

Hearing Statement re: Five Year Housing Land Supply

For Boningale Developments Ltd | 25-288

Residential development of 70 dwellings including access, open space, landscaping and associated works - Land to the east of Tilstock Road, Tilstock, Whitchurch, Shropshire
PINS ref: 3362414, LPA ref: 24/04176/FUL

Project: 25-288
Site Address: Land to the east of Tilstock Road, Tilstock, Whitchurch, Shropshire
Client: Boningale Developments Ltd
Date: 19 May 2025
Author: Ben Pycroft

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1. Introduction and summary

- 1.1 This hearing statement is submitted on behalf of the Appellant (Boningale Developments Ltd) in support of its appeal against the failure of Shropshire Council to determine within the relevant timescales a full planning application 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 (LPA ref: 24/04176/FUL, PINS ref: 3362414).

- 1.2 This statement addresses the Council’s five-year housing land supply (5YHLS) at 1st April 2024. It should be read alongside the general statement of case prepared by Marrons, which addresses all other planning matters in relation to this case.
- 1.3 Should the Council update its 5YHLS position (i.e. to a base date of 1st April 2025) before this appeal is determined, then we respectfully request the opportunity to comment on it on behalf of the Appellant.

Background

- 1.4 Emery Planning has extensive experience in dealing with housing supply matters and has prepared and presented evidence relating to five-year housing land supply calculations at numerous Local Plan examinations and public inquiries across the country.
- 1.5 The Council accepts that it cannot demonstrate a 5YHLS. It considers that it has a deliverable supply on 1st April 2024 of 9,902 dwellings, which against the local housing need calculated using the standard method set out in the PPG of 1,994 dwellings per annum and a 5% buffer equates to **4.73 years (a shortfall against the 5YHLS requirement of 567 dwellings)**.

Summary

- 1.6 The following matters in relation to 5YHLS are agreed:
- The base date for assessing the 5YHLS is 1st April 2024 and the 5YHLS period is to 31st March 2029;
 - In accordance with paragraph 78 and footnote 39 of the Framework, the 5YHLS should be measured against the local housing need calculated using the standard method set out in the PPG. This is 1,994 dwellings per annum;



- A 5% buffer should be applied; and
- The Council cannot demonstrate a 5YHLS.

1.7 The extent of the deliverable supply is not agreed. As above, the Council considers that it has a deliverable supply at 1st April 2024 of 9,902 dwellings.

1.8 We have assessed the Council's supply and for the reasons set out in section 5 of this statement conclude that the Council has not provided the necessary clear evidence for the inclusion of:

- 622 dwellings on 10 sites with planning permission;
- 517 dwellings on 7 allocated sites;
- 1,646 dwellings on 23 sites which were proposed to be allocated in the withdrawn Local Plan;
- 86 dwellings on 4 sites identified in the SLAA; and
- 83 dwellings on 5 affordable housing sites.

1.9 We therefore conclude that the deliverable supply at 1st April 2024 is 6,948 dwellings (i.e. $9,902 - 622 - 517 - 1,646 - 86 - 83 = 6,948$ dwellings). Against the local housing need and a 5% buffer, this equates to **3.32 years (a shortfall in the 5YHLS of 3,521 dwellings)** as shown in the following table.

Table 1.1 – Shropshire's 5YHLS at 1st April 2024

	Requirement	Council	Appellant
A	Annual local housing need figure	1,994	
B	Five year housing requirement without buffer (A X 5 years)	9,970	
C	5% buffer (5% of B)	499	
D	Five-year supply to be demonstrated (B + C)	10,469	
E	Annual requirement plus 5% buffer (D / 5 years)	2,094	
	Supply		
F	Five-year supply at 1 st April 2024	9,902	6,948
G	Supply in years (F / E)	4.73	3.32
H	Undersupply against the five-year requirement plus buffer	-567	-3,521



1.10 The implication of this is set out in the Appellant's general statement of case prepared by Marrons.



2. Planning policy context

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration.

Development plan context

- 2.2 The existing development plan comprises:

- Core Strategy DPD – adopted 24th February 2011 (CD2.2); and
- Site Allocations and Management (CD2.3) of Development Adopted Plan – adopted 17th December 2015

- 2.3 The Council submitted the Local Plan Review for examination in September 2021. The Council withdrew the draft plan from examination in March 2025. The Council's latest Local Development Scheme (LDS, February 2025) states that the next local plan (2025-2045) will be adopted in summer 2028.

- 2.4 It is relevant in the context of this statement that the adopted strategic policies are more than five years old and have not been reviewed and found up to date. Therefore, in accordance with paragraph 78 and footnote 39 of the Framework, the 5YHLS should be measured against the local housing need calculated using the standard method set out in the PPG.

Material considerations

Shropshire Council – Five Year Housing Land Supply Statement

- 2.5 The Council's latest 5YHLS position was published on 13th February 2025 (CD2.4) and has a base date of 1st April 2024. As set out in the introduction to this statement, the Council considers that at 1st April 2024, it can demonstrate a deliverable supply of 9,902 dwellings, which equates to 4.72 years.

National Planning Policy Framework

- 2.6 The Framework was published in March 2012. It was revised in July 2018, February 2019, July 2021, September 2023, December 2023, and most recently on 12th December 2024 (with a minor update on 7th February 2025) (CD2.1).
- 2.7 The following sections of the revised Framework are relevant this statement:



- Footnote 8 which explains that the tilted balance to the presumption in favour of sustainable development applies where a) a local planning authority cannot demonstrate a 5YHLS or b) where the Housing Delivery Test result is less than 75%;
- Section 5: Delivering a sufficient supply of homes, including:
 - Paragraph 61, which refers to the Government’s objective of significantly boosting the supply of homes;
 - Paragraph 62, which explains that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment calculated using the standard method set out in the PPG. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for;
 - Paragraph 75, in relation to an allowance for windfall sites;
 - Paragraph 78, which states:

“Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies³⁸ or against their local housing need where the strategic policies are more than five years old³⁹. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

 - a) 5% to ensure choice and competition in the market for land; or
 - b) 20% where there has been significant under delivery⁴⁰ of housing over the previous three years, to improve the prospect of achieving the planned supply; or
 - c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework⁴¹, and whose annual average housing requirement⁴² is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.
 - Footnote 39 states: “Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning practice guidance”

Footnote 40 states: “This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement”



- Paragraph 79, in relation to Housing Delivery Test Action Plans and the policy consequences for failing the HDT.
- Annex 1: Implementation, including:
 - Paragraph 232, which explains that where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan's adoption.
 - Paragraph 233, which sets out the circumstances in which an authority can confirm its housing land supply through an Annual Position Statement.
- Annex 2: Glossary, including:
 - The definition of “deliverable” on page 72; and
 - The definition of “windfall sites” on page 80.

Planning Practice Guidance (PPG)

2.8 The relevant chapters of the PPG in relation to this statement are:

- Chapter 2a - Housing and economic needs assessment;
- Chapter 3 – Housing and economic land availability assessments; and
- Chapter 68 – Housing supply and delivery.

2.9 Chapters 2a and 68 of the PPG were last updated on 12th December 2024 to reflect the revised Framework.



3. What constitutes a deliverable site?

Previous National Planning Policy (2012) and Guidance (2014)

3.1 Footnote 11 of the 2012 Framework stated:

“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

3.2 Paragraph 3-031 of the previous PPG (dated 6th March 2014): “What constitutes a ‘deliverable site’ in the context of housing policy?” stated:

“Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (eg infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply.”

3.3 Therefore, under the 2012 Framework, all sites with planning permission, regardless of their size or whether the planning permission was in outline or in full were to be considered deliverable until permission expired unless there was clear evidence that schemes would not be “implemented” within five years. The PPG went further by stating that allocated sites “could” be deliverable and even non-allocated sites without planning permission “can” be considered capable of being delivered.

