

Planning Policy
High Level Response

Planning Application reference: 24/04176/FUL

Proposal: Residential development of 70 dwellings including access, open space, landscaping and associated works.

Location: Land East of Tilstock Road, Whitchurch

Background

The proposals relate to the development of a 4.05ha site located on the north edge of the settlement of Tilstock. The application seeks full planning permission for 70 residential dwellings, to include the provision of 10 affordable dwellings, open space, landscaping and associated infrastructure, vehicle access is proposed off Tilstock Road (B5476).

Conformity with the Adopted Plan

The starting point for decision making is the adopted local plan, which currently consists of the Core Strategy (2011), Site Allocations and Management of Development Plan (SAMDev Plan) and any adopted formal Neighbourhood Plans. The adopted local plan should be read and applied as a whole. There are currently no neighbourhood plans for this area.

Core Strategy policy CS1: Strategic Approach promotes growth and investment through new development to meet Shropshire's needs and create sustainable communities. The policy aims to secure a 'rural rebalance' to enable sustainable development in rural areas, development and investment will be located predominantly in community hubs and community clusters.

CS4: Community Hubs and Community Clusters supports the strategic approach set out in policy CS1. The policy allows development that helps *'rebalance rural communities by providing facilities, economic development or housing for local needs and is of a scale appropriate to the settlement.'*

Market housing development is expected to provide a suitable mix of housing that caters for local needs, deliver community benefits in the form of contributions to affordable housing for local people and contributions to identified requirements for facilities, services and infrastructure.

All development in Community Hubs and Clusters is expected to be of a scale and design that is sympathetic to the character of the settlement and its environs, in accordance with policy CS6.

SAMDev Policy MD1: Scale and Distribution of Development – supports Core Strategy Policies CS1, CS2, CS3 and CS4, directing sustainable development towards Shrewsbury, the Markets Towns, Keys Centres and the Community Hubs and Community Cluster settlements.

Tilstock is identified as part of a community cluster alongside Ash Magna/Ash Parva, Prees Heath, Ightfield and Calverhall (Schedule MD1.1)

Settlement Policy S18.2(ii): Whitchurch Rural & Ightfield and Calverhall Community Cluster, sets out the development objectives for this Community Cluster which includes Tilstock alongside Ash Magna/Ash Parva, Prees Heath, Ightfield and Calverhall. Together this community cluster is expected to deliver a housing growth of about 100 dwellings

between 2011-2026. Tilstock is expected to provide around 50 dwellings, delivered through the development of allocated sites (TIL001, TIL002 and TIL008), together with development of infilling, groups of houses and conversions on suitable sites within the development boundaries identified on the Policies Map.

The site subject to this planning application is located outside of the development boundary as identified on Policy Map S18 (Insert 3) and as such for the purposes of planning policy is within the 'countryside'. Core Strategy policy CS5 and SAMDev Plan policy MD7a apply and alongside the NPPF seek to limit new residential development. In order to accord with these policies new market housing is expected to be strictly controlled.

SAMDev Policy MD3 relates to housing delivery and deals with the role of settlement housing guidelines stating the following:

2. *The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, decisions will have regard to:*
 - i. *The increase in number of dwellings relative to the guideline; and*
 - ii. *The likelihood of delivery of the outstanding permissions; and*
 - iii. *The benefits arising from the development; and*
 - iv. *The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
 - v. *The presumption in favour of sustainable development.*

3. *Where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations in paragraph 2 above.*

The published Five Year Housing Land Supply Statement (March, 2024) identifies that as at the 31st March 2023, for the Community Cluster, 108 completions (since 2011/2012) and a further 60 sites are with planning permission or Prior approval (as at 31st March 2023). 5 allocations remain without planning permission (as at 31st March 2023).

Of the three allocated sites for Tilstock, TIL001 and TIL008 has been completed. TIL002 remains allocated, outline and reserved matters planning permission was granted for 9 dwellings and the development is ongoing.

The figures within the Five Year Housing Land Supply Statement (2024) do not consider any planning permissions or completions since the 31st March 2023.

Given the progress with the allocated sites for Tilstock and number of completions and commitments identified there is considered to be a sufficient supply of housing for the community cluster, with the adopted residential guideline for Community clusters being achieved. As such it is not considered that SAMDev Plan Policy MD3(3) is applicable in the context of this preapplication site.

