 The presumption in favour of sustainable development sits at the heart of the Framework. The presumption does not change the statutory status of the development plan as the starting point for decision making.
- 3.1.10 The appeal proposals will deliver new housing development which will assist the Council by contributing towards the requisite land supply and also meeting the Government objective of “boosting significantly” the supply of housing. The development plan is over ten years old, and the Council accepts that it is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, the policies most important for determining the appeal are out of date and the presumption in favour of sustainable development (tilted balance) set out in paragraph 11d is applicable.
- 3.1.11 It is expected to be common ground that the tilted balance is engaged.

3.2 Five Year Housing Land Supply

- 3.2.1 Shropshire has published an update to its 5 Year Housing Land Supply (5YHLS) position **[CD2.4]** setting out that following a recent appeal decision at Tilstock, it has reconsidered its housing land supply position. On this basis its claimed supply position at the 13 March 2024 base date has been revised down from 4.46 years to 3.81 years.
- 3.2.2 In its update statement, the Council has set out that it is currently undertaking an assessment of its housing land supply position at the 31 March 2025 base date, and that this will be published in quarter 1 of 2026.

3.2.3 Depending on the timing of the publication of the Council's 2025 base date housing land supply position, it is likely to be necessary to adduce evidence on housing land supply as part of the appeal.

3.2.4 The Appellant reasonably anticipates however that it will be common ground that the Council cannot demonstrate a five-year land supply for the purpose of the appeal. It is anticipated that circa 400 dwellings will be delivered in the five year deficit period, which will make a meaningful and significant contribution to the housing land shortfall.

3.3 The Local Plan Review

3.3.1 From the period January 2017 a Local Plan Review was commenced with the aim of adopting a new Local Plan. Following consultation which has occurred since 2017, a draft Plan **[CD2.5]** was submitted to the Secretary of State for examination in September 2021.

3.3.2 After the first round of hearings in July 2022 and January 2023, the Inspector's Interim Findings paper (ID28) was released in February 2023. Further information was provided, and a further round of hearings took place in the Winter of 2024, scheduled to last several weeks. Following the first five sitting days the Inspectors issued a Holding Letter expressing that they had concerns which would be set out in detail later but that the planned hearings would be cancelled.

3.3.3 In their detailed Inspector's Findings letter dated 10th December 2024 (ID47) **[CD2.6]** their concerns were set out in detail. Overall, the Inspectors concluded that:

The combination of all these interrelated matters have a cumulative effect that go to the heart of the Plan, and because of the serious shortcomings identified we find that it is unsound. It is not positively prepared, as it would fail to meet the housing and economic development needs of Shropshire, or to deliver on the clear commitment to addressing some of the unmet needs in the BC.

It is not justified, since it does not provide an appropriate strategy, considering the reasonable alternatives. It is not effective as it would not be deliverable over the plan period, nor would it enable the delivery of sustainable development in accordance with the policies in the Framework. We cannot see that we can recommend main modifications to remedy these deficiencies as they are so fundamental.



3.3.1 Following further correspondence with the Council, In February 2025 the Inspectors published a further letter (ID48) **[CD2.25]**, noting that the concerns they have with the plan are significant and they do not find the Council's proposed project programme to be realistic, and recommending that the plan be withdrawn.

3.3.2 The draft Shropshire Local Plan was subsequently withdrawn on 25 July 2025. While the Council are attributing weight to the evidence base in the decision-making process where appropriate, the extent to which this evidence can be treated as a material consideration is ultimately a matter for the decision-maker.

3.4 Other Documents

3.4.1 The Appellant may also refer to the following during the course of the appeal, and reserves the right to refer to any further documents not listed below, as the need emerges:

- Developer Contributions Supplementary Planning Document **[CD2.7]**
- Sustainable Design Part 1 Supplementary Planning Document **[CD2.8]**
- Type and Affordability of Housing Supplementary Planning Document **[CD2.9]**

4. Reasons for Refusal

- 4.0.1 This section of the Statement of Case sets out the Appellant's position in relation to matters which are raised in the Reason for Refusal (RfR).
- 4.0.2 A full copy of the Reasons for Refusal is given in the Decision Notice **[CD1.3]**.

4.1 Reason for Refusal 1 (RfR1)

- 4.1.1. RfR1 states:

The proposed development site is wholly located in Green Belt countryside outside of any settlement development boundary which is not safeguarded or allocated land, and is not regarded as being grey belt. Development in this location would be incompatible with the principles of sustainable development in that it would undermine the development strategy set out in the adopted Shropshire Council Core Strategy and Site Allocations and Management of Development (SAMDev) Plan which seek to facilitate residential development within a sustainable settlement hierarchy. In addition to the proposal being inappropriate development in the Green Belt, it would result in harm to the character and appearance of the area. The wider benefits of this BMV land have not been recognised, nor has it been demonstrated that development of this site is necessary in preference to poorer quality land or land outside the Green Belt, therefore effective use of the land has not been made in accordance with NPPF paragraph 187b), and Sections 11 and 13. Less than substantial harm to the significance of the Boningale Conservation Area and Grade II Listed Lea Hall and Barn has been identified, and whilst it is acknowledged that the proposal offers a number of wider local community benefits beyond the site itself, these have not been identified as responding to a local need. The adverse impacts of this unsuitable location would significantly and demonstrably outweigh the benefits of the proposed development contrary to the presumption in favour of sustainable development set out in the NPPF. The proposed development will conflict with Policies CS1, CS3, CS5, CS6 and CS17 of the adopted Shropshire Council Core Strategy, and MD1, MD3, MD6, MD7a and S1 of the SAMDev Plan, in addition to the policies within

the NPPF taken as a whole. Even in the context of the presumption in favour of sustainable development and associated tilted balance, it is not considered that the benefits of the scheme warrant a departure from the Development Plan.

4.1.2. The reason for refusal can be broken down into the following elements:

1. *The ...site is ... in Green Belt countryside ... not safeguarded or allocated land, and ... not regarded as being grey belt.*
2. *Development ... would be incompatible with the principles of sustainable development ... which seek to facilitate residential development within a sustainable settlement hierarchy.*
3. *[Development], ..would result in harm to the character and appearance of the area.*
4. *...[it] has [not]... been demonstrated that development of this site is necessary in preference to poorer quality land*
5. *[it has not been demonstrated that] ... land outside the Green Belt [could have been used], ...*
6. *Less than substantial harm to the significance of the Boningale Conservation Area and Grade II Listed Lea Hall and Barn has been identified, ...*
7. *wider local community benefits beyond the site itself, ... have not been identified as responding to a local need.*
8. *The adverse impacts of this unsuitable location would significantly and demonstrably outweigh the benefits of the proposed development contrary to the presumption in favour of sustainable development set out in the NPPF. ...*

4.1.3. The discursive reason for refusal raises issues of:

- Whether the grey belt exception to green belt policy engaged
- Development outside of settlement limits
- Harm to character and appearance
- Loss of best and most versatile land
- Are there better sites outside of GB

- Heritage harm
- Whether the benefits address local needs

4.1.4. The last issue appears to accept that the presumption in favour of sustainable development is engaged (NPPF 11(d)) but concludes that it is significantly and demonstrably outweighed by the harm that would arise.

4.1.5. The Appellant will provide evidence to demonstrate that the appeal site represents a sustainable form of development, that the development plan policies which are most important for determining the application are out-of-date, that there are no footnote 7 constraints which provide a strong reason for refusal, that the site should be considered to be Grey Belt, and there are no other adverse impacts which would significantly and demonstrably outweigh the benefits of the development.

4.1.6. The Appellant will demonstrate that the site represents a suitable location for development, being adjacent to the built-up area of Albrighton, and will support the use of active and sustainable travel modes by being within reasonable walking and cycling distance of a range of services and amenities, and public transport connections including through Albrighton railway station.

4.1.7. With respect to surrounding built heritage assets, the Heritage Impact Assessment (Pegasus Group, June 2024) submitted alongside the planning application included an appropriate and proportionate level of settings assessment for all assets within a 1km radius of the Appeal Site.

4.1.8. Taking account of the existing baseline and nature of the proposed development, the harm identified was considered to be at the low end of the less than substantial harm spectrum with respect to the Boningale Conservation Area, and low to moderate with respect to the Grade II Listed Lea Hall and Barn. The Assessment concluded that the proposed development would result in no harm to the significance of any other heritage assets, by way of alterations to their setting.

4.1.9. The consultation response from the Conservation Consultee, as reported in the Committee Report **[CD1.6]**, did not appear to diverge from the levels of harm as assessed in the Heritage Statement.

4.2. Reason for Refusal 2 (RfR2)

4.2.1. RfR2 states:

The Local Planning Authority has accorded substantial weight to the high level of harm which would result from the loss of this 48 hectare section of the West Midlands Metropolitan Green Belt through the proposed development. The proposed development site is within a parcel of Green Belt characterised by agriculture, tree lines and cover, and an absence of urbanising influences which make a strong contribution to checking the unrestricted sprawl of large built-up areas and to assisting in safeguarding the countryside from encroachment. The proposed development site is not regarded as grey belt and consequently the proposed development is inappropriate development in the Green Belt. It is therefore, by definition, harmful to the Green Belt and prejudicial to the reasons for including land within it. It does not constitute any of the exceptions to inappropriate development identified in paragraphs 154 or 155 of the National Planning Policy Framework and the circumstances advanced in the application are not considered to amount to the very special circumstances required to overcome an objection to the high level of harm identified. The proposed development is therefore contrary to Shropshire Council Core Strategy Policy CS5, SAMDev Plan Policy MD6 and the guidance set out in Section 13 of the National Planning Policy Framework.

- 4.2.2. This appears to overlap with the first reason for refusal that relating to whether the site comprises grey belt. The Appellant will adduce evidence that demonstrates that the Site meets the tests set out in paragraph 155 of the NPPF and as such should be considered Grey Belt.
- 4.2.3. The appeal proposals meet each of the Golden Rules set out in the NPPF, through the delivery of 35% affordable housing, necessary improvements to infrastructure including highways infrastructure, a new secondary school, and GP surgery, and the creation of significant areas of good quality accessible and usable green space.
- 4.2.4. Notwithstanding the Appellant's position in regard to Grey Belt, evidence will also be provided to demonstrate that if the proposals do not fall within any of the exceptions to green belt policy, there are nonetheless Very Special Circumstances which justify



approval of the development, and that the benefits of the scheme as a whole outweigh the harm to the Green Belt and any conflict with the development plan.

4.2.5. As detailed in the planning statement **[CD5.1]**, the benefits side of the VSC balance comprises the following elements, which clearly outweigh green belt harm (including definitional harm) which is afforded substantial weight:

- Provision of up to 800 dwellings, including 35% affordable dwellings to meet local need in the context of a national housing crisis, a substantial housing land supply deficit, and a significantly out-of-date development plan;
- The provision of specialist accommodation for older people to meet an identified need;
- The economic and social benefits arising from the provision of new housing and care home;
- The provision of land for new education facilities;
- The provision of a flexible employment workspace;
- Improvements to the local highway network;

5. Planning Conditions and Section 106 Obligations

5.1 Planning Conditions

- 5.1.1 The parties will seek to reach agreement on a suggested list of planning conditions in advance of the inquiry.

