

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURES)
(ENGLAND) RULES 2000**

Appeal by: Boningale Developments Ltd

Appeal Site: Patshull Road, Albrighton, Shropshire, WV7 3BH, United Kingdom

Against: The decision by Shropshire Council to refuse planning permission for:

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.

STATEMENT OF CASE BY SHROPSHIRE COUNCIL

Planning Inspectorate Appeal Reference:	6007402
Shropshire Council Planning Application Reference:	24/02108/OUT
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Contents

	Page No:
1. Introduction	3
2. The Decision	3
3. The Appeal Site	3
4. The Appeal Proposal	5
5. Relevant Planning History	6
6. Relevant Planning Policy	6
6.1 Adopted Development Plan Policy	6
6.2 The Development Plan	6
6.4 The Core Strategy	6
6.5 The SAMDev Plan	8
6.6 The National Planning Policy Framework	9
6.7 Local Plan Position	12
6.8 The Council's Five Year Housing Land Supply	12
7.0 Summary Of The Council's Case	13
7.1 The Main Issues	13
7.2 Principle of the Development	13
7.3 Green Belt	15
7.4 Landscape	17
7.5 Access	17
8.0 Conclusion	18
9.0 Other Matters	19
9.1 Conditions	19
9.2 S106 Obligations	19

9.3	Habitat Regulations ‘three tests’ matrix	19
	Appendices	
A.	Planning Application Decision Notice	20
B.	List of documents which may be referred to by Shropshire Council	23

1.0 Introduction

- 1.1 This Statement of Case (‘SoC’) has been prepared to confirm that Shropshire Council (“the Council”) will defend the decision of its South Planning Committee to refuse planning permission for 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 on land a Patshull Road, Albrighton, Shropshire.
- 1.2 The Statement sets out the case the Council will rely on at the planning inquiry into the appeal by Boningale Developments Ltd (“the Appellant”) against the refusal decision.

2.0 The Decision

- 2.1 Outline planning permission for the proposed development was refused by the Council’s South Planning Committee on 16th December 2025, the Decision Notice for which is attached at Appendix A.

3.0 The Appeal Site

- 3.1 The planning officer’s report to the South Planning Committee provides a description of the site and its environs which is hereby expanded.
- 3.2 Albrighton is located in Eastern Shropshire approximately mid-way between Wolverhampton to the south-east and Telford to the north-west, the border with South Staffordshire District Council is ~2.5km to the east. The town is positioned abutting the A41 on its north side, the adjacent section of this road forming the Albrighton By-Pass, and it provides a link to the M54 at Junction 3. The A464 runs south of Albrighton in a south-east/north-west direction off-set from the Town by ~1km.
- 3.3 The application site amounts to 48 hectares of agricultural land spanning an area

from a southern point of Albrighton to the A464 Holyhead Road which forms the site's southern boundary. All of the site is within the Green Belt which wraps around Albrighton. The shape of the site is irregular and includes a triangular northern projection, the pointed tip of which abuts the Cross Road/Elm Road/Patshull Road roundabout which sits at the south-western extent of the Albrighton Development Boundary. Cutouts both around the edge and within the site omit existing residential plots at Lea Farm Barns, Lea House, Lea Hall, Lea Hall Barn, Stone House, The Sheiling and nos. 1 to 4 Patshull Road from the development. In addition to the site fronting onto around 900m of the A464, it shares a boundary with Cross Road to the west and Newhouse Lane to the east, with Patshull Road running north/south through the centre. All these roads extend from the A454 in the south to Albrighton in the north. The land within the site is made up of large agricultural fields, between 5 and 18 hectares in size, which are generally level, but gently undulating, and contained within native hedging. There are mature trees present both within the hedgerows, and as isolated groups and single specimens in the fields.

- 3.4 Opposite the south-east section of the site, across the A464, lies the settlement of Boningale, the majority of which is within a Conservation Area. Boningale Conservation Area contains multiple Listed Buildings: Grade II* Church of St Chad and associated Grade II Churchyard Cross, tombs and a headstone; Grade II dwellings at Church Farmhouse, Old Cottage and Old Farmhouse and Cottage; Grade II K6 telephone kiosk. There are additionally Grade II Listed Buildings at Lea Hall and Lea Hall Barn adjacent to the southern boundary of the site, and at The Elms and The Old Windmill on the south-west edge of Albrighton. Further Conservation Areas are defined within Albrighton, the closest to the site being ~500m away to the north-east around the High Street.
- 3.5 This area of the countryside south of Albrighton is characterised by unclassified and C roads connecting the A464 to Albrighton with a patchwork of agricultural fields inbetween. Mature native hedging and trees are prevalent as would be expected in a rural environment. There is sporadic commercial development present within the area with the ~1.5 hectare Harold L Smith Transmissions located off Cross Road opposite the proposed site, and Albrighton Feeds Ltd operating from a former service station on the western corner of the site at the Cross Road/A464 junction. David Austin Roses is ~1km to the north-west, and Boningale Nurseries, ~1.3km to the east. Residential development is intermittently positioned along the roads where the built environment is a little more concentrated on Cross Road leading to the roundabout, and along the east side of Patshull Road, however these dwellings are separated by linear gardens running parallel to the road.
- 3.6 There are local services in Albrighton including two primary schools, a medical centre, train station, churches, public houses, and shops, cafes, restaurants and fast-food takeaway along the High Street. Bus stops are located within Albrighton adjacent to/opposite the Crown Inn on the High Street for the 891 service between Telford and Wolverhampton which runs every hour in both directions. Albrighton station is on the north-east side of the Town adjacent to the A41/Albrighton By-Pass on the Shrewsbury to Wolverhampton line, again with an hourly service in each direction. There are various public rights of way in the rural area between the A464

