

**Appeal Reference 6007402 - Patshull
Road, Albrighton, WV7 3BH**

**Will Hossack on behalf of
Shropshire Council**
**Green Belt Rebuttal Proof
of Evidence**

Final report
Prepared by LUC
August 2026



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Chapter 1

Update to National Policy

National Planning Policy Framework (August 2026)

- 1.1 Two days prior to the exchange of Proofs of Evidence (PoE) on 18/08/2026, the National Planning Policy Framework (*‘the Framework’*) was updated. As such, prior to addressing the contents of the appellant’s PoEs relevant to the consideration of Green Belt policy (CD1.10 and CD1.13) I have sought to address the updated Framework and summarise how this has changed my submitted PoE (CD1.21).
- 1.2 In short, whilst the update to the Framework comprises the most significant revision of its contents since its publication, the overall objective (box at start of Chapter 13), purposes (Policy GB2(1)), application and considerations (Policies GB6, GB7 and Annex E) of Green Belt policy remains largely the same to that of the previous revision. As such, my conclusions in CD1.21 that the appeal site makes a ‘strong’ contribution to Purpose A and that it does not comprise ‘grey belt’ land remain.
- 1.3 I still consider that the appeal proposal comprises inappropriate development within the Green Belt and it would cause further substantial harm to its openness.
- 1.4 Turning to the updated policy context, the boxed objective at the start of Chapter 13 of the Framework maintains the provisions of former paragraph 142, reaffirming the overall aim and importance of Green Belt policy as follows:

“The objective of Green Belt policy, as set out in this chapter, is to prevent urban sprawl by keeping land permanently open. The government attaches great importance to Green Belts, the essential features of which are their openness and permanence”.

- 1.5 Policies GB1 – GB5 comprise Plan-making policies and are irrelevant for consideration of the appeal, insofar to their actual assessment of the appeal proposal. However, it is worth noting that the provisions of former paragraph 149 have been retained (and added to) in GB4 (this is not directly relevant to assessment of the appeal proposal, but I reference this former paragraph in §5.18 of CD1.21).
- 1.6 Policy GB6(1) reaffirms that development in the Green Belt remains inappropriate unless it falls within a category of development explicitly listed in the Framework (in GB7).

- 1.7 Policy GB6(2) reaffirms former paragraph 153 that states inappropriate development is, by definition, harmful and substantial weight should be given to this harm and any harm to the Green Belt, including to its openness. It also reaffirms that inappropriate development should not be approved except in *Very Special Circumstances* (in GB6(2)):

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed development, is clearly outweighed by other considerations. In making this assessment, substantial weight should be given to the harm to the Green Belt which would be caused, including harm to its openness”.

- 1.8 Former Paragraphs 154 and 155 have now been incorporated into a singular policy, GB7. This list has expanded the forms of development which will now be considered to be ‘not inappropriate’. The ‘grey belt’ exception remains as GB7(1)(g) as per former paragraph 155 (save for updated policy references) – whether the appeal site would comprise ‘grey belt’ and ergo complies with GB7(1)(g) still remains the main point of contention in the current appeal.
- 1.9 It is acknowledged that GB7(1)(h) now comprises a new exception for residential or mixed-use development however, the appeal site lies more than 800m or a 10-minute walk from the train station in Albrighton (the explicit requirement in Annex B). In any event Albrighton only has an hourly train service in any one direction and would not be considered a ‘well-connected station’ as defined in Annex B. As such, it would be contrary to GB7(1)(h)(i) of the Framework.
- 1.10 Furthermore, GB7(1)(h)(ii) requires that the development would be “*physically well-related*” to the settlement. The Framework (nor the PPG) neither provide a definition or guidance on what this entails, however, footnote 28 of the Framework (albeit in relation to Policy S5) states that “*Where a development proposal is outside of a settlement, and separated from the existing built-up area by virtue of being beyond the outside edge of an allocated site that has yet to be fully developed, consideration should be given to whether the proposal is in a suitable location should the allocated development not proceed*”. In the instance of the appeal site does not adjoin the settlement, the parcel lies significantly beyond undeveloped (and unallocated land). When considering footnote 28 which only allows consideration of land outside of the settlement beyond an *allocated* and partly developed site, the appeal site could not be described as ‘physically well-related’.

