

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004

PLANNING PROOF OF EVIDENCE

Appeal by Boningale Developments Ltd
against the Non-determination by Shropshire Council of
Planning Application 24/04176/FUL for Residential
development of 70 dwellings including access, open space,
landscaping and associated works.

**at Land to the East of Tilstock Road
Tilstock
Whitchurch
Shropshire**

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

Shropshire Council Reference: **25/03362/NONDET**

Prepared by: **Ollie Thomas BA(Hons) MSc MRTPI**

Date: **23rd September 2025**

Relevant Core Documents

LPA Statement of Case	CD3.2
Planning Statement of Common Ground	CD4.8
Highways Statement of Common Ground	CD4.3
Landscape Statement of Common Ground	CD4.4
Ecology & Biodiversity Statement of Common Ground	CD4.5
Five Year Housing Land Supply Statement of Common Ground	CD4.6
Urban Design Statement of Common Ground	CD4.7
Updated Planning Statement of Common Ground	CD4.8
LPA Five Year Housing Land Supply Proof of Evidence Mr Dan Corden	CD1.20
LPA Highways Proof of Evidence Mr Chris Mead	CD1.21
LPA SoC Appendix 11- LPA Planning Conditions	CD3.14
Shropshire Housing Land Supply Statement (Published February 2025)	CD2.4
Appellant Five Year Housing Land Supply Hearing Statement	CD1.7
Shropshire Council Hierarchy of Settlements Assessment (August 2020)	CD2.17
Housing Mix Statement (October 2024)	CD5.3
Affordable Housing Statement (October 2024)	CD5.2
Landscape and Visual Impact Assessment Parts 1-3 (October 2024)	CD10.1
Appellant Landscape Hearing Statement	CD1.6
511/512 Bus Service Timetable	CD7.11
LPA SoC Appendix 4- Appeal Decision 23/3320163	CD3.7
Land south of Sandy Cross Lane and east of Monkhurst House, Heathfield appeal decision	CD15.25
Assessment of Conformity of the Adopted Core Strategy with the NPPF	CD2.24
Assessment of Conformity of Most Important Policies to this Appeal with the NPPF	CD2.25
National Planning Policy Framework (NPPF)	CD2.1
Shropshire Council Core Strategy Development Plan Document (Adopted February 2011)	CD2.2
Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015)	CD2.3

1.0 INTRODUCTION

Qualifications and Relevant Experience

- 1.1 This Proof of Evidence is prepared by Ollie Thomas. I am a Principal Planning Officer at Shropshire Council, the Local Planning Authority. I hold a Master of Science in Planning from the University of Manchester and am a Chartered Member of the Royal Town Planning Institute ('the RTPI').
- 1.2 I have approximately 10 years' experience in town planning, working in a variety of planning roles in both the public and private sectors. I re-joined Shropshire Council in September 2024, having previously worked as an Associate Director for a nationwide multi-disciplinary consultancy firm, based in Manchester and working on a range of development proposals across the North-West region covering all sectors. I began my career at Shropshire Council having first started as an Assistant Planning Officer in 2015 and left for private sector employment in 2019.

Involvement in the proposed scheme

- 1.3 I was the LPAs Case Officer on the planning application (LPA Ref: 24/04176/FUL) prior to this Appeal. I am therefore fully aware of, and understand, the planning and related issues involved in the appeal. I was the author of the LPAs Statement of Case [CD3.2] and attended the Case Management Conference on the 15th August 2025.
- 1.4 I have visited the Appeal Site, from public vantage points, and its surroundings and have examined the relevant plans and documents for the purpose of this Inquiry.

Scope of evidence

- 1.5 My Proof of Evidence relates principally to matters of planning judgment, harm and benefits, and the overall planning balance in respect of the Appeal proposal. This Proof of Evidence should be read in conjunction with the LPAs Statement of Case [CD3.2], the Statements of Common Ground (SoCG) [CD4.3 – 4.8] and the evidence prepared by other LPA witnesses. I will be addressing the following Main Issues as set out in the CMC Summary Note (dated 15th August):
 1. Whether the appeal site is an appropriate location for the development, having particular regard to relevant provisions of the development plan;
 2. Whether the appeal site is an appropriate location for the development, having particular regard to accessibility to facilities and services;
 3. The effect of the development on the character and appearance of the area, including consideration of urban design matters;
- 1.6 Separate Proofs of Evidence are being provided by my colleagues from both Planning Policy (Mr Daniel Corden) [CD1.20] and the Local Highways Authority (Mr Chris Mead) [CD1.21], to which I defer on matters of Planning Policy (Main Issue 7 and housing supply) and Highways and Transport (Main Issue 4) and will rely on their

evidence. In regard to Main Issues 1, 2 and 3, responses to this will also be made by Mr Corden and Mr Mead, therefore my Proof of Evidence will focus specifically on matters of planning judgement within each Main Issue and it will be clearly signposted where I defer to colleagues' for matters of technical consideration.

- 1.7 Further to the CMC and following the submission of additional evidence by the Appellant, the Council have confirmed that they do not wish to defend reason for refusal 2 as set out in the LPAs Statement of Case. Therefore, Main Issues 5 and 6 are no longer considered to be pertinent to the Appeal. The Ecology SoCG [CD4.5] confirms the agreed position on this.
- 1.8 I refer in this Proof of Evidence to documents that are listed in the agreed Core Documents List, using the abbreviations stylised '[CDX.X]'.
- 1.9 A draft S106 Agreement in relation to the Appeal scheme (in the event that the appeal is allowed) has been drafted and agreed upon by the Appellant prior to the Inquiry. Planning conditions have also been drafted [CD3.14] and the Appellant and the LPA have negotiated on these.

Declaration

- 1.10 The evidence which I have prepared and provide for this Appeal Inquiry in this Proof of Evidence is true, accurate and in accordance with the code of conduct of the RTPI. I confirm that the opinions expressed are my true and professional opinions.

