



 Part of Shakespeare Martineau

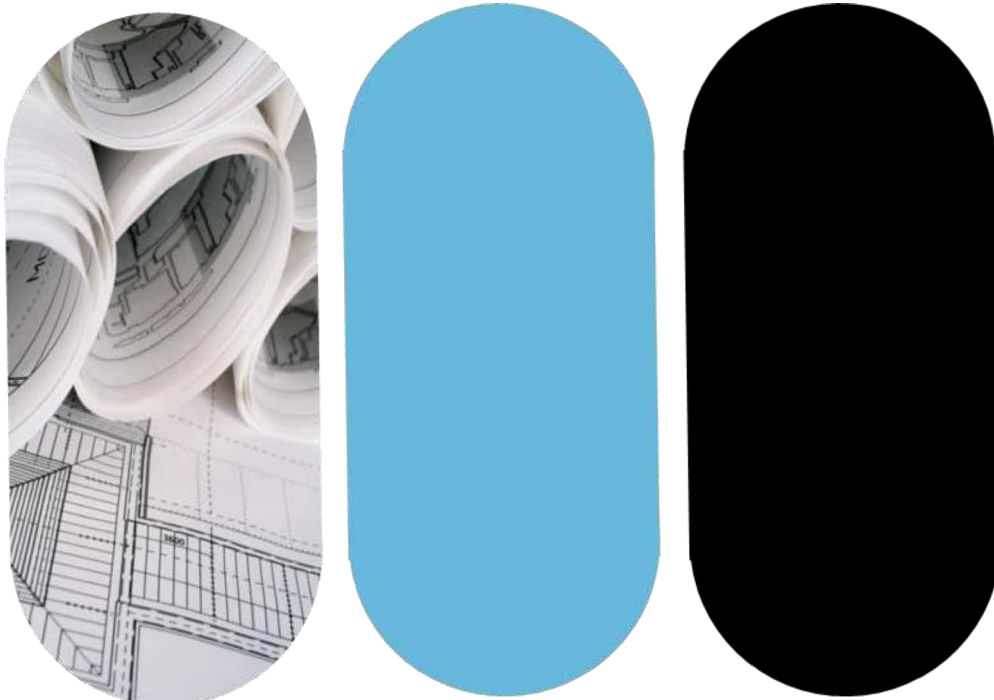
Appeal by Boningale Developments Ltd

Statement of Common Ground

Land at Tilstock Road, Tilstock

LPA Ref: 24/04176/FUL

Against the non-determination by Shropshire Council of “Residential development of 70 dwellings including access, open space, landscaping and associated works”



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This Statement of Common Ground has been agreed by:

Shropshire Council

Signed:



Name: Ollie Thomas (Principal Planning Officer)

Dated: 23rd June 2025

Sarah MacPherson of behalf of Boningale Developments Limited

Signed:



Name: Sarah MacPherson MRTPI

Dated: 23rd June 2025

1. Introduction

- 1.1 This Statement of Common Ground ('SoCG') is prepared jointly by Marrons on behalf of Boningale Developments Ltd ('the Appellant') and Shropshire Council ('the Council') and it relates to an appeal against the Council's non-determination of full planning application 24/04176/FUL, for which the description of development is as follows:

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

- 1.2 This Statement has been prepared in accordance with the Planning Inspectorate's guidance, as updated on the 14th November 2024 and the Planning Inspectorate's Procedural Guide, as updated on the 17th September 2024 and Article 37, Paragraph (3)(b)(x) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 ("DMPO 2015").
- 1.3 Article 37(8) of the DMPO 2015 defines "draft statement of common ground" as a statement containing factual information about the proposal that the appellant reasonably considers will not be disputed by the local planning authority. This SoCG seeks to clarify matters which have been agreed between the Appellant and the Council, in their role as Local Planning Authority in respect of planning matters.