3.4 The Government consulted on the draft revised Framework between March and May 2018. The draft revised Framework provided the following definition of “deliverable” in the glossary:



“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Small sites, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

3.5 Question 43 of the Government’s consultation on the draft revised Framework asked: “do you have any comments on the glossary?”

3.6 There were 750 responses to question 43 of the consultation. Some of the points raised included:

“Local authorities called for the proposed definition of ‘deliverable’ to be reconsidered, as it may result in them being unable to prove a five year land supply and place additional burdens on local authorities to produce evidence. Private sector organisations were supportive of the proposed definition.” (our emphasis)

3.7 The government’s response was as follows:

“The Government has considered whether the definition of ‘deliverable’ should be amended further, but having assessed the responses it has not made additional changes. This is because **the wording proposed in the consultation is considered to set appropriate and realistic expectations for when sites of different types are likely to come forward.**” (our emphasis)

Current National Planning Policy and Guidance

3.8 The definition of “deliverable” is set out on page 72 of the Framework (December 2024). It has not materially changed since the Framework was updated in 2018. The definition states:

“Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified



on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

- 3.9 The PPG was most recently updated on 5th February 2024. Paragraph 68-007 of the PPG¹ provides some examples of the types of evidence, which could be provided to support the inclusion of sites with outline planning permission for major development and allocated sites without planning permission. It states:

“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- have outline planning permission for major development;
- are allocated in a development plan;
- have a grant of permission in principle; or
- are identified on a brownfield register.

Such evidence, to demonstrate deliverability, may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites.”

- 3.10 Whilst the previous definition in the 2012 Framework considered that all sites with planning permission should be considered deliverable, the revised definition in the 2018 and subsequent versions of the Framework is clear that only sites with detailed consent for major development should be considered

¹ Paragraph 007 Reference ID: 68-007-20190722: “What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking?”



deliverable and those with outline planning permission should only be considered deliverable where there is clear evidence that housing completions will begin in five years.

- 3.11 As above, the PPG has been updated to provide some examples of the type of evidence which may be provided to be able to consider that sites with outline planning permission for major development, allocated sites and sites identified on a brownfield register are deliverable.

Shropshire's approach to "clear evidence"

- 3.12 The change to the definition of deliverable since the 2012 version of the Framework is significant in this case because the Council relies on category b) sites in its 5YHLS.
- 3.13 The Council's 5YHLS statement includes comments on each of the sites. However, it does not include any written information from those promoting the sites it considers are deliverable.
- 3.14 It is unclear why this has not been produced in support of the Council's current trajectory. Should additional information be produced to support the Council's position then we respectfully request the opportunity to comment on it.
- 3.15 The onus is on the Council to provide clear evidence of deliverability for category b) sites. This was confirmed in a decision dated 28th September 2018 soon after the definition of "deliverable" was made relating to an appeal made by Landex Ltd against the decision of Mid Suffolk District Council to refuse to grant outline planning permission for up to 49 dwellings at land on east side of Green Road, Woolpit². Paragraph 65 of the appeal decision states:

"The NPPF 2018 provides specific guidance in relation to the calculation of the five years supply but specifically with regard to qualifying sites, the Glossary definition of 'Deliverable' in Annex 2 goes further than its predecessor. Small sites and those with detailed permission should be considered deliverable until permission expires unless there is clear evidence that they will not be delivered. **Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the LPA to provide that clear evidence for outline planning permissions and allocated sites.**" (our emphasis added)

- 3.16 Paragraph 68 of the same appeal decision states:

"**Sites with outline planning permission make up a very large proportion of the Council's claimed supply. The onus is on the Council to provide the clear evidence that each of these sites would start to provide housing completions within 5 years.**" I accept

² PINS ref: 3194926 – 28th September 2018 – core document **CD16.12**



that there was clear evidence of what was necessary on one site provided in Mr Robert's evidence and so the 200 dwellings in respect of that site should be added to the Appellant's supply calculations. As for the other 1,244 dwellings with outline permission, the Council has not even come close to discharging the burden to provide the clear evidence that is needed for it to be able to rely upon those sites." (our emphasis added)

- 3.17 In the absence of any clear evidence being provided, we make the following general points with reference to relevant appeal decisions where the definition of "deliverable" and "clear evidence" have been considered.

Relevant appeal decisions

- 3.18 There have been several appeal decisions which have considered the definition of "deliverable" as set out in the current version of the Framework and whether "clear evidence" has been provided for the inclusion of sites which only have outline planning permission for major development or are allocated without planning permission. Whilst each appeal has been determined on a case-by-case basis on the evidence before the decision-maker, several themes have arisen in appeal decisions, which we discuss below.

The absence of any written evidence

- 3.19 Where no evidence has been provided for the inclusion of category b) sites, the Secretary of State and Inspectors have concluded that these sites should be removed. For example:
- In an appeal decision regarding land off Audlem Road, Stapeley, Nantwich and land off Peter De Stapeleigh Way, Nantwich³, the Secretary of State removed 301 dwellings from Cheshire East Council's supply from sites including: *"sites with outline planning permission which had no reserved matters applications and no evidence of a written agreement"* (paragraph 21 of the decision letter dated 15th July 2020);
 - In an appeal decision regarding land to the south of Cox Green Road, Surrey⁴ an Inspector removed 563 dwellings on 24 sites from Waverley Council's supply because the Council had not provided any evidence for their inclusion (paragraphs 22 to 24 of the appeal decision dated 16th September 2019);
 - In an appeal decision regarding land at Station Road, Stalbridge, North Dorset⁵ an Inspector removed 2 large sites from North Dorset's supply (references A02 and A04) because the Council had not provided any up to date information from the developers for these sites and applications for reserved matters had not been made (paragraphs 53 and 57); and

³ PINS refs: 2197532 and 2197529 – core document **CD16.7**

⁴ PINS ref: 3227970 – core document **CD16.8**

⁵ PINS ref: 3284485 – core document **CD16.9**



- In an appeal decision regarding land within the Westhampnett / North East Strategic Development Location, North of Madgwick Lane, Chichester⁶, an Inspector removed the second phase of a wider site that is under construction on the basis that an application for reserved matters had not been made for phase 2 and the fact that a major housebuilder was progressing phase 1 was not in itself clear evidence (paragraph 82).

3.20 In a decision relating to an appeal regarding land at Weddington Road, Weddington, Nuneaton⁷, the Inspector concluded that Nuneaton and Bedworth could not demonstrate a 4 year housing land supply. The Inspector found that the deliverable supply was closer to our figure on behalf of the Appellant of 2.74 years. In doing so, the Inspector removed (amongst other sites):

- A site with outline planning permission at Discovery Academy where there was no clear evidence of firm progress being made towards the submission of a reserved matters. The Inspector stated: “The information from the Council does not explain what the application for reserved matters would look like, when it will be made or when applications to discharge the pre- commencement conditions set out in the outline planning permission are to be made. Further decisions on funding are also required in the Summer. To conclude that even with slippage all 58 units could be delivered by 2028 is not borne out in the evidence before me. It should not be considered deliverable at the base date and 58 dwellings should be removed from the supply” (paragraphs 164 and 165);
- A site with outline planning permission at Hospital Lane where there was no clear evidence of firm progress being made towards site assessment work or the submission of a reserved matters application (paragraphs 172 and 173);
- A site at West of Bulkington which had a resolution to grant full planning permission and the issuing of the planning permission had been “imminent” for some time but the S106 agreement has still not been issued (paragraphs 174 and 174); and
- A site at Phoenix Way / Wilsons Lane which had outline planning permission but “There is no firm progress with the site assessment work to support a reserved matters application, information as to who is going to submit the reserved matters application, what it will be for or when it is going to be determined. None of the timescales have been confirmed in a written agreement with the developer and it is still unknown who the developer will be. There is no clear evidence of deliverability and 73 should be removed from the supply”.