Defining terms

- 1.11 Deciding the weight to be given to relevant matters is a question of judgement for the decision-maker. There is not a standard set of terms that is consistently used in order to make this assessment, so I provide the terms and definitions I will use below:
- No weight – not relevant or not a planning matter
 - Neutral weight – a matter that does not represent a benefit or disbenefit
 - Limited weight – a factor that may be subject to change or has minimal impact, can be positive or negative.
 - Moderate weight – a factor that has some impact, can be positive or negative
 - Significant weight – a factor that has impact at a great scale, can be positive or negative
 - Substantial weight – a factor that carries very strong importance and likely to have decisive influence, can be positive or negative.

2.0 The Site

- 2.1 I rely on the site description within the LPAs Statement of Case and the signed SoCG

[CD4.8].

- 2.2 The Appeal Site lies outside of the defined development boundary for Tilstock and does not constitute all or part of any site allocation within the adopted Development Plan, or within the withdrawn Draft Local Plan. It is therefore my opinion that there can be no dispute that for the purpose of determining this appeal, the Appeal Site holds a countryside location.

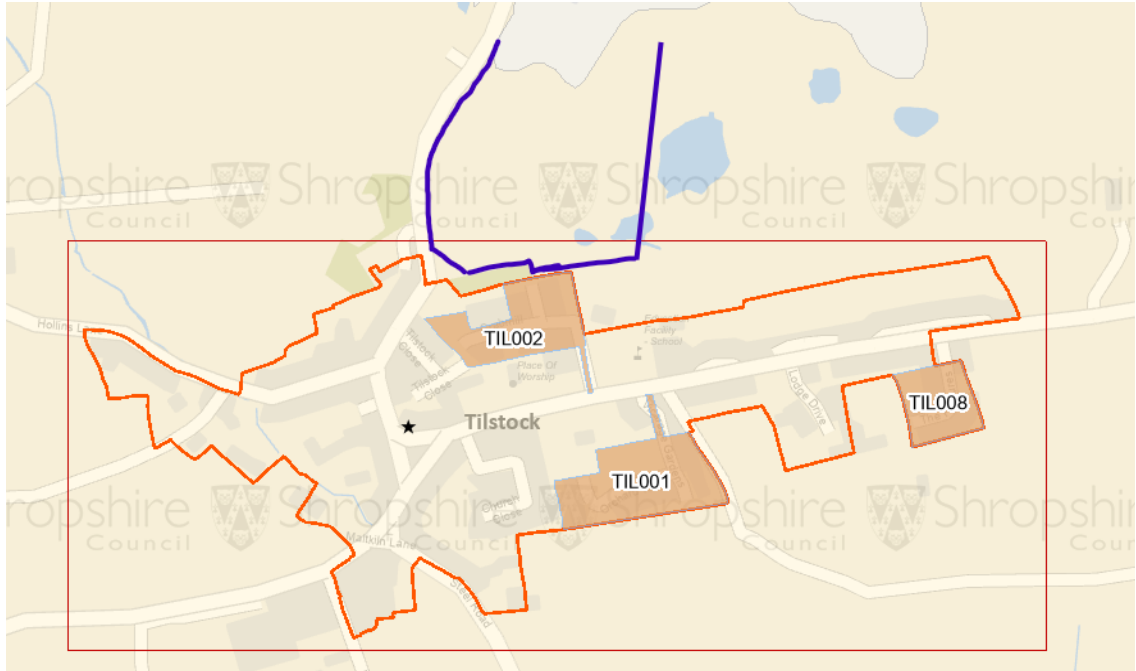


Figure 1: Approx Appeal Site outlined in blue, as shown in relation to the identified development boundary for Tilstock (SAMDev Plan S18 – Inset 3)

Proposed Development

- 2.3 I agree that the description of development as set out by the LPA and included on the title page of this Proof of Evidence is sufficiently clear and concise to describe the Appeal Proposal.
- 2.4 The Appellant, during the course of the Appeal, has submitted new evidence in response to the LPAs indicative reasons for refusal as set out in the LPAs Statement of Case. This new evidence included a series of new plans and drawings which have amended the Appeal proposal from that which was considered as part of the planning application with the LPA. The amendments include the following:
- Access junction and widening of the northern visibility splay, including the removal of additional hedgerow;
 - Changes to the landscape scheme to accommodate widened visibility splay;
 - Changes to the ecology information to accommodate the removal of additional hedgerow.

3.0 RELEVANT PLANNING POLICY

The Development Plan

- 3.1 The SoCG [CD4.8] confirms that the Development Plan in relation to this Appeal comprises:
- The Core Strategy, adopted March 2011; and
 - The Site Allocations and Management of Development ('the SAMDev) Plan, adopted December 2015.
- 3.2 Those relevant and most important Development Plan policies in determining the Appeal scheme are set out in 4.4 of the Statement of Common Ground [CD4.8]. I agree with this list of policies.
- 3.3 Mr Corden's Proof of Evidence and [CD2.24] and [CD2.5] provides further information on these policies and their conformity with the NPPF.
- 3.4 As confirmed within the LPAs Statement of Case, the Council published its most recent assessment of the housing land supply in Shropshire in February 2025 [CD2.4]. This concluded that Shropshire can only demonstrate a 4.73 years' supply of deliverable housing land. Mr Corden has confirmed in his Proof of Evidence that having considered the Appellant's 'Hearing Statement regarding the Five Year Housing Land Supply'[CD1.7] the Council have further reduced this figure to 4.68 years' supply. I acknowledge that the requirement of NPPF paragraph 78 is not met.
- 3.5 All aspects of housing supply are deferred to Mr Corden.

The National Planning Policy Framework

- 3.6 The NPPF includes a range of policies relevant to this Appeal, which I will discuss in relation to each Main Issue.

Other Material Considerations

- 3.7 Withdrawn Draft Local Plan

Notwithstanding the Council having formally withdrawn the Draft Local Plan, in February 2025 and following Cabinet approval, it is my judgement that the Draft Local Plan remains a material consideration, in so far as the evidence base underpinning and supporting those former policies is concerned. This is a judgement shared by my colleague Mr Corden.