5.2 Section 106 Obligations

- 5.2.1 The Appellant has drafted a s106 agreement, informed by requests for obligations made during determination of the planning application.
- 5.2.2 This will be issued to the Council for comment in advance of the appeal in order to provide reasonable opportunity for agreement to be reached and in order for a draft agreement to be provided to the Inspector 10 days in advance of the Inquiry, in accordance with the PINs Procedural Guide.
- 5.2.3 It is expected that the s106 obligation will cover:
- The provision of 35% of homes to be affordable
 - Contributions to sustainable transport measures and highways improvements
 - Contributions towards education provision
 - Contributions towards healthcare provision
 - Provisions for the management of on-site open space
 - Provisions for the management of off-site ecological enhancements
 - Provisions for the management of sustainable drainage systems
- 5.2.4 Should any new section 106 requests arise before the commencement of the Inquiry, the Appellant will review these with the Council and include in the obligation where necessary.

6. Planning Balance and Conclusion

6.1. Planning Balance

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the relevant development plan unless material considerations indicate otherwise, the Framework being a material consideration. Noting the above in respect of the housing land supply position and noting that the adopted Plan was prepared to support a significantly lower housing requirement than is now required by national policy, the Appellant considers that conflict with the adopted Development Plan is limited to conflict with Policy S1.1. This conflict will be considered in the Appellant's Proof of Evidence.
- 6.1.2 The Appellant's position is that due to the Grey Belt status of the Site and the Council's inability to demonstrate five years' worth of housing land supply, the tilted balance as identified in paragraph 11(d)(ii) of the Framework is engaged. There are no footnote 7 constraints which provide a strong reason for refusal, to disengage the presumption.
- 6.1.3 In the alternative, Very Special Circumstances have been demonstrated that would allow for development that would normally be considered inappropriate to come forward.
- 6.1.4 The 'tilted balance' sets out that where policies are out of date, planning permission should be granted unless material considerations indicate otherwise, taking into account whether the adverse impacts of doing so would significantly and demonstrably outweigh the benefits
- 6.1.5 The appeal proposal will secure a range of benefits across all three spheres of sustainable development that will be demonstrated in full in evidence. These include, *inter alia*:
- Up to 800 dwellings in a sustainable location, to meet the pressing housing need
 - 35% affordable housing (up to 280 dwellings) on-site to address an identified affordable housing need;
 - An 80-bed Care Home to meet the needs of older people;



- Economic benefits arising from the development during construction and occupation, including the creation of jobs, resident expenditure in the local area, and Council Tax revenue.
- Provision of land for a secondary school to ensure sufficient capacity in secondary school places to accommodate the needs of the local area
- A local centre comprising, a supermarket, a GP surgery, a pharmacy, and a flexible employment space to ensure a range of everyday services are easily accessible
- New areas of high-quality open space and green infrastructure, including space for play and recreation, alongside links into the countryside;
- New planting and habitats, including on off-site land to the east, to deliver a Biodiversity Net Gain
- A package of highways/ sustainable transport improvements throughout the village

6.1.6 These benefits significantly outweigh the comparatively limited harm that will arise from the proposals.

6.1.7 This appeal proposal, as stated above, includes space on site for a new secondary school. This fulfils paragraph 100 of the National Planning Policy Framework. By providing the school site, there is the opportunity to create new provision, increasing the options for parents in the area. There is also the clear sustainability argument. At present, pupils who live in the Albrighton area have to travel circa 6-miles to school, by motorised transport. Any pupil's resident within Albrighton would be able to walk/cycle to the new secondary school on this development, which would be a huge sustainability advantage.

6.1.8 The land is being offered serviced and unencumbered to Shropshire Council for use for new secondary school provision, should that be needed. Shropshire Council will need to review the business case for the new provision, and establish if there is a need. The fact that Idsall School (which serves the development) is on a complicated-shaped site, and is already forecast to be full (and overcapacity in some year groups) based solely on the pupils that are already known about in the system, expansion may not be



possible, and SC would have to look at alternative options for new provision in order to fulfil their statutory duty of providing sufficient pupil places for their area.

- 6.1.9 The offer of the land allows this provision to be delivered if there is a business case, and a new school is approved by the Regional Director. Without the land, Shropshire Council does not have the opportunity to deliver new provision in this area, which is severely lacking any local, sustainably accessible options. If SC decide the land is not required (as with any development with school land reserved) then it can be returned for alternative uses. However, the option remains for the school land to be utilised for an agreed period (as stipulated in the Section 106) so that the option remains for Shropshire Council. This should therefore be afforded significant weight within the planning balance.
- 6.1.10 In respect of healthcare provision, an expanded surgery will better serve the local community. Without the additional space to increase clinical capacity, the existing residents will be under strain in terms of waiting times and access to adequate health services. This will result in poorer health outcomes, which will have a detrimental socio-economic impact.
- 6.1.11 The land for the proposed new and expanded GP Surgery could increase the number of consulting rooms available. This would allow more space for doctors to consult from, and thus means that capacity can grow. The addition of more consulting rooms will have a demonstrable positive benefit on the ability of the GP Surgery to see more Patients, and thus the capacity will grow.
- 6.1.12 This is a rare opportunity for the NHS, as land for a new GP Surgery provided gratis as part of a development application is uncommon, and provides the opportunity for improved and expanded provision following the positive determination of the housing. The rarity of this offering, and the opportunity it provides, has no downside for the NHS, and should be afforded very substantial weight
- 6.1.13 The benefits of a new GP Surgery are multiple and include quantitative improvements through expanded capacity, and qualitative benefits through the replacement of an old, cramped building, and the delivery of new fit-for-purpose provision.



6.2 Conclusion

- 6.2.1 In accordance with paragraph 11d(ii) of the Framework, it will be demonstrated there are no material adverse impacts arising from the appeal proposal that would significantly and demonstrably outweigh the benefits the development will deliver. There are no specific policies of the Framework which would either preclude or restrict the development in the current circumstances.
- 6.2.2 It is clear there are very significant material considerations in favour of a grant of planning permission. The benefits of the proposed development clearly outweigh any limited harms and planning permission should therefore be granted.
- 6.2.3 Accordingly, the Appellant will invite the Inspector to allow the Appeal, and grant permission so that scheme's benefits can be realised.



Appendix 1

Education and Healthcare Statement of Case

TOWN AND COUNTRY PLANNING ACT 1990
(as amended)

Appeal by Boningale Developments Limited

LAND AT PATSHULL ROAD, ALBRIGHTON, SHROPSHIRE

EDUCATION AND HEALTHCARE MATTERS
Education and Healthcare Provision in Albrighton

Shropshire Council and
NHS Shropshire, Telford and Wrekin Integrated Care Board

EDUCATION AND HEALTHCARE STATEMENT OF CASE

Ben James Hunter
BA DipMS

PINS Reference: TBC

LPA Ref: 24/02108/OUT

Date: 31st March 2026

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1. Background

- 1.1 My name is Ben James Hunter. I hold a Bachelor of Arts and Diploma in Management Studies. I have been a Social Infrastructure Consultant for Education Facilities Management Ltd (EFM) since September 2017, and Associate Director of EFM since April 2022. Prior to this I was a Development Management Project Manager for Northamptonshire County Council (as was) since 2012, responsible for negotiating and securing Section 106 planning obligations. Prior to this I was responsible for negotiating, securing, and managing Section 106 planning obligations in an Officer role between 2008 and 2012. The last 18 years of my professional career have been related to the provision of development infrastructure.
- 1.2 I am experienced in giving evidence for Planning Inquiries and Hearings, including Local Plan Inquiries and Public Examinations. I am therefore aware of the application of the planning system in relation to these matters from both a developer and local authority perspective. I confirm that I understand that, notwithstanding my instructions, my primary duty is to help achieve the overriding objective by giving objective, unbiased opinion on matters within my expertise.
- 1.3 I am instructed to act for the Appellant and to prepare a bespoke Statement of Case addressing the issues of Education and Healthcare.
- 1.4 I confirm that the opinions expressed are my true and professional opinions. A.I. was not used in the production of this Statement of Case.
- 1.5 EFM was instructed by Boningale Developments Limited ("**the Appellant**") in February 2026. I was appointed to review the Education and Healthcare landscape to establish whether harm was likely to be caused by this development proceeding, whether the existing facilities were able to accommodate the expected number of children (and people) that will be resident in the new housing, and whether new or expanded infrastructure would be required on site to accommodate the new residents. I was also appointed to establish whether the planning obligations requested by Shropshire Council ("**BC**") and NHS Shropshire, Telford and Wrekin Integrated Care Board ("**ICB**") were Community Infrastructure Levy ("**CIL**") Regulation 122 ("**Reg 122**") (2) compliant, in that they were:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

1.6 This Statement of Case has been prepared to assist the Inspector in determining whether the Education and Healthcare provision planned on this development is necessary, and whether it should be afforded weight within the planning balance.

1.7 This Statement of Case will demonstrate the following:

- (a) The inclusion of a secondary school site on the development is a net benefit to SC and the wider area;
- (b) There is demonstrably no education-related reason to refuse this development application; also,
- (c) The inclusion of a site for a new and expanded GP Surgery is a net benefit to the area; and
- (d) There is demonstrably no healthcare-related reason to refuse this development application.

2 Introduction

- 2.1 This Statement of Case ('SoC') is submitted by EFM Ltd on behalf the Appellant and it relates to an appeal against SC's refusal of outline planning application 24/02108/OUT, for which the description of development is as follows:

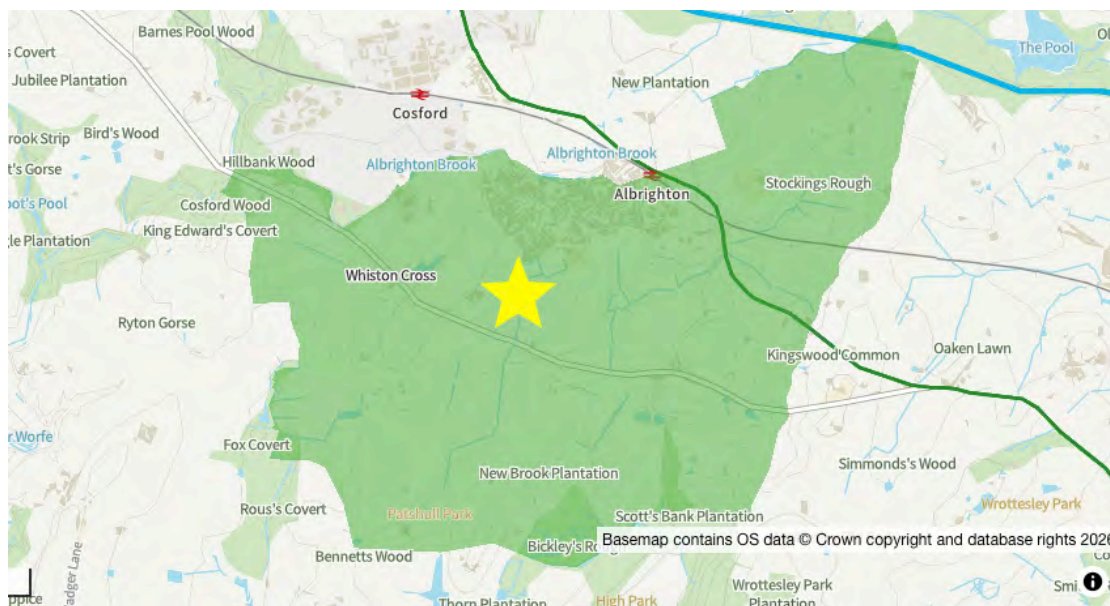
Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage

- 2.2 The approximate redline boundary of the development site can be seen below in Map 1:



Map 1: Approximate Development Boundary

- 2.3 The development is located entirely within the Albrighton Ward ("the Ward"). The Ward boundaries can be seen in the map below:



Map 2: The Albrighton Ward Map Boundary

2.4 The outline planning application was received by the Council on 31 May 2024 and validated on 08 July 2024. The statutory consultation on the application ran until 6 August 2024. The latest extension to the determination period for the application was agreed to 28 November 2025. The application was reported to the Council's Southern Planning Committee on 16 December 2025, with a recommendation to refuse the application. The South Planning Committee resolved to refuse planning permission in accordance with the reasons recommended by officers.

