

SECTION 78 TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY BONINGALE DEVELOPMENTS LIMITED FOLLOWING THE REFUSAL OF AN OUTLINE PLANNING 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

Appeal Ref: 6007402

LPA Ref: 24/02108/OUT

OPENING STATEMENT ON BEHALF OF THE RULE 6 PARTY

INTRODUCTION

1. This is the opening statement on behalf of Albrighton Development Action Group (“**ADAG**”).
2. An application for outline planning permission for a mixed-use development comprising up to 800 dwellings, a care home of up to 80 units, a secondary school, and local centre with associated access, infrastructure, landscaping and drainage (“**the Proposed Development**” or “**the Proposal**”) was made by the Appellant. This application was refused by Shropshire Council (“**the Council**”) on 16 December 2025.
3. It is no exaggeration to state that the Proposed Development was, and continues to be, met with strong and sustained local objection – over 1000 objections were received against the Proposed Development at application stage alone¹. The local community of Albrighton are evidently deeply concerned with the Proposed Development and this must come as no surprise given the scale and the location of the Proposal. What this inquiry will witness over the course of the next 2 weeks is the culminated effort of a

¹See “Comments” under the Planning Application on the Planning Portal for Shropshire Council. Available at: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=SEB9ACTDI3500> [accessed on 14/09/2026]

local community that wants to ensure that only development which is truly sustainable is achieved at Albrighton.

4. It is a matter of common ground that the Council is unable to demonstrate a 5YHLS. There is plainly a need to deliver housing in Shropshire and the delivery of housing (both market and affordable) is a benefit. However, the lack of a 5YHLS does not mean that any level of development at any settlement or location is acceptable. The objective of a plan-led system is to ensure that sustainable development is achieved and the lack of a 5YHLS is only one consideration in that decision-making exercise.

MAIN ISSUES

5. At the CMC, the Inspector identified the following as main issues in the appeal:
 - a. Issue 1 – whether the proposed development would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - b. Issue 2 – if the proposal is inappropriate development in the Green Belt, its effect on the openness of the Green Belt;
 - c. Issue 3 – whether the proposal would accord with the spatial strategy in the development plan;
 - d. Issue 4 – the effect of the proposed development on the character and appearance of the area;
 - e. Issue 5 – whether future occupiers of the proposed development would have adequate access to a range of facilities and services;
 - f. Issue 6 – the effect of the proposal on best and most versatile (BMV) land;
 - g. Issue 7 – the effect of the proposal on the Boningdale Conservation Area (CA) and the Grade II listed buildings of Lea Hall and Barn;
 - h. Issue 8 – whether the proposal would make adequate provision for affordable housing, sports and playing pitch facilities, highway improvement works, sustainable transport, education, healthcare, open space, ecology, sustainable drainage systems and biodiversity net gain (BNG); and

- i. Issue 9 – if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
6. The Rule 6 Party’s case centers around Main Issues (3), (5), and (8) and the planning balance. The locational sustainability of the Proposal is also a key consideration when assessing whether the Proposal can be categorized as not inappropriate development in the Green Belt under Policy GB7(1)(g)(iii) of the NPPF 2026.
7. ADAG will call Mr John Russell to provide his evidence on the Proposal’s poor performance in terms of locational sustainability and active travel, in particular its failure to cater for a genuine choice of transport modes whilst limiting the need for travel by private car. Mr Russell will elaborate on the limited walking and cycling opportunities available to future residents and the issues surrounding the bus provisions as proposed. He will also explain how the sustainable travel patterns have not been fully assessed, especially when considering the uncertainty around the delivery of the secondary school.
8. ADAG will then call Mr Tom Ryan to provide evidence on how the Proposal conflicts with the spatial strategy, its significance, and the distinct role played by Albrighton in Shropshire’s settlement hierarchy. He will also provide evidence on how the Proposal seeks to develop a substantial new neighborhood which is separated from Albrighton’s existing centre.
9. Mr Ryan will set out how Albrighton functions as a settlement, having regard to the level of services and facilities available and proposed and whether it is demonstrated that Albrighton can accommodate the Proposal without unacceptable impacts. He will then provide his professional opinion on what weighting should be attached in the planning balance to the issues identified by ADAG in their case and the relevant Local Plan policies.
10. The statutory starting point continues to be the Local Plan and this appeal must be determined in accordance with the relevant policies identified in the Local Plan unless

material considerations indicate otherwise². The NPPF is one such material consideration.

11. Overall, ADAG's evidence will demonstrate the serious and significant conflicts with the relevant Local Plan policies which the Proposal gives rise to. The evidence will also demonstrate that the Proposal is not in a sustainable location (contrary to Policy GB7(1)(g)(iii) of NPPF 2026) and therefore constitutes inappropriate development in the Green Belt which is by definition harmful and should not be approved except in very special circumstances. In carrying out the wider planning balance, ADAG will demonstrate the harms surrounding conflict with the settlement hierarchy, the spatial objective for Albrighton, and the separation between the existing centre and the Proposed Development.

CONCLUSION

12. For the reasons set out above, we will in due course respectfully request the Inspector to dismiss the Appeal.

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15 September 2026

² S.70 of the Town and Country Planning Act 1990 and s.38(6) of the Planning and Compulsory Purchase Act 2004