- 3.8 Within the Draft Local Plan, Tilstock was remaining as an identified settlement for new growth, retaining its status as a Community Cluster within the hierarchy of settlements, whereby new development was to be delivered through appropriate small-scale windfall development (and any saved SAMDev allocations). However, unlike the current adopted Development Plan, Tilstock was having its development boundary removed, in recognition of the anticipated small-scale growth that would be delivered through the next plan period for the Community Cluster – small-scale

windfall development (less than 0.1ha, clearly within and well related to the built form of the settlement, have permanent and substantial buildings on at least two sides and for up to a maximum of three dwellings). This was informed through the Council's 'Hierarchy of Settlements Assessment (2020)' [CD2.17], which in my opinion should be afforded **moderate weight** in the decision-making process.

3.9 Written Ministerial Statement – 'Building the homes we need'

The Appellant in their Appeal Hearing Statement has relied on the Written Ministerial Statement: 'Building the homes we need' (July 2024, UIN: HCWS48). My reading of this Statement is that it is clear that the Government's intention is to significantly boost housing supply, I do not refute this. However, rather than the 'build anywhere' interpretation by the Appellant, my reading is that it reinforces the need for housing delivery to be plan-led and focused on appropriate, sustainable locations. While it strengthens housing targets and the tilted balance where a five-year housing land supply cannot be demonstrated, it does not support indiscriminate development. Instead, it requires local planning authorities to follow a sequential approach—prioritising brownfield and underutilised land. Development must be viable, well-designed, and contribute positively to communities and infrastructure, ensuring that increased housing delivery is achieved without compromising planning principles or local character.

4.0 THE CASE FOR THE LOCAL PLANNING AUTHORITY

MAIN ISSUE 1: Whether the appeal site is an appropriate location for the development, having particular regards to the relevant provisions of the development plan

- 4.1 Further to Mr Corden's Proof of Evidence [CD1.20] which provides that the Appeal Proposal does not accord with local planning policies Core Strategy CS1, CS4 and SAMDev MD1 by virtue of having a countryside location. I will specifically deal with how the Appeal Site is considered in accordance with Core Strategy CS5 and SAMDev MD7a in relation to countryside development, and whether the loss of high-quality land is supported.
- 4.2 In accordance with Core Strategy Policy CS5 and SAMDev Plan MD7a, new market housing will be strictly controlled. New housing will only be supported where it is to meet an evidenced local housing need, or where it maintains and enhances countryside vitality and character and where it improves the sustainability of rural communities through bringing local economic and community benefits.
- 4.3 The NPPF specifically covers rural housing, with paragraphs 82 and 83 being of particular relevance.
- 4.4 With the Appeal site representing greenfield agricultural land, Core Strategy Policy CS6 requires that all development makes the most effective use of land, including safeguarding high quality agricultural land. This is supported by NPPF paragraph 187

b).

While other Development Plan policies address aspects of the Appeal Site's location, such as accessibility and effects on the built and natural environment, these concerns are more appropriately addressed under the additional Main Issues identified by the Inspectorate. I, and colleagues within their Proofs, provide further responses to all relevant matters below, and/or deferred to colleagues where applicable.

Local housing need

- 4.5 The Appellant's 'Housing Mix Statement' [CD5.3] confirms that the proposed mix and type of housing is "*to address deficiencies across Shropshire*" (paragraph 1.3). The Appellant's statement at paragraph 5.2 is unjustified, in that no evidence has been gathered to demonstrate the proposed housing mix is "*appropriate*" for the site and its nearby settlement of Tilstock. Whilst the proposed housing mix may be broadly acceptable in principle, the Appellant has not provided evidence of a specific local housing needs for Tilstock, as required by Core Strategy CS5 and SAMDev MD7a. The proposal is not for 100% affordable housing or for essential rural workers and therefore does not meet the policy criteria for new housing in the countryside.
- 4.6 Similarly, the Appellant's 'Affordable Housing Statement' [CD5.2] considers Shropshire as a whole and does not identify any specific need within the local parish or ward areas. It is clear that the purpose of local housing need is to consider the Appeal site's immediate environs and housing availability. Nonetheless, I recognise that the provision of affordable housing is a significant material benefit of the scheme, and this is reflected in the planning balance.

Countryside vitality and character

Vitality

- 4.7 "Vitality" is not defined in either the adopted Development Plan or the NPPF. It is my opinion that a countryside with "vitality" is one which supports a high-quality of life for residents, fosters a strong sense of community and is resilient enough to thrive in the long-term. It is the countryside's capacity to sustain and regenerate itself and achieve sustainable development. Although assessing vitality involves a degree of subjectivity, it can be understood through indicators such as population trends, levels of economic activity, and the availability of essential services and facilities. These factors are shaped by the complex interplay between rural functions—such as housing, employment, and service provision—and spatial disparities, which refer to the uneven distribution of resources, opportunities, and outcomes across different geographic areas. In rural contexts, spatial disparities might manifest as differences in access to healthcare, employment, education or transport between more and less prosperous settlements.

4.8 Population

It is agreed that Tilstock is a small settlement. It is a 'Community Cluster' settlement

that relies on a number of other settlements in order to function (SAMDev S18.2(ii) [CD2.3]). It is agreed that population growth can aid and support the sustainability of this group of settlements (through economic and social benefits). However, it is my opinion that for a single small settlement to receive 70 new dwellings across a single development would disproportionately undermine the vitality of the immediate area. It would alter social dynamics and community goodwill, whilst placing excessive demand on limited services. This is reflected in the significant number of objections from public representations received as part of the planning application, whereby members of the public consistently raised concerns in regard to the summarised following material planning considerations:

- Infrastructure capacity, placing a strain on existing services including the local primary school (which is cited as being oversubscribed), lack of any local shop and limited public transport.
- A lack of community benefit, as a result of inadequate consultation/engagement by the Appellant, and no clear socio-economic benefits to the existing community.
- Physical separation and lack of integration on land which is disconnected, whereby future residents are detached from village community, resulting in a fragmented village and undermining community cohesion.
- Loss of rural character and community spirit through eroding the existing rural community through over development and failing to sympathise with historic street pattern and built form.

