TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY BONINGALE DEVELOPMENTS LTD
LAND TO THE EAST OF TILSTOCK ROAD TILSTOCK WHITCHURCH SHROPSHIRE
NON-DETERMINATION PLANNING APPLICATION 24/04176/FUL
RESIDENTIAL DEVELOPMENT OF 70 DWELLINGS INCLUDING ACCESS OPEN SPACE LANDSCAPING AND ASSOCIATED WORKS.

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

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

OPENING SUBMISSIONS ON BEHALF OF SHROPSHIRE COUNCIL

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1. This Appeal has been made against the non-determination by Shropshire Council ('the Council') concerning a proposal for seventy dwellings with access, open space, landscaping and associated works on greenfield agricultural land at Tilstock.

2. The Inspector's main issues in this case are:

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;
4. The effect of the development on highway safety, having particular regard to the suitability of the site's access;
5. The effect of the development on the best and most versatile agricultural land;
6. The effect of the development on biodiversity, having particular regard to the effect upon skylarks;

7. The effect of the development on the Brown Moss Special Area of Conservation and Ramsar site and the Cole Mere Ramsar site; and
8. The extent of the Council's acknowledged housing supply shortfall.

Description and Context

3. The land lies outside any defined development boundary or allocation, within open countryside, and includes areas of Best and Most Versatile agricultural land.

4. The adopted Development Plan comprises the Core Strategy (adopted February 2011) and the SAMDev Plan (adopted December 2015). Read together, they set a spatial strategy with which the appeal scheme conflicts.

5. The parties agree the list of "most important" policies for the purposes of NPPF 11. That list includes CS1, CS4, CS5, CS6 and SAMDev MD1, MD2, MD7a and S18.2.

6. Tilstock is identified as a settlement within a Community Cluster in the adopted Development Plan (2006–2026). Growth for such places is intended to occur through modest, plan-led increments within or well related to the settlement form, and on any allocations. By contrast, this proposal is a single, estate-scale addition beyond the village edge.

7. Statements of Common Ground record the resolution of specific highway geometry points and agreement on ecology matters.

8. Changes introduced by the Appellant during the appeal have adjusted the access and landscaping. The changes addressed the particular safety geometry objections, but did not alter the site's locational unsustainability or the character/design concerns.

Housing Land Supply and the Tilted Balance

9. The Council's February 2025 position shows a 4.68 year housing land supply. The tilted balance presumption at NPPF 11(d) is therefore engaged. The Council has updated its position to 4.48 years for the purposes of this appeal, and this is reflected in the SOCG.

10. Engagement of 11(d) does not displace the statutory plan-led starting point (s38(6)). It affects the weight afforded to the policies, not their existence. Differences between the parties

on the degree of shortfall and certain site assumptions do not affect the core analysis of this proposal's unsuitability.

MAIN ISSUE 1 — Location and the Development Plan

11. The Development Plan directs open-market housing to Shrewsbury, Market Towns/Key Centres and within Community Hubs/Clusters (CS1, CS2, CS3, CS4, MD1, S1–S18). Outside those confines, to support the Development Plan strategy CS5 and MD7a strictly control new market housing, with narrow exceptions (e.g., essential rural workers; rural exception sites under CS11).

12. The Appellant's own planning witness accepts conflict in principle with MD7a but seeks to minimise its weight. That is untenable: MD7a remains consistent with the NPPF's plan-led approach and the aim of locating significant development where it can be made sustainable. Substantial adverse weight attaches to that conflict.

13. CS4 is misread by the Appellant as a general licence to expand outside the settlement. The policy and its explanatory text make clear that in Community Clusters, development occurs within the settlement, and the countryside between settlements is not part of the cluster for development purposes. The appeal site sits beyond the established edge and is not an allocation.

14. The Appellant also fails to consider policy S18.2(ii) appropriately. S18.2(ii) presents the strategy for the cluster containing Tilstock and specifically sets out that development will be within the development boundary or on allocations. The appendix of the Planning Proof for the Appellant correctly identifies S18.2(ii) as a policy but unaccountably refers to it as a "schedule" in the text, seeking to minimise its relevance.

15. As to scale, seventy units in a single tranche is not the "small-scale windfall within or well-related to" envisaged by the strategy. On any view it would materially re-shape a small village and upset the settlement's equilibrium (CS1/CS4).

16. There is no robust evidence of a specific local housing need in Tilstock. The proposal is not a scheme for affordable housing only, nor is it housing for essential rural workers.

17. Tilstock has limited facilities, and the proposal does not seek to add to them. Tilstock Primary School is already operating above its planned admission number; additional demand

would require expansion. There is no GP practice, and very limited retail and local employment opportunities.

18. The Appellant's cited economic effects (primarily construction jobs and spend) are generic to any housing development. They do not improve Tilstock's sustainability as required by CS6/MD1.

19. The scheme clearly conflicts with CS4, CS5, CS6 and MD7a, and is inconsistent with MD1/MD2/MD3/S18.2). Even within the tilted balance, those conflicts attract substantial negative weight because these policies remain aligned with national policy.