2. Background to the Appeal

- 2.1 This appeal is made pursuant to section 78 of the Town and Country Planning Act 1990 ("TCPA 1990"), against the failure of Shropshire Council to determine a full planning application within the statutory timescales.
- 2.2 The application was supported by a suite of documents and plans, including a Masterplan. A list of the documents submitted with the application, and those submitted in response to consultee comments is appended is listed in the Core Documents List.
- 2.3 No objections, subject to conditions and requirements through a legal agreement, were received from the consultees listed below (statutory or otherwise) during the application period:

Landscape

Shropshire Affordable Housing Team

Shropshire Council Learning and Skills

- 2.4 No consultation response was published by the Local Highways Authority in the course of the application.

3. Description of the Site

- 3.1 The Site subject of this Appeal comprises approximately 4.05 hectares of Greenfield land off Tilstock Road, to the north of the built form of the village of Tilstock.
- 3.2 The Site is bound by agricultural land to the north and east, with the village built form to the south. To the west lies Tilstock Road, separating the Site and agricultural land, along with some ribbon development to the south-west.
- 3.3 The Site slopes from east to west and is currently used for the grazing of horses. The Site is bordered to the west and the south by mature hedgerows and trees. The northern boundary is bordered by a smaller hedgerow, separating the site from the field adjacent to the northern boundary. The eastern boundary is made up of fencing. Vehicular access into the site will come from off Tilstock Road, entering the site from the western boundary. Pedestrian access will be provided by a public footpath, entering the Site from the south eastern corner, offering connections to Tilstock village centre, utilising and enhancing existing Public Rights of Way that run adjacent to Tilstock Primary School.
- 3.4 Tilstock has a Primary School, a public house, a Village Hall and a bowling and tennis club. These amenities are all located within 400m of the Site on foot. The Village Hall is approximately 400m from the application Site, and the Primary School is 280m from the application Site. Tilstock does not have any convenience store, GP practice, post office or petrol station. Limited employment opportunities exist within Tilstock at the Primary School, Public House, and various agricultural establishments within/on the edge of the settlement, there are no significant employment (e.g. offices, research & development, financial & professional services, commercial and/or industrial activities) opportunities within the settlement.
- 3.5 Approximately 3.6km to the north of the Site is the town of Whitchurch. This town is defined as a Market Town in the Core Strategy 2006-2026, and a Principal Centre in the SAMDev Plan.

4. Relevant Development Plan Policies

4.1 The Development Plan relevant to the Appeal comprises;

The Core Strategy 2006-2026

Site Allocations Development Management Plan (SAMDev) 2006-2026

4.2 Given the lack of five-year housing land supply, the adopted Local Plan Policies concerning the delivery of housing development are currently out-of-date and paragraph 11 (d)(ii) of the NPPF is engaged.

4.3 Within the adopted Development Plan, Tilstock is characterised as a Community Cluster Settlement.

4.4 The parties agree that the following policies are relevant to this appeal. The most important policies for determining this appeal are denoted by an asterisk:

Policy CS1: Strategic Approach*

Policy CS4: Community Hubs and Community Clusters

Policy CS5: Countryside and Green Belt*

Policy CS6: Sustainable Design and Development Principles*

Policy CS7: Communications and Transport

Policy CS8: Facilities, Services and Infrastructure Provision

Policy CS9: Infrastructure Contributions

Policy CS11: Type and Affordability of Housing*

Policy CS17: Environmental Networks

Policy CS18: Sustainable Water Management

Policy MD1: Scale and Distribution of Development*

Policy MD2: Sustainable Design

Policy MD3: Delivery of Housing Development

Policy MD7a: Managing Housing Development in the Countryside*

Policy MD8: Infrastructure Provision

Policy MD12: Natural Environment

Policy MD13: Historic Environment

S18: Whitchurch Settlement Policy

5. Relevant Material Considerations

5.1 The following material considerations are relevant to this appeal:

The National Planning Policy Framework 2024

Planning Practice Guidance

Shropshire Sustainable Design SPD

Shropshire Type and Affordability of Housing SPD

National Design Guide

The Manual for Streets

Building Sustainable Transport into New Developments

Written Ministerial Statement of 30 July 2024

6. Other Matters Agreed Between the Parties

6.1 The following matters are agreed between the Appellant and the Council.

The Tilted Balance and Housing Land Supply

6.2 The minimum annual housing requirement for the purpose of assessing housing land supply in Shropshire, as determined by the standard method is 1,994 dwellings plus a 5% buffer (2,094 dwellings per annum).