⁶ PINS ref: 3270721 – core document **CD16.10**

⁷ PINS ref: 3330615 – 26th July 2024 – core document **CD16.11**



The most up to date evidence

- 3.21 In an appeal regarding land on the east side of Green Road, Woolpit⁸, the Inspector found Mid Suffolk Council's approach in publishing its AMR and then retrospectively seeking evidence to justify its position "wholly inadequate". Paragraph 70 of the appeal decision states:

"the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published."

- 3.22 However, evidence can post date the base date to support the sites in the deliverable supply and not seek to introduce new sites. In an appeal regarding land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands (Milton Keynes)⁹, the Secretary of State agreed with Inspector Gilbert-Woolridge that the latest available evidence should be used when considering deliverability. Paragraph 12 of the Secretary of State's decision letter dated 25th June 2020 states:

"For the reasons given at IR12.8-12.12 the Secretary of State agrees with the Inspector that it is acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019 (IR12.11)".

- 3.23 Similarly, in a decision regarding land off Darnhall School Lane, Winsford¹⁰, the Secretary of State agreed with Inspector Middleton that it is appropriate to take into account information received after the base date if it affects sites included in the deliverable supply¹¹.
- 3.24 This means that where sites have not progressed as the Council's trajectory claimed at the time the position statement was published, the supply should be reduced. In the Audlem Road appeal¹², the Secretary of State removed from Cheshire East Council's supply;

"a site where there is no application and the written agreement indicates an application submission date of August 2019 which has not been forthcoming, with no other evidence of progress". (paragraph 21 of the Decision Letter dated 15th July 2020)

- 3.25 Cheshire East Council's Housing Monitoring Update (HMU) had a base date of 31st March 2019 and was published in November 2019. Representations by both parties on the HMU were received with the final comments received on 12th February 2020 (DL paragraph 7). Therefore, whilst the written evidence for

⁸ PINS ref: 3194926 – core document **CD16.12**

⁹ PINS ref: 3169314 – core document **CD16.13**

¹⁰ PINS ref: 2212671 – core document **CD16.14**

¹¹ Paragraph 344 of the Inspector's Report and paragraph 15 of the Decision Letter.

¹² PINS refs: 2197532 and 2197529 – core document **CD16.15**



this site explained a planning application would be made on this site in August 2019 because the application was not forthcoming by the time the decision was made and no other evidence of progress had been provided, the Secretary of State removed the site from the supply.

The form and value of the evidence

- 3.26 In the Woburn Sands appeal decision referred to above, the Secretary of State agreed with the Inspector that a proforma can, in principle, provide clear evidence of a site's deliverability (please see paragraph 12 of the decision letter and paragraphs 12.13 to 12.15 of the Inspector's Report). However, the evidential value of the written information is dependent on its content. The Secretary of State and Inspectors have concluded that it is simply not sufficient for Councils to provide agreement from landowners and promoters that their intention is to bring sites forward. The evidence needs to provide a realistic prospect that housing will be delivered on the site within five years.
- 3.27 For example, in allowing an appeal for 120 dwellings at land east of Gleneagles Way, Hatfield Peverel¹³, the Secretary of State found Braintree Council could not demonstrate a five year housing land supply.
- 3.28 Braintree Council claimed that it could demonstrate a 5.29 year supply. In determining the appeal, the Secretary of State concluded that the Council could only demonstrate a 4.15 year supply. The reason for this is set out in paragraph 41 of the decision letter (page 7), which states:

"Having reviewed the housing trajectory published on 11 April, the Secretary of State considers that the evidence provided to support some of the claimed supply in respect of sites with outline planning permission of 10 dwellings or more, and sites without planning permission do not meet the requirement in the Framework Glossary definition of "deliverable" that there be clear evidence that housing completions will begin on site within five years. He has therefore removed ten sites from the housing trajectory"

- 3.29 The ten removed sites are listed in a table provided at Annex D on page 24 of the Secretary of State's decision letter. Of the ten sites removed from Braintree's supply, 9 had outline planning permission and the remaining site was an allocated site with a hybrid planning application pending determination. For these sites, Braintree Council had submitted completed forms and emails from landowners, developers and their agents providing the timescales for the submission of reserved matters applications and anticipated build rates¹⁴. However, the Secretary of State removed these sites because he did not consider they met the definition of "deliverable" as set out in the Framework. The Secretary of State found the evidence provided by Braintree was not clear evidence.

¹³ PINS ref: 3180729 – core document **CD16.16**

¹⁴ Appendix **EP1**



3.30 As part of its case in seeking to defend an appeal against its decision to refuse to grant outline planning permission for up to 140 no. dwellings at land off Popes Lane, Sturry¹⁵, Canterbury City Council claimed that it could demonstrate a 6.72 year supply. For there to be a shortfall in the supply, Canterbury Council claimed that some 1,654 dwellings (out of 6,455 dwellings) would have to be removed from the “deliverable” supply.

3.31 The Inspector, however, found that the Council could not demonstrate a five year housing land supply. The Inspector concluded that the deliverable supply was 4,644 dwellings, which equates to 4.8 years. The reason why the Inspector concluded that the deliverable supply was 1,811 dwellings (28%) less than the Council claimed was because he found that 10 sites should be removed from the supply because:

“there is insufficient clear evidence to show that they meet the NPPF’s definition of deliverable. Sites which are not deliverable cannot be counted as part of the supply for the purposes of meeting the 5-year requirement.” (paragraph 23)

3.32 In this case, Canterbury Council had provided statements of common ground between the Council and the developer or landowner to support the inclusion of several of the disputed sites. However, the Inspector found that the statements of common ground did not demonstrate that the development prospect was realistic. Paragraph 23 of the appeal decision states:

“For a number of the disputed sites, the Council’s evidence is founded on site-specific SCGs which have been agreed with the developer or landowner of the site in question. I appreciate that the PPG refers to SCGs as an admissible type of evidence, and I have had full regard to that advice. But nevertheless, the evidential value of any particular SCG in this context is dependent on its content. In a number of cases, the SCGs produced by the Council primarily record the developer’s or landowner’s stated intentions. Without any further detail, as to the means by which infrastructure requirements or other likely obstacles are to be overcome, and the timescales involved, this type of SCG does not seem to me to demonstrate that the development prospect is realistic. In addition, most of the site-specific SCGs are undated, thus leaving some uncertainty as to whether they represent the most up-to-date position.”

3.33 Similarly, as part of its case in seeking to defend an appeal made by Parkes Ltd against its decision to refuse to grant outline planning permission for up to 53 dwellings at land to the south of Cox Green Road, Rudgwick¹⁶, Waverley Council claimed it could demonstrate a supply of 5,708 dwellings, which equated to just under 5.2 years against its housing requirement and buffer.

3.34 The Inspector concluded that the supply should be reduced by 928 dwellings and therefore that Waverley Council could only demonstrate a “deliverable” supply of 4.3 years. The reasons why the Inspector

¹⁵ PINS ref: 3216104 – core document **CD16.17**

¹⁶ PINS ref: 3227970 – core document **CD16.18**



considered the supply should be reduced are set out in paragraphs 10 to 27 of the appeal decision. We note that whilst Waverley Council's assumptions of delivery on a site at Dunsfold Park relied on estimated numbers of delivery from a pro-forma returned by the site's lead developer, the Inspector however considered that the details contained within it were "scant". There was no explanation as to how the timings of delivery could be achieved including the intended timescales for submitting and approving reserved matters, applications of discharge of conditions, site preparation and installing infrastructure. The Inspector therefore did not include the site.

- 3.35 We now refer to two appeal decisions in Oxfordshire and one in Central Bedfordshire where the definition of "deliverable" and "clear evidence" were considered. For these cases we also append the evidence the Councils in those cases relied on.

