



Appeal by Boningale Developments Ltd

Draft Statement of Common Ground

Patshull Road Albrighton Shropshire

LPA Reference: 24/02108/OUT

Against the refusal by Shropshire Council of an “Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage”



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Document Control

Project Name: Albrighton South
Matter Code: 2530067-32
Report Title: Statement of Common Ground

This Statement of Common Ground has been agreed by:

Shropshire Council:

Signed: 

Name: Lynn Parker (Principal Planning Officer, Shropshire Council)

Dated: 18th May 2026

on behalf of Boningale Developments Limited

Signed: 

Name: Megan Wilson MRTPI CIHCM

Dated: 18th May 2026

1. Introduction

- 1.1 This Statement of Common Ground ('SoCG') is submitted by Marrons on behalf of Boningale Developments Limited ('the Appellant') and it relates to an appeal against Shropshire Council's ('the Council') refusal of outline planning application 24/02108/OUT, for which the description of development is as follows:

Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage

- 1.2 This statement has been prepared in accordance with the Planning Inspectorate's guidance, as updated on the 14 November 2024 and the Planning Inspectorate's Procedural Guide, as updated on the 4 February 2026, and Article 37, Paragraph (3)(b)(x) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ("DMPO 2015").
- 1.3 The Appellant has sought to work proactively with the Council and are committed to do so throughout the appeal process.
- 1.4 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. It also seeks to identify areas of disagreement.

2. Background to the Appeal

2.1 The planning application was submitted to the Council on 31 May 2024. The application was submitted with the following documents:

- Application form **[CD5.6]**
- Cover Letter
- Site Location Plan **[CD6.4]**
- Framework Plan **[CD6.9]**
- Land Use Plan **[CD6.2]**
- Access and Movement Plan **[CD6.7]**
- Green Infrastructure Plan **[CD6.6]**
- Placemaking Plan **[CD6.5]**
- Design and Access Statement **[CD6.1]**
- Transport Assessment **[CD7.1]**
- Framework Travel Plan **[CD7.5]**
- Proposed Access Strategy **[CD7.7]**
- Swept Path Analysis **[CD7.9]**
- Proposed Off-Site Crossings **[CD7.8]**
- Preliminary Ecological Appraisal **[CD9.1]**
- Biodiversity Net Gain Baseline Assessment **[C9.2]**
- Tree Survey Plan and Tree Schedule **[CD10.1]**
- Geotechnical and Geo-Environmental Site Investigation **[CD18.1]**
- Opportunities and Constraints Plan **[CD6.3]**

2.2 The application was validated on 8 July 2024

2.3 The following documents were submitted in June and July 2024:

- Planning Statement **[CD5.1]**
- Heritage Impact Assessment **[CD12.1]**
- Landscape and Visual Impact Assessment (and associated appendices) **[CD11.3]**
- Illustrative Landscape Masterplan **[CD11.2]**
- Drainage Assessment **[CD8.5]**
- Affordable Housing Statement **[CD5.2]**
- Housing Mix Statement **[CD5.3]**

- Statement of Community Involvement **[CD5.2]**
- Environmental Enhancement Strategy **[CD11.1]**
- Arboriculture Assessment **[CD10.3]**
- Initial Flood Risk & Drainage Strategy **[CD8.5]**

2.4 Further information was submitted throughout the course of the applications:

- Landscape and Visual Clarification Note **[CD11.17]**
- Transport Technical Notes
- Soakaway Testing **[CD8.3]**
- Sewer Record details **[CD8.4]**
- An updated Flood Risk Assessment & Outline Drainage Strategy **[CD8.1]**
- Geophysical Survey **[CD12.2]**
- Updated Biodiversity Net Gain Assessments **[CD9.3]**
- Updated Illustrative Framework Plan **[CD6.9]**
- Planning Statement Addendum **[CD5.7]**
- Updated Affordable Housing Statement **[CD5.8]**
- Green Belt Assessment **[CD11.8]**
- Great Crested New EDNA Survey Report **[CD9.4]**
- Wintering Birds Survey **[CD9.5]**
- Reptile Survey Report **[CD9.20]**
- White Clawed Crayfish Survey Report **[CD9.21]**
- Guiding Design Principles & Contextual Responsiveness Document **[CD6.8]**
- Hydraulic Modelling Report **[CD8.6]**

2.5 The application was reported to the Southern Planning Committee on 16 December 2025 and the decision notice refusing the application was issued the same day.