- 1.11 As per my previous evidence I consider the appeal site to be incongruous with the built form of the settlement as its development protrudes into the countryside with no assimilation of Albrighton. In this instance, I find this to also be indicative of not being physically well-related to the settlement. The remaining criteria pertain to other cross-cutting considerations, and I do not intent to comment further, however, non-compliance with GB7(1)(h)(i) and (ii) means that the proposed development remains inappropriate development within the Green Belt.
- 1.12 The 'Golden Rules' have been incorporated into GB8 – compliance with the Golden Rules was and remains a matter of common ground.
- 1.13 The Framework now includes multiple Annexes which also form national policy (as confirmed by Chapter 1 Paragraph 9 of the Framework). '*Annex E – Green Belt Assessments*' has incorporated paragraphs 004 and 005 from the Green Belt PPG, with the latter being the '*illustrative features*' used to make judgements regarding the strength of contribution of land to purposes A, B and D of the Green Belt.
- 1.14 Annex E includes grammatical insertion to the lists of *illustrative features* however, this does not substantively change their descriptions or application, these insertions comprise conjunctives to reflect their format as a list. An additional footnote (77) has been included in relation to Purpose B confirming that 'towns' includes cities for this purpose; however, this has no relevance for this appeal.
- 1.15 Finally, it should be noted that whilst my evidence relates to Green Belt policy, that the new presumption in favour of development outside of settlements (S5)(5) precludes land in the Green Belt and requires assessment of proposals in the Green Belt against GB6, GB7 and GB8 in the first instance – not the list of development in S5(1) – (4). However, S5(5) clarifies that where development is not inappropriate that proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework and applying S5(2).
- 1.16 To conclude, my PoE against the previous iteration of the Framework remains consistent with current National Policy, the updated Framework largely pertains to a restructuring of Green Belt policy in terms of terminology and plan-making policy.
- 1.17 Whilst GB7(1)(h) includes a new exception for residential development this would not apply to the appeal proposal, and it remains inappropriate development and I attach substantial weight to this harm. I still consider that the appeal proposal comprises substantial harm to the openness of the Green Belt and I also attach substantial weight to this harm.

Chapter 2

Rebuttal Proof of Evidence

Rebuttal of CD1.10 Proof of Evidence by Megan Wilson BSc (Hons) MSc MRTPI CIHCM

- 2.1 **§3.11 – 3.17 and §3.33 – 3.39 of CD1.10** is the extent of the appellant's assessment in relation to the contribution the site makes to Purpose A.
- 2.2 **§3.11 – 3.13 of CD1.10** accurately describes the illustrative features from the PPG (now Annex E) but only seeks to emphasise the role (or lack thereof) of physical features that restrict and contain development. As discussed in my PoE (**CD1.21**), the presence or lack of presence of one 'illustrative feature' is not always determinative in itself, the strength of contribution of land to any Green Belt purpose is a judgement and has to be looked through the lens of the purpose itself (see **§4.83 – 4.84 of CD1.21**).
- 2.3 The appellant's evidence has only considered that there are restricting and containing features and this in itself weakens the contribution of land to Purpose A. Whilst I do not agree there are restricting and containing features present, the appellant has provided no assessment as to whether the appeal site (if developed) would result in an incongruous pattern of development. For comparison, the SoS Decision (**CD16.37**) (discussed in **§4.88 – 4.89 of CD1.21**) considered the appeal site in Marlow to be restricted and contained in part but ultimately incongruous and have a strong contribution to Purpose A – the illustrative features are national policy but they are just illustrative and a judgement is required to ascertain the overall contribution.
- 2.4 It cannot be overlooked that the list of illustrative features in Annex E describe strong/moderate areas as "*likely*" to either include/or lack features listed and that the list itself is not exhaustive. The judgement is required to go further and consider, through the lens of the purpose, do these features "***weaken the land's contribution this purpose a***" (**§3.13 of CD1.10** – and Annex E of the Framework). I maintain the features stated by the appellant in **§3.14 – 3.17 of CD1.10** do not weaken the strong contribution the appeal site makes to Purpose A.
- 2.5 Particularly the appellant's description of the site (**§3.14**) is not one I accept as established development does not extend along the northern edge of the site – I would reiterate at this point that the 'Safeguarded Land' (which is not in fact Safeguarded Land) and the neighbouring parcel (controlled by another landowner) are both **not** developed and are **not** part of the appeal site. The northern boundary of the appeal site adjoins open fields, with the settlement lying beyond. The

development adjoining the site predominantly comprises low-density dwellings and I have considered the built form that is present when making my assessment in **CD1.21**.