Little Sparrows, Sonning Common (South Oxfordshire) Appeal Decision

- 3.36 At the time the South Oxfordshire Local Plan was examined, the Council's 5YHLS position at 1st April 2020 was that it could demonstrate a 5.35 year supply. These claims were tested soon after the Local Plan was examined at an inquiry in relation to an appeal regarding Little Sparrows, Sonning Common¹⁷. In that case, the Inspector concluded that the Council could only demonstrate a 4.21 year supply.
- 3.37 Paragraph 18 of the appeal decision explains that at the inquiry, the Council's case had fallen to 5.08 years. The Council's case at that time was that it could demonstrate a deliverable 5YHLS of 5,785 dwellings and the Appellant's case was that it could demonstrate a deliverable 5YHLS of 4,789 dwellings. The difference between the two positions was 996 dwellings on 15 sites as set out in table 3 of the SoCG for that case as referred to in paragraph 19 of the appeal decision.
- 3.38 Paragraphs 20 and 21 of the appeal decision then state:

"20. I have also had regard to the PPG advice published on 22 July 2019 on 'Housing supply and delivery' including the section that provides guidance on 'What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking.' The PPG is clear on what is required:

"In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."

This advice indicates to me the expectation that 'clear evidence' must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.

¹⁷ PINS ref: 3265861 – 25th June 2021 – core document **CD16.5**



21. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are there planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed. Securing an email or completed pro-forma from a developer or agent does not in itself constitute 'clear evidence'. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward. (emphasis added)

3.39 This is relevant because in that case the Council had submitted emails from those promoting sites¹⁸. However, the Inspector in that case found that such emails were not clear evidence as set out in the paragraphs above.

3.40 Paragraph 22 of the appeal decision then stated:

"It is not necessary for me to go through all of the disputed sites in Table 3 of SoCG 5. **In my view, the Council was not able to provide clear evidence of delivery on most of the disputed sites which significantly undermines its position.** For example, the Council suggests that 100 dwellings would be delivered at Site 1561: Land to the south of Newham Manor, Crowmarsh Gifford whereas the Appellant says 100 dwellings should be deducted. The comments set out by the Appellant for this site in Table 3 are compelling. Similarly, at Site 1009: Land to the north east of Didcot, the Council suggests 152 dwellings would be delivered whereas the Appellant says 152 dwellings should be deducted. The Appellant provides cogent evidence to support its case. Furthermore, at Site 1418: Land at Wheatley Campus, the Council agrees a deduction but only of 62 dwellings whereas the Appellant says the deduction should be 230. **There is no clear evidence before me that would suggest that these sites or indeed most of the disputed sites would deliver the completions suggested by the Council in the next five years**" (emphasis added)

3.41 Paragraph 23 of the appeal decision states:

"Overall, I consider that the Appellant's assessment of supply set out in Table 2 of SoCG 5 is more realistic taking into account the test of deliverability set out in Appendix 2 to the NPPF and the PPG advice published on 22 July 2019. I am satisfied that the Appellant's approach is consistent with national policy, case law, appeal decisions and informed by current housebuilder sales rates, assessment of the technical complexities of delivering development sites and experience of the housebuilding industry including lead-in times"

3.42 Finally, paragraph 25 of the appeal decision states:

¹⁸ Appendix EP2



“I consider that the Council’s supply figure should be reduced to reflect the Appellant’s position set out in Table 2 of SoCG 5. The Council’s supply figure of 5,785 dwellings in Table 2 should be reduced to give a more robust total supply figure of 4,789 dwellings for the five year period. Although the Council maintains there is a 5.08 year supply, the evidence that is before me indicates a housing land supply equivalent to 4.21 years. The implications of not having a five-year housing land supply are significant. Not only is there a shortfall, but it also means most important policies for determining the application are automatically out-of-date. The Council accepts that means all the policies in the SOLP and the SCNP are out-of-date. It also means if the paragraph 172 tests in the NPPF are satisfied then the tilted balance applies.”

Land west of Wroslyn Road, Freeland (West Oxfordshire) appeal decision¹⁹

- 3.43 In this case, West Oxfordshire accepted that it could not demonstrate a deliverable 5YHLS. However, the extent of the shortfall was not agreed. Our evidence on behalf of the Appellant in that case was that 1,691 dwellings should be removed from West Oxfordshire’s 5YHLS. The Inspector found that the figure the 5YHLS was closer to our position of 2.5 years rather than the Council’s figure of 4.1 years (paragraph 59).
- 3.44 Paragraphs 50 to 57 of the appeal decision set out the Inspector’s findings on the disputed sites in that case. For the disputed sites, West Oxfordshire had provided emails and proformas to support the inclusion of the sites²⁰. However, the Inspector concluded that this was not “clear evidence” and removed the sites from the deliverable supply.

Land to the east of Langford Road, Biggleswade and north of Queens Way, and Denny Crescent, Langford, Central Bedfordshire²¹

- 3.45 In this decision, the Inspector removed 416 dwellings from Central Bedfordshire’s 5YHLS from a site at land north of Houghton Regis which had outline planning permission and phases under construction but no known housebuilder for phases 3b and 4 or timescales for the submission of outstanding reserved matters. For this site, Central Bedfordshire had provided a delivery programme from the promoter of the site²².
- 3.46 Paragraph 16 of the appeal decision states:

“Land north of Houghton Regis (Site 1) (Ref: HT057) forms part of a large strategic development plan site allocation with outline planning permission. It comprises several phases. A master plan has been approved and a design code has been submitted for

¹⁹ PINS ref: 3301202 – 18th January 2023 – core document **CD16.19**

²⁰ Appendix **EP3**

²¹ PINS ref: 3341832 – 11th November 2024 – core document **CD16.20**

²² Appendix **EP4**



Phase 4. Phases 3b and 4 are being marketed as there is no known housebuilder. The timing for the submission of the outstanding reserved matters is unknown. In combination, the evidence provided is not clear that the 416 homes relating to Phase 3b and 4 are deliverable within the relevant 5 year period.”

The fact an application has been submitted may not mean there is clear evidence of deliverability

3.47 In a decision dated 25th August 2022 regarding an appeal made by Salter Property Investments Ltd against the decision of Exeter City Council to refuse to grant outline planning permission for up to 93 dwellings at land off Spruce Close, Exeter²³, the Inspector found:

- The pro-formas used by Exeter were undated, unsigned and deficient (paragraph 39);
- That 2 sites with outline planning permission and no reserved matters applications pending, and no clear evidence for their inclusion should be removed (paragraphs 40 and 41); and
- That even where reserved matters applications had been made, where those applications are subject to outstanding objections and there is no written agreement with the developer, the sites should not be included because no clear evidence had been provided (paragraphs 42 and 43).

3.48 In the Freeland appeal decision referred to above²⁴, the Inspector removed sites from the Council’s supply despite the fact that planning applications had been made. Paragraph 56 states:

“Applications were submitted in January 2021 for sites EW4 and EW5. The same email referred to above refers to consent being granted at the October planning committee, which, when HLS discussions were had at the Inquiry at the end of November, had not happened. I understand that officer illness has caused delays in progressing the applications to committee. However, without an officer report, a recommendation, or even a confirmed committee date, there is currently no clear evidence to indicate that the dwellings at sites EW4 and EW5 included in the Council’s PS should be considered deliverable in 5 years. The 156 and 120 dwellings should not, as yet, be included in HLS figures”

3.49 Finally, in a decision dated 10th April 2024 relating to an appeal made by Gladman Developments Ltd against the decision of East Hampshire Council to refuse to grant outline planning permission for up to 60 dwellings at 46 Lymington Bottom, Four Marks²⁵, the Inspector removed a site from the deliverable supply

²³ PINS ref: 3292721 – core document **CD16.21**

²⁴ PINS ref: 3301202 – core document **CD16.19**

²⁵ PINS ref: 3329928 – core document **CD16.22**



because whilst a reserved matters application had been made, clear evidence had not been demonstrated. Paragraph 54 of the appeal decision states:

“Land east of Horndean has only outline planning permission. The Appellant advised that the Council’s Environmental Health Officers are concerned about ventilation, their Policy team have concerns about the design of the scheme and the Highway Authority have objected as well as the Parish Council. A reserved matters scheme has been submitted but is undetermined. Therefore, the submitted evidence does not clearly show this is deliverable in the time period and 200 dwellings should be deleted from the supply.”

