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Summary Proof of Evidence: Planning

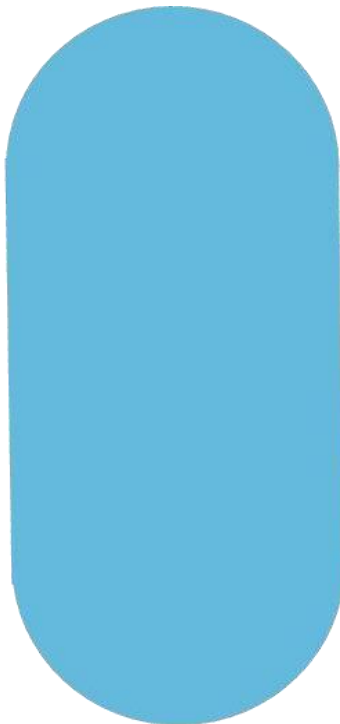
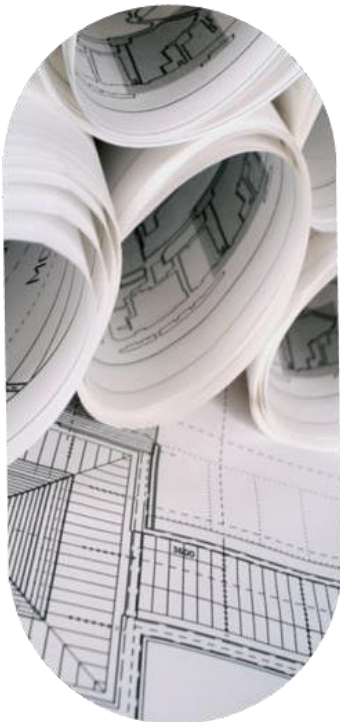
Evidence of Megan Wilson BSc (Hons) MSc MRTPI CIHCM

**In Respect of the S. 78 Appeal at Land at Tilstock Road, Tilstock,
Shropshire**

On behalf of Boningale Developments Ltd.

Appeal Reference: APP/L3245/W/25/3362414

LPA Reference: 24/04176/FUL



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0.Preamble

Qualification and Experience

- 0.1. My name is Megan Wilson. I hold a Bachelor of Science Degree with Honours in Human Geography, together with a Master of Science Degree in Urban Regeneration. I am a Chartered Member of the Royal Town Planning Institute and the Chartered Institute of Housing. I am employed as a Planning Director at Marrons and lead the Sheffield Office.
- 0.2. I have over 10 years' experience working in a variety of planning roles and have previously worked for a national strategic land promoter, a regional housebuilder and in planning consultancy. I have advised a range of clients in relation to the promotion of land through the Local Plan process and the submission of planning applications. I have appeared at Local Plan Examination hearings and planning appeals as a witness.
- 0.3. The evidence I have prepared and provide to this Inquiry on behalf of Boningale Developments Limited is true and given in accordance with the code of conduct of the Royal Town Planning Institute.

1. Introduction & Context

Introduction

- 1.1. This Summary Proof of Evidence has been prepared on behalf of Boningale Developments Limited (“the Appellant”), in respect of an Appeal made pursuant to section 78 of the Town and Country Planning Act 1990 (as amended) (“TCPA 1990”). This Summary should be read alongside my full Proof of Evidence [CD1.9]. This Appeal has been made against the non-determination by Shropshire Council (‘the Council’) of a full application for 70 no. residential dwellings at land at Tilstock Road, Tilstock.

2. The Development Plan

- 2.1. For the purposes of this Appeal, the Development Plan comprises the Core Strategy Development Plan Document 2006-2026 (adopted 24th February 2011) [CD2.2] and SAMDev Plan 2006-2026 (adopted 17th December 2015) [CD2.3] The Council have failed to review the policies contained in the Development Plan within the last five years.
- 2.2. For the purpose of this Appeal, I consider the most important policies for determination are as follows;
- CS1: Strategic Approach
 - CS4: Community Hubs and Community Clusters
 - CS5: Countryside and Green Belt
 - CS6: Sustainable Design and Development Principles
 - MD1: Scale and Distribution of Development
 - MD2: Sustainable Design
 - MD3: Delivery of Housing Development

CS1: Strategic Approach

- 2.3. Core Strategy Policy CS1: Strategic Approach outlines Shropshire's strategic strategy for development from 2006 to 2026. It proposes to build around 27,500 new dwellings, including 9,000 affordable flats, as well as 290 hectares of employment land and related infrastructure.
- 2.4. By virtue of an acknowledged shortfall in housing I consider CS1 to be out-of-date.
- 2.5. Noting that a significant level of growth is attributed to development in community hubs and community clusters, such as Tilstock, I do not consider, that the Appeal proposals conflict with CS1.