and Albrighton including PROW network 0102/9/1 located to the east side of Newhouse Lane, where a footpath extends across fields to the Town Centre.

4.0 The Appeal Proposal

- 4.1 The planning officer's report to the South Planning Committee provides a detailed description of the proposed development which is now the subject of this appeal and is summarised below.
- 4.2 The development is proposed in Outline with all matters reserved with the exception of access which is included in detail. It is proposed to provide up to 800 dwellings of mixed type and tenure, land for a care home of up to 80 units, land for a secondary school and a local centre, with associated access, infrastructure, drainage, open space with play area, and landscaping on 48 hectares of agricultural land. The development would deliver policy compliant affordable housing levels. A comprehensive suite of supporting documents were submitted at the outset and throughout the course of the application which included an Illustrative Framework Plan.
- 4.3 A full list of supporting documents and plans submitted in respect of the planning application is provided within Section 2 of the Appellant's Statement of Common Ground.
- 4.4 The access strategy was informed by the indicative position of the secondary school towards the north-eastern boundary, and the local centre and care home in the middle of the site. The strategy includes:
 - Two new junctions proposed into the site from the A464 to the south to create an east/west spine road through the centre crossing Patshull Road and Newhouse Lane. The western junction is proposed as a 3-arm roundabout and the eastern, a right turn lane ghost island priority junction.
 - A new north/south road link would extend from the spine to Cross Road in the north.
 - Both Patshull Road and Newhouse Lane would be downgraded to 'access only' for existing residents allowing vehicular movements to and from their homes, but no through movements.
 - Subject to discussions with local bus providers, new routes or diversions of existing routes would include bus stops along the proposed spine road.
 - The speed limit on the A464 along the site's southern boundary would be reduced from 60mph to 40mph together with a package of traffic calming measures.
 - The stopping up of certain roads would provide the opportunity to encourage active travel movements by providing pedestrian and cycle green routes on key links to and from the development.
- 4.5 A list of 'very special circumstances' to justify the proposed development in the Green Belt are presented within Chapter 7 of the Appellant's Planning

Statement (June 2024), and are set out in paragraph 0.3 of the Executive Summary.

5.0 Relevant Planning History

- 5.1 Planning Ref: PREAPP/23/00908 - Mixed-Use development, comprising circa 600 no. residential units, community centre, land for secondary school and ancillary uses. Unacceptable Development 10th January 2024.
- 5.2 The pre-application advice concluded that, 'The site falls outside of an area where open market housing is supported by current and emerging housing policy and the proposals would represent inappropriate development within the Green Belt, requiring a very special circumstance justification. It is not considered at present that such a justification could be demonstrated given the significant departure from local and national policies on housing and Green Belt protection'.

6.0 Relevant Planning Policies

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The Adopted Development Plan

The adopted Development Plan for Shropshire consists of the Core Strategy (2011), Site Allocations and Management of Development (SAMDev) Plan (2015), and 'made' Neighbourhood Plans. A range of Supplementary Planning Documents have been adopted by the Council to support understanding and application of policies in the adopted Development Plan, forming material considerations in the decision-making process. The Albrighton Neighbourhood Plan 'Light' (June 2013) is additionally relevant as a material consideration as it contains policies and proposals informed by community consultation that are applicable to the decision making process for planning applications, though it is not a 'made' Neighbourhood Development Plan and does not form part of the Development Plan for the area. At present there is no emerging Local Plan to take into account as a material consideration.

- 6.3 The Development Plan supports the Council's commitment to delivering sustainable development and communities through a range of strategic and non-strategic policies for the management of new development.
- 6.4 The Core Strategy sets out the Council's vision, strategic objectives and the broad spatial strategy to guide future development and growth in Shropshire during the Plan period to 2026. The following Core Strategy Policies are most important to this appeal:

- 6.4.1 **CS1: Strategic Approach** – Identifies a 'rural rebalance' approach for rural

areas to become more sustainable through development and investment that will contribute to social and economic vitality to be located predominantly in community hub and cluster settlements. Outside of these settlements, development will primarily be for economic diversification and to meet the needs of local communities for affordable housing.