- 3.50 In summary, the above appeal decisions found that sites with outline planning permission for major development and allocated sites without planning permission should not be included in the deliverable supply where the respective Councils had failed to provide the clear evidence required. In some cases those Councils had provided proformas and other evidence from those promoting sites, and Inspectors and the Secretary of State found this not to be clear evidence.
- 3.51 We respectfully invite the Inspector to compare the evidence Shropshire has provided to support the inclusion of the category b) sites with the evidence provided by Braintree, South Oxfordshire, West Oxfordshire and Central Bedfordshire which was found not to be clear evidence by the Secretary of State and Inspectors in those cases.



4. Matters agreed re: 5YHLS

4.1 The following matters are agreed in relation to 5YHLS.

The base date and the 5YHLS period

- 4.2 The base date is the start date for the five year period for which both the requirement and supply should relate. It is agreed that the relevant base date for assessing the 5YHLS for the purposes of this appeal is 1st April 2024 and the relevant 5YHLS period is to 31st March 2029.
- 4.3 The Council should not attempt to include any new sites which are not already within its schedule of sites. This would effectively mean changing the base date to beyond 1st April 2024. Within this context, there have been several appeal decisions, which have found such an approach to be inappropriate.
- 4.4 An example is dated 22nd March 2021 and relates to an appeal made by Wates Developments Ltd against the decision of Tonbridge & Malling Borough Council to refuse to grant outline planning permission for up to 250 no. dwellings at land west of Winterfield Lane, East Malling. In that case, the Tonbridge & Malling Council sought to rely on the inclusion of sites that had become “deliverable” since the base date. The Inspector disagreed. Paragraph 9 of the appeal decision states:

“Whilst I see merit in using information that becomes available after the base date to inform deliverability, I note that the Inspector in Woburn Sands was referring solely to sites that were already identified in the housing supply at the base date, in line with the approach taken in Woolpit. Indeed, he noted that to do otherwise would skew the housing supply. I share this view. An assessment of housing supply which introduces new sites would only be accurate if it also took account of lapsed sites, completions and other factors which might reduce sites at that point in time. The Council have not been in a position to supply all of this information and have not reviewed the phasing of extant permissions or indeed all of the permissions granted subsequent to the base date. I therefore have no confidence that the Council’s approach would provide an accurate assessment of the actual state of supply in the district and I must therefore rely instead on the Council’s previous position as of 1st April 2019 as a starting point.”

- 4.5 Reference is made to the decision in relation to an appeal made by Wavendon Properties Ltd against the decision of Milton Keynes Council to refuse to grant outline planning permission for a mixed use development including up to 203 dwellings at land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands²⁶. In that appeal, the Secretary of State agreed with Inspector Gilbert-

²⁶ PINS ref: 3169314 – core document **CD16.13**



Wooldridge that whilst evidence which post-dated the base date was acceptable, this was only in relation to sites already in the schedule of sites. New sites should not be added after the base date²⁷.

4.6 Reference is also made to the Woolpit appeal decision²⁸. Paragraph 67 of that appeal decision states:

“The inclusion of sites beyond the cut-off date skews the data by overinflating the supply without a corresponding adjustment of need.”

4.7 The Woburn Sands appeal decision made reference to an appeal made by the Darnhall Estate against the decision of Cheshire West and Chester Council to refuse to grant residential development for up to 184 dwellings at land off Darnhall School Lane, Winsford²⁹. In that case, the Secretary of State agreed with Inspector Middleton and our evidence that it would be inappropriate for new sites to be included after the base date and that their insertion should await the next full review of the housing land supply position³⁰. Paragraph 344 of the Inspector’s Report states:

“There is a dispute about the introduction of post-base date information by the Council in its review of the April 2018 assessment for the purpose of this Inquiry [ID 17]. Whilst I agree that it is not appropriate to introduce new sites at this stage, their insertion should await the next full review, it is nevertheless appropriate to take into account information received after 1 April 2018 if it affects sites that were in the last full assessment. Subsequent information that supports a pre-base date judgement should not normally be ignored [IR 85, 130 & 131].” (emphasis added)

4.8 Paragraph 15 of the decision letter states:

“The Secretary of State has gone on to consider the issue of supply. In doing so he has had regard to his guidance on deliverability issued 22 July 2019. For the reasons given at IR341-344 the Secretary of State agrees with the Inspector’s conclusions on preliminary points.”

The figure the 5YHLS should be measured against

4.9 In accordance with paragraph 78 of the Framework and footnote 39 of the Framework, it is agreed that the 5YHLS should be measured against the local housing need calculated using the standard method set out in the PPG. This is 1,994 dwellings per annum.

²⁷ Please see DL paragraph 12 and IR paragraph 12.12

²⁸ PINS ref: 3194926 – core document **CD16.12**

²⁹ PINS ref: 2212671 – core document **CD16.14**

³⁰ Please see DL paragraph 15 and IR paragraph 344



The 5% buffer applies

4.10 In accordance with paragraph 78a) of the Framework, the 5% buffer applies.

The Council cannot demonstrate a 5YHLS

4.11 The Council accepts that it cannot demonstrate a 5YHLS. However, the extent of the shortfall is not agreed.



5. Matters not agreed re: 5YHLS – the “deliverable” supply

- 5.1 With regard to the definition of “deliverable” as set out in section 3 of this statement, the inclusion of dwellings on the following sites is disputed.

Sites with planning permission

- 5.2 The Council includes 1,126 dwellings on 10 large sites in the five year supply, which we dispute as follows:

Table 5.1 - Disputed sites with planning permission

Ref	Site	Capacity (net)	LPA 5YHLS	Emery 5YHLS	Difference
22/04360/FUL	Land west of Tilstock Road, Whitchurch	561	350	306	-44
21/05743/OUT	Land off Ellesmere Road, Hencote	204	204	0	-204
21/05981/FUL	North of London Road, Shrewsbury	134	131	100	-31
17/05189/FUL	Land south of Rocks Green, Ludlow	133	61	0	-61
20/05065/OUT	Flax Mill, Spring Gardens	120	120	0	-120
21/03378/REM	Proposed Care Home, Shillingston Drive, Berwick Grange	70	70	37	-33
14/03184/FUL	Brogyntyn Hall	69	69	61	-8
16/02491/REM	The Leasowes, Sandford Avenue, Church Stretton	43	43	0	-43
21/01136/FUL	Land to the south of Chirbury	40	40	0	-40
19/02385/FUL	Stoke Heath Camp, Warrant Road	38	38	0	-38



Ref	Site	Capacity (net)	LPA 5YHLS	Emery 5YHLS	Difference
		Totals	1,126	504	-622

5.3 Our assessment of these sites is summarised below.

22/04360/FUL – Land west of Tilstock Road, Whitchurch

Capacity = 561 dwellings, Council's 5YHLS = 350 dwellings

5.4 Full planning permission for 561 dwellings was granted on 16 June 2023. The site is under construction, with 31 homes sold to date and a further 9 advertised for sale. The Council's trajectory states that the site will deliver 50 dwellings in year 1 and 75 dpa thereafter. However, the average build rate for a site of this scale is 64 dpa (Lichfields Start to Finish v3). In the absence of any evidence to justify the proposed build rates, we consider that the average completion rate achieved on a site of this size should be applied. This results in a reduction of **44 dwellings** from the Council's supply.

21/05743/OUT – Land off Ellesmere Road, Hencote

Capacity = 204 dwellings, Council's 5YHLS = 204 dwellings

5.5 An outline planning application for 182 extra-care units and a 75-bed nursing home was refused by the Council on 14 April 2022 and allowed at appeal on 02 March 2023. No reserved matters applications have been submitted to date, nor is there any clear evidence to demonstrate that firm progress is being made towards the submission of a reserved matters application or the discharge of conditions. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. In the absence of clear evidence, the site is not deliverable and **204 dwellings** should be removed from the supply.