CS4 4: Community Hubs and Community Clusters

- 2.6. As is demonstrated in the Local Housing Need Assessment at Appendix 1 of my main Proof of Evidence, there is a significant identified and unmet local housing need in Tilstock, and further more an urgent need to rebalance the population and shift the trend away from one of an ageing and unsustainable population.
- 2.7. The Appeal proposal comprises a policy compliant housing mix and delivers in excess of the policy compliant level of affordable housing. Where requested, and as demonstrated in the draft Section 106 agreement and through CIL, the development will contribute towards health and education and will provide public open space and play space for the use of new and existing residents.
- 2.8. I consider that there is **no conflict** with CS4.

CS5: Countryside and Green Belt

- 2.9. In accordance with the findings of the Local Housing Need Assessment (Appendix 1) of my main Proof of Evidence, prepared by Marrons' Socio-Economic team, there is an

identified outstanding local need for 183 to 295 dwellings in the Tilstock cluster, and 402-624 dwellings in the combined Tilstock & Prees clusters.

2.10. I consider that there is **no conflict** with CS5.

CS6: Sustainable Design and Development Principles

2.11. I consider that the Appeal proposals are located within a sustainable and accessible location, where opportunities exist for residents to safely walk and cycle and where there is a regular bus service. I consider the proposed development to be of an appropriate scale, density and design having regard to national and local policy and upon review of recent developments within the settlement.

2.12. I consider that the services and facilities within Tilstock can accommodate the scale of development proposed with appropriate financial contributions.

2.13. I consider that there is **no conflict** with CS6.

MD1: Scale and Distribution of Development

2.14. It is a matter of common ground that Tilstock is a community cluster settlement.

2.15. I consider that there is **no conflict** with MD1.

MD2: Sustainable Design

2.16. The proposals reflect the scale, form, density and layout of more recent additions to Tilstock. There is no evidence, as is explored further below that there are any capacity issues associated within the existing infrastructure.

2.17. I consider that there is **no conflict** with MD2.

MD3: Delivery of Housing Development

2.18. I acknowledge as a matter of principle that the proposed development would exceed the defined settlement housing guidelines for Tilstock, however, having regard to the criterion i-v under paragraph 2 of MD3, I consider that the uplift in supply is proportionate in the context of the minimum housing requirement and the lack of a housing land supply.

2.19. I consider that there is **no conflict** with MD3.

MD7a: Managing Housing Development in the Countryside

2.20. As a matter of principle, I accept that the Appeal proposals conflict with Policy MD7a with the Appeal site being located beyond, but directly adjoining the settlement boundary of Tilstock, which is an identified Community Cluster.

2.21. I note that in order to maintain a supply at points between adoption of the Development Plan and the current time, the Council or the Planning Inspectorate have granted planning permission for sites outside the defined settlement boundaries and have further granted permission for more dwellings within the rural areas of the County than the spatial strategy, which informed Policy MD7a, prescribed (see paragraph 3.27 above).

2.22. it is my professional opinion that the level of planning harm which would result in this case from conflict with Policy MD7a would be very limited, and it follows logically therefore that I attach only **limited weight** to that policy conflict.

The Development Plan as a Whole

2.23. I accept that the Appeal proposals conflict with the Plan when read as a whole. However, for the reasons I have stated above, I consider that this policy, and by association the basket of policies most important for the determination of the

application, are out-of-date and conflict with them should be afforded no more than **limited weight** in determining the Appeal.

3. Other Material Considerations

Five Year Housing Land Supply

- 3.1. The Council currently accepts that it cannot demonstrate a five-year housing land supply, having published a Five Year Housing Land Supply Statement [CD2.4] in February 2025 stating their supply to be 4.73 years.
- 3.2. I rely on the evidence of Mr Pycroft [CD1.13] in regard to Housing Land Supply. As is detailed in his Proof of Evidence, the Appellant considers that the Council can only demonstrate a 3.56 year supply of deliverable housing. A summary of the difference between parties is set out in the table below;

Table 2: Summary of Five Year Housing Land Supply Position

	Requirement	Council	Appellant
A	Annual local housing need figure	1,994	2,025
B	Five year housing requirement without buffer (A X 5 years)	9,970	10,125
C	5% buffer (5% of B)	499	506
D	Five-year supply to be demonstrated (B + C)	10,469	10,631
E	Annual requirement plus 5% buffer (D / 5 years)	2,094	2,126
	Supply		
F	Five-year supply at 1 st April 2024	9,802	7,586
G	Supply in years (F / E)	4.68	3.56
H	Undersupply against the five-year requirement plus buffer	-667	-3,045

- 3.3. In the context of this supply position, as detailed below in my planning balance, I consider the provision of 70 dwellings carries **very significant weight**.