6.3 The Council, as confirmed in their February 2025 Five Year Housing Land Supply Statement, cannot currently demonstrate a five-year housing land supply and as such the tilted balance is engaged. The degree of shortfall is disrupted and considered below.

Affordable Housing

6.4 The site will deliver 10.5 affordable dwellings, amounting to 15% of the total site capacity.

6.5 Provision of affordable housing is a public benefit of the proposed development. The parties agree that the over delivery of affordable housing when compared to the policy requirement is afforded additional weight, but the parties do not agree on the level of weight which should be afforded to the delivery of affordable housing. The parties agree the benefit of affordable housing weighs positively in the planning balance.

Landscape

- 6.6 For the purposes of paragraph 187 of the Framework, the site is not a "valued landscape".
- 6.7 The site does not benefit from any national or local landscape designations and is not unique for any landscape purposes.
- 6.8 The viewpoint locations included in the submitted LVIA are extensive enough and appropriate to present a representative set of views for the purposes of considering potential visual effects.

Heritage

- 6.9 There are no designated, or non-designated, heritage assets located within, or adjacent to, the appeal site. However, two listed buildings exist within the village of Tilstock – Grade II Christ Church and Grade II Tilstock Hall Farmhouse.
- 6.10 The development would not result in harm to the significance of any designated, or non-designated heritage assets, through changes to their settings, or otherwise. There is no heritage related basis for refusal.

Arboriculture

- 6.11 There are no trees within, or adjacent to the site, which are the subject of a Tree Preservation Order.
- 6.12 Overall, impacts on the loss of trees and hedgerows will be relatively low, and compensatory planting is to be undertaken.

Flood Risk and Drainage

- 6.13 The site falls wholly within Flood Zone 1, and is at the lowest risk of flooding.
- 6.14 Surface water is proposed to be managed via onsite storage and management, at a restricted discharge rate as agreed with Seven Trent Water.
- 6.15 It is common ground between the parties that the Site is not at risk of flooding, and has been adequately designed to render the Site safe for its lifetime, and to not increase risk of flooding elsewhere.
- 6.16 The proposals to discharge water to a public surface water sewer, and the proposed rates of discharge, are considered acceptable.
- 6.17 Subject to conditions as recommended by the LLFA, flood risk and drainage is not considered to be a matter of disagreement between the parties.

Sustainability

- 6.18 As confirmed in the comments received by SCC Policy team dated 2nd December 2024, the settlement of Tilstock is a sustainable and suitable location to accommodate development in accordance with the adopted Development Plan policies.

Planning Obligations

- 6.19 Both parties agree that planning obligations may be required towards local infrastructure to mitigate the impacts of the development.

7. Matters of Disagreement Between the Parties

- 7.1 The following matters are not yet agreed between the parties.

The weight to be attributed to the development plan policies.

Whether the development plan policies are consistent with national policy.

The robustness of the Council's housing land supply position.

The weight to be ascribed to the provision of market and affordable housing.

The overall sustainability of the site, having regard to its location and scale.

The scale and proportionality of the proposed development and the residual impact upon the receiving settlement and its character.

The weight to be attributed to landscape and visual effects

The economic benefits of the scheme and the weight it should be afforded in the planning balance.

The impact of the proposed development on protected species and the provision of Biodiversity Net Gain.

Vehicle and pedestrian access arrangements – approach and delivery

Internal layout and connectivity in promoting active travel and sustainable modes.