- 6.4.2 **CS3: The Market Towns and Other Key Centres** – Will maintain and enhance their roles in providing facilities and services to their rural hinterlands and foci for economic development and regeneration. Balanced housing and employment development, of an appropriate scale and design that respects each town's distinctive character and is supported by improvements infrastructure will take place within the towns' development boundaries and on sites allocated for development. Albrighton (along with Shifnal) will have development to meet local needs, respecting their location in the Green Belt. No changes will be made to Green Belt boundaries.
- 6.4.3 **CS5: Countryside and Green Belt** – New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Development proposals will maintain and enhance countryside vitality and character and improve the sustainability of rural communities by bringing local economic and community benefits. New residential development is not supported unless it is to house agricultural, forestry or other essential countryside workers, other affordable housing/accommodation to meet local need, or is a conversion of an existing building which takes account of and makes a positive contribution to the countryside.
- 6.4.4 **CS6: Sustainable Design and Development Principles** – Development should create sustainable places by applying high-quality, sustainable design principles to achieve inclusive, safe and accessible environments, respect and enhance local distinctiveness, and mitigate and adapt to climate change. Ensures that all development protects, restores, conserves and enhances the natural, built and historic environment, and is appropriate in scale, density, pattern and design taking into account the local character and context, and those features which contribute to local character. Development should use land efficiently, safeguard natural resources, and ensure there is capacity and availability of infrastructure. Proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised.
- 6.4.5 **CS13: Economic Development, Enterprise and Employment** – Will plan positively to develop and diversity the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and prosperous communities. Particular emphasis is placed (amongst other criteria) in rural areas, recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification.
- 6.4.6 **CS17: Environmental Networks** – Ensures that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual,

ecological, geological, heritage or recreational values and functions of these assets.

- 6.5 The SAMDev Plan reinforces delivery of the Core Strategy visions and objectives by setting out proposals for land use and policies with a greater level of detail for the management of new development across the Shropshire Council jurisdiction. The most important SAMDev policies for this appeal are:
- 6.5.1 **MD1: Scale and Distribution of Development** – Requires sufficient land is made available during the plan period to enable the delivery of development planned for within the Core Strategy. Sets out the specific settlements within which sustainable development will be supported.
- 6.5.2 **MD2: Sustainable Design** - Builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To be acceptable, development is required to contribute to and respect locally distinctive or valued character and existing amenity value through responding appropriately to the form and layout of existing development and the way it functions.
- 6.5.3 **MD3: Delivery of Housing Development** – Supports sustainable housing development that meets the design requirements of the Development Plan and includes a mix and type of housing that has regard to local evidence and community consultation. Where an identified housing guideline would be exceeded, decisions will have regard to the increase in number, the likelihood of delivery, the benefits of the development and its impact (including cumulative) on the settlement, together with the presumption in favour of sustainable development.
- 6.5.4 **MD7a: Managing Housing Development in the Countryside** – Further supports Policy CS5 stating that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters.
- 6.5.5 **MD12: The Natural Environment** – Seeks the avoidance of harm to Shropshire's natural assets alongside Policies CS6 and CS17, and their conservation, enhancement and restoration. Encourages development which appropriately connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor conditions. Ensures that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively on (amongst other criteria) priority species and habitats, important woodlands, trees and hedges, ecological networks, visual amenity, and landscape character and local distinctiveness, will only be permitted where it can be demonstrated that there is no satisfactory alternative and the social or economic benefits outweigh the harm.
- 6.5.6 **S1: Albrighton** – Provides the strategy for achieving sustainable development in Albrighton in that it will provide for its local needs, delivering around 250 dwellings over the Plan period. Local needs will predominantly be met on two allocated sites, with small-scale windfall development within the development boundary making up the balance. It also specifies that all development proposals

for Albrighton should have regard to the Albrighton Neighbourhood Plan 'Light' (note this does not constitute a formally adopted Neighbourhood Development Plan).

6.6 National Planning Policy Framework (NPPF)

The current NPPF is that revised and published in December 2024 (amended in February 2025). The NPPF sets out the Government's planning policies for England and how these should be applied. It confirms that the purpose of the planning system is to contribute to the achievement of sustainable development including the provision of homes, commercial development and supporting infrastructure in a sustainable manner (para. 7). Paragraph 8 advises that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental objectives.

- 6.6.1 Paragraph 11 sets out the presumption in favour of sustainable development for plan-making and decision-taking. Where development proposals accord with an up-to-date development plan this means approving without delay, where policies which are most important for determining the application are out-of-date further consideration is specified through 11d) i. and ii. including Footnotes 7 and 8.
- 6.6.2 Paragraph 12 confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-taking. Where there is conflict with up-to-date development plan, permission should not usually be granted.
- 6.6.3 Section 5 relates to delivering a sufficient supply of homes. Paragraph 61 identifies the importance for a sufficient amount and variety of land to come forward where it is needed to significantly boost the supply of homes, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community, including affordable housing (paras. 63 to 68).
- 6.6.4 Paragraph 82 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Support for rural exception sites that will provide affordable housing to meet an identified local need is encouraged. To promote sustainable development in rural areas, paragraph 83 specifies that housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.6.5 Paragraph 110 expects that significant developments should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
- 6.6.6 Paragraph 115 identifies that specific applications for development should ensure sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users, design reflects current national guidance,

and that any significant impacts from the development on the transport network can be cost effectively mitigated.