21/05981/FUL – North of London Road, Shrewsbury

Capacity = 134 dwellings, Council's 5YHLS = 131 dwellings

5.6 A hybrid planning application seeking full permission for 103 dwellings and outline permission for 32 self-build dwellings was approved on 10 October 2022. No reserved matters applications have been submitted in respect of the 32-self build dwellings, nor is there any clear evidence to demonstrate that firm progress is being made towards the submission of a reserved matters application. Consequently, the site only has detailed consent for 103 dwellings. 3 units were completed prior to the base date, therefore 100 dwellings



remain to be delivered. No clear evidence has been provided to demonstrate the deliverability of the remainder of the site in the five year period and **31 dwellings** should be removed from the Council's supply.

17/05189/FUL – Land south of Rocks Green, Ludlow

Capacity = 133 dwellings, Council's 5YHLS = 61 dwellings

- 5.7 A hybrid planning application seeking full permission for 72 dwellings and outline permission for 132 dwellings was approved on 23 January 2019. The 72 dwellings with full consent (phase 1) were completed prior to the base date. A reserved matters application for 67 dwellings (phase 2) was approved on 22 September 2022; however, this is included in the supply separately. No further reserved matters applications have been made, nor is there any clear evidence to demonstrate that firm progress is being made towards the submission of a reserved matters application. The Council's evidence simply states this phase (3) is to follow phases 1 and 2. This is not clear evidence of deliverability of the remainder of the site in the five year period and **61 dwellings** should be removed from the supply.

20/05065/OUT – Flax Mill, Spring Gardens

Capacity = 120 dwellings, Council's 5YHLS = 120 dwellings

- 5.8 Outline planning permission for 120 dwellings was approved on 10 May 2021. Condition 2 of the consent states that reserved matters applications must be made within 10 years, i.e., by 10 May 2031. No reserved matters applications have been submitted to date, nor is there any clear evidence to demonstrate that firm progress is being made towards the submission of a reserved matters application. Indeed, the Council's evidence is that the site was to be marketed in 2024 and the expectation is that the earliest start date is early 2026. This is not clear of deliverability and **120 dwellings** should be removed from the supply.

21/03378/REM – Proposed Care Home, Shillingston Drive, Berwick Grange

Capacity = 70 dwellings, Council's 5YHLS = 70 dwellings

- 5.9 Reserved matters consent for a 70-bed care home (C2) was approved on 21 March 2022. The equivalent number of C3 dwellings is 37. Therefore, **33 dwellings** should be removed from the Council's supply.



14/03184/FUL – Brogyntyn Hall

Capacity = 69 dwellings, Council's 5YHLS = 69 dwellings

- 5.10 The site has full permission for 61 dwellings and is under construction. No further applications have been made. Therefore, **8 dwellings** should be removed from the Council's supply.

16/02491/REM – The Leasowes, Sandford Avenue, Church Stretton

Capacity = 43 dwellings, Council's 5YHLS = 43 dwellings

- 5.11 A reserved matters application for 43 dwellings was approved on 17 January 2018. However, no development has taken place on the site. A review of Google Earth confirms that the site is a vacant field, as it has remained for over 20 years. Given the amount of time that has passed since consent was granted and the absence of any progress towards development since this time, it is considered that **43 dwellings** should be removed from the supply.

21/01136/FUL – Land to the south of Chirbury

Capacity = 40 dwellings, Council's 5YHLS = 40 dwellings

- 5.12 A hybrid planning application seeking full permission for 13 dwellings and outline permission for 27 dwellings was approved on 05 June 2023. No reserved matters applications have been submitted, nor is there any clear evidence to demonstrate that firm progress is being made towards the submission of a reserved matters application. No clear evidence has been provided to demonstrate the deliverability of the remainder of the site in the five year period. Therefore, **27 dwellings** should be removed from the supply.

19/02385/FUL – Stoke Heath Camp, Warrant Road

Capacity = 38 dwellings, Council's 5YHLS = 38 dwellings

- 5.13 Full planning permission for 38 dwellings was granted on 05 April 2022. No applications to discharge any conditions, including pre-commencement conditions, have been made. Condition 1 of the consent states that development must commence by 05 April 2025. However, this did not happen. Therefore, the permission has expired, and **38 dwellings** should be removed from the Council's supply.



Allocated sites (adopted)

5.14 The Council includes 549 dwellings on 7 allocated sites in the five year supply, which we dispute as follows:

Table 5.2 – Disputed allocated sites (adopted)

Ref	Site	Capacity (net)	LPA 5YHLS	Emery 5YHLS	Difference
ELL003a & ELL003b	Land south of Ellesmere	250	168	0	-168
CMI	Land at Ludlow Road, Cleobury Mortimer	120	108	0	-108
ALB002	Land at White Acres, Albrighton	90	90	0	-90
OSW024	Eastern Gateway Sustainable Urban Extension, Oswestry	50	50	0	-50
HO2	Land off Avenue Road, Broseley	20	20	0	-20
SHREW002, SHREW035, SHREW083, SHREW128, ELR64, ELR67 & ELR68	Shrewsbury West Sustainable Urban Extension	304	91	32	-59
PRE002-011-012	Land west of Shrewsbury Street, Prees	22	22	0	-22
		Totals	549	32	-517

5.15 Our assessment of these sites is summarised below.



ELL003a & ELL003b – Land south of Ellesmere

Capacity = 250 dwellings, Council's 5YHLS = 168 dwellings

- 5.16 An outline planning application for up to 250 dwellings was approved on 20 December 2016. A number of reserved matters applications have been made, withdrawn and refused in relation to the development of the site. A S73 application was submitted in September 2024 and seeks to confirm that the outline consent is extant. That application is still pending determination and no documentation has been uploaded since September 2024. Therefore, it is unknown whether the outline consent is extant or whether it has expired. Nevertheless, no clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **168 dwellings** should be removed from the supply.

CMI – Land at Ludlow Road, Cleobury Mortimer

Capacity = 120 dwellings, Council's 5YHLS = 120 dwellings

- 5.17 The site is allocated in the Cleobury Mortimer Neighbourhood Plan for approximately 120 dwellings. No planning applications have been submitted to date, nor is there any evidence to suggest that progress is being made towards the submission of an application. The comments provided by the Council is not clear evidence of deliverability and **120 dwellings** should be removed from the supply.

ALB002 – Land at White Acres, Albrighton

Capacity = 90 dwellings, Council's 5YHLS = 90 dwellings

- 5.18 An outline planning application for up to 90 dwellings was approved on 28 October 2024. No reserved matters applications have been submitted to date, nor is there any clear evidence to demonstrate that firm progress is being made towards the submission of a reserved matters application. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period and **90 dwellings** should be removed from the supply.

OSW024 – Eastern Gateway Sustainable Urban Extension, Oswestry

Capacity = 50 dwellings, Council's 5YHLS = 50 dwellings

- 5.19 The site does not have planning permission. An outline planning application for 85 dwellings was submitted on 04 April 2024 and is pending determination. It is unknown whether the application will be approved. Even if approved, the site will remain as a category b) site in relation to the definition of deliverable. No



clear evidence has been provided to demonstrate the deliverability of the site in the five year period and **50 dwellings** should be removed from the supply.

SHREW002 & vrs - Shrewsbury West Sustainable Urban Extension

Capacity = 304 dwellings, Council's 5YHLS = 91 dwellings

- 5.20 The site does not have planning permission. A full planning application for 32 dwellings was submitted on 19 June 2024 and is pending determination. Revised plans were submitted in April 2025 and the application is not subject to any outstanding objections from statutory consultees. Therefore, 32 dwellings are considered to be deliverable in the five year period. No further applications have been made on the site. No clear evidence has been provided to demonstrate the deliverability of the remainder of the site in the five year period. The Council's evidence simply states that the remaining phases are in the Council's ownership and it is committed to bringing them forward. This is not clear evidence of deliverability and **59 dwellings** should be removed from the supply.