4.9 Economic Activity

It is agreed that there are no large-scale employers in Tilstock. Aside from the pub and primary school, the primary source of employment for the surrounding area is agriculture. It is my opinion that there can be no disagreement that the proposed development would not deliver any benefit in terms of land-based industries, tourism and/or small business and is therefore in conflict with Core Strategy CS5.

Furthermore, it is evident that in the Appeal failing to contribute to improving the economic activity of Tilstock and failing to deliver any on-site economic benefits, future residents will be engaging in economic activity elsewhere (in nearby Market Towns) and thus making no contribution to the vitality of Tilstock.

4.10 Available Facilities

It is agreed that the only facilities within Tilstock are a primary school, a pub, a village hall and a bowling green and tennis court [CD4.8]. All other essential day-to-day services are at locations that rely on a journey other than by foot (supported by evidence provided by Mr Mead which highlights the inadequacies in other modes of transport, including public transport and cycling). The Appeal proposal does nothing to contribute to the availability of facilities. Neither are the existing facilities dependent

on the Appeal Proposal in remaining active – Tilstock Primary School is currently oversubscribed. Tilstock Primary School has a Published Admission Number of 10 (the number of school places that the school must offer in each relevant year group), with 7-year groups in the school this would give a planned admission number of 70. Currently Tilstock primary school have 95 children on roll. With 95 children on roll, 25 more than the planned admission number, further admissions would prejudice the efficient provision of education and the use of resources. Tilstock Primary School is also subject to infant class size legislation, which states that infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) must not contain more than 30 pupils with a single school teacher. Therefore, there is very limited flexibility to accommodate anymore children without expansion to the school.

- 4.11 Consequently, it is my judgement that the proposal fails to support the long-term vitality and resilience of the countryside and does not align with the principles of sustainable rural development. The Appeal is in conflict with Core Strategy CS5, SAMDev MD7a and NPPF paragraph 83, I attach to this **substantial negative weight**.

Character

- 4.12 It is accepted that the Appeal Site is not a designated or valued landscape. However, the Appeal Site is within the countryside, which Core Strategy CS6 and CS17, SAMDev MD2 and NPPF paragraph 135 seek to protect. Indeed, NPPF paragraph 187 b) requires decision-makers to consider and recognise the intrinsic character and beauty of the countryside. The Appellant's LVIA [CD10.1] at paragraph 5.23 concludes that the Appeal proposal would have an overall medium magnitude of change on the landscape (i.e. countryside) character and a moderate adverse effect upon baseline character. Core Strategy CS5 is clear in that development must **maintain** and **enhance** countryside character, the Appeal fails to do this.
- 4.13 In my professional opinion, the proposed development conflicts with the requirements of Core Strategy CS5 and fails to adequately respond to the national policy guidance set out in NPPF paragraph 187 b). This conflict should be afforded **substantial negative weight** in the overall planning balance.

Economic and community benefits

- 4.14 Economic

The proposal is to provide residential development only, with supporting areas of public open space, children's play area and a new footpath connection. The economic benefits of the proposal are limited to those delivered through the construction phase (Community Infrastructure Levy, supply chain) and in occupation through new residents contributing to the local economy (local expenditure, Council Tax). I consider these not to be unique economic benefits to the Appeal Site or to Tilstock and would be achieved irrespective of development location and/or size.

Furthermore, any local expenditure by future residents is most certainly limited, based on available facilities and services, whereby the majority of day-to-day expenditure by future residents would be directed to larger nearby settlements, rather than retained within Tilstock. Notwithstanding, Core Strategy CS5 is clear in that the economic benefits must contribute to improving the sustainability **of** rural communities – simply being an economic benefit does not in itself demonstrate compliance with this criterion.

- 4.15 Tilstock fundamentally lacks in essential services and facilities, as set out in paragraph 4.25 below, to support a significant increase in population [CD3.2 paragraph 7.17]. While it is acknowledged that some existing businesses, such as the public house, may experience increased activity from new residents, the overall economic sustainability of the settlement is not materially improved by the proposal. Consequently, the development does not deliver the type or scale of economic benefit required by Core Strategy CS5 to improve the sustainability of rural settlements.

4.16 Community

Whilst the Appeal scheme includes a children's play area and a new footpath connection, these features are primarily designed to serve the residents of the proposed development itself, rather than the wider Tilstock community. The location of the play area, situated within the new housing site and separated from the established village by both distance and the layout of the development, means it is less established and less attractive to existing residents who already have established patterns of play and recreation, closer to home. Similarly, the new footpath connection, while improving pedestrian access for future residents, does not significantly enhance connectivity for the existing community, as it does not provide a more direct or convenient route to those limited village facilities for current residents. As such, these facilities (children's play and footpath connection) are necessary to make the development acceptable in planning terms, but do not deliver wider community benefits which meaningfully contribute to the sustainability of Tilstock as a whole.

The Appellant is willing to contribute towards the provision of affordable housing, both on-site and an off-site financial contribution, which does represent a community benefit. As above, any community benefit must contribute to the sustainability of Tilstock, and only on-site affordable housing can be considered as meeting this criterion.

- 4.17 Although I have identified that limited community benefits will flow from the delivery of on-site affordable housing, in order to comply with Core Strategy CS5, the Appeal Proposal is required to both: maintain and enhance the countryside vitality and character **AND** improve the sustainability of rural communities. It is my opinion that the Appeal fails to do this.
- 4.18 However, Core Strategy CS5 cannot be read in isolation and when taken together

with SAMDev MD7a, it is clear that new build open market housing in countryside locations is not supported by the adopted Development Plan. It is my opinion that this conflict is of **substantial negative weight**.

- 4.19 It is a well-established principle, both in national policy and in appeal decisions, that conflict with the adopted Development Plan attracts negative weight in the planning balance, even where the tilted balance is engaged. NPPF paragraph 15 is clear that the “the planning system should be genuinely plan-led”, with decisions made in accordance with the Development Plan unless material considerations indicate otherwise (NPPF paragraph 2 and s.38(6) of the Planning and Compulsory Purchase Act 2004). The NPPF does not suggest that policies become irrelevant if they are “out of date”; rather, their weight may be reduced, but conflict with them remains a significant material consideration. Inspectors have consistently held that conflict with the most important policies of the Development Plan should be given negative weight – see paragraph 43 of Appeal Decision ref: APP/C1435/W/25/3360096 [CD15.25].