- 6.6.7 Section 11 requires that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight is given to the value of using suitable brownfield land within settlements, and under-utilised land and buildings rather than countryside (para. 125c). In achieving appropriate densities, support is given for the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change (para 129d).
- 6.6.8 Section 13 is concerned with protecting Green Belt land to which it states, the Government attaches great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.6.9 Paragraph 143 stipulates that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.6.10 Paragraph 153 states that that local planning authorities should ensure substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.6.11 Paragraphs 154 and 155 continue by setting out the types of development that can be regarded as exceptions to inappropriate development in the Green Belt. The development of homes, commercial and other development in the Green Belt is not regarded as inappropriate if it would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. If the land is regarded as grey belt, there must also be a demonstrable unmet need for the type of development proposed and the location must be sustainable with particular reference to paragraphs 110 and 115 (para. 155)
- 6.6.12 Paragraph 156 notes that if the development is identified as grey belt and not regarded as inappropriate as set out in paragraph 155, there are three 'Golden

Rules' requirements where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application. Contributions are required for a specified higher percentage of affordable housing, necessary improvements to local or national infrastructure, and public access to new or improved green spaces.

- 6.6.13 Annex 2 defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes a), b) or d) in paragraph 143. Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
- 6.6.14 Footnote 7 areas or assets comprise habitats sites (and potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and non-designate heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments); and areas at risk of flooding or coastal change.
- 6.6.15 Section 15 requires planning policies and decisions to contribute to and enhance the natural and local environment by in paragraph 187b), recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services - including the economic and other benefits of the best and most versatile (BMV) agricultural land, and of trees and woodland.
- 6.6.16 Footnote 65 points out that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred.
- 6.6.17 Section 16 is concerned with conserving and enhancing the historic environment. It requires that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, their conservation, viable uses and economic vitality and that new development enhances local character and distinctiveness (para. 210).
- 6.6.18 Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.6.19 Paragraph 215 requires that where a development proposal will lead to less

than substantial harm to the significance of a designated Heritage Asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.6.20 The Government have sought views on a revised NPPF and other changes to the planning system. The consultation ran from 16th December to 10th March 2026. A Draft NPPF was published alongside the consultation for both documents to be read together. To date a new NPPF has not been published.

6.7 Local Plan Position

- 6.7.1 The Council has Withdrawn its Draft Local Plan from examination following the Inspectors raising significant concerns in relation to it not meeting the development needs of Shropshire and not addressing unmet needs of neighbouring authorities. Nevertheless, at 12th February 2025 Council Cabinet Meeting, it was agreed that the Evidence Base supporting the Withdrawn Draft Local Plan (but not the Withdrawn Plan itself) forms a material consideration in decision making on relevant planning applications, to support the implementation of the presumption in favour of sustainable development.
- 6.7.2 Shropshire Council commenced preparation of the next Local Plan in January 2026, following the introduction of a new plan-making system through national level legislation. A 'call for sites' exercise was carried out between 10th July 2025 and 2nd October 2025 through which potential allocations will be considered for the next Local Plan to accommodate the development to meet the future needs of Shropshire.

6.8 The Council's Five Year Housing Land Supply

- 6.8.1 The current NPPF includes the requirement to utilise the Government's new 'standard method for calculating local housing need' with the intention of significantly boosting housing delivery across England. The associated new 'standard method for calculating local housing need' is set out in the accompanying National Planning Practice Guidance (NPPG) on housing and economic development needs assessments (ID2a). This has resulted in a significant increase to local housing need from that identified in the adopted Development Plan which sets out a requirement equating to 1,375 dwellings per annum. On 31st March 2026, Shropshire Council published its Five Year Housing Land Supply Statement for data up to 31st March 2025. Utilising the most recently published housing stock and affordability ratio data, the 'standard methodology' calculation results in a local housing need for Shropshire of **2,030 dwellings per annum**. During the five year period from 2025/26 to 2029/30 this equates to a local housing need of 10,150 dwellings, which together with the required 5% buffer results in a total requirement of **10,658 dwellings**.
- 6.8.2 The Council's assessment of housing land supply includes only the dwellings on a deliverable site that are themselves deliverable within the relevant five year period. In determining whether dwellings on a site are deliverable, the Council has applied the definition of deliverable provided within the NPPF:

'sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. . .'. The summary of housing land supply in Shropshire deliverable within the next five years (at 1st April 2025) is **9,830 dwellings**. An under provision of 828 dwellings is therefore identified resulting in a **4.61 years' supply of deliverable housing land** existing in Shropshire.