- 2.6 The remaining paragraphs **§3.14 – 3.16 of CD1.10** only seek to state that the site is enclosed by roads, stating Newhouse Land and Cross Road are clear boundaries, and they define the envelope of the site with no commentary on how they would restrict and contain development. The A464 is described as a “substantial strategic highway” (§3.14) but all roads are later described as “substantial highway infrastructure” in §3.16 – this is clearly not the case with the only A road being the A464 to the south and Newhouse Lane being a single track country road (The A464 is the only feature which is further elaborated upon by the appellant in **§3.37** in terms of its ability to ‘restrict and contain’).
- 2.7 **§3.34** references how LUC considers the term “*physical feature that restrict and contain development*” and in the methodology of CD5.11, which does state it does not consider roads that emanate out of a LBUA as such physical features. Whilst the methodology does state this, **§3.27 – 3.28 of CD5.11** still assess whether Holyhead Road and Cross Road would restrict and contain urbanising influence if the site was developed. It also comments on Newhouse Lane also being a single-track road. In any event the reasoning for this inclusion in the methodology is that such roads ‘sprawl’ out of the LBUA and justification of development where it adjoins a road (with no development) adjacent to a settlement would still clearly sprawl into the Green Belt (resulting in a finger of development).
- 2.8 Notwithstanding the above, it should not be ignored that my PoE (**§4.93 – 4.125 - CD1.21**) assesses all of the relevant roads enclosing (and within the appeal site), including those that emanate out of the LBUA – they have not been ignored in my assessment in **CD1.21**. This assessment considered their ability to restrict and contain development the conclusion of which is that they do not (they have in fact been assessed and not discounted).
- 2.9 Whilst **§3.35 of CD1.10** states that LUCs methodology goes beyond the PPG I strongly disagree with this statement. In accordance, with Annex E (then the PPG), it is possible for land to make a ‘weakened’ contribution to Purpose A by being subject to urbanising influence alone (although not the case of the appeal site), the purpose of “*restricting and containing features*” is to stop the weakening of other strong green belt land (restricting the sprawl into the Green Belt), it is not simply enough for there to be a physical feature otherwise the term “*restricting and containing feature*” would have no meaning. If land is not restricted and contained then urbanising influence increases to land beyond, potentially creating grey belt land. It is only logical to consider all the

illustrative features through the lens of Purpose A and whether this would ‘weaken’ a lands contribution to this purpose. This is exactly what the methodology in **CD5.11** and my assessment in **CD1.21** considers – the roads and adjoining vegetation enclosing the site do not restrict and contain the site and as such its development would introduce urbanising influence to other land beyond in the Green Belt.

- 2.10** It is also worthy to note that **§3.37 of CD1.10** is the only paragraph that comments on the strength of a boundary, the southern boundary A464 (it does not comment on Newhouse Lane, Patshull Road or Cross Road). **CD1.10** only describes this one road as capable of “*restricting outward sprawl of development*”. Were there other features that could be described and elaborated upon as able to restrict and contain development the appellant no doubt would have done so.
- 2.11** Whilst I still consider that the A464 and enclosing vegetation would not limit urbanising influence it should not be forgotten that the appellant considering this boundary to be a strong restricting and containing feature overlooks whether developing the land up to this boundary would result in an incongruous pattern of development. The A464 does not have a close relationship to Albrighton such that the appeal site and land north to the road reads as being congruent with the settlement (as it is and adjoins large swathes of open undeveloped land away from the settlement).
- 2.12** On this point, the previous PPG and now Annex E (in 1(a)(v)) advocate that Green Belt Assessment should “*identify the location and appropriate scale of the area or areas to be assessed, and in doing so...Consider where it may be appropriate to vary the size of assessment areas based on local circumstances. For example, **the assessment of smaller areas may be appropriate in certain places, such as around existing settlements or public transport hubs or corridors***” (my emphasis). The appeal site is a large area of land and only reaches the A464 due to its sheer size and is likely an inappropriate size to be considered grey belt as inevitably development of the appeal site protrudes from the LBUA (akin to a finger of development).
- 2.13** Were the appeal site to be developed on the basis the A464 would weaken the contribution of the open undeveloped appeal site’s contribution to purpose A (as alleged by the appellant) then following this to its logical conclusion, the appeal site and all land to its east (south of Albrighton and up to the A464) would be considered to make a moderate contribution because it would be restricted and contained to the south. The absence of consideration as to whether development would result in an incongruous pattern of development is clearly flawed in this respect as it overlooks the contribution of open undeveloped land within the appeal site (and to the north of it) to checking the unrestricted sprawl of the LBUA. As stated in **§4.127 of CD1.21** the pattern of

development in Green Belt terms needs to consider how the land checks the sprawl of the LBUA – it pertains to where development is and where development is not (as open undeveloped land is the antithesis to sprawl). Notably, the illustrative features for a ‘moderate’ contribution in Annex E (for Purpose A) only reference development not being incongruous where it is enclosed by development, which is clearly not the case for the land adjoining the appeal site. The overriding character of the land to the south of Albrighton is open undeveloped countryside, where development *is not*.