2.5 While education was not directly a reason for refusal, the Committee Report states the following:

There is no requirement for a Secondary School. Objections received from educational professionals state there is no need for the proposed secondary school, as it would undermine existing schools, including Idsall. The scheme is deemed unsustainable and unviable, weakening the applicant's inclusion of this element in its 'very special circumstances to justify planning approval.

2.6 This Statement of Case does not concur with this statement.

2.7 The appeal proposals include (this list is not exhaustive):

- Provision of land for a secondary school to ensure sufficient capacity in secondary school places to accommodate the needs of the local area; and
- A local centre including a supermarket, a GP surgery, a pharmacy, and flexible employment space to ensure a range of everyday services are easily accessible to future residents.

2.8 SC Learning and Skills have stated that the following is necessary to make the development acceptable in planning terms:

Comments

This proposal is neither allocated in the current or proposed Local Plan and as such this has not been factored into any current school place requirements. If permission were to be granted 800 houses would generate considerable pupil numbers across Early Years, Primary, Secondary, Post 16 and SEND, plus send transport, resulting the the following (using published DFE yield data):

Early Years: 64 places @£18 648 per place, totalling £1,193,472

Primary: 221 places @£18 648 per place, totalling £4,121,208

Secondary: 99 Places @£25 648 per place, totalling £2,539,152

Post 16: 38 places @£25 648 per place, totalling £974,624

SEND: 6 places @£98 472 per place, totalling £590,832

SEND Transport 6chn x 0.38 (transport yield) x 15years @£7 070 (average cost, totalling £241 794 - Contribution to transport cost (Outside of CiL / S106)

Total contribution to Learning of Skills £9,661,082 *at current yield values - this will increase over time.

2.9 These figures will be scrutinised throughout this Statement of Case.

2.10 The ICB has stated that the following is necessary to make the development acceptable in planning terms:

From: FRANCIS, Darren
Sent: 08 December 2025 11:21
To: Lynn Parker
Subject: RE: Planning Application Ref: 24/02108/OUT - Proposed Residential Development, Patshull Road, Albrighton

Hi Lynn

This is a significant development and will greatly impact the GP surgery in the town which is already over capacity in terms of available space and there are discussions ongoing for an extension to the current premises to accommodate this need for additional space. This development has not been factored into the current discussions and so will necessitate revisiting the current proposals with a view to increasing the size of the planned extension.

Using our standard calculator against the proposed housing numbers (800x) and care home beds (80x) gives a figure for a healthcare contribution from this development of £ 717,256 for the housing element and an additional £ 59,771 for the care home element – so £777,027 in total.

Darren Francis
Primary Care Lead - Estates

NHS Shropshire, Telford and Wrekin ICB

- 2.11 This figure will also be scrutinised throughout this Statement of Case.
- 2.12 This Statement of Case confirms that there is no education or healthcare related reason for this development not to receive a positive determination. Furthermore, there is a potential substantial benefit from the inclusion of land for both new secondary school provision, and new and expanded GP Surgery provision, on site should the appeal be allowed.

3 Statutory and Policy Matters

- 3.1 With regards to Education, there is a covenant between the State and its populace that has had statutory force for 156 years¹, namely that; **wherever** <my emphasis> a child shall live, who is not otherwise provided for, the State will provide a school in accordance with the statutory arrangements, from the State or developers, as appropriate.² The covenant is not caveated by considerations of transience, fixed or temporary abode, nationality, residential status or home education authority, and means that however children arrive within an area (or are housed within an area) the local authority's statutory duty has to be met.
- 3.2 **The Education Act 1996 (as amended) ("EA96"):** The primary Act relating to education is the Education Act 1996, which is; (a) a consolidating Act and (b) an Act amended from time to time by subsequent legislation. Unless otherwise indicated in this Statement of Case as applying to education, all references are to the Education Act 1996 (as amended).
- 3.3 EA96 (at section 14(1)) states,
- A local education authority³ shall secure that sufficient schools for providing – (a) primary education and (b) secondary education... are available for their area.*
- 3.4 Sections 14(2) to 14(6) go on to explain what is meant by sufficient schools and that it includes implicitly that the requirement is for sufficient appropriate school places.
- 3.5 EA96 (at Section 7) imposes a duty on *"every parent of every child of compulsory school age to cause him to receive efficient full-time education either by regular attendance at school or otherwise"*.

¹ The Elementary Education Act 1870 (section 5) thereafter Education Act 1921 (section 17), Education Act 1944 (section 8), Education Act 1996 (section 14)

² The Act actually says, "5. *There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as hereinafter defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in a manner provided by this Act*".

³ The local education authority has since 2010 been somewhat confusingly renamed 'local authority' to take account of the authority incorporating the duties of the children's services authority.

- 3.6 Section 14(1), together with s7, derives directly from s5 Education Act 1870 via s17 Education Act 1921 and s8 Education Act 1944. There have been no material changes over time, merely consolidating legislation, changes to school leaving ages and changes to terminology from time to time. It is, thus, a longstanding duty for the Education Authority as successor to the local school boards.
- 3.7 EA 96 Section 11 requires the Secretary of State for Education (i.e. the State) to exercise their powers in respect of those bodies in receipt of public funds which carry responsibility for securing school provision for promoting school education. The duty of the education authority (to secure sufficiency of provision) is to enable the State to discharge its responsibilities within the covenant. Thus, the original premise still holds true: for all children of statutory school age, who are not otherwise provided for, the State provides a school, *<my emphasis>* in accordance with the prevailing statutory provisions.
- 3.8 EA96 Section 14 Subsection 3A is a more recent modification to its duty through a requirement for the education authority to exercise its functions under this section with a view to increasing: (a) diversity in the provision of schools, and (b) increasing opportunities for parental choice, and was inserted into Section 14 by Section 2 Education and Inspections Act 2006 with effect from 25th May 2007.
- 3.9 Thus, the duty of the education authority is to enable the State to discharge its responsibilities within the covenant: but, with sufficient headroom to allow for the discharge of its S14 (3A) duties.
- 3.10 In securing sufficient schools for its area, an Education Authority assesses existing capacity and pupil numbers, data on births and migration, and how parental preferences are manifested. It forecasts (usually with a high degree of accuracy) the need for additional capacity in each school planning area for the ensuing five years for primary schools and seven years for secondary schools.
- 3.11 The Education Authority then passes this information to the State [currently the Education and Skills Funding Agency (“ESFA”)] being the school’s operational arm of the Department for Education (“DfE”) by way of the School Capacity Returns (“SCAP”). The State then allocates additional school places as and where shown to be necessary. Each additional school place is accompanied by central government formula driven capital funding associated with that place. This is known as Basic

Need funding. Basic Need allocations to an education authority are aggregated into a single capital sum to be dispensed by the education authority to each project according to its needs.

- 3.12 Basic Need funding on a per-pupil-place basis covers increases in pupil numbers forecast, by the Education Authority, beyond existing and planned capacity, to arise because of rising birth rates, rising survival rates, rising inward migration rates and new housing (except when covered by Section 106 agreements or CIL).
- 3.13 The Basic Need pupil place funding system recognises that, whether or not a Section 106 agreement or a CIL charge has been applied by an LPA to a planning permission, is a matter purely for the LPA. It recognises the duty of the LPA to secure sufficient housing for its population and its growth agenda. The ability (or not) of a planned housing scheme to fund the accompanying school places should not sway the determination of a planning application for that scheme by the LPA. The disapplication of Basic Need provision where there is a Section 106 agreement or CIL is simply to avoid double-funding.
- 3.14 **Securing developer contributions for education (August 2023):**
- 3.15 In order to provide further clarity to education authorities, the DfE produced and published two Best Practice Guidance documents related to delivering schools to support housing growth under the Education Act 1996. These are non-statutory Guidance documents for local authorities planning for education to support housing growth and seeking associated developer contributions. The second of these Guidance documents is related to education provision in garden communities, and is therefore not relevant. The first, however, is related specifically to securing developer contributions for education.
- 3.16 The Guidance document is clear that (paragraph 7, page 8):

It is important that the impacts of development are adequately mitigated, requiring an understanding of:

- *The education needs arising from development, based on up-to-date pupil yield factors.*

- *The capacity of existing schools that will serve development, taking account of pupil migration across planning areas and local authority boundaries.*
- *Available sources of funding to increase capacity where required.*
- *The extent to which developer contributions are required and the degree of certainty that these will be secured at the appropriate time.*

3.17 Healthcare

3.18 With regards to the provision of Healthcare at Practices that will serve this development, the primary statutory duty rests with the Secretary of State for Health, as per the National Health Service Act 2006 (“NHS Act”), with the mandate for delivery resting with NHS England.

3.19 Responsibility for commissioning primary care services, including general practice, sits formally with NHS England. However, over time Integrated Care Boards (ICBs) have increasingly taken on full or partial delegation of these commissioning powers for primary care. This now means most ICBs have at least some responsibility for commissioning general practice in their local area, while keeping to national guidelines to ensure consistency.

3.20 The Handbook to the NHS Constitution for England (updated 4th February 2021) states the following:

Right: ‘You have the right to choose your GP practice, and to be accepted by that practice unless there are reasonable grounds to refuse, in which case you will be informed of those reasons.’

You can choose which GP practice you would like to register with. That GP practice should accept you onto its list of NHS patients unless there are good grounds for not doing so, for instance because you live outside the boundaries that it has agreed with NHS England or because they have approval to close their list to new patients. In rare circumstances, the GP practice may not accept you if there has been a breakdown in the doctor-patient relationship or because you have behaved violently at the

practice. If a GP practice does not accept you onto its list, it should tell you why. If for any reason you are unable to register with your preferred GP practice, NHS England will help you to find another one.