PRE002-011-012 – Land west of Shrewsbury Street, Prees

Capacity = 22 dwellings, Council's 5YHLS = 22 dwellings

- 5.21 The site does not have planning permission. No planning applications have been submitted on the site to date. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period and **22 dwellings** should be removed from the supply.

Allocated sites (proposed)

- 5.22 The Council includes 1,934 dwellings on 23 sites which were proposed allocations in the withdrawn plan, which we dispute as follows:

Table 5.3 – Disputed sites which were proposed allocations in the withdrawn plan

Ref	Site	Capacity (net)	LPA 5YHLS	Emery 5YHLS	Difference
HR060, SHR158 & SHR161	Land between Mytton Oak Road and Hanwood Road, Shrewsbury	1,500	285	0	-285
BRD030	Tasley Garden Village, Bridgnorth	1,050	225	0	-225



Ref	Site	Capacity (net)	LPA 5YHLS	Emery 5YHLS	Difference
SHR173	Land west of Ellesmere Road, Shrewsbury	450	250	0	-250
SHR057 & SHR177	Land north of Mytton Oak Road, Shrewsbury	400	152	144	-8
WHT037 & WHT044	Land north of Chester Road, Whitchurch	200	105	0	-105
ALB017 & ALB021	Land north of Kingswood Road and Beamish Lane, Albrighton	180	108	0	-108
MDR006	Land adjoining Adderley Road, Market Drayton	125	75	0	-75
MDR039 & MDR043	Land at Longford Turning, Market Drayton	120	75	0	-75
HNN016	Land south of Oak Street, Highley	100	72	0	72
SHF022 & SHF023 (part)	Land between Windmill View and The Monument on A464, Shifnal	100	72	0	-72
BUR004	Land adjoining Boraston Drive on A456, Burford	100	60	0	-60
SHA019	Land between the A53 and Poynton Road, Shawbury	80	50	0	-50
FRD011	Land adjoining But Lane on A458, Ford	75	35	0	-35
WHT014	Land at Liverpool Road, Whitchurch	70	70	0	-70
SHR054a	Land south of Sundorne Road, Shrewsbury	60	60	0	-60
WRP001VAR	Land west of Trehowell Lane, Weston Rhyn	60	35	0	-35
LYH007	Land east of Barley Meadows, Llanymynech	50	50	0	-50



Ref	Site	Capacity (net)	LPA 5YHLS	Emery 5YHLS	Difference
BUR002	Land adjoining Lineage Farm on A456, Burford	40	40	0	-40
WRP017	Land off Station Road, Weston Rhyn	40	15	0	-15
BNP024	Land west of Shrewsbury Road, Baschurch	35	35	0	-35
WEM025	Land off Trentham Road, Wem	30	30	0	-30
MIN018	Land west of A488, Minsterley	20	20	0	-20
BIT022	Land east of Villa Farm, Bicton	15	15	0	-15
		Totals	1,934	144	-1,646

5.23 Our assessment of these sites is summarised below.

HR060, SHR158 & SHR161 – Land between Mytton Oak Road and Hanwood Road, Shrewsbury

Capacity = 1,500 dwellings, Council's 5YHLS = 285 dwellings

5.24 The site was proposed for allocation in the withdrawn Shropshire Local Plan for 1,500 dwellings. It does not have planning permission and no planning applications have been submitted on the site to date. The Council relies on the representations submitted by the promoter (CEG) to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **285 dwellings** should be removed from the supply.

BRD030 – Tasley Garden Village, Bridgnorth

Capacity = 1,050 dwellings, Council's 5YHLS = 225 dwellings

5.25 The site was proposed for allocation in the withdrawn Shropshire Local Plan for 1,050 dwellings. It does not have planning permission and no planning applications have been submitted on the site to date. The Council relies on the representations submitted by the promoter (Taylor Wimpey) to the then draft Local



Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **225 dwellings** should be removed from the supply.

SHR173 – Land west of Ellesmere Road, Shrewsbury

Capacity = 450 dwellings, Council's 5YHLS = 250 dwellings

- 5.26 The site does not have planning permission. An outline planning application for up to 450 dwellings was submitted on 23 March 2022 and is still pending determination. No documentation has been uploaded to the Council's application portal since October 2023 and the application appears to have stalled. Even if the outline application is approved, it will remain as a category b) site. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period and **250 dwellings** should be removed from the supply.

SHR057 & SHR177 – Land north of Mytton Oak Road, Shrewsbury

Capacity = 400 dwellings, Council's 5YHLS = 152 dwellings

- 5.27 A hybrid planning application seeking full permission for 102 dwellings and an 80-bed care home (42 C3 equivalent) and outline permission for up to 298 dwellings was submitted on 01 August 2024 and is pending determination. Revised plans were submitted in April 2025 and there are no outstanding statutory objections. Therefore, we consider that the part of the site pending full permission (a total of 144 dwellings) is deliverable in the five year period. However, even if consent is granted, the remainder of the site will only have outline permission. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **8 dwellings** should be removed from the supply.

WHT037 & WHT044 – Land north of Chester Road, Whitchurch

Capacity = 200 dwellings, Council's 5YHLS = 105 dwellings

- 5.28 The site was proposed for allocation in the withdrawn Shropshire Local Plan for 200 dwellings. It does not have planning permission and no planning applications have been submitted on the site to date. The Council relies on the representations submitted by the promoter (David Wilson Homes) to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **105 dwellings** should be removed from the supply.



ALB017 & ALB021 – Land north of Kingswood Road and Beamish Lane, Albrighton

Capacity = 180 dwellings, Council's 5YHLS = 108 dwellings

- 5.29 The site does not have planning permission. An outline planning application for up to 150 dwellings was submitted on 29 July 2024 and is still pending determination. Even if the outline application is approved, the site will remain a category b) site. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period and **108 dwellings** should be removed from the supply.

MDR006 – Land adjoining Adderley Road, Market Drayton

Capacity = 125 dwellings, Council's 5YHLS = 75 dwellings

- 5.30 The site does not have planning permission. A full planning application for 126 dwellings was refused by the Council on 16 July 2024 and no further applications have been made to date. The Council has not provided clear evidence for the inclusion of the site in the current five year period and **75 dwellings** should be removed from the supply.

MDR039 & MDR043 – Land at Longford Turning, Market Drayton

Capacity = 120 dwellings, Council's 5YHLS = 75 dwellings

- 5.31 The site does not have planning permission. An outline planning application for up to 100 dwellings was refused by the Council on 31 May 2023 and no further applications have been made to date. The Council has not provided clear evidence for the inclusion of the site in the current five year period and **75 dwellings** should be removed from the supply.

SHF022 & SHF023 (part) – Land between Windmill View and The Monument on A464, Shifnal

Capacity = 100 dwellings, Council's 5YHLS = 72 dwellings

- 5.32 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter (L&Q) to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **72 dwellings** should be removed from the supply.



BUR004 – Land adjoining Boraston Drive on A456, Burford

Capacity = 100 dwellings, Council's 5YHLS = 60 dwellings

- 5.33 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **60 dwellings** should be removed from the supply.

SHA019 – Land between the A53 and Poynton Road, Shawbury

Capacity = 80 dwellings, Council's 5YHLS = 50 dwellings

- 5.34 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **50 dwellings** should be removed from the supply.

FRD011 – Land adjoining But Lane on A458, Ford

Capacity = 75 dwellings, Council's 5YHLS = 35 dwellings

- 5.35 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **35 dwellings** should be removed from the supply.

WHT014 – Land at Liverpool Road, Whitchurch

Capacity = 70 dwellings, Council's 5YHLS = 70 dwellings

- 5.36 The site does not have planning permission. A full planning application for 72 dwellings was refused by the Council on 09 September 2016. No further applications have been made on the site and no clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **70 dwellings** should be removed from the supply.



SHR054a – Land south of Sundorne Road, Shrewsbury

Capacity = 60 dwellings, Council's 5YHLS = 60 dwellings

- 5.37 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **60 dwellings** should be removed from the supply.