- 6.8.3 The Council have concluded that on this basis, it is unable to demonstrate a five year housing land supply. Paragraph 11d) and Footnote 8 of the NPPF detail the implications of not having a five year housing land supply for decision-making, the effect being the presumption in favour of sustainable development. This does not change the legal principle that decisions on planning applications are governed by the adopted Development Plan read and applied as a whole, unless material considerations indicate otherwise. Rather, it invites the decision maker to apply less weight to policies in the adopted Development Plan, and more weight to the presumption in favour of sustainable development, as a significant material consideration, when reaching a decision i.e. the 'tilted balance'.
- 6.8.4 Notably, the presumption in favour of sustainable development maintains the general principle of good planning, in that development should be genuinely sustainable ((including directed to sustainable locations, make effective use of land, well-designed and providing sufficient affordable housing) in order to be approved.

7.0 Summary of The Council's Case

7.1 The Main Issues

- 7.1.1 This Statement will focus solely on those areas of disagreement, with specific reference to the refusal reasons, and will not respond to matters which have been agreed through the Statement of Common Ground.
- 7.1.2 The main issues are identified through the two Refusal Reasons (referred to in the Appellant's Statement of Case as 'RfR1' and 'RfR2') and are provided in full on the Decision Notice at Appendix A.

7.2 The Principle of the Development

- 7.2.1 The Council will confirm that the proposed site is designated as countryside outside the Albrighton development boundary in the adopted Development Plan, and that the proposed development does not comply with the types of development specified in the Plan that could be strictly controlled to protect the countryside, resulting in harm to the character and appearance of the area. Evidence will be provided by the Council to demonstrate that the proposed development does not accord with the objectives of the NPPF which requires that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other criteria), recognising the

intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services - including the economic and other benefits of the best and most versatile (BMV) agricultural land, and of trees and woodland.

- 7.2.2 The development is proposed in a part of the Green Belt countryside characterised by a patchwork of fields in agricultural use, their perimeters defined by mature hedging and tree lines, and sporadic pockets of built environment mainly of a traditional nature. The proposal seeks to develop ~48 hectares of agricultural land, the land classification for which is a mix of Grade 2 and Grade 3 i.e. the site contains some BMV land. The Council will provide evidence to demonstrate that the proposed development fails to recognise the importance of the economic benefits of BMV agricultural land for farming for food production on a site which the Appellant's Landscape & Visual Impact Assessment (LVIA) (Pegasus Group, July 2024) confirms at paragraph 8.2, is predominantly cultivated for arable crops.
- 7.2.3 Whilst the proposed site is in proximity to Albrighton, provision is made in the Development Plan for development of an appropriate scale and design that respects Albrighton distinctive character and meets local needs on allocated sites. In considering the sustainability of the site, the strategic approach of the Development Plan distributes growth between Shrewsbury, the Market Towns and Key Centres and in rural areas within Hubs and Clusters settlements. Whilst Albrighton is a Key Centre and as such considered to be a suitable location for sustainable development, the site is located outside the development boundary and within Green Belt and countryside.
- 7.2.4 The Council will demonstrate that housing allocations and safeguarded land are identified for the appropriate growth of Albrighton in the Evidence Base associated with the Withdrawn Local Plan as the Hierarchy of Settlements Assessment concluded that Albrighton will continue to function as a Key Centre. Evidence will be presented that there is Council support in Shropshire for allocated housing sites which successfully completed the assessment process to form the Evidence Base as these continue to support the strategic approach in Shropshire and significantly boost the supply of homes in the county.
- 7.2.5 It is not a matter of dispute that the Council cannot currently demonstrate a deliverable five year housing land supply, and that as a result, the adopted Development Plan policies most important for determining residential proposals on speculative residential sites are out-of-date. Since the Refusal Decision was issued for the proposed development, the Council have recently published the Shropshire Council Five Year Housing Land Supply Statement on 31st March 2026 which identifies an increase to 4.61 years' supply of deliverable housing land. Nevertheless, the effect of the Council's current position is that the presumption in favour of sustainable development, as set out in paragraph 11d) of the NPPF, and the associated principle of the 'tilted balance' is engaged. The Council will provide evidence that in accordance with paragraph 11d)i. and ii. that the 'tilted balance' giving more weight to the presumption in favour of sustainable development and less weight to the relevant policies in the adopted

Development Plan has been addressed accordingly in the decision-making process. Proof will be presented that the Council have maintained the general principle of good planning by considering whether the proposed development would be genuinely sustainable by being located in a sustainable location, make effective use of land, be well-designed and provide sufficient affordable housing.