Source of the right

The right is derived from the duties imposed on the provider of GP services by regulations made under the NHS Act 2006, in particular paragraphs 15 to 17 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004 and paragraphs 14 to 16 of Schedule 5 to the National Health Service (Personal Medical Services Agreements) Regulations 2004.

- 3.21 What is evident from the NHS Constitution is that a Health Contribution via Section 106 planning obligation cannot be necessary under the tests of CIL Regulation 122, as the NHS Constitution prevents it from being necessary. If an NHS Practice is full, there is a statutory process to go through to close it to new patients. In that eventuality, they will recommend an alternative facility to the Patient.
- 3.22 However, if it can be demonstrated that the local GP Surgery is undersized, land for a new Surgery can fulfil the tests of Regulation 122 (2).

4 Education Provision

- 4.1 Schools should be operationally full to meet the financial audit requirement for best value from public assets. This is demonstrative of a properly functioning school system. School funding is predicated on the number of pupils that are on a school's roll, so it is in the best interest of schools to maximise intake within their capacity. Accordingly, many schools take from a wide catchment area and some enrol over capacity.



Map 3: Two- and Three-Mile Boundary around the development site

- 4.2 The statutory rules on enrolment are that whilst schools may have a catchment area and ordered criteria for admissions, the rules only apply if the school is oversubscribed. Otherwise, whoever applies is admitted irrespective of where they live. This is known as 'More Open Enrolment'. It fosters the expression of parental preferences for schools that are not necessarily those closest to home.

- 4.3 SC operates under a statutory duty (S14 Education Act 1996) ‘to secure sufficient schools’. The term ‘sufficient’ is not defined and thus reliance is placed on the dictionary definition – “enough” – “adequate” – “not too little and not too much”. Thus, as set out above, the normal state for a school is that it is operationally full.
- 4.4 In our assessment, we consider all primary schools⁴ within a two-mile walking distance, and all secondary schools within a three-mile walking distance. The two- and three-mile criteria is the distance prescribed in the Education Act beyond which local authorities are required to provide/fund transport where the nearest available school is further away.

Primary Education

- 4.5 There are two independent, state funded, non-selective, non-fee-charging schools accommodating primary school aged children within a two-mile radius of the development site. The schools are all within the SC administrative area, and are organised within the same Primary Planning Area.
- 4.6 The schools in relation to the development site can be seen in the map below:

⁴ Distances have been calculated based upon coordinates near to the development. Once the development is built out, some parts of the site will be further/closer than shown.



Map 4: Secondary Schools within two-miles of the development site

4.7 The latest school roll data (January 2025 Census) can be seen below:

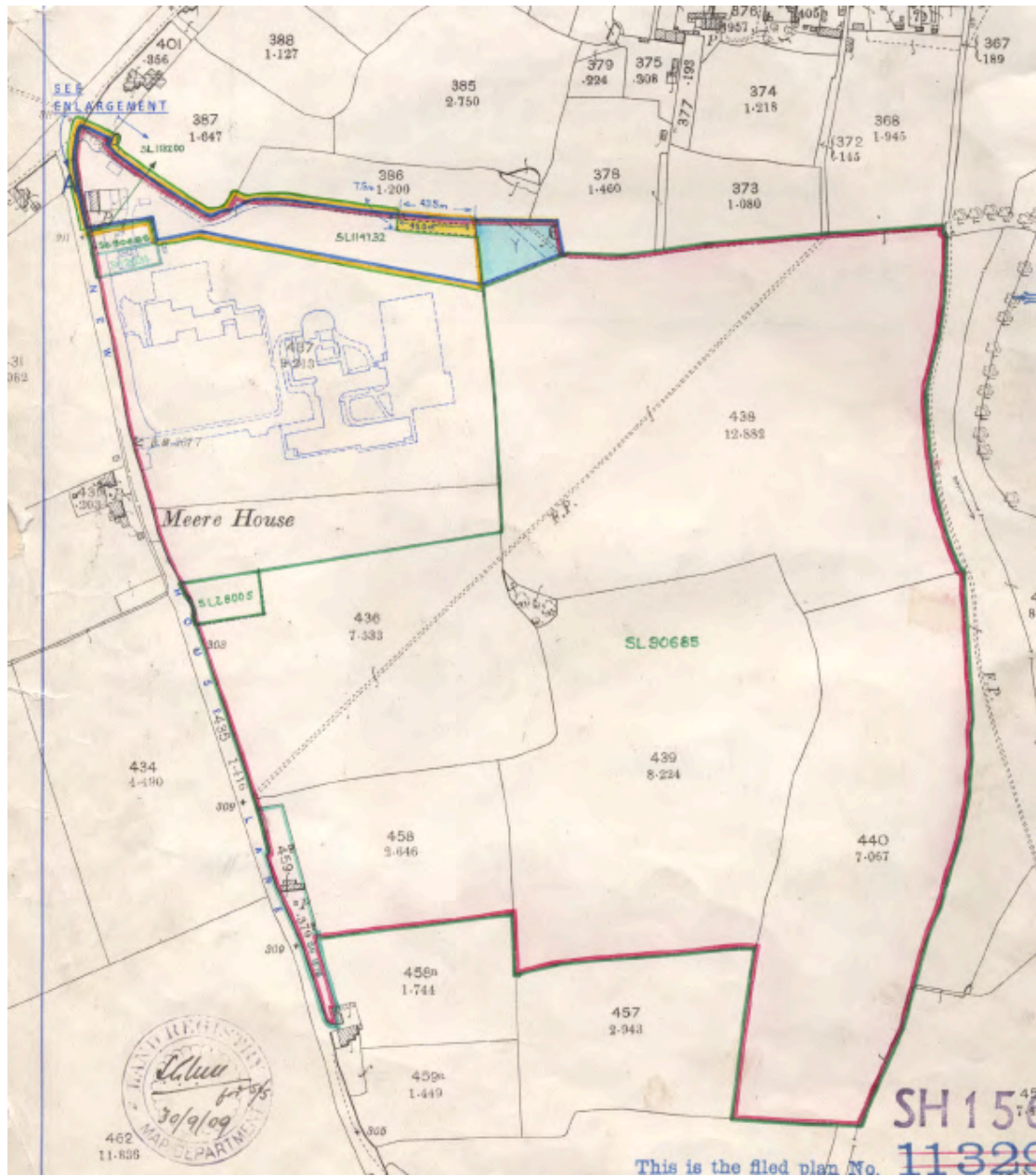
Primary School Name	Postcode	LA Name	Distance (miles)	Capacity	PAN	NoR	Yr R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6
Albrighton Primary School	WV7 3QS	Shropshire	0.6	315	45	273	30	41	36	38	48	36	44
Saint Mary's CofE Primary School	WV7 3DS	Shropshire	1.4	210	30	186	26	26	29	25	24	26	30
TOTAL				525	75	459	56	67	65	63	72	62	74
Surplus							19	8	10	12	3	13	1
Available Surplus %							25%	11%	13%	16%	4%	17%	1%

Table 1: School Roll Data (January 2025)

PAN = Planned Admission Number; NoR = Number on Roll

4.8 When looking at the schools, the closest school to the development site, at circa 0.6-miles walking distance from a mid-point of the redline boundary, is Albrighton Primary School. This is a 1.5 Form of Entry ("1.5FE") that as of the previous academic year was operating at 87% of its available capacity with 42 spare places.

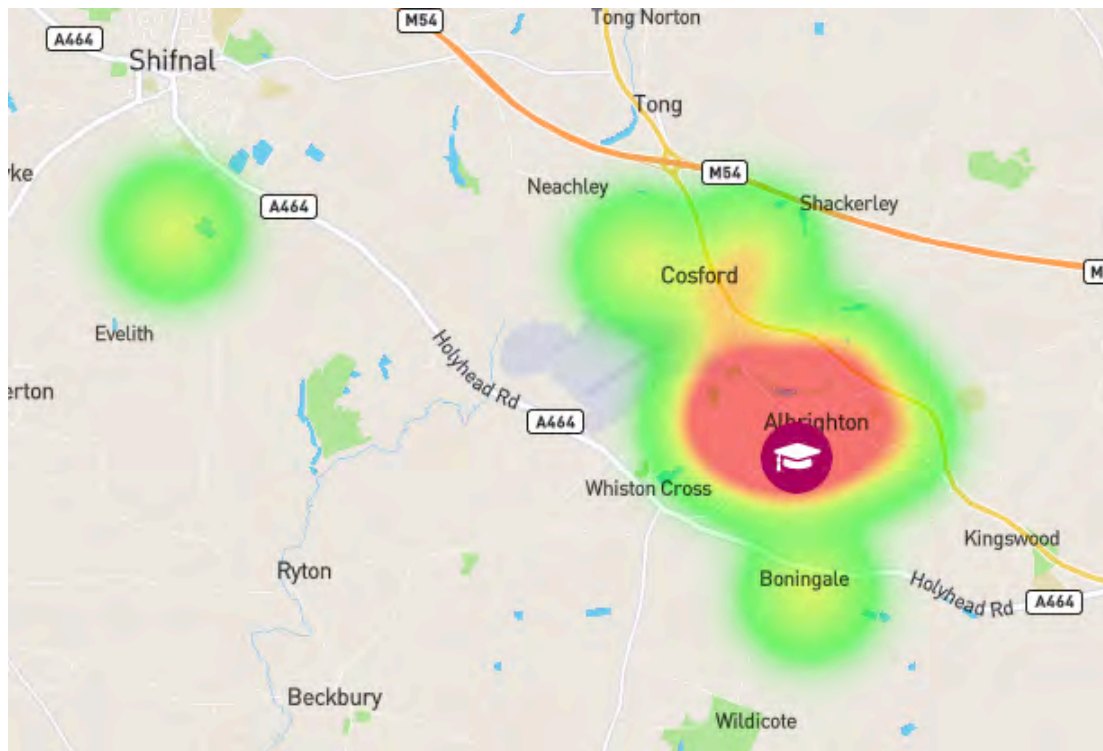
4.9 Albrighton Primary School is located on a site of circa 3ha, as shown in the maps below