3 Description of the Site

- 3.1 The Site occupies 48.04 hectares (1:2500 scale) of land to the South of Albrighton. The Site comprises Green Belt land, presently in agricultural use.
- 3.2 The Site boundaries are defined by trees and hedgerows, as are the internal field boundaries. Albrighton lies to the north of the Site, together with an area of land proposed to be safeguarded for future development in the now withdrawn Draft Shropshire Local Plan.
- 3.3 The northwestern boundary of the Site is defined by Cross Road, whilst the southern boundary is defined by the A464 Holyhead Road and the village of Boningale. Newhouse Lane forms the eastern Site boundary. Surrounding land to the southeast and west is primarily agricultural, interspersed with clusters of development.
- 3.4 Two vehicular access points are proposed onto Holyhead Road to the south, alongside a vehicular access onto Cross Road to the north. There are existing public rights of way in the southeast of the Site and linking into Newhouse Lane.
- 3.5 In the adopted Core Strategy, Albrighton is defined as a 'Key Centre'. The Appeal site is outside the defined boundary of Albrighton and is therefore classed as open countryside.

4 Relevant Development Plan Policies

- 4.1 Section 70(2) of the TCPA 1990 sets out that, in dealing with proposals for planning permission, regard must be had to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 4.2 Furthermore, section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) states that, if regard is to be had to the development plan for the purpose of any determination, then that determination must be made in accordance with the plan unless material consideration indicated otherwise. Taking these sections together, a decision-maker must, therefore, consider the Development Plan, identify any provisions within it which are relevant, and then properly interpret them.
- 4.3 The adopted development plan for Shropshire comprises of:
- Core Strategy 2006-2026 (adopted February 2011)
 - Site Allocations and Management of Development (SAMDev) Plan 2006-2026 (adopted December 2015)
- 4.4 The Appellant considers that the most important policies for determining the application are substantively out-of-date. The Council do not agree to this approach, however, acknowledges that the tilted balance will apply and that it is for the decision-maker to determine the weight to be applied to the Development Plan as a whole.
- 4.5 The Council’s Decision Notice alleges that the appeal proposals will give rise to conflict with the following adopted Core Strategy 2011 policies:
- Policy CS1: Strategic Approach
 - Policy CS3: The Market Towns and Other Key Centres
 - Policy CS5: Countryside and Green Belt
 - Policy CS6: Sustainable Design and Development Principles
 - Policy CS17: Environmental Networks
 - Policy MD1: Scale and Distribution of development
 - Policy MD3: Delivery Of Housing Development
 - Policy MD6: Green Belt And Safeguarded Land
 - Policy MD7a: Managing Housing Development In The Countryside

- Policy S1: Albrighton

4.6 The appeal scheme needs to have regard to the following material policies of the Development Plan:

- Policy CS7: Communications and Transport
- Policy CS8: Facilities, Services and Infrastructure Provision
- Policy CS9: Infrastructure Contributions
- Policy CS11: Type And Affordability Of Housing
- Policy CS15: Town and Rural Centres
- Policy CS18: Sustainable Water Management
- Policy MD2: Sustainable Design
- Policy MD7b: General Management of Development In The Countryside
- Policy MD8: Infrastructure Provision
- Policy MD12: Natural Environment
- Policy MD13: Historic Environment
- Policy S1: Albrighton Area
- SPD Type and Affordability of Housing
- SPD Developer Contributions
- SPD Sustainable Design



5 Relevant Material Considerations

5.1 The following material considerations are relevant to this appeal:

- The National Planning Policy Framework 2024
- Planning Practice Guidance
- National Design Guide

6 Other Matters Agreed Between the Parties

- 6.1 Save for the matters set out in the reasons for refusal, the Council does not invite dismissal of the appeal on any other basis. Save for the policies specified in the reasons for refusal, the Council does not allege breach of any other development plan policies.

- 6.2 The following matters are agreed between the Appellant and the Council.

Environmental Impact Assessment

- 6.3 The development does not comprise EIA development.