- 7.2.6 Paragraph 11d)i. requires planning permission to be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Through commissioning a Green Belt Assessment (SCGBA) (LUC, September 2025) specific to the proposed development site, the Council have concluded that the proposed site does not constitute grey belt land. The Council will demonstrate that as Green Belt, the proposed site is an area/asset of particular importance as set out in footnote 7 of the NPPF which the development would not protect, thus providing a strong reason for refusal. However, it is agreed that there are no other areas/assets of particular importance, in this case designated heritage assets and areas of risk from flooding, that could not be appropriately mitigated for through the proposed development.
- 7.2.7 The requirement of paragraph 11d)ii. need only be considered in the event that the land which forms the proposed site is to be regarded as grey belt. Whilst the Council's stance, concluded through formal assessment, is that the proposed site falls within the Green Belt, detailed consideration of the planning balance will be presented to demonstrate that the adverse impacts of approving the proposed development would significantly and demonstrably outweigh the benefits.
- 7.2.8 The Council agree with the Appellant that less than substantial harm would result from the proposed development in relation to the designated heritage assets at Grade II Listed Lea Hall and Barn, and Boningale Conservation Area. The Council will refute that not all of the public benefits put forward by the Appellant to overcome this harm, respond to an identified need, nor would they be unique to the site and would mitigate the needs of the proposed development itself.

7.3 Green Belt

- 7.3.1 The Green Belt in Shropshire represents the western outer edge of the West Midlands Metropolitan Green Belt and covers around 8% of the total area of Shropshire. The Council will set out its case identifying the proposed site as Green Belt land which does not meet the definition of grey belt and will provide evidence supporting its decision-making process.
- 7.3.2 At submission of the planning application, the Council's Shropshire Green Belt Assessment (SGBA) – Final Report (LUC, September 2017) and Shropshire Green Belt Review (SGBR): Stage 2 (LUC, November 2018) formed part of the Evidence Base. These identified the proposed site as being within Parcel 36, for which it was concluded that a release from the Green Belt would compromise the role that the land is playing with regard to Green Belt Purpose

d): to preserve the setting and special character of historic towns.

- 7.3.3 As the Council's SGBA and SGBR pre-date the latest version of the NPPF and, crucially, the latest updates to the NPPG on Green Belt, their methodology and conclusions do not reflect current national policy and guidance. As such, an independent Shropshire Council Green Belt Assessment (SCGBA) (LUC, September 2025) was commissioned to assess the Green Belt land associated with this planning application i.e. to be site specific, using a methodology consistent with the latest version of the NPPF and vitally the latest updates to the NPPG on Green Belt. It should be noted that LUC, who undertook the SCGBA, have also commenced work on an updated county-wide Green Belt assessment to inform the next Local Plan, which also uses the same methodology informed by the current PPG.
- 7.3.4 Based on the SCGBA, the Council will present evidence that Albrighton is in Green Belt terms a town and a large built-up area, and that this is entirely consistent with the adopted Development Plan. This information forms the context for the consideration of purpose a) in the assessment, to check the unrestricted sprawl of large built-up areas. The Council will detail the findings of the SCGBA in relation to all five purposes for including land within the Green Belt individually, which results in the conclusion that the proposed site makes a strong contribution to two of the purposes, one of these being purpose a) which in terms of paragraph 155 and Annex 2 of the NPPF indicates that it would not be considered to fall within the definition of grey belt.
- 7.3.5 Notwithstanding that the Council do not regard the proposed site as grey belt, consideration of the second part of NPPF paragraph 155a) that the land would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan will be set out. The Council concur with the Appellant's Green Belt Assessment (Pegasus Group, Version 4, March 2025) (GBA) in this respect, that the release or development of the proposed site would not affect the ability of the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.
- 7.3.6 The Appellant's GBA, submitted in support of the planning application, evaluates the land in relation to the NPPF (December 2024) and Planning Practice Guidance (PPG) on Green Belt published on 27th February 2025. Section 2 of the Appellant's GBA assesses the contribution of the land to purposes a), b) and d) of the Green Belt to establish if it can be regarded as grey belt. The Appellant's GBA finds the proposed site is grey belt based on information within the SGBA and SGBR, the identification within those documents of the land being within Parcel 36 and how it performs against the five purposes of the Green Belt. Crucially, the Appellant does not consider Albrighton to be a large built-up area.
- 7.3.7 As the Appellant regards the site as grey belt, a Golden Rules Statement (within Planning Addendum: Implications of revised national policy, the Golden Rules and Grey Belt (Marrons, March 2025)), was provided with the planning application to address the requirements of NPPF paragraph 156. The Council agree that the proposed development would meet the Golden Rules subject to

the appropriate mechanism to secure relevant contributions, improvements and provision of relevant affordable housing and infrastructure.

- 7.3.8 The Council will provide evidence to demonstrate that, as the proposed site is within the Green Belt, the scale and type of development proposed is considered to represent inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Council will present evidence that the impact of the development would cause permanent substantial harm to the openness of the Green Belt.
- 7.3.9 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The 'other considerations' relied on by the Appellant for the proposed development are presented within Chapter 7 of their Planning Statement (June 2024). The Council will evidence their view that the 'other considerations' presented by the Appellant are not considered to clearly outweigh the harms to the Green Belt and other harms caused by the proposal. The Council does not consider the 'very special circumstances' required to comply with Green Belt policy exist.