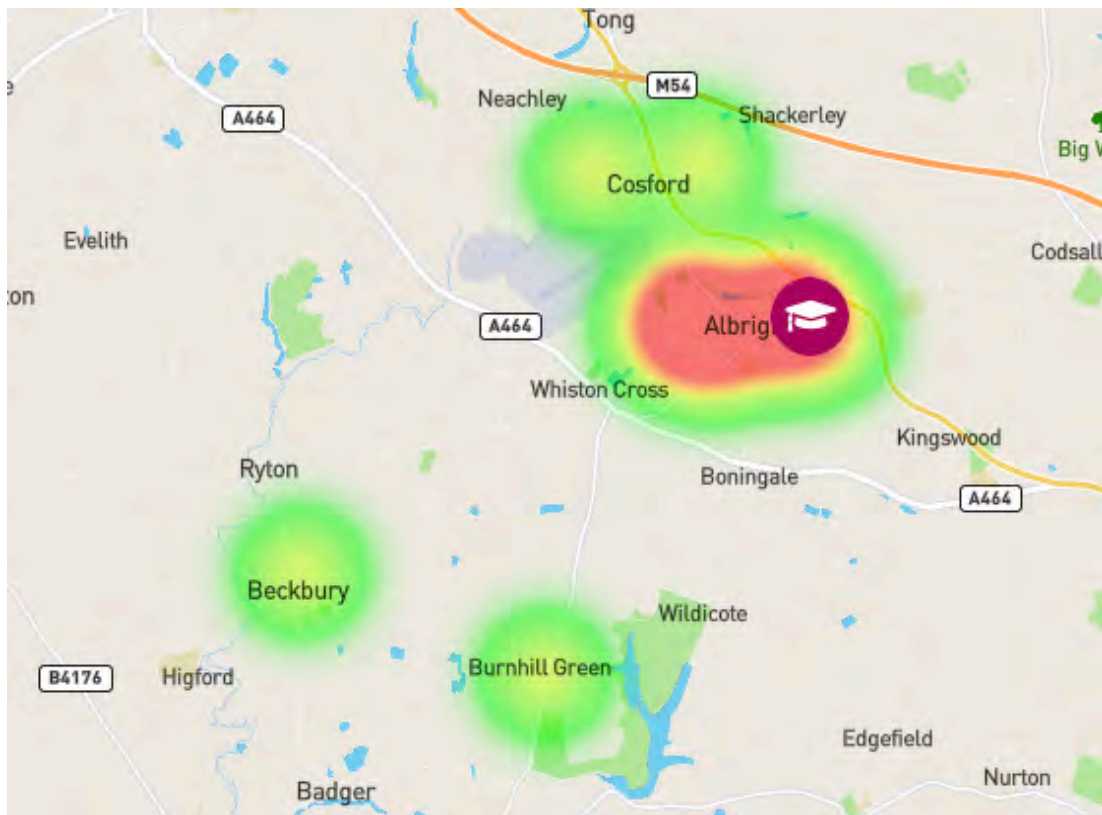
Map 6: Albrighton Primary School Site

- 4.10 Due to the size of the school site, the school could very likely (based on Building Bulletin 103 space standards) double in size to 3FE without the need for land acquisition. This is subject to feasibility study, but 3ha is the top end of the BB103 thresholds (a 3FE primary school can be delivered on 2.3ha without any compromises on space standards according to BB103). Therefore, should this school need to grow, it is in a good position to do so.
- 4.11 Albrighton Primary School accommodates pupils from Albrighton and Cosford predominantly, as well as children as far afield as south Shifnal, as shown in the map below:



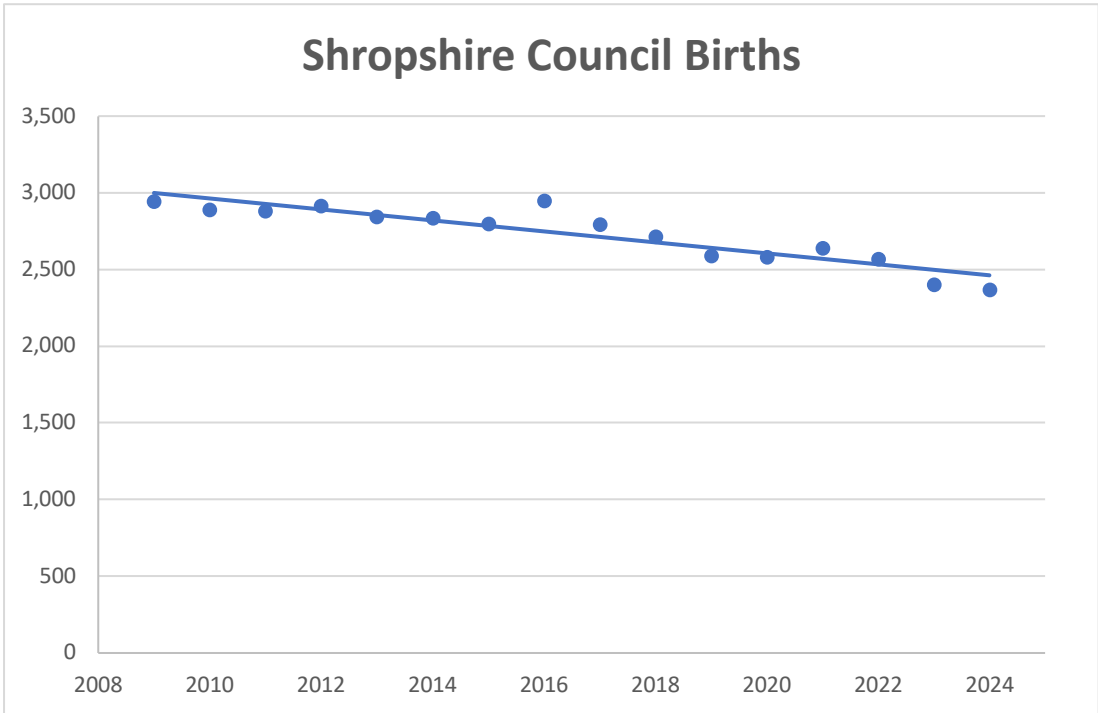
Map 7: Albrighton Primary School Catchment Area Heat Map (via schoolguide.co.uk)

- 4.12 The second closest school to the proposed new dwellings is Saint Mary's CofE Primary School. This is a 1FE primary school approximately 1.4-miles walking distance from a mid-point of the development boundary that as of the previous academic year was operating at 89% of its available capacity with 24 spare places.
- 4.13 This school accommodates pupils from Albrighton and Cosford, and as far as Beccbury, as shown in the map below:



Map 8: Saint Mary's CofE Primary School Catchment Area Heat Map

- 4.14 To summarise: there were 66 spare places in the two closest schools to the development site, with the majority of the spare capacity in Reception Year, which indicates falling rolls.
- 4.15 These falling roll numbers are not surprising when you look at births across Shropshire, which were at historic lows in 2024, and have been falling as a trend, as shown in the graph below:



Graph 1: Shropshire Births per Annum

4.16 Looking forward, the two schools discussed above are grouped with four additional schools to form the Shifnal Primary Planning Area. The school have a combined capacity of 1,435 pupil places:

Primary Planning A...	Time Period	School Name	Primary Capacity	Secondary Capa...
8930012	202324	Sheriffhales Primary School	84	0
8930012	202324	Albrighton Primary School & Nursery	315	0
8930012	202324	Shifnal Primary School	350	0
8930012	202324	St Mary's CofE Primary School	210	0
8930012	202324	Beckbury CofE Primary School	56	0
8930012	202324	St Andrew's CofE Primary School	420	0

Table 2: Shifnal Primary Planning Area Schools

4.17 SC is forecasting (including the child yields of developments with approved Reserved Matters up to the point that the projections were produced in mid-2025) that the schools will be collectively close to full capacity by the 2029/30 academic year:

LA name	Year	Planning Area Code	Planning Area Name	Planning Area Phase	nc Year Group	Pupil Forecast and ...
Shropshire	202425	8930012	Shifnal Primary	Primary	Primary total	1318
Shropshire	202526	8930012	Shifnal Primary	Primary	Primary total	1333
Shropshire	202627	8930012	Shifnal Primary	Primary	Primary total	1371
Shropshire	202728	8930012	Shifnal Primary	Primary	Primary total	1367
Shropshire	202829	8930012	Shifnal Primary	Primary	Primary total	1389
Shropshire	202930	8930012	Shifnal Primary	Primary	Primary total	1416

Table 3: SC SCAP Forecasts

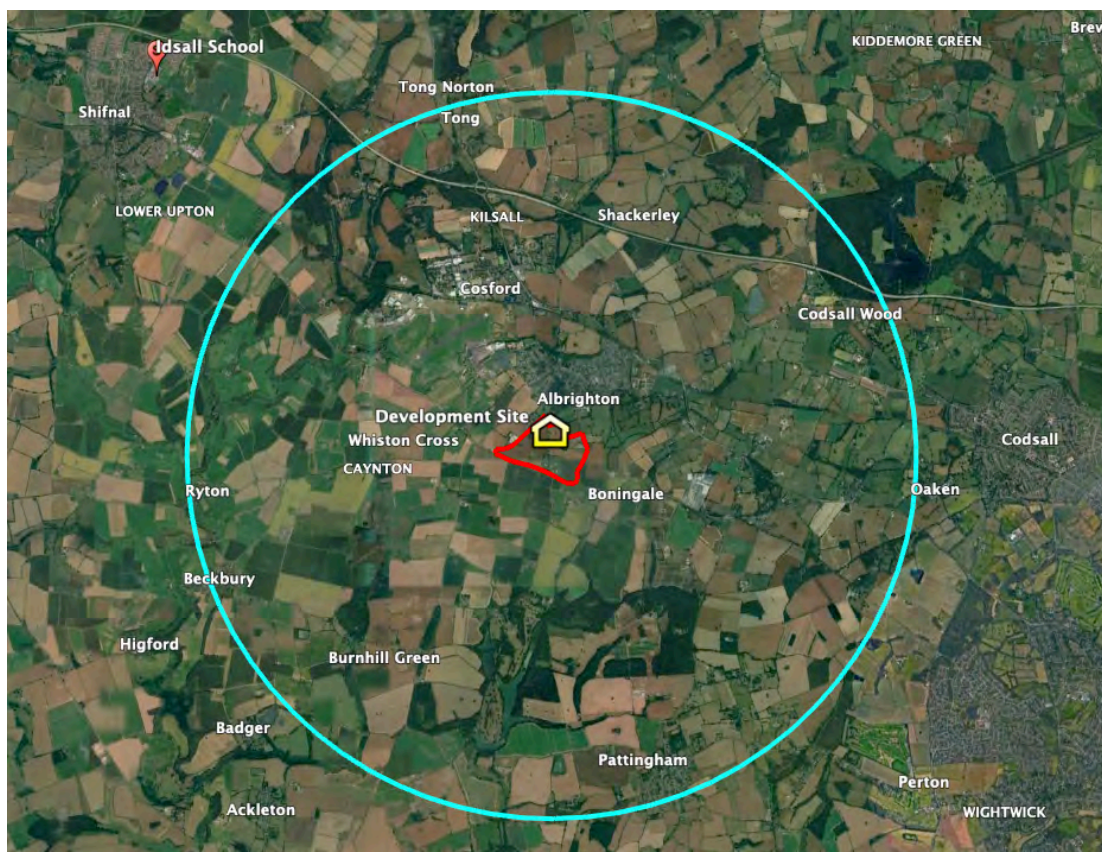
4.18 SC has stated that 800 dwellings will accommodate 221 pupils of primary school age (0.28 pupils per dwelling) when fully built out. This figure is not in dispute and is consistent with national averages. As discussed above there is expansion potential at the closest school - Albrighton Primary School. If this school was to increase its capacity to 3FE then the full child yield of this development could be accommodated, with capacity to spare.

4.19 SC have stated that there is no primary school related reason why this development cannot progress providing planning obligations for expanded provision are secured in the Section 106 agreement. The Appellant has agreed these figure. On that basis, there is no primary education related reason for this development cannot progress. This is because it is mitigating its impact.