Loss of high-quality agricultural land

- 4.20 The Appeal Site is located across both Grade 2 and Grade 3 agricultural land (using the DEFRA provisional ALC mapping¹). Best and most versatile (BMV) land is graded 1 to 3a. It is clear that to develop the Appeal Site for residential development would irreversibly remove this land from food production (irrespective of whether it is currently being used for food production). BMV agricultural land is a finite resource of national importance.
- 4.21 The Appellant has not provided any agricultural land classification report to conclude on the extent of BMV land the site occupies. The development of the Appeal Site would result in the loss of high quality agricultural (in part or all of the Site). Whilst Core Strategy Policy CS6 does not prevent the loss of high-quality agricultural land, it seeks to ensure that it is put to its most effective use. I accept that in order to deliver significant growth, an amount of BMV agricultural land will be lost; however, planning policy requires that the most effective use of land is realised as a result of its loss.
- 4.22 As above, the Appeal scheme is for residential development only and is not supported by any assessment to demonstrate that no suitable lower-grade land is available or justify the need for the Appeal Site or the sustainability of using BMV land. Indeed, I would argue that sites closer to larger settlements are available and better able to accommodate the proposed growth of new housing. It is my opinion that the Appellant has failed to adequately demonstrate compliance with this part of Core Strategy CS6 and NPPF paragraph 187 b) and this represents a conflict of **significant negative weight**.

MAIN ISSUE 2: Whether the appeal site is an appropriate location for the development, having particular regard to accessibility to facilities and services.

¹ <https://naturalengland-defra.opendata.arcgis.com/datasets/provisional-agricultural-land-classification-alc-england/explore>

- 4.23 Core Strategy Policy CS6 stipulates that in order to create sustainable places, development should create an inclusive and accessible environment, achieved by requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel can be reduced.
- 4.24 The aims of the NPPF are clear, promoting development in sustainable locations with good transport access to existing community facilities, services and open space, together with new facilities where necessary – paragraphs 110, 115, 117 of the NPPF are of particular relevance.

Proximity to services and facilities

- 4.25 It is common ground that Tilstock is served only by a Primary School, a public house, a village hall and a bowling and tennis club – located within 400m of the Appeal Site on foot. It is also common ground that Tilstock does not have the following essential services and facilities:

- GP practice
- No significant employment opportunities.
- Convenience store
- Post Office
- Petrol Station.

Nor does Tilstock have a secondary school, or many of the other secondary services as set out at Table 4 of the Hierarchy of Settlements Assessment [CD2.17].

- 4.26 I accept that the proposed footpath connection will provide a suitable option for future occupiers to access the services and facilities that are located within the settlement. However, these opportunities are limited, and for other services and facilities, an alternative mode of transport would be necessary. In agreement with Mr Mead, most journeys would likely be made by private car.
- 4.27 As set out in SAMDev S18.2(ii) Tilstock is a Community Cluster with the additional settlements of Ash Magna/Ash Parva, Ightfield, Calverhall and Press Heath. To which I accept that development in one settlement can contribute to other settlements. Of those above-mentioned essential services and facilities, only Prees Heath is served by a petrol station (with a convenience store) – some 1.8Km walk along Tilstock Lane. Mr Mead further considers the accessibility of neighbouring settlements within his Proof.
- 4.28 All of those other services and facilities not found in Tilstock, or other Community Cluster settlements, would be most closely found in Whitchurch, accessed north along Tilstock Road, some 3KM to the town centre. Tilstock Road has no pedestrian provision, no designated cycle provision and is a typically winding rural road with no street lighting. Based on the available evidence, and as supported by Mr Mead's assessment, it is unlikely that future residents would regularly walk or cycle along the

existing road network to access essential services and facilities, due to safety and distance constraints.

- 4.29 Furthermore, due to the lack of safe pedestrian infrastructure along Tilstock Road, the only practical walking route for future residents to access village facilities is via the new footpath connection provided as part of the Appeal. Whilst the provision of a footpath is, in principle, desirable, its benefit is limited by the fact that it serves only the new development and does not address the wider lack of pedestrian connectivity for the existing community. Moreover, for residents of the new development, the footpath does not provide a choice of routes or destinations – it is the sole safe pedestrian link, and all walking journeys to village facilities must rely on it. This means that, rather than enhancing overall connectivity or offering genuine travel choices, the proposal simply mitigates the Site's own unsustainable location without delivering wider accessibility improvements for Tilstock as a whole.
- 4.30 It is my opinion, and supported by evidence in Mr Mead's proof, that the Appeal Site is in an unsustainable location in relation to proximity to services and facilities, whereby future residents would be reliant on transport modes other than walking, cycling and/or public transport – i.e. private car trips. It is my judgement that the Appeal is in clear conflict with Core Strategy CS6 and the overall environmental aims of the NPPF and promoting sustainable transport (Section 9). I attach this **substantial negative weight**.

Public Transport and Connectivity

- 4.31 Whilst Mr Mead's evidence considers matters of transport modes and availability from a highway's perspective. I can comment from a planning perspective about whether the Appeal Site represents a sustainable location in regard to sustainable modes of travel.
- 4.32 I acknowledge that a bus service exists and serves the Market Town settlements of Whitchurch, Wem and Shrewsbury, with potential for onward connections via other public transport links. However, in practical terms, the bus service is limited in frequency (hourly Monday – Saturday, with no Sunday service) and does not provide a realistic alternative to private car use for most essential day-to-day journeys. Whilst the service connects to three towns, in reality, the majority of those essential services and facilities (those set out in paragraph 4.25 above) located nearest to the Appeal Site are concentrated in Whitchurch, which is the nearest town (approx. 3km to the north). The bus journey to Whitchurch is relatively short (around 8 minutes), but the service is not timed to suit typical commuting or school hours, and the frequency is insufficient to support flexible travel patterns. Wem and Shrewsbury are further afield, with longer journey times (the bus to Shrewsbury takes approximately 1 hour 20 minutes, compared to a 35-minute car journey), making them impractical for daily commuting or accessing services – the bus service timetable (511/512) is provided at [CD7.11]. The limited timetable and indirect routes mean that, for most residents, the bus is only a viable option for occasional trips rather than regular, essential journeys. Given these constraints, it is my judgement that the appeal site occupies an unsustainable location in terms of accessibility to services and facilities by

sustainable modes of transport. The bus service, while present, does not provide a genuine alternative to private car use for the majority of day-to-day needs. This results in a high level of car dependency, which is contrary to the environmental objective of the NPPF (paragraphs 110 and 117) and Core Strategy CS6, both of which seek to promote development in locations where sustainable travel can be maximised and reliance on private vehicles reduced.