7.4 Landscape

- 7.4.1 The site forms part of a belt of scenically attractive countryside between Albrighton and Boningale. Paragraph 187b) of the NPPF requires that the intrinsic character and beauty of the countryside, and wider benefits from natural capital and ecosystem services are recognised in planning decisions. In line with this requirement, SAMDev Policy MD12 seeks the avoidance of harm to Shropshire's natural assets and Core Strategy Policies CS6 and CS17 seek to conserve and enhance the natural, built and historic environment.
- 7.4.2 The Council will provide evidence that the proposed development would result in significant harm to the character and appearance of the area and that the Appellant's LVIA and Landscape and Visual Clarification Note (Pegasus Group, 13th August 2024) are not sufficiently robust in their identification of significant adverse landscape and visual effects.
- 7.4.3 The proposed development is of a major scale that would have significant adverse effects on visual amenity and the landscape character of the area. The Council will evidence, if not common ground, that the harm to visual amenity and landscape character carries substantial weight. The Council will refute that the social and economic benefits put forward by the Appellant outweigh this harm.

7.5 Access

- 7.5.1 Access is included for consideration in this proposed outline development and information was updated during the application process. The Council have no in principle objection to the proposed access, transport and active travel routes strategy, however it has been identified that the matter of active travel and suitable mitigation currently remains incomplete subject to appropriate conditions and S106

obligations should the proposed development be Allowed.

8.0 Conclusion

- 8.1 The Council will provide evidence that the proposed development is not consistent with the policies of the Development Plan, the NPPF and the ongoing strategic approach within Shropshire. It will be demonstrated that within the planning balance, the Council can identify only one benefit which has been ascribed considerable weight in favour of the development, and conversely, four harms ranging from substantial to moderate. It will be acknowledged that the proposed development would contribute to the Government's aims of boosting the supply of housing as set out in the Framework, and to the shortfall created by the Council's lack of deliverable five year housing land supply which currently at 4.61 years is not sizable, and that it would include affordable housing in line with the Golden Rules. Whilst the Council acknowledge that every application is to be determined on its own merits, it should be noted that the Inspectorate has on multiple occasions dismissed appeals on inappropriate development in the Green Belt where the Inspector has accorded substantial weight to the provision of market and affordable housing and the local planning authorities have a much lower five year housing land supply (Appeal Refs: APP/C3430/W/25/3363067: quashed and currently being redetermined, APP/B1930/W/24/3338501, APP/A1910/W/25/3373146, APP/M1595/W/25/3358576 and APP/M1520/W/24/3338797)).
- 8.2 The Council will evidence that substantial weight is assigned to the harms which have formed these refusal reasons.
- 1) The departure from the adopted Development Plan of this major development proposed on land in high performing Green Belt countryside in a location where it would undermine the development strategy which seeks to facilitate residential development within a sustainable settlement hierarchy, and
 - 2) The loss of the Green Belt where no 'very special circumstances' have been demonstrated that would overcome the inappropriateness of the proposed development to release the Site from the Green Belt.
- 8.3 Whilst the weight given to out-of-date Development Plan policies in the planning balance is reduced, conflict with them does remain the starting point for decision-making. Nevertheless, the Council will substantiate that the negative impacts arising from the unsuitable location of the proposed development conflict with both Development Plan policies and with the policies of the NPPF taken as a whole resulting in harms which significantly and demonstrably outweigh the benefits, and do not meet the requirements of the tilted balance at Paragraph 11d) of the NPPF.
- 8.4 For this reason, and following submission of proofs of evidence by expert witnesses covering the planning issues identified above, the Council's case will

conclude by requesting that the appeal be dismissed.

9.0 Other Matters

9.1 Planning Conditions

- 9.1.1 The Council will provide a suggested list of condition titles to facilitate discussion between the parties in advance of the Inquiry.

9.2 Section 106 Obligations

- 9.2.1 The Appellant's has provided a list covering expected S106 obligations at paragraph 5.2.3 of their Statement of Case. The list generally reflects Council expectations, however it is likely that there will be additional contributions and obligations identified for sports facilities, provision for maintenance and management of pitches, and community use agreement including for the school sports hall.

9.3 Habitat Regulations 'three tests' matrix

- 9.3.1 The Appellant's Great Crested Newt eDNA Survey – Technical Note (Cass Design Consultants Ltd, June 2024) confirmed the presence of Great Crested Newts within an on-site pond and an off-site pond. A subsequent Agent Response To SC Ecology Comments (dated 11th November 2025) confirmed that an Impact Assessment and Conservation Payment Certificate (IACPC) has been submitted to Natural England. A copy of the countersigned agreement must be included with a planning application to demonstrate that the scheme has been joined. Once the IACPC has been signed and submitted, the Council will need to complete the Habitat Regulations 3 Tests Matrix as a record of the consideration is legally required.
- 9.3.2 The 'three tests' must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