Secondary Education

4.20 There are no state funded schools accommodating secondary school aged children within a three-mile radius of the proposed new dwellings. The closest school to the development within the SC administrative area (and not over the border in to Staffordshire) is Idsall School.

4.21 The location of the school in relation to the proposed new dwellings can be seen in the map below:



Map 9: Secondary School in relation to the development site

4.22 The latest school roll data in the public domain can be seen in the table below:

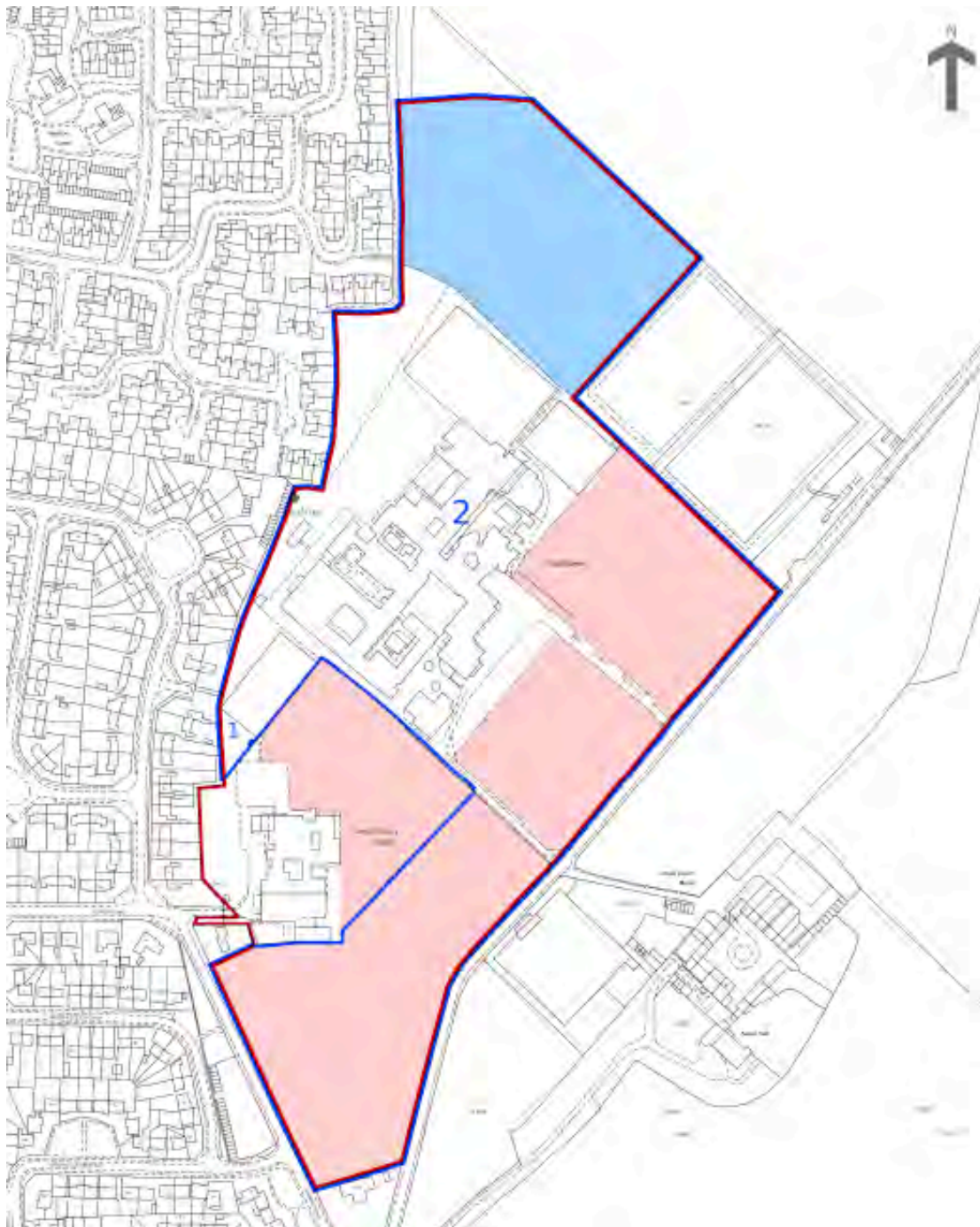
Secondary School Name	Postcode	LA Name	Distance (miles)	Capacity	PAN	NoR 7-11	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Post 16
Idsall School	TF11 8PD	Shropshire	6	1,300	216	1,054	204	208	211	214	217	116
TOTAL				1,300	216	1,054	204	208	211	214	217	116
Surplus							12	8	5	2	-1	
Available Surplus %							6%	4%	2%	1%	0%	

Table 4: School Roll Data (January 2025)

4.23 This school is approximately 6-miles walking distance from the proposed new dwellings. The school is a 7FE school that as of the previous academic year was operating at 98% of its available capacity with 26 spare places.

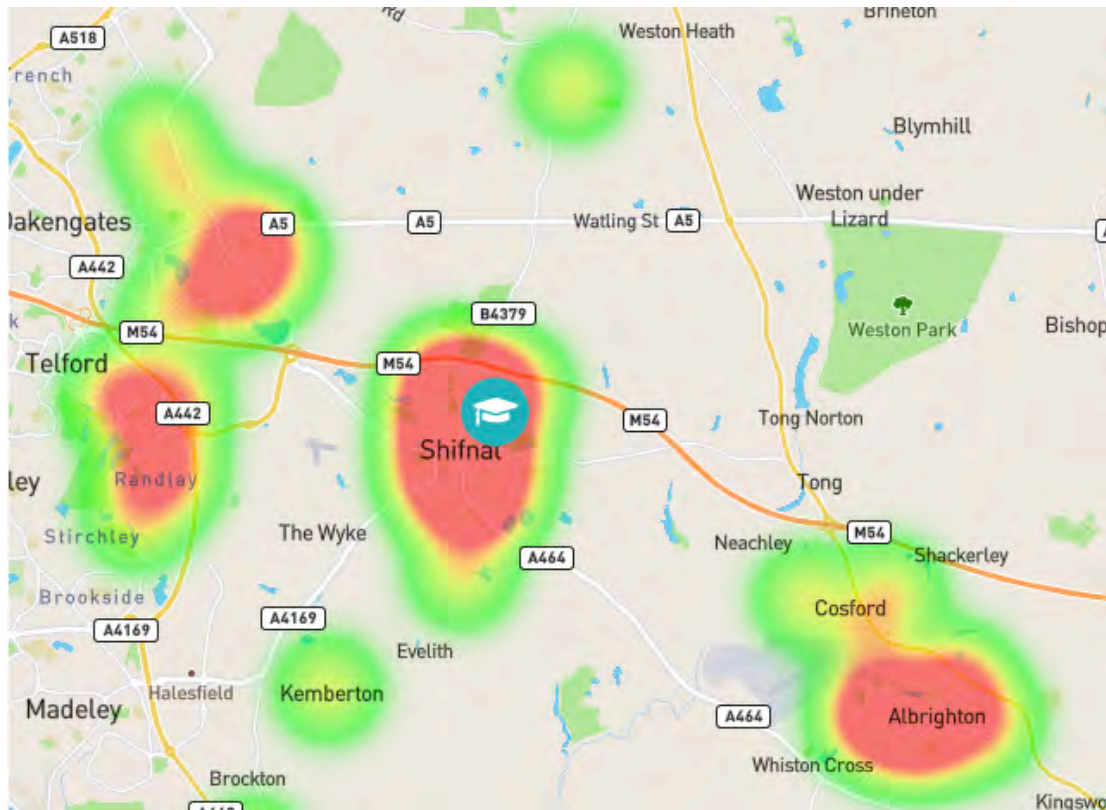
4.24 The school is located on a site of circa 11ha, which under BB103 is appropriate for circa 1,500 pupils under BB103, but the school is not on a standard rectangular-shaped site, which indicates that expansion may be more complicated. The buildings

are spread out over a significant central portion the site. Sport England would not be satisfied to see playing fields being utilised to allow expansion, so subject to feasibility, this is far from a certainty.



Map 10: Idsall School Site Map (via Land Registry)

- 4.25 When looking at the area that school draws pupils from, they are travelling long distances (which will necessitate bus or private car travel) from Albrighton and Cosford, as well as the east of Telford, as shown in the map below:



Map 11: Idsall School Catchment Area Heat Map

- 4.26 Looking forward, the school (which forms its own planning area) has a capacity of 1,300 pupils in years 7-13:

Secondary Planning ...	Time Period	School Name	Primary Capacity	Secondary Capa...
8931012	202324	Idsall School	0	1300

Table 5: Shifnal Secondary Planning Area

- 4.27 SC is forecasting that by the 2031/32 academic year, the school will be at 99% of its available capacity with 17 spare places. This does not take into account the child yield of developments approved post June 2025:

LA name	Year	Planning Area Code	Planning Area Name	Planning Area Phase	nc Year Group	Pupil Forecast and ...
Shropshire	202425	8931012	Shifnal Secondary	Secondary	Secondary total	1170
Shropshire	202526	8931012	Shifnal Secondary	Secondary	Secondary total	1181
Shropshire	202627	8931012	Shifnal Secondary	Secondary	Secondary total	1200
Shropshire	202728	8931012	Shifnal Secondary	Secondary	Secondary total	1230
Shropshire	202829	8931012	Shifnal Secondary	Secondary	Secondary total	1245
Shropshire	202930	8931012	Shifnal Secondary	Secondary	Secondary total	1256
Shropshire	203031	8931012	Shifnal Secondary	Secondary	Secondary total	1286
Shropshire	203132	8931012	Shifnal Secondary	Secondary	Secondary total	1283

Table 6: SC SCAP Forecasts

- 4.28 It should be noted that Year 7 pupils are expected to be a form of entry over capacity in the 2027/28 academic year, and half a form of entry over capacity in the 2030/31 academic year, based on pupils that are already known about within the system:

LA name	Year	Planning Area Code	Planning Area Name	Planning Area Phase	nc Year Group	Pupil Forecast and ...
Shropshire	202425	8931012	Shifnal Secondary	Secondary	Year 07	204
Shropshire	202526	8931012	Shifnal Secondary	Secondary	Year 07	204
Shropshire	202627	8931012	Shifnal Secondary	Secondary	Year 07	212
Shropshire	202728	8931012	Shifnal Secondary	Secondary	Year 07	246
Shropshire	202829	8931012	Shifnal Secondary	Secondary	Year 07	219
Shropshire	202930	8931012	Shifnal Secondary	Secondary	Year 07	220
Shropshire	203031	8931012	Shifnal Secondary	Secondary	Year 07	231
Shropshire	203132	8931012	Shifnal Secondary	Secondary	Year 07	209

Table 7: SC SCAP Forecasts – Year 7 Only

- 4.29 This development includes space on site for a new secondary school. This fulfils paragraph 100 of the NPPF which states:

It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and*
- b) work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

4.30 By providing the school site, there is the opportunity to create new provision, increasing the options for parents in the area.