MAIN ISSUE 3: The effect of the development on the character and appearance of the area, including consideration of urban design matters.

- 4.33 Core Strategy Policy CS6 requires new development to protect, restore, conserve and enhance the natural and built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev Plan Policy MD2 requires new development to contribute to and respect existing amenity value through responding appropriately to the form and layout of existing development and the way it functions.
- 4.34 Core Strategy CS17 also requires new development to protect, enhance and connect Shropshire's environmental assets. This will be achieved through protecting and enhancing the local character of the natural and built environment and ensuring that new development does not adversely affect the visual value of these assets.
- 4.35 Section 12 of the NPPF specifically deals with well-designed places, with paragraph 135 a) – f) of particular relevance. Additionally, paragraph 129 d) is of relevance and as has already been mentioned, paragraph 187 b) is of importance. Additionally, paragraph 187 b) states that decision should recognise the intrinsic character and beauty of the countryside (not only protected or designated landscapes).

Relationship to built and natural environment

4.36 **The built environment**

As already outlined, Tilstock is a small rural settlement with a character and setting befitting of its small-scale and historic expansion. New development, within the settlement, has been delivered that is both proportionate and incremental to the size and role of the settlement (LPAs Statement of Case Appendix 7, CD3.2). The Appeal Site lies outside of the existing built environment and is physically adjoined with only a single existing residential property – No.4 Crabmill Meadow. The Appeal Site is part of a field, used for grazing, which I am of the opinion contributes positively to the open rural character of the surrounding countryside. Indeed the LPA have referenced in their Statement of Case an Appeal Decision (Appendix 4 of the LPAs Case, CD3.7), in which the Inspector clearly cites a distinct change in character between the main built form and the adjoining countryside and that there is a clearly a “well-defined ‘edge’ to the settlement” (paragraph 7). I see no reason as to why a different opinion should be made as to the Appeal Site's relationship with the existing built-up area.

- 4.37 It is my opinion that the Appeal would disrupt the existing built pattern of development that exists within Tilstock, through extending the settlement northwards when the current pattern is very much along a west-east linear configuration. It is questionable as to whether the site “relates well to Tilstock”, to which I will respond to now.
- 4.38 The Appeal proposal would introduce a disproportionate scale of new housing, located on the edge of the settlement, physically separated from the established built form surrounded by a substantial landscape buffer (through retained and new soft landscaping) around the perimeter of the Appeal Site. In my view, this would result in the Site failing to assimilate into the adjoining settlement and being regarded as an anomalous development at risk of creating a distinct enclave of new housing that is not well integrated with the existing settlement, as opposed to being regarded as a natural expansion of the settlement. This physical and social separation could undermine the established patterns of interaction and community goodwill that currently characterises Tilstock, leading to a fragmented settlement pattern and a weakening of community cohesion. This concern is reflected in the objections received from local residents, who have consistently raised fears about the loss of village identity and the risk of the new development functioning as a separate community rather than an extension of the existing one. It is my opinion that the Appeal proposal would appear as an incongruous development that would erode the character of the existing built form and pattern.
- 4.39 It is my opinion and professional judgement that the Appeal proposal does not relate well with the built environment, which does result in a degree of harm to not only the legibility of the existing settlement, but also in harm through urban sprawl, increasing travel demand and undermining the vitality of the area. I attach this **significant negative weight**.
- 4.40 The natural environment
- The Appeal Proposal would introduce new residential development northwards along the B5476 Tilstock Road. In my judgment this would represent encroachment into the undeveloped countryside, which can only be regarded as harmful – to which I attach **substantial negative weight**.
- 4.41 I accept the findings of the Appellants LVIA [CD10.1] and Landscape Hearing Statement [CD1.6] in relation to the landscape and visual effects on identified receptors. Both parties agree that the Appeal Site occupies an edge-of-settlement location, meaning its landscape character is already partly influenced by its proximity to the built form of Tilstock. However, while the LVIA acknowledges this influence, it also recognises that the site retains a predominantly rural character. In my judgement, the introduction of a substantial new housing development would fundamentally alter this character, resulting in a permanent and adverse change to the immediate landscape and its relationship with the settlement.
- 4.42 The Appellant has confirmed within their LVIA that the Appeal proposal would result in moderate to major adverse effects on landscape character and visual receptors at

the site and from the Public Right of Way, particularly in the early years. The wider countryside is considered to be well-contained by existing and proposed planting, but the introduction of built development would fundamentally alter the character of the site itself and immediate environs. I agree with the Appellants LVIA in that this would result in a moderate adverse effect on landscape character at the site level, which would be permanent.

4.43 I acknowledge that views from within Tilstock are largely screened, with the most significant visual impact being the users of the PRow to the east. The Appellant's LVIA assesses a major adverse effect at Year 1 to this receptor, reducing to moderate adverse by Year 15. Further effects would be experienced by users of Tilstock Road, albeit fleeting due to road arrangement and alignment, which the LVIA assesses as moderate adverse. I have no reason to dispute this; however, I consider this impact across a period of 14 years to be unacceptable and harmful, and I attach this **significant negative weight**.

4.44 The Appeal would result in substantial and permanent change to the character and appearance of the site and its immediate surroundings. The adverse effect on landscape character and visual receptors, particularly in the early years, are significant and contrary to national and local planning policy. It is my opinion that the Appeal proposal does not sufficiently protect or enhance the character and setting of the countryside, and the mitigation measures proposed are not sufficient to outweigh the harm identified.