The Five-Year Housing Land Supply and Housing Delivery Test

Shropshire Council annually prepares Five Year Housing Land Supply Statements to summarise the Shropshire five-year land supply and Shropshire housing delivery test position.

The current published Five-Year Housing Land Supply Statement has a base date of 31st March 2023. This assessment concludes that:

- Shropshire currently has 5.91 years supply of deliverable housing land against the housing requirement identified within the adopted Core Strategy (2011) and 7.63 years supply of deliverable housing land against the local housing need, calculated using Governments standard methodology (2023 base date to align with the base date for this assessment of housing land supply).
- Housing delivery in Shropshire over the last 3 years has exceeded the housing needed for this period as calculated within the national housing delivery test (152% delivery).

As such, there is a five-year supply of housing land across Shropshire and the national housing delivery test has been met. Therefore, the relevant adopted plan policies remain up to date.

Planning Statement - Housing Need

It is noted that within the accompanying Planning Statement (October 2024), a review of the Council's Five Year Housing Land Supply has been undertaken to support the application. Shropshire Council disagrees with the conclusions reached within this review and maintains that it has a robust Five Year Housing Land Supply. Specifically, the Council maintains that a 5.91 years supply of deliverable housing land exists against the housing requirement within the adopted Development Plan and 7.63 years supply of deliverable housing land against local housing need calculated using Governments standard methodology (2023 base date).

As the review undertaken by the applicant does not detail the sites which they dispute, the Council is not able to specifically address their concerns. However, the Council would note the following with regard to the 'themes' identified.

Dwellings on sites with Planning Permission – lapses / imminent lapses

As the applicant has stated, the definition of deliverable dwellings is provided within Annex 2: Glossary of the National Planning Policy Framework (NPPF). This includes *“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...”*

-With regard to potential 'imminent' lapses, the applicants position is clearly contradictory to this definition - such sites should be considered deliverable and as such suitable for inclusion within the Five Year Housing Land Supply 'until permission expires'. Furthermore, the Council would emphasise that it is pure speculation to suggest that such consents will lapse in the future, as it is not unusual for developers to wait until towards the end of a permission to bring forward a development. For the avoidance of doubt, Shropshire experiences a low lapse-rate with regard to planning permissions for residential development.

-With regard to planning permissions that have lapsed, the Council annually reviews all Planning Permissions and removes the limited number that lapse from its housing land supply, as such the Council disagrees that the Five Year Housing Land Supply includes lapsed permissions.

Dwellings on sites with Planning Permission – build out rates

The Council considers its approach to and assumptions regarding build out rates are appropriate and robust. This approach is clearly documented within Chapter 5 of the Five Year Housing Land Supply statement. In summary, the Council had identified 'standard' build rates for development across Shropshire (informed by engagement with the development industry). Where possible, these assumptions are refined through discussions with the site promoter.

Past delivery rates in Shropshire demonstrate the robustness of the Council's assumptions in the Five Year housing Land Supply.

For instance, with the exception of Specialist Housing (where the entirety of the development is completed in a single year), the highest annual delivery rate identified by the Council is 90 dwellings (19/05564/REM - Land Between Preston Street & London Road, Shrewsbury). This is the second phase of a development, where the first phase (same developers) has been consistently achieving equivalent rates (89 completions in 2020/21; 124 completions in 2021/22; and 87 completions in 2022/23).

Furthermore, there are numerous other sites in Shropshire where significant delivery rates have been achieved, and as such endorse the assumptions on similar sites. This includes the SAMDev Plan Allocation South of Mytton Oak Road where rates of up to 98dpa were achieved; the SAMDev Plan Allocation at Shrewsbury South SUE where rates well in excess of 100dpa were achieved; and several sites in Shifnal (including at Haughton Road and Coppice Green Lane) where rates of over 50dpa were achieved.

Dwellings on sites with Planning Permission – lead in times

The Council considers its approach to and assumptions regarding lead-in times are appropriate and robust. This approach is clearly documented within Chapter 5 of the Five Year Housing Land Supply statement. In summary, the Council had identified 'standard' lead-in times for development across Shropshire, based on past development proposals (numerous examples provided within Chapter 5 of the Five Year Housing Land Supply statement). Where possible, these assumptions are refined through discussions with the site promoter.