Appendix A – Planning Application Decision Notice

	DECISION NOTICE
DETERMINATION OF APPLICATION FOR OUTLINE PLANNING PERMISSION	
Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015	
Location:	Proposed Residential Development, Patshull Road, Albrighton, Shropshire
Proposed Development:	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
Application No.	24/02108/OUT
Date Received:	31st May 2024
Applicant:	Boningale Developments Ltd
Date of Decision:	16th December 2025
Shropshire Council hereby REFUSE OUTLINE PLANNING PERMISSION for the reasons outlined below.	
REASONS FOR REFUSAL	
1. The proposed development site is wholly located in Green Belt countryside outside of any settlement development boundary which is not safeguarded or allocated land, and is not regarded as being grey belt. Development in this location would be incompatible with the principles of sustainable development in that it would undermine the development strategy set out in the adopted Shropshire Council Core Strategy and Site Allocations and Management of Development (SAMDev) Plan which seek to facilitate residential development within a sustainable settlement hierarchy. In addition to the proposal being inappropriate development in the Green Belt, it would result in harm to the character and appearance of the area. The wider benefits of this BMV land have not been recognised, nor has it been demonstrated that development of this site is necessary in preference to poorer quality land or land outside the Green Belt, therefore effective use of the land has not been made in accordance with NPPF paragraph 187b), and Sections 11 and 13. Less than substantial harm to the significance of the	
  	www.shropshire.gov.uk General Enquiries: 0345 678 9000

Boningale Conservation Area and Grade II Listed Lea Hall and Barn has been identified, and whilst it is acknowledged that the proposal offers a number of wider local community benefits beyond the site itself, these have not been identified as responding to a local need. The adverse impacts of this unsuitable location would significantly and demonstrably outweigh the benefits of the proposed development contrary to the presumption in favour of sustainable development set out in the NPPF. The proposed development will conflict with Policies CS1, CS3, CS5, CS6 and CS17 of the adopted Shropshire Council Core Strategy, and MD1, MD3, MD6, MD7a and S1 of the SAMDev Plan, in addition to the policies within the NPPF taken as a whole. Even in the context of the presumption in favour of sustainable development and associated tilted balance, it is not considered that the benefits of the scheme warrant a departure from the Development Plan.

2. The Local Planning Authority has accorded substantial weight to the high level of harm which would result from the loss of this 48 hectare section of the West Midlands Metropolitan Green Belt through the proposed development. The proposed development site is within a parcel of Green Belt characterised by agriculture, tree lines and cover, and an absence of urbanising influences which make a strong contribution to checking the unrestricted sprawl of large built-up areas and to assisting in safeguarding the countryside from encroachment. The proposed development site is not regarded as grey belt and consequently the proposed development is inappropriate development in the Green Belt. It is therefore, by definition, harmful to the Green Belt and prejudicial to the reasons for including land within it. It does not constitute any of the exceptions to inappropriate development identified in paragraphs 154 or 155 of the National Planning Policy Framework and the circumstances advanced in the application are not considered to amount to the very special circumstances required to overcome an objection to the high level of harm identified. The proposed development is therefore contrary to Shropshire Council Core Strategy Policy CS5, SAMDev Plan Policy MD6 and the guidance set out in Section 13 of the National Planning Policy Framework.

RELEVANT CONSIDERATION:

In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:
CS1 Strategic Approach
CS3 The Market Towns And Other Key Centres
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS9 Infrastructure Contributions
CS11 Type And Affordability Of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development
MD2 Sustainable Design
MD3 Delivery Of Housing Development
MD6 Green Belt And Safeguarded Land
MD7a Managing Housing Development In The Countryside
MD7b General Management Of Development In The Countryside
MD8 Infrastructure Provision
MD12 Natural Environment
MD13 Historic Environment
S1 Albrighton

Supplementary Planning Documents (SPDs):
Type And Affordability Of Housing

Albrighton Neighbourhood Plan 'Light' June 2013

Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with paragraph 39 of the National Planning Policy Framework. However in this case a positive solution could not be found and the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

24/02108/OUT



Tabitha Lythe
Planning and Development Services Manager

Case officer: Lynn Parker, Principal Planning Officer, 01743 258634
Southern Team, planning.southern@shropshire.gov.uk - 01743 258920

Appendix B - List of documents which may be referred to by Shropshire Council at the public inquiry:

- National Planning Policy Framework
- National Planning Practice Guidance
- Shropshire Core Strategy
- Shropshire Site Allocations and Management of Development (SAMDev) Plan
- Shropshire Council Five Year Housing Land Supply Statement published 31st March 2026.
- Shropshire Council Hierarchy of Settlements published August 2020.
- Green Belt Assessment (SCGBA) (LUC, September 2025)
- Council's Shropshire Green Belt Assessment (SGBA) – Final Report (LUC, September 2017)
- Shropshire Green Belt Review (SGBR): Stage 2 (LUC, November 2018)
- Guidelines for Landscape and Visual Impact Assessment (GLVIA3)

In addition to the above documents, the Council reserves the right to refer to other relevant documents and information, including for example:

- Previous planning decisions, committee reports and other associated documentation relevant to this appeal as background information
- Photographs, visual images and plans of the appeal site and its surrounding areas
- Relevant correspondence, including that of third parties.