Achieving well-designed places

4.45 I defer to Mr Mead on whether the Appeal proposal has been designed to achieved well-designed places in regard street pattern, legibility and priority first for pedestrians. Nonetheless I support his conclusions, particularly that:

- The proposed layout fails to demonstrate an innate priority for sustainable movements, genuine choice for all modes or priority-first for walking and cycling.
- The proposed layout provides an over-dominance for vehicles at the expense of sustainable movement.
- The proposed access point and internal street system do not align with the established context of Tilstock, and do not integrate existing street patterns within their design.

4.46 As such, it is my opinion that the Appeal layout and design fails to achieve the standards required by Core Strategy CS6 and SAMDev MD2, which seek to ensure that new development is well-designed, integrates with its surroundings, and prioritises sustainable modes of travel. This results in harm to the character and legibility of the settlement, undermines opportunities for sustainable movement, and represents a clear conflict with the adopted Development Plan. The Appeal also fails to meet the requirements of NPPF paragraph 135 in that the resultant development would not *“create places that are safe, inclusive and accessible”* or be *“sympathetic to local character”*, and paragraph 117 which requires that developments *“give priority*

*first to pedestrian and cycle movements, both within the scheme and with neighbouring areas". I attach this harm **moderate negative weight**.*

5.0 PLANNING BALANCE

5.1 It is common ground that the Council cannot demonstrate a deliverable five-year housing land supply and that in this context it is agreed that the tilted balance in Paragraph 11 of the NPPF is engaged. It is clear from case law that development plan policies should not simply be disregarded in such instances, simply because they are considered 'out of date'. For the purposes of this Appeal, I consider the following to be the most important policies are Core Strategy CS1, CS4, CS5, CS6 and SAMDev MD1, MD2, MD7a, S18.2:

- CS1 – I consider this policy to be **out of date** insofar as the housing requirement is based on historic figures and does not reflect the most recent assessment of housing need.
- CS4 – I consider that those parts that relate to housing land supply and development restrictions outside designated hubs and clusters are affected by the tilted balance and considered **out of date**. However, those aspects of CS4 that relate to community-led planning, support for local services, sustainable rural development and infrastructure and employment provision are considered **up-to-date**.
- CS5 – I consider that the blanket restriction on new open market dwellings in the countryside is **out of date** (especially where this conflicts with the NPPFs presumption in favour of sustainable development). However, those aspects of CS5 that relate to a countryside location, infrastructure and community facilities and environmental protection remain **up-to-date**.
- CS6 – I consider that this policy remains **up-to-date**. CS6 is not solely a housing policy, its principles around high quality, inclusive design, accessibility and climate resilience continue to align with national policy objectives.
- MD1 – I consider this policy to be **out of date** insofar as it restricts housing developments to specific settlements and scales.
- MD2 – I consider this policy remains **up-to-date** as it focusses on design quality, local character and sustainable construction and does not inherently restrict development.
- MD7a – I consider this policy is **out of date** in relation to its restrictive stance on housing development in the countryside.
- S18.2 – I consider this policy is partially **out of date**, particularly where it limits housing development to allocated sites or defined boundaries. However, the policy support for infrastructure and community objectives remains **up-to-date**.

Where I have stated that certain elements/criterion of the above policies remain ‘up-to-date’, this is in reference to the evidence of Mr Corden in that they are still in conformity with the NPPF [CD2.25] and are not out of date for any other reason than the tilted balance. I am therefore of the opinion that weight should still be applied in this regard. I fully acknowledge that in drawing a conclusion that the tilted balance in NPPF paragraph 11 is engaged, then all most important policies are deemed out of date.

Ultimately, it is a matter for the decision maker to determine the weight to be given to each policy. My judgement, as set out in this Proof (and supported by Mr Corden) and further below, is that the appeal proposal is in clear conflict with the most important policies.

- 5.2 In considering the planning balance, I have had regard to the matters set out in paragraph 8.3 of the LPAs Statement of Case [CD3.2]. I have found, within this Proof, that the Appeal Site lies outside of any identified settlement boundary and is located within open countryside, resulting in an over reliance on private car usage for essential services and facilities. While the proposed development includes improvements to the Public Right of Way and developer contributions, these measures do not materially overcome the locational disadvantages of the site or significantly reduce car dependency. The proposal would also adversely affect the setting, character, and function of Tilstock, with limited economic and community benefits to support the development. Furthermore, the site is not brownfield land but comprises undeveloped agricultural land, including areas of best and most versatile quality, and the scheme is for residential use only, without any mixed-use benefits. Although the development would deliver some gains, such as enhanced public access via a new footpath and a density broadly commensurate with its surroundings, it cannot be said to represent the most effective use of land. The internal layout and access arrangements do not sufficiently prioritise sustainable modes of travel, and the scheme does not demonstrate the qualities of a well-designed place as required by national and local policy. While the provision of affordable housing and biodiversity net gain is a material benefit, these, and other limited, positive aspects are significantly and demonstrably outweighed by the adverse impacts identified above. Accordingly, it is my professional opinion that the Appeal does not constitute sustainable development as defined by the NPPF and fails to comply with the adopted Development Plan.

Development Plan Compliance

- 5.3 I have identified the most important policies for determining this appeal. In this Proof of Evidence, I have assessed the extent to which the appeal proposal complies with each of these policies. Furthermore, Mr Corden’s Proof has provided the position on whether those policies are in conformity with the NPPF. I agree with Mr Corden in that all most important adopted planning policies are in general conformity with the NPPF, as supported by the schedule at [CD2.25].