Local Housing Need

- 3.4. As confirmed at table 5.1 of the Local Housing Need Assessment at Appendix 1 of my main Proof of Evidence, there is a minimum need for between 132 and 146 dwellings in the village of Tilstock, a need for between 188 and 300 dwellings in the Tilstock Cluster and a need of between 459 and 681 dwellings in the Tilstock and Prees Cluster combined.
- 3.5. In the context of the significant level of identified and evidenced local housing need in Tilstock, I again consider that the provision of 70 dwellings carries **very significant weight**.

4. Putative Reasons for Refusal & Main Issues

- 4.1. The putative Reasons for Refusal identified (and summarised) are;
1. Disproportionate scale to existing built form, rural character and available services and facilities.
 2. Insufficient information provided to demonstrate that the development will not harm or disturb protected species.
 3. Insufficient information provided to demonstrate that a safe and suitable highways access for vehicles to the site can be achieved. Additionally the site is located within an unsustainable location which would result in over-reliance of private car use.
 4. Repetition of the unsustainable location point, encroachment into the open countryside, harm to the character of the area. Loss of Best and Most Versatile Land. Poorly-designed development where residents are not provided a genuine choice for sustainable modes of travel. And yet more repetition in regard to unsustainable location.

PRfR #1 – Scale, Character & Appearance, Services and Facilities

- 4.2. Within his Proof of Evidence Mr Pullan [CD1.12] confirms that the proposed development is of an appropriate scale and pattern of development, has a well founded and integrated relationship with the settlement edge, and that all design principles set out locally and nationally in regard to internal layout has been achieved.
- 4.3. Mr Furber in his Proof of Evidence [CD1.11] confirms that the Site is well contained by existing hedgerows and trees to the north and west, and a new woodland belt to the east and that the opportunity to perceive indirect effects upon landscape character from lighting or increased traffic movements would be Negligible in the context of the existing settlement and Tilstock Road.
- 4.4. Within her Proof of Evidence, Miss Meer [CD1.10] considers the internal road layout and queries why the Council are raising concerns in speed limits associated with forward viability and the use of shared surfaces in regard to the Appeal proposal when they have indeed supported and continue to support applications across the County that follow the same guidelines. Miss Meer's evidence confirms that there are no highway safety concerns and the orientation of the internal road layout will act to reduce the speed at which users are travelling.
- 4.5. As is detailed above the housing requirement that the SAMDev sought to facilitate was some 1,375 dwellings per annum. The latest local housing need for Shropshire is 2,025.
- 4.6. It appears from the PRfR, that one of the concerns of the Council centres largely on the impact that the 70 dwellings would have on the facilities and services within Tilstock and generally with regards to an increase in number of dwellings.
- 4.7. The Council have failed to provide evidence that any of the local services or facilities, beyond mitigation that is standard for this form of development, will be overwhelmed or do not have sufficient capacity to accommodate the scale of development proposed. Furthermore, the Appellant is willing to enter into a Section 106 Agreement with the Council and furthermore, a CIL Charging Schedule is in place in Shropshire.

PRfR #2 – Ecology

- 4.8. As is confirmed within the Ecology Statement of Common Ground [CD4.5] and in the Council's email to the Planning Inspectorate and the Appellant, all areas of disagreement in regard to ecology have been resolved. I understand that the Council no longer wish to defend PRfR#2.

PRfR #3a – Highway Safety

- 4.9. PRfR #3 indicates that insufficient evidence was provided to demonstrate a safe and suitable highways access for vehicles to the site can be achieved.
- 4.10. I note that a topic specific Highways SoCG [CD4.3] has now been signed and confirms that it is common ground between parties that there are no highway safety concerns pertaining to means of access/egress.

PRfR #3a – Sustainability of Location

- 4.11. The second element of PRfR #3 states that the site is in an unsustainable location in relation to key facilities with an over-reliance on private car use due to the limitations of public transport services, wider walking and cycling connectivity.
- 4.12. The Council's case appears to be that development within the settlement limits of Tilstock is considered sustainable, but development beyond said limit is unsustainable. I fail to understand how such a position is coherent and how a development within or directly adjoining the settlement boundary (assuming the same scale) can have a differing impact on the facilities within the settlement.
- 4.13. The Council's claimed housing land supply statement comprises over 2,000 dwellings worth of land that is expected to come forward on land outside of the defined settlement boundaries.