MAIN ISSUE 2 — Accessibility to Facilities and Services (sustainable travel)

20. NPPF 110 and 117(a) require development to be located and designed to give priority first to walking and cycling and to maximise opportunities for sustainable transport. The Appellant's case falls short on the evidence.

Cycling

21. The only promoted off-road "link" is a public footpath (PROW) that cannot lawfully carry cycles. Realistic cycle egress is via the B5476. The appellant's own ATCs record c.4,000 vehicles/day with 85th-percentile speeds above 30mph. Those conditions would clearly deter most users from mixed-traffic cycling. There is no continuous, safe, lawful cycle route to Whitchurch or Prees.

Walking

22. Beyond the new on-site path, key village routes are discontinuous, narrow and unlit. Sections of Tilstock Road lack footways. The Appellant's distance tables are not a suitable accessibility audit. Everyday trips (eg: secondary education, employment, GP, shopping) are clearly not realistically walkable.

Public transport.

23. The bus is relatively infrequent, with no Sunday service and limited weekday coverage. No funding, frequency or routing uplift is secured through the scheme. On the Appellant's own evidence, most commuting, education and shopping trips will realistically be by car.

Internal design

24. The layout provides around 2.5 parking spaces per dwelling, no demand management, and vehicle-led streets with limited, unsecured pedestrian priority. That is the opposite of a movement hierarchy that gives walking/cycling priority first. The site is functionally car-dependent. The proposal fails NPPF 110/117(a) and CS6. Substantial negative weight arises.

MAIN ISSUE 3 — Character and Appearance, including Urban Design

25. Tilstock reads as a compact settlement with a defined edge. The appeal layout pushes a large, inward-facing enclave out to the North, into open countryside, detached in grain from the established pattern.

26. The Appellant's own LVIA acknowledges adverse effects: medium magnitude changes to landscape character and major-to-moderate adverse visual effects from the PROW and Tilstock Road, especially in early years, with effects persisting long before planting matures.

27. Internally, the design is vehicle-led. Claimed 15mph "design speeds" do not ensure ≤20mph operation; forward visibility envelopes rely on private plots and pedestrian priority is asserted rather than demonstrated. That is inconsistent with CS6 and MD2's requirement for high-quality, context-responsive design and streets that put people first.

28. The development erodes the settlement's character and countryside setting and fails to demonstrate a pedestrian and cycle first movement hierarchy. Significant design and landscape harm arises.

"Local Housing Need"

29. The Appellant relies on a "Local Housing Need Assessment" (Marrons) as evidence of local need. It warrants limited weight as it is the wrong tool addressing the wrong geography to be of meaningful assistance in this appeal. The Assessment stitches together different community clusters, however, those clusters are settlement based. The countryside between them is not part of the cluster for development purposes.

30. The NPPG requires use of the standard method to identify district level minimum need for plan-making. Localised needs (including affordable housing) are then determined through

annual plan-making processes with housing registers and partner data. Ad hoc calculations for an appeal cannot substitute for that process.

31. The Council's Affordable Housing Team records only three households on the register with need in this parish. The Marrons Assessment does not identify verified concealed households or quantify those unable to access market housing locally using the NPPG method; it extrapolates from census headcounts to "need" conclusions. At best it is a statistical context note, but it is not a sound basis to claim a specific local need in Tilstock; still less to justify a large open-market estate in the countryside contrary to MD7a/CS4/CS5/S18.2.

Benefits and their proper weight

32. The Council recognises the scheme's generic benefits: 70 dwellings (including affordable homes), temporary construction employment/expenditure, on-site open space and biodiversity net gain. However, these are not location specific, and could be achieved on plan-led, sustainable sites. Mitigation and compliance (e.g., visibility splays, estate footways, statutory BNG) are not public benefits that carry freestanding weight.

33. Set against those are concrete harms:

(i) conflict with the adopted spatial strategy, which is serious in a plan-led system;

(ii) a car-dependent pattern of growth, and

(iii) character and countryside encroachment.

The Tilted Balance, properly applied

34. The Council accepts that NPPF 11(d) is engaged. The question is whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Here, the benefits are moderate and generic. The harms on the other hand are multiple, site-specific and go to the heart of the Framework's objectives of plan-led growth; directing development to sustainable locations; reducing the need to travel by car, and creating well-designed places.

35. Even in the tilted balance, substantial weight attaches to conflicts and/or is inconsistent with with CS4/CS5/CS6/MD1/MD2/MD3/MD7a/S18.2 because those policies remain

consistent with national policy. When those conflicts are placed alongside the accessibility and character harms, the adverse impacts significantly and demonstrably outweigh the benefits.

Conclusion

36. This is not a case of resisting growth but of where and how growth should occur. The Development Plan provides that answer and national policy supports it. The Appellant asks the Inquiry to step outside that coherent strategy.

37. This proposal:
(a) conflicts with the Development Plan read as a whole (particularly CS4, CS5, CS6 and MD7a);
(b) would result in a car-dependent, poorly integrated extension into open countryside;
(c) has not demonstrated a policy compliant local need; and
(d) yields benefits that do not outweigh the identified harms, even when applying the tilted balance.

38. The Council therefore respectfully invites the Inspector to dismiss the appeal.

Sarah Clover

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Birmingham

20 October 2025