- 2.14 **§3.18 – 3.33** of the appellant’s proof discuss whether Albrighton can be considered a LBUA. As per my evidence in CD1.21 I disagree that “*Albrighton has consistently been referred to as a village*” (§3.19) I have outlined why I consider Albrighton is considered to be a LBUA on both a national scale and local scale through **§4.7 – 4.77 of CD1.21**. My assessments have been undertaken in a manner consistent with LUCs approach to considering whether a settlement is a LBUA and the ‘particular local circumstances’ following the introduction of grey belt policy (see **Appendix 1 of CD1.21** where the SoS confirmed this is a ‘local’ judgement).
- 2.15 Whilst **§3.22 of CD1.10** states the terminology used has done so in a “concerted” way, **§3.24** then proceeds to acknowledge the Development Plan has historically not been consistent. Whilst **§3.24** states the Inspector referred to “Albrighton” as a village during the examination of the SAMDev – the SAMDev itself refers to it as a village (the reasoning and consistency of which I address in **CD1.21 in §4.42 – §4.45**) this is not a definitive decision.
- 2.16 In any event, I do not consider the appellant’s evidence on this matter to be contrary to my assessment as they have only undertaken a chronology of terms, they have not commented upon the considerations identified and assessed in **CD5.11**. Nor provided any further assessment on this matter. I do not agree that references to the status of Albrighton which are not considering whether it is a LBUA for Green Belt purposes are determinative.
- 2.17 **§3.32** references the former Green Belt assessment to underpin the withdrawn Local Plan (the proof refers to CD5.11 – but I believe means to refer to **CD2.22**) and acknowledged this was prepared prior to the introduction of the grey belt PPG. However, **§3.38 and §3.39** considers that the significant differences between **CD5.11 and CD2.22** to be unjustified, however, this is a significant mischaracterisation. It is clear that **CD5.11** utilises the Annex E ‘illustrative features’ wording to inform its methodology whereas **CD2.22** does not. The methodology in **CD2.22** is within the document itself, and **Table 3.1** outlines the scoring for Purpose 1 (now Purpose A) which does not align with the guidance in Annex E and uses a different definition of LBUAs.

Notwithstanding, the appellant has not considered the implications of current National Policy excluding ‘villages’ as LBUAs but **CD2.22** itself considers Albrighton to be a ‘town’ for Purpose 2 – there is a clear inconsistency with current practice and this is an obvious difference that requires a fresh assessment.

- 2.18 Overall, my conclusions that Albrighton is an LBUA; and the appeal site is free from existing development; free from urbanising influence; lacks physical features that restrict and contain development and if developed would result in an incongruous protrusion from the settlement remain. I consider the site makes a strong contribution to Purpose A and the appeal development would be inappropriate development within the Green Belt.
- 2.19 I have no further comments to make in relation to **Issue 1 of CD1.10** as it is common ground that the site makes a weak contribution to Purpose B and Purpose D and other ‘cross cutting’ considerations (need, sustainability and golden rules) are to be dealt with via other witnesses.

Rebuttal of CD1.13 Proof of Evidence by Neil Furber BSC (Dual Hons) PGDip LA CMLI

- 2.20 **Chapter 5 of CD1.13** comprises an assessment of the impact of the appeal proposal in relation to Green Belt openness. This remains the same as the assessment in CD11.13 and does not include any changes to the appellant’s initial assessment.
- 2.21 As such, my assessment in **§5.11 – 5.47 of CD1.21** remains however, I would take this opportunity to reiterate that the test for releasing Green Belt in the plan-making process is not the same as assessing the harm to Green Belt openness and this remains with the update to NPPF.
- 2.22 **§5.7 of CD11.13** demonstrates that this is the approach undertaken by the appellant stating: *“The spatial aspect, as it relates to the sense of openness with regard to the Site, is informed by several factors including the relationship of the Site to the existing and the robustness of any revised boundaries to the Green Belt, following removal of the site from the designation”*. (**§5.18 of CD1.21** (my proof) quotes this passage however; I have removed typos in this rebuttal for transparency).
- 2.23 I do not consider **CD1.13** to introduce any consideration that changes my assessment in CD1.21 and I maintain substantial harm to openness and purposes still exist.