4.31 There is also the clear sustainability argument. At present, pupils who live in the Albrighton area have to travel circa 6-miles to school, by motorised transport. Paragraph 129 of the NPPF discusses:

Planning policies and decisions should support development that makes efficient use of land, taking into account:

c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.

4.32 Any pupils resident within Albrighton would be able to walk/cycle to the new secondary school on this development, which would be a significant sustainability advantage.

4.33 The land is being offered serviced and unencumbered to SC for use for new secondary school provision, should that be needed. SC will need to review the business case for the new provision and establish if there is a need. The fact that Idsall School is on a complicated site, and is already forecast to be full (and overcapacity in some year groups) based solely on the pupils that are already known about in the system, expansion may not be possible, and SC would have to look at alternative options for new provision in order to fulfil their statutory duty of providing sufficient pupil places for their area.

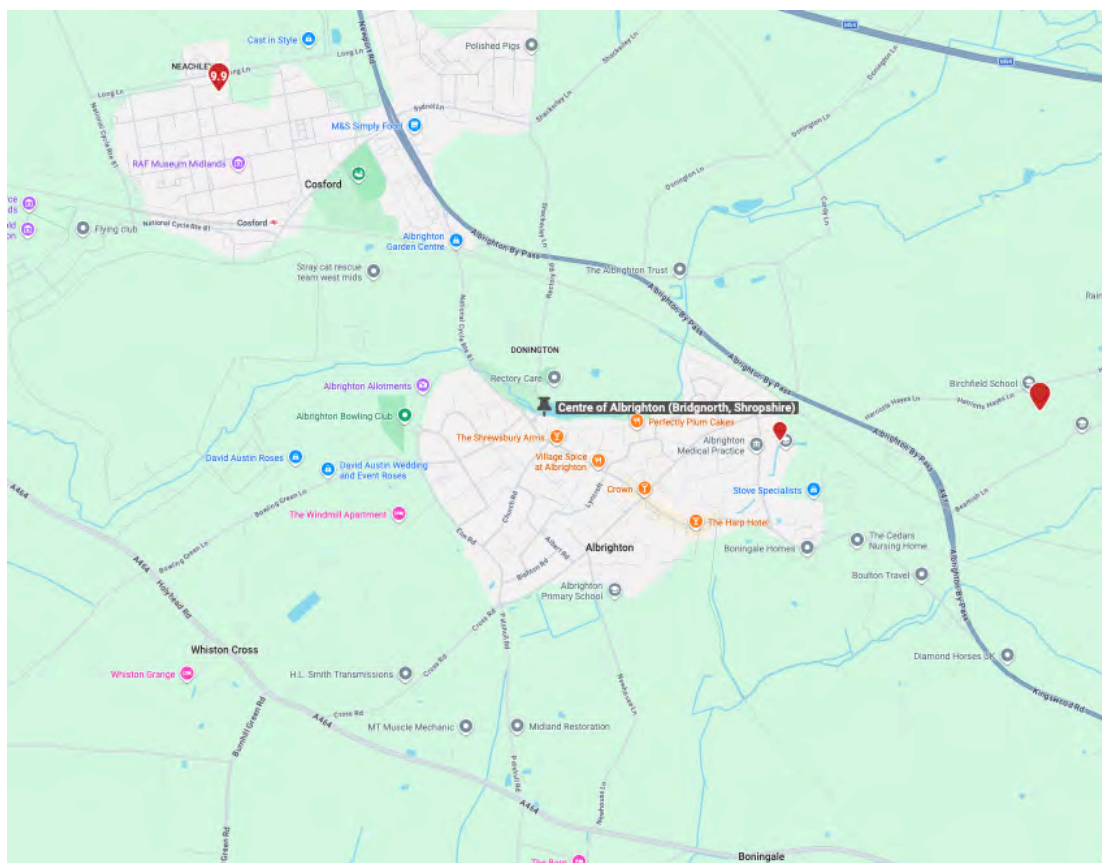
4.34 The offer of the land allows this provision to be delivered if there is a business case, and a new school is approved by the Regional Director. Without the land, SC does not have the opportunity to deliver new provision in this area, which is severely lacking any local, sustainably accessible options. If SC decide the land is not required (as with any development with school land reserved) then it can be returned for alternative uses. However, the option remains for the school land to be utilised for an agreed period (as stipulated in the Section 106) so that the option remains for SC. This should therefore be afforded significant weight within the planning balance.

- 4.35 On the basis of the above, it is clear that the justification for secondary school and sixth form planning obligations is robust. SC state that this development will generate 99 secondary (0.12 pupils per dwelling) and 38 sixth form (0.05 pupils per dwelling) which is not in dispute. The inclusion of the land is an additional benefit, because it offers SC flexibility in how this funding is utilised.

Early Years

- 4.36 Under the Childcare Act 2006, local authorities have specific duties to secure:
- Sufficient and suitable childcare places to enable parents to work, or to undertake education or training which could lead to employment
 - Sufficient and suitable early years places to meet predicted demand
 - Free early years provision for all 3 and 4-year olds (and more recently the 40% most vulnerable 2-year olds) of 15 hours per week 38 weeks per year.
- 4.37 The Childcare Act 2016 includes an extension to the current entitlement and, from September 2017, provides an additional 15 hours (per week 38 weeks per year) of free childcare for 3 and 4-year old children from working families who meet the following criteria:
- Both parents are working (or the sole parent is working in a lone parent family)
 - Each parent earns, on average, a weekly minimum equivalent to 16 hours at national minimum wage and less than £100,000 per year.
- 4.38 Paragraph 23 of the DfE's best practice guidance states:
- While many early years settings fall within the private, voluntary, and independent (PVI) sector, local authorities have a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. DfE has scaled up state-*

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Map 12: Albrighton Nurseries

- 4.40 The Nursery with the largest capacity is at RAF Cosford, which is unlikely to accommodate children from non-military families.
- 4.41 Furthermore, Albrighton Primary School has a Nursery for children aged 2 to 4 years old. Similarly, St Mary's Primary School also has a Nursery.
- 4.42 SC state that this development will accommodate 64 early years aged children on site when fully built out. This is 0.08 children per dwelling, which is consistent with national averages, and is not in dispute. The growing number of pupils forecast to be coming forward in the primary phase indicates an increased number of children, which will also impact the early years phase. On the basis of the above, the request for contributions for early years provision is not disputed.

Special Education Needs and Disabilities (SEND)

- 4.43 The DfE states in their latest PPG on securing education planning obligations (August 2023):

We advise you to seek developer contributions for expansions required to sixth form and special educational needs and disabilities (SEN) provision, commensurate with the need arising from the development.

- 4.44 This demonstrates that the best practice guidance supports the requesting of SEN contributions if they are needed, and evidenced.
- 4.45 Government statistics suggest that in 2025 5.3% of children in the UK have an EHC plan/Statement of SEN (up from 4.7% in 2024). 15% of the UK's school age child population has some form of SEN but no EHC plan. Nationally, there is not sufficient SEN provision to accommodate the demand, which is growing.
- 4.46 SC has stated that this development will generate 0.0075 children with SEND per dwelling, which is not disputed. The area under pressure for new places, and thus there is no dispute between the appellant and SC in relation to this request.
- 4.47 There is also a transport contribution. This is also not in dispute. It is accepted that children with SEND in many cases will be required to be taxied to the specific provision that serves their needs.

5 Education Summary and Conclusion

- 5.1 SC and the Appellant are in agreement with regards to the justification for planning obligations towards early years, primary, secondary, post 16, and SEND, and SEND transport. There is no dispute between SC and the appellant in relation to the need to grow the area, and it is evident that as the planning obligations have been agreed, that there is no education related reason why this development should not progress.
- 5.2 This development includes space on site for a new secondary school. This fulfils paragraph 100 of the NPPF. By providing the school site, there is the opportunity to create new provision, increasing the options for parents in the area. There is also the clear sustainability argument. At present, pupils who live in the Albrighton area have to travel circa 6-miles to school, by motorised transport. Any pupils resident within Albrighton would be able to walk/cycle to the new secondary school on this development, which would be a huge sustainability advantage.
- 5.3 The land is being offered serviced and unencumbered to SC for use for new secondary school provision, should that be needed. SC will need to review the business case for the new provision and establish if there is a need. The fact that Idsall School is on a complicated site, and is already forecast to be full (and overcapacity in some year groups) based solely on the pupils that are already known about in the system, expansion may not be possible, and SC would have to look at alternative options for new provision in order to fulfil their statutory duty of providing sufficient pupil places for their area.
- 5.4 The offer of the land allows this provision to be delivered if there is a business case, and a new school is approved by the Regional Director. Without the land, SC does not have the opportunity to deliver new provision in this area, which is severely lacking any local, sustainably accessible options. If SC decide the land is not required (as with any development with school land reserved) then it can be returned for alternative uses. However, the option remains for the school land to be utilised for an agreed period (as stipulated in the Section 106) so that the option remains for SC. This should therefore be afforded significant weight within the planning balance.

6 Health Care Provision

- 6.1 This development includes land for a new GP Surgery and pharmacy within the local centre. The ICB has confirmed that the current surgery in Albrighton is at capacity and new provision will be required. As with secondary school land, this development offers options to the ICB to provide a new and expanded Surgery should that be deemed the best option for the area.
- 6.2 The national approach to assessing existing Healthcare capacity at GP Surgeries is detailed in the Health Building Note 11-01: facilities for Primary and Community Care Services (“**HBN11-01**”). The specific section of this document that is relevant to the “capacity” of a GP Surgery is Section 4, which is entitled “Sizing a development and creating a briefing schedule”. The calculation methodology can be seen in the Table below:

Calculating number of consulting/examination rooms required for general medical services:	
Catchment population:	10,000
Access rate:	5260 per 1000 population
Anticipated annual contacts:	$10 \times 5260 = 52,600$
Assume 100% patients use C/E room: Patients accessing a C/E room:	52,600
Assume open 50 weeks a year: Patients per week:	$52,600/50 = 1052$
Appointment duration	15 minutes
Patient appointment time per week	$1052 \times 15/60 = 263$ hours per week
Assume building operational	60 hours per week
Assumes room utilisation	60%
Rooms available	36 hours per week
Number of C/E rooms required:	$263/36 = 7.3$

Calculating number of treatment rooms required for general medical services:	
Catchment population:	10,000
Access rate:	5260 per 1000 population
Anticipated annual contacts:	$10 \times 5260 = 52,600$
Assume 20% patients use a treatment room: Patients accessing a treatment room:	$52,600 \times 0.2 = 10,520$
Assume open 50 weeks a year: Patients per week:	$10,520/50 = 210$
Assume appointment duration	20 minutes
Patient appointment time per week	$210 \times 20/60 = 70$ hours per week
Assume building operational	60 hours per week
Assumes room utilisation	60%
Rooms available	36 hours per week
Number of treatment rooms required:	$70/36 = 1.9$