WRP001VAR – Land west of Trehowell Lane, Weston Rhyn

Capacity = 60 dwellings, Council's 5YHLS = 35 dwellings

- 5.38 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **35 dwellings** should be removed from the supply.

LYH007 – Land east of Barley Meadows, Llanymynech

Capacity = 50 dwellings, Council's 5YHLS = 50 dwellings

- 5.39 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **50 dwellings** should be removed from the supply.

BUR002 – Land adjoining Lineage Farm on A456, Burford

Capacity = 40 dwellings, Council's 5YHLS = 40 dwellings

- 5.40 The site does not have planning permission. A full planning application for 40 dwellings was submitted on 29 June 2023 and was recommended for approval at planning committee on 12 December 2023 subject to the signing of a Section 106 agreement. However, the S106 has been signed to date, over 1.5 years later. It is unknown whether progress is being made towards the signing of the S106. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **40 dwellings** should be removed from the supply.



WRP017 – Land off Station Road, Weston Rhyn

Capacity = 40 dwellings, Council's 5YHLS = 15 dwellings

- 5.41 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **15 dwellings** should be removed from the supply.

BNP024 – Land west of Shrewsbury Road, Baschurch

Capacity = 35 dwellings, Council's 5YHLS = 35 dwellings

- 5.42 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **35 dwellings** should be removed from the supply.

WEM025 – Land off Trentham Road, Wem

Capacity = 30 dwellings, Council's 5YHLS = 30 dwellings

- 5.43 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **30 dwellings** should be removed from the supply.

MIN018 – Land west of A488, Minsterley

Capacity = 20 dwellings, Council's 5YHLS = 20 dwellings

- 5.44 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **20 dwellings** should be removed from the supply.



BIT022 – Land east of Villa Farm, Bicton

Capacity = 15 dwellings, Council's 5YHLS = 15 dwellings

- 5.45 The site was a proposed allocation in the withdrawn Shropshire Local Plan. The Council relies on the representations submitted by the promoter to the then draft Local Plan. No clear evidence has been provided to demonstrate the deliverability of this large site in the current five year period and **15 dwellings** should be removed from the supply.

SLAA sites

- 5.46 The Council includes 86 dwellings on 4 SLAA sites in the five year supply, which we dispute as follows:

Table 5.4 – Disputed SLAA sites

Ref	Site	Capacity (net)	LPA 5YHLS	Emery 5YHLS	Difference
WEM018	Land behind 18-34 Aston Road, Wem	38	38	0	-38
DNP005	Land north-west of South Road, Ditton Priors	20	20	0	-20
SKH001	Land at Rosehill Road, Stoke Heath	14	14	0	-14
SHR211	Land at Hollydene, Shrewsbury	14	14	0	-14
		Totals	86	0	-86

- 5.47 Our assessment of these sites is summarised below.

WEM018 – Land behind 18-34 Aston Road, Wem

Capacity = 38 dwellings, Council's 5YHLS = 38 dwellings

- 5.48 The site does not have planning permission. An outline planning application for 38 dwellings was submitted on 20 September 2024 and is still pending determination. Even if the outline application is approved, it will remain a category b) site and the Council will need to provide clear evidence of deliverability for its inclusion. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **38 dwellings** should be removed from the supply.



DNP005 – Land north-west of South Road, Ditton Priors

Capacity = 20 dwellings, Council's 5YHLS – 20 dwellings

- 5.49 The site does not have planning permission and no planning applications have been submitted on the site to date. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **20 dwellings** should be removed from the supply.

SKH001 - Land at Rosehill Road, Stoke Heath

Capacity = 14 dwellings, Council's 5YHLS = 14 dwellings

- 5.50 The site does not have planning permission and no planning applications have been submitted on the site to date. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **14 dwellings** should be removed from the supply.

SHR211 – Land at Hollydene, Shrewsbury

Capacity = 14 dwellings, Council's 5YHLS = 14 dwellings

- 5.51 The site does not have planning permission and no planning applications have been submitted on the site to date. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **14 dwellings** should be removed from the supply.

Affordable housing sites

- 5.52 The Council includes 83 dwellings on 5 affordable housing sites in the five year supply, which we dispute as follows:

Table 5.5 – Disputed affordable housing sites

Ref	Site	Capacity (net)	LPA 5YHLS	Emery 5YHLS	Difference
HR, Highley	North of Hazelwells Road, Highley	24	24	0	-24
SC, Wem	West of Swain Close, Wem	21	21	0	-21
CLT, Sutton Upon Tern	Sutton Upon Tern, CLT	14	14	0	-14



Ref	Site	Capacity (net)	LPA 5YHLS	Emery 5YHLS	Difference
NS, Wem	New Street, Wem	14	14	0	-14
FR, Dorrington	The Farris, Falklands Road, Dorrington	10	10	0	-10
		Totals	83	0	-83

5.53 Our assessment of these sites is summarised below.

HR, Highley – North of Hazelwells Road, Highley

Capacity = 24 dwellings, Council's 5YHLS = 24 dwellings

5.54 The site does not have planning permission and no planning applications have been submitted on the site to date. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **24 dwellings** should be removed from the supply.

SC, Wem – West of Swain Close, Wem

Capacity = 21 dwellings, Council's 5YHLS = 21 dwellings

5.55 The site does not have planning permission. An outline planning application for 21 dwellings was submitted on 25 June 2024 and is pending determination. Even if the outline application is approved, the site will remain a category b) site and clear evidence will be required for its inclusion. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **21 dwellings** should be removed from the supply.

CLT, Sutton Upon Tern – Sutton Upon Tern, CLT

Capacity = 14 dwellings, Council's 5YHLS = 14 dwellings

5.56 The site does not have planning permission and no planning applications have been submitted on the site to date. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **14 dwellings** should be removed from the supply.



NS, Wem – New Street, Wem

Capacity = 14 dwellings, Council's 5YHLS = 14 dwellings

- 5.57 The site does not have planning permission and no planning applications have been submitted on the site to date. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **14 dwellings** should be removed from the supply.

FR, Dorrington – The Farris, Falklands Road, Dorrington

Capacity = 10 dwellings, Council's 5YHLS = 10 dwellings

- 5.58 The site does not have planning permission and no planning applications have been submitted on the site to date. No clear evidence has been provided to demonstrate the deliverability of the site in the five year period. Therefore, **10 dwellings** should be removed from the supply.

Summary of deductions

- 5.59 In summary, we conclude that the Council has not provided the necessary clear evidence for the inclusion of:
- 622 dwellings on 10 sites with planning permission;
 - 517 dwellings on 7 allocated sites;
 - 1,646 dwellings on 23 sites which were proposed to be allocated in the withdrawn Local Plan;
 - 86 dwellings on 4 sites identified in the SLAA; and
 - 83 dwellings on 5 affordable housing sites.
- 5.60 We therefore conclude that the deliverable supply at 1st April 2024 is 6,948 dwellings (i.e. $9,902 - 622 - 517 - 1,646 - 86 - 83 = 6,948$ dwellings)



6. Conclusions

- 6.1 We conclude that the deliverable supply at 1st April 2024 is 6,948 dwellings. Against the local housing need and a 5% buffer, this equates to **3.32 years (a shortfall in the 5YHLS of 3,521 dwellings)** as shown in the following table.

Table 6.1 – Shropshire’s 5YHLS at 1st April 2024

	Requirement	Council	Appellant
A	Annual local housing need figure	1,994	
B	Five year housing requirement without buffer (A X 5 years)	9,970	
C	5% buffer (5% of B)	499	
D	Five year supply to be demonstrated (B + C)	10,469	
E	Annual requirement plus 5% buffer (D / 5 years)	2,094	
	Supply		
F	Five year supply at 1 st April 2024	9,902	6,948
G	Supply in years (F / E)	4.73	3.32
H	Undersupply against the five year requirement plus buffer	-567	-3,521

- 6.2 The implication of this is set out in the Appellant’s general statement of case prepared by Marrons.