- 5.4 My Proof of Evidence has demonstrated clear and substantial conflict with development plan policies, particularly those most important to the determination of this appeal. I am of the opinion that it is wholly acceptable to attach weight to this conflict despite certain policies being 'out of date' – the tilted balance does not override s.38(6) of the Planning and Compulsory Purchase Act 2004, rather it influences the weight given to Development Plan policies. I consider that conflict with the development plan policies should be attached **substantial weight**.
- 5.5 Although it is acknowledged that the tilted balance is engaged, there remains disagreement regarding the extent of the undersupply. Should the level of undersupply align with the Appellant's position, it could potentially be afforded different weight in the planning balance. However, on the basis of the undersupply indicated by the Council's evidence, my assessment of the planning balance remains as previously outlined. Notwithstanding this, given my findings concerning non-compliance with the adopted Development Plan and the identified harms outweighing the benefits, it is improbable that even adopting the Appellant's assessed level of undersupply would alter my overall conclusion or recommendation to dismiss the Appeal.

Assessment of benefits

- 5.6 I acknowledge that the Appeal proposal would deliver a range of benefits, including:
- Boosting housing supply – the scheme would provide 70 new dwellings, including 10 affordable homes and a financial contribution equivalent to 0.5 dwellings. This represents a 15% affordable housing contribution exceeding the prevailing policy requirement of 10%. I attach this **significant positive weight**.
 - Public open space and pedestrian connectivity – the proposal includes new areas of public open space and a pedestrian link to the village centre. Whilst these elements enhance local connectivity, they do not overcome the fundamental issues of poor connectivity and reliance on private car use. I attach this **moderate positive weight**.
 - Biodiversity net gain – the proposed development is required to deliver mandatory 10% net gain, the newly submitted evidence by the appellant confirms that the scheme will achieve a 10.56% net gain on habitat units and 20.74% net gain on hedgerow units. As BNG is now mandatory, the weight to be attached to this needs to be reflective of the uniqueness of any gain. I attach this **moderate positive weight**.
 - Economic contributions – the development would generate economic activity during the construction phase and contribute to local revenue through public expenditure and council tax. However, these are generic benefits of any housing development and do not possess unique qualities. I attach this **limited positive weight**.

Assessment of harm

5.7 It is my professional opinion that the Appeal scheme will result in the following harm:

- Encroachment into the undeveloped countryside, which would adversely disrupt the existing built pattern and natural environment, thereby eroding the Appeal Site's, Tilstock's and wider rural setting – I attach this **substantial negative weight**.
- The Appeal Proposal represents a disproportionate scale of development that would be harmful to the character of Tilstock, result in an incongruous form of development that is detrimental to the built environment – I attach this **substantial negative weight**.
- Tilstock has limited facilities and services that is unable to accommodate the additional population growth, whereby future residents would be reliant on essential day-to-day services and facilities in nearby larger settlements – I attach this **substantial negative weight**.
- As a result of a lack of any nearby essential services and a lack of any meaningful pedestrian and cycle provision, future residents would be heavily reliant on private motor vehicles – I attach this **substantial negative weight**.
- The development would result in adverse visual effects, particularly in the short to medium term (Years 1–14), with moderate effects persisting beyond Year 15 - I attach this **significant negative weight**.
- The proposed layout of the Appeal fails to respect the existing street pattern and would result in a development that fails to assimilate into Tilstock, resulting in an anomalous appearance – I attached this **moderate negative weight**.
- The appellant's Statement of Community Involvement lacks evidence of meaningful engagement with local residents. I attach this **limited negative weight**.

5.8 Although the proposal offers additional housing which would assist in boosting housing supply within Shropshire, including affordable units, along with limited economic, social and environmental benefits (of varying weight), I am of the considered view that these factors, together with the presumption in favour of sustainable development, are sufficiently outweighed by the significant and demonstrable harms identified. The development is clearly at odds with the adopted Development Plan, and it is my overall assessment that the appeal does not fulfil the overarching objectives of sustainable development as outlined in the NPPF.

6.0 CONCLUSION

- 6.1 The table below provides a detailed assessment of the Appeal proposal, highlighting its various benefits and harm and the weighting to be applied:

<u>Category</u>	<u>Description</u>	<u>Weight</u>
Housing Supply	Delivery of 70 dwellings	Significant Positive
Affordable Housing	15% affordable housing provision, exceeding policy requirement	Significant Positive
Public Open Space & Connectivity	New areas of open space and pedestrian link to village centre	Moderate Positive
Biodiversity Net Gain	10.56% habitat gain and 20.74% hedgerow gain.	Moderate Positive
Economic Contributions	Construction-phase activity, council tax revenue, local expenditure	Limited Positive
Bus Service	Hourly service Mon-Sat (no Sunday service), serving the main towns of Whitchurch, Wem and Shrewsbury	Limited Positive
Housing Mix	An appropriate range of house types	Neutral
House Type Design	Appropriately designed house types, which reflect local context	Neutral
Non-compliance with Development Plan	Clear conflict with most important policies relevant to Appeal	Substantial negative
Countryside Encroachment	Substantial and permanent change to immediate countryside character, setting and local context	Substantial Negative

Scale of Development	Disproportionate to Tilstock's size and role, undermining its vitality	Substantial Negative
Services and Facilities	Very limited essential services and facilities in proximity, locationally disadvantaged	Substantial Negative
Accessibility	Reliance on private vehicles due to lack of essential services and poor connectivity	Substantial Negative
Relationship to built environment	Incongruous development; urban sprawl and anomalous to Tilstock	Substantial Negative
Visual Impact	Moderate to Major adverse effects on landscape character, reducing at Year 15	Significant Negative
Agricultural Land Loss	Loss of Best and Most Versatile land without justification	Significant Negative
Urban Design	Layout fails to respect existing street pattern; does not promote walking and/or cycling	Moderate Negative
Non-compliance with withdrawn Draft Local Plan Evidence Base	Development at odds with anticipated housing growth for Tilstock and Community Cluster	Moderate Negative
Community Engagement	Limited evidence of meaningful local engagement	Limited Negative

Table 1: Assessment of benefit and harm associated with the Appeal Proposal and the weight to be applied

- 6.1 In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, this appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. While the Council cannot demonstrate a five-year supply of deliverable housing land and the presumption in favour of sustainable development is engaged (NPPF paragraph 11 d)), the identified adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The proposal is in clear conflict with the most important policies of the adopted

development plan, and there are no material considerations of sufficient weight to justify a decision other than in accordance with the plan. Accordingly, I respectfully recommend that the Appeal be dismissed.