Tilted Balance and Housing Land Supply Position

- 6.2. The Council, cannot currently demonstrate a five-year housing land supply.
- 6.3. It is agreed that there is a presumption in favour of sustainable development and that the titled balance is engaged, subject to the operation of footnotes 7 and 9.

Sustainable Location for Development

- 6.4. Albrighton is identified as a Key Centre in the Council's development strategy.

Highways

- 6.5. The Local Highways Authority have raised no objection to the planning application.
- 6.6. A phasing plan was submitted to the Council in October 2024 as part of Technical Note 01.
- 6.7. The appellant and the Council will work to agree a topic specific Highways Statement of Common Ground.
- 6.8. Staffordshire Highways are satisfied that the development trip impact at the two junctions within their jurisdiction can be suitably mitigated and have no objections to the proposed strategy.
- 6.9. Active Travel England support the application subject to appropriate conditions and planning obligations.
- 6.10. Subject to conditions and S106 Agreement mitigations recommended by SC highways and Staffordshire highways, highways is not considered to be a matter of disagreement between parties.

Flood Risk and Drainage

- 6.11. The Site falls wholly within Flood Zone 1 and is at the lowest risk of flooding.
- 6.12. Surface water is proposed to be managed via onsite storage and management.
- 6.13. It is common ground between the parties that the outline drainage strategy is sufficient to provide confidence that the development will not be at risk of flooding, and to not increase risk of flooding elsewhere.
- 6.14. If the appeal is allowed, Severn Trent Water would be under a statutory obligation to provide water and sewerage connections to the site and undertake any necessary network reinforcement.
- 6.15. Subject to conditions recommended by SC Drainage and Severn Trent Water, flood risk and drainage is not considered to be a matter of disagreement between parties.

Arboriculture

- 6.16. There are protected trees towards the northern end of Newhouse Lane, and on the far side of Cross Road. Trees are protected within the Boningale Conservation Area south of A464 Holyhead Road.
- 6.17. The findings of the Arboricultural Impact Assessment [CD10.3] are a matter of agreement between the Council and the Appellant.
- 6.18. Overall, impacts on the loss of trees and hedgerows will be relatively low, and sufficient compensatory planting will be undertaken, and will be positive and secured through condition.

Ecology

- 6.19. The development will deliver a Biodiversity Net Gain of over 10%.
- 6.20. The appellant and the Council will work to agree a topic specific ecology Statement of Common Ground.

Heritage

- 6.21. There are no designated, or non-designated, heritage assets located within the appeal site.
- 6.22. To the south of the appeal site is the Boningale Conservation Area, and Grade II Listed Lea Hall and Barn. Both parties agree there would be less than substantial harm to the significance of these designated heritage assets through changes in setting



Landscape and Visual

- 6.23. There are no statutory or non-statutory landscape designations covering the Site and there are no landscape designations present in the surrounding study area.
- 6.24. Apart from a single public footpath that crosses the southeastern corner of the Site there is currently no public access to the Site.
- 6.25. The appellant and the Council will work to agree a topic specific landscape Statement of Common Ground.

Green Belt

- 6.26. The application site wholly lies within the Green Belt and comprises undeveloped agricultural land.
- 6.27. There are no Footnote 7 constraints present on site that trigger a strong Reason for Refusal.
- 6.28. The appellant considers that the site constitutes grey belt. The Council disagree with this position.

7 Matters of Disagreement Between the Parties

7.1 The following matters are not agreed between the parties.

- The weight to be attributed to the out of date policies.
- The extent of the housing land supply deficit
- Whether the policies are consistent with national policy.
- The weight to be ascribed to the provision of market and affordable housing.
- The Sites compliance with paragraphs 154 and 155 of the Framework
- The contribution the site makes to the purposes of the Green Belt
- The existence of Very Special Circumstances in accordance with paragraph 153 of the Framework
- The overall sustainability of the site, having regard to its scale and location
- The geographical extent of the proposed development related to the existing settlement and the acceptability of the residual impact upon landscape character
- The weight to be attributed to the loss of best and most versatile agricultural land
- The weight to be attributed to the harm to heritage assets
- The weight that can be attributed to community benefits which the Council consider do not respond to local needs. The appellant considers that they do respond to identified and evidenced local needs.



 **Marrons**



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