Dwellings on sites with a 'Resolution to Grant' Planning Permission – lack of evidence of deliverability

The Council includes only 'selected' sites where a 'resolution to grant' Planning Permission was reached before the base date for the Five Year Housing Land Supply statement, where it considers there is clear evidence they will be delivered within the five year period. The Council would note that at time of publication of the Five Year Housing Land Supply Statement, all of these sites benefited from Planning Permission and none constituted major development.

Dwellings on allocated sites are estimated to be completed within 5-years – lack of evidence of deliverability

Consistent with this definition of deliverable provided within Annex 2: Glossary of the NPPF, Shropshire Council has taken a cautious approach to the inclusion of dwellings on allocations within the first five years of the housing land supply. Specifically, only dwellings considered to be available now, offer a suitable location for development now, and achievable with a realistic prospect that housing will be delivered on the site within five years are included.

This assessment of deliverability, which the Council considers constitutes clear evidence, is documented within Appendix E of the Five Year Housing Land Supply statement.

The Council would note that 1,274 dwellings on allocations are included within the Five Year Housing Land Supply (1,415 before application of a cautious 10% non-delivery rates). Since the base date for the Five Year Housing Land Supply statement, Planning Permission has been granted for 956 dwellings; Planning Permission has been granted for enabling works (spine road) to facilitate a further 108 of these dwellings; and Planning Applications are pending consideration for 147 of these dwellings. This demonstrates the robustness of the Council's assumptions.

The Council would also note that the applicant for one of the sites presumably disputed, is the applicant itself.

Dwellings on SLAA site – lack of evidence of deliverability

Paragraph 72 of the 2021 NPPF addresses windfall allowances in housing land supply, stating such an allowance is appropriate where *“compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”*

SLAA sites are windfall sites for 5 or more dwellings identified through the strategic housing land availability assessment. Only those sites considered to be available now, offer a suitable location for development now, and achievable with a realistic prospect that housing will be delivered on the site within five years are included.

This assessment of deliverability, which the Council considers constitutes clear evidence, is documented within Appendix G of the Five Year Housing Land Supply statement.

Dwellings on emerging affordable housing sites deliverable within 5-years – lack of evidence of deliverability

Shropshire has a strong track record of affordable exception development, facilitated by the Council's Housing Enablement function. Indeed, in 2023/24 Shropshire was the second highest performing LA, in terms of dwelling completions on affordable exception sites.

As detailed in Chapter 5 of the Five Year Housing Land Supply, emerging affordable housing sites are identified through proactive engagement with RSL's and only included within the five year housing land supply where they are considered deliverable. Given the Council's track-record, strong source of evidence on specific sites and policy framework which facilitates appropriate exception site development, the Council considers there is clear and compelling evidence that these sites are appropriate for inclusion with the Five Year Housing Land Supply.

Dwellings on windfall sites – minor adjustment

Paragraph 72 of the 2021 NPPF addresses windfall allowances in housing land supply, stating such an allowance is appropriate where *“compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”*

It is noted that the applicant supports the principle of a small site windfall allowance being included within the Five Year Housing Land Supply.

The Council clearly detail the factors considered when determining if a small site windfall allowance is appropriate, consistent with paragraph 72 of the NPPF. This assessment is clearly detailed within Chapter 5 of the Five Year Housing Land Supply statement and the Council considers justifies its allowance. In particular the Council would note that:

-The SLAA concluded it was appropriate to include a windfall allowance in the housing land supply.

-Over the last five years (2018/19-2022/23), 4,683 dwellings (net) were completed on windfall sites (1,669 dwellings on sites of less than 5 dwellings and 3,014 dwellings on sites of 5 or more dwellings). This equates to 973dpa (334dpa on sites of less than 5 dwellings and 603dpas on sites of 5 or more dwellings).

-The policies in the adopted Development Plan demonstrably have and will continue to facilitate appropriate windfall development.

The Council considers this demonstrates that it has already taken a cautious approach to its small site windfall allowance and as such there is no justification for a further reduction. The Council would also note that the applicants suggested deduction is inconsistent with their position within submissions on the draft Shropshire Local Plan, which endorses the Council's small site windfall allowance.