Table 9: Capacity Calculation Methodology

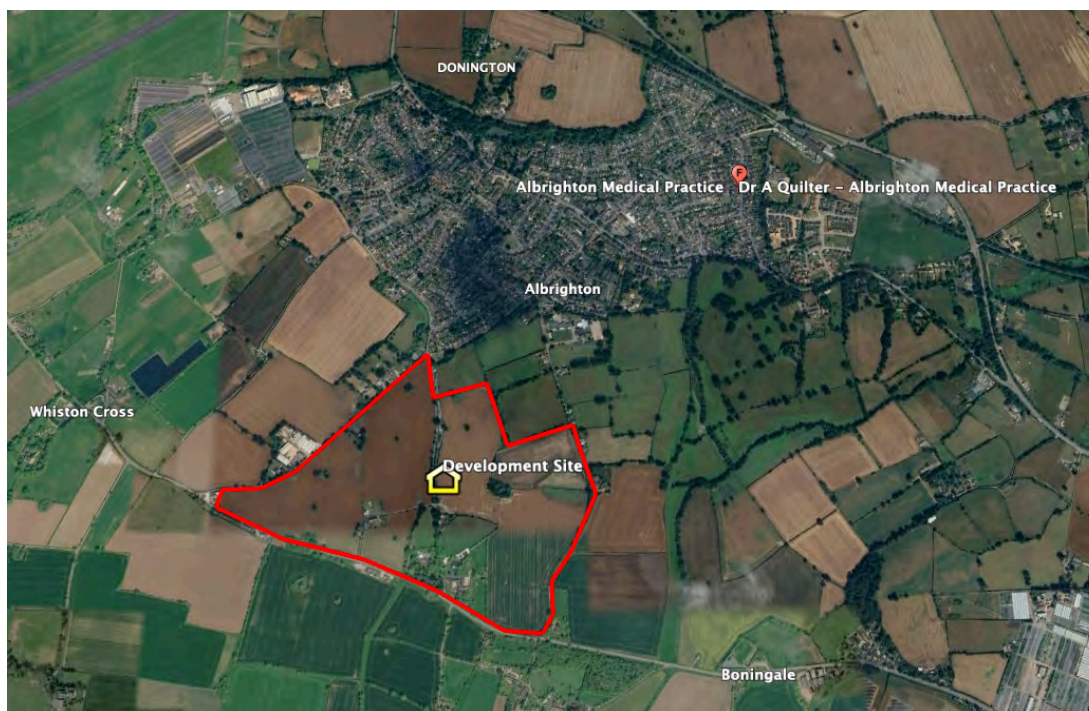
- 6.3 NHS endorsed benchmarks for GP space requirements are those contained within the NHS England Premises Principles of Best Practice Part 1 – Procurement & Development. This document provides explicit size and space standards (GIA per patient), including ratios such as 0.08–0.07sqm per patient depending on practice size (as shown in the table below). These standards continue to be referenced operationally by ICBs in the absence of any updated national guidance on GP space and standard and it is widely adopted by ICBs.

No. of patients			Gross Internal Area (GIA)	GIA per patient
0	-	2000	199m ²	0.1m ²
2001	-	4000	333m ²	0.08m ²
4001	-	6000	500m ²	0.08m ²
6001	-	8000	667m ²	0.08m ²
8001	-	10,000	833m ²	0.08m ²
10,001	-	12,000	916m ²	0.08m ²
12,001	-	14,000	1000m ²	0.07m ²
14,001	-	16,000	1083m ²	0.07m ²
16,001	-	18,000	1167m ²	0.06m ²
18,001	Or over		1250m ²	0.06m ²

Table 10: the NHS England Premises Principles of Best Practice Part 1 – Procurement & Development

- 6.4 The closest GP Surgery to the proposed new dwellings is Albrighton Medical Practice. The distance between the facility and the development can be seen in the map below:

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Map 13: GP Surgery in relation to the development site

6.5 Albrighton Medical Practice, as of April 2025, had a Patient List of 8,464 people:

Practice Name	Patient Numbers	Ward Code	Ward Name	LA Name	County	Postcode
ALBRIGHTON MEDICAL PRACT	2,968	E05008137	Albrighton	Shropshire	Shropshire	WV7 3
ALBRIGHTON MEDICAL PRACT	2,692	E05008189	Shifnal South and Cosford	Shropshire	Shropshire	WV7 3
ALBRIGHTON MEDICAL PRACT	1,137	E05007001	Pattingham and Patshull	South Staffordshire	Staffordshire	WV6 7
ALBRIGHTON MEDICAL PRACT	1,056	E05008198	Worfield	Shropshire	Shropshire	TF11 9
ALBRIGHTON MEDICAL PRACT	239	E05007005	Perton Dippons	South Staffordshire	Staffordshire	WV7 3
ALBRIGHTON MEDICAL PRACT	85	E05006992	Codsall North	South Staffordshire	Staffordshire	WV8 1
ALBRIGHTON MEDICAL PRACT	82	E05007009	Wheaton Aston, Bishopswood and Lapley	South Staffordshire	Staffordshire	ST19 9
ALBRIGHTON MEDICAL PRACT	58	E05006993	Codsall South	South Staffordshire	Staffordshire	WV8 2
ALBRIGHTON MEDICAL PRACT	41	E05008188	Shifnal North	Shropshire	Shropshire	TF11 8
ALBRIGHTON MEDICAL PRACT	24	E05007007	Perton Lakeside	South Staffordshire	Staffordshire	WV6 7
ALBRIGHTON MEDICAL PRACT	23					
ALBRIGHTON MEDICAL PRACT	10	E05008138	Alveley and Claverley	Shropshire	Shropshire	WV15 6
ALBRIGHTON MEDICAL PRACT	49 patients	30 Wards				
TOTAL	8,464					

Table 11: Albrighton Medical Practice Patient List

6.6 Based on the number of patients, the Surgery should have a GIA of a minimum of 677sqm (based on 0.08sqm per patients as per table 10). While the actual GIA of the Surgery is not in the public domain, by looking at Google Earth it seems to have a GIA of a maximum of 600sqm, although, that does not factor in parts of the Surgery that are unusable, and also the onsite dispensary, indicating it is likely to be smaller:



Map 14: Albrighton Medical Practice (via Google Earth)

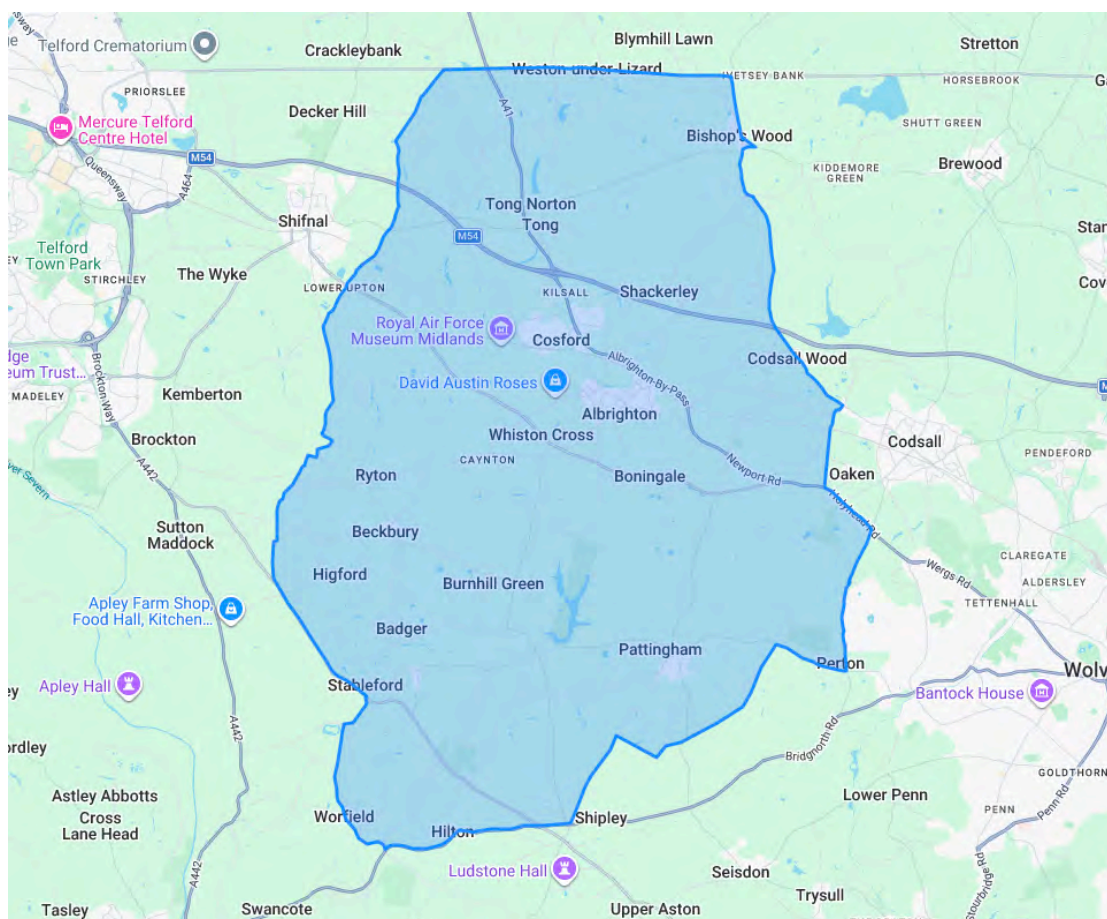


Image 1: Albrighton Medical Practice

6.7 On the basis of the above, there is no argument between the Appellant and the ICB that the Surgery is undersized and that expanded provision is necessary. The ICB has not confirmed that the site could accommodate the expansion that is required, and therefore, there is a benefit to providing the land for new provision should that be deemed the ideal mitigation solution.

6.8 The Practice Boundary can be seen in the map below:

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Map 15: Albrighton Medical Centre Practice Boundary

- 6.9 This development and the location of the current Surgery are very close, and central to the boundary.
- 6.10 What is evident is that a bigger surgery will better serve the local community. Without the additional space to increase clinical capacity, the existing residents will be under strain in terms of waiting times and access to adequate health services. This will result in poorer health outcomes, which will have a detrimental socio-economic impact.
- 6.11 The land for the proposed new and expanded GP Surgery could increase the number of consulting rooms available. This would allow more space for doctors to consult from and thus means that capacity can grow. Capacity at NHS Practices is not calculated in the same way as, say, Schools. That is because it is not about “capacity”

per se, but more about “patient utilisation”. If an NHS Practice opens for an hour longer every day, or opens at weekends, or is able to employ more doctors, its capacity grows. The addition of more consulting rooms will have a demonstrable positive benefit on the ability of the GP Surgery to see more Patients, and thus the capacity will grow.

- 6.12 This is a rare opportunity for the NHS, as land for a new GP Surgery provided gratis as part of a development application is uncommon, and provides the opportunity for improved and expanded provision following the positive determination of the housing. The rarity of this offering, and the opportunity it provides, has no downside for the NHS, and should be afforded very substantial weight.
- 6.13 The benefits of a new GP Surgery are multiple and include quantitative improvements through expanded capacity, and qualitative benefits through the replacement of an old, cramped building, and the delivery of new fit-for-purpose provision.



Ben Hunter

Associate Director – Education and Social Infrastructure
EFM

31st March 2026



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