More generally, the Council would note that it applies a specific 10% non-delivery allowance to all components of the Five Year Housing Land Supply (excluding the small sites windfall allowance) to allow for 'slippage' in the delivery of these sites. This demonstrates the cautious approach utilised by the Council within its assessment.

Other relevant adopted Local Plan policies

The adopted Local Plan is intended to be read and applied as a whole. In addition to the above the following adopted plan policies are also of relevance and any development proposals will need to have regard to these policies:

Core Strategy Policies:

- CS6 – Sustainable Design and Development Principles;
- CS8 – Facilities, Services and Infrastructure Provision;
- CS9 – Infrastructure Contributions;
- CS11 – Type and Affordability of Housing;
- CS17 – Environmental Networks;
- CS18 – Sustainable Water Management;

SAMDev Plan Policies:

MD2 – Sustainable Design;

MD8 – Infrastructure Provision;

MD12 – Natural Environment;

Local Plan Review

Shropshire Council have an emerging Draft Local Plan (2016-2038) which has been through several stages of consultation and submitted to the Planning Inspectorate for examination on 3rd September 2021. The first phase of public hearing sessions took place in July 2022, January 2023 and May 2023. The second stage hearings began in October 2024, however the Inspectors issued a holding letter (29th October 2024) which cancelled the remaining set of second stage hearing sessions due to 'significant concerns about the soundness of the Plan in respect of a number of areas to the Council'. The Council is currently awaiting a detailed letter from the Planning Inspectorate which will set out what the concerns are. Given the relatively advanced stage of the Local Plan Review some limited weight could be applied to relevant Draft Local Plan policies as a material consideration in the planning application decision-making process. It is acknowledged that the limited weight is reduced in light of the recent instruction from the Planning Inspector's instructions to pause the Local Plan Review process.

Ultimately, the draft Shropshire Local Plan will only carry full weight upon its adoption. Additionally, like the Adopted Plan, the Draft Plan is intended to be read and used as a whole and all relevant policy requirements would need to be taken into account where it is proposed that any weight is given to the emerging Plan.

Local Plan Review Policy Considerations

Tilstock is proposed to remain part of a Community Cluster Settlement within the draft Shropshire Local Plan (draft policy SP2 Strategic Approach and draft settlement policy S18.3)

The draft Shropshire Local Plan is intended to be read and applied as a whole. Therefore, when applying very limited weight there is also a need to consider the conformity of the proposals with the wider policies of the draft Shropshire Local Plan. In this case draft policies which introduce additional policy considerations would include:

- The settlement guidelines in draft Policy S18.3
- Draft Policy SP3: Climate Change
- Draft Policy SP5: High Quality Design
- Draft Policy SP9: Managing Development in Community Clusters
- Draft Policy DP1: Residential Mix
- Draft Policy DP3: Affordable Housing Provision
- Draft Policy DP11: Minimising Carbon Emissions
- Draft Policy DP12: The Natural Environment
- Draft Policy DP14: Green Infrastructure
- Draft Policy DP15 Open Space and Recreation
- Draft Policy DP16: Landscaping of New Development
- Draft Policy DP18: Pollution and Public Amenity
- Draft Policy DP20: Water Efficiency
- Draft Policy DP21: Flood Risk
- Draft Policy DP22: Sustainable Drainage Systems

- Draft Policy DP27: Broadband and Mobile Communication Infrastructure

Conclusions

Paragraph 47 of the National Planning Policy Framework (NPPF) states that *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'* The Core Strategy and SAMDev (alongside any adopted formal Neighbourhood Plans) currently make up the adopted local plan in Shropshire. The draft Shropshire Local Plan does need to be taken into consideration, albeit the policies only have 'limited weight' as discussed above.

Tilstock is part of a community cluster and is considered an appropriate location to achieve sustainable development. The site subject to this application is outside the currently adopted development boundary for Tilstock and as such for policy purposes, located within the 'countryside'. Adopted local plan policies (including Core Strategy Policy CS5 and SAMDev Plan policy MD7a) and the NPPF set out criteria which limit new residential development in the countryside. The scheme is considered contrary to the adopted development plan policy and no material considerations have been identified which may weigh sufficiently in favour of the proposal to justify departure to the adopted development plan.

There remains a need to consider the details of proposals from a development management perspective and have regard to the wider policies and technical advice from relevant service areas.

27th November 2024