- 4.14. Reference within PRfR#3 is also made to limited services and facilities within Tilstock. This is again curious, when development, including that at scale, within the settlement boundaries would seemingly not give rise to similar concerns.
- 4.15. It is clear that future residents would have access to a range of facilities within an acceptable walking distance to meet their day-to-day needs, including a Primary School, a public house and an active village hall.
- 4.16. I consider that for the average person, facilities required on a day-to-day basis are at a minimum, the requirement to access to work/education, access to a food store, access to open space and access to community facilities, such as a Public House or Village Hall. In addition to this and recognising the changing nature of sustainability set out above, on a day-to-day basis residents are likely to require access to high-speed broadband, shopping deliveries and streaming services. Tilstock has each of these facilities and services at present, save for a local convenience store, which is available via a regular bus service or via online services.
- 4.17. I therefore consider that future residents would have access to a range of facilities within an acceptable walking distance to meet their day-to-day needs, including a Primary School, a public house and an active village hall.
- 4.18. In terms of public transport, the Site is within easy walking distance of bus stops on Tilstock Lane, providing ready access to the 511 and 512 bus services. This service travels between Whitchurch and Shrewsbury, which includes stops in many other settlements including Prees Heath, Higher Heath. Prees and Wem.
- 4.19. This bus route includes Sir John Talbot's School and Sixth Form on the outskirts of Whitchurch, the nearest secondary school, which has a specific bus stop served by the 511 at school start/finish times. The journey time is approximately 15 minutes.
- 4.20. I consider that maintaining and enhancing the rural vitality of Tilstock, through the provision of a policy-complaint housing mix to encourage younger residents into the area, the provision of publicly accessible open space including a local equipped area of play is a material benefit and as such I consider that **significant weight** is afforded to the maintenance and enhancement of the sustainability of Tilstock.

PRfR #4

- 4.21. I acknowledge that development of the site would result in the loss of Best and Most Versatile Agricultural Land (BMV)
- 4.22. The County of Shropshire varies in soil grade with the majority being either Grade 2 or 3 soils with some lower Grade 4 areas and Grade 5 land which makes up the Shropshire hills in the South West of the County.
- 4.23. The vast majority of Shropshire comprises BMV, including the sites within Tilstock that have come forward for development as part of the, or within the blanket 'settlement guidelines'. The simple fact is that this site is of no more value than the vast majority of Shropshire and were a blanket restriction to be placed on development in such areas, practically no development would ever come forward in Shropshire.

5.Planning Balance

NPPF: Heritage Assets

- 5.1. Applying the statutory duty to afford considerable weight to the preservation of heritage assets, I consider that any harm to the Christ Church is plainly far outweighed by the public benefits of the proposal, a position which I assume, based on the agreement detailed in the SoCG [CD4.2] and by virtue of the absence of reference to any heritage harm in the putative RfRs, that the Council must agree with.
- 5.2. As such, it is clear to me that there are no policies within the NPPF 2024 which indicated that the development should be restricted, and therefore the tilted balance at paragraph 11(d)(ii) comes into play.

The Balance

- 5.3. In respect of public benefits, I afford **very significant weight** to the provision of 10 affordable dwellings given the acknowledged local affordable housing need (and lack of supply) outlined in this proof of evidence, and **very significant weight** to the provision of 60 market dwellings given the substantial shortfall in housing land supply. I afford **significant weight** to a 10.6% (habitats) and 20.7% (hedgerow) net gain in biodiversity units. I afford **significant weight** to the enhancements in rural vitality and viability of Tilstock I afford **moderate weight** to the considerable economic benefits of the proposals. I afford **moderate weight** to the upgrading of the Public Right of Way. I afford **limited weight** to the other contributions which will be made towards community infrastructure, to the extent that they will provide a benefits for existing members of the community alongside new residents.
- 5.4. I have identified that the Appeal proposals conflict with the Development Plan as a whole, but consider that the basket of most important policies are out-of-date, so afford this conflict **limited weight**.
- 5.5. I have also concluded that there would be a small amount of adverse visual impact landscape harms, albeit note that this can be mitigated to some extent by condition. I afford **negligible weight** to the visual impact landscape harms.
- 5.6. I have concluded that there would be harm arising from the loss of Best and Most Versatile land, but noting that much of Shropshire falls within the same category and that planning permission has been granted on multiple schemes located on Best and Most Versatile land, I afford **negligible weight** to said loss.
- 5.7. In my view, the identified harm does not come close to significantly and demonstrably outweighing the benefits of the provision of up to 70 homes, including 10% affordable housing, in a County with a significant shortfall in housing land supply, with no credible strategy to meet the shortfall in the short to medium or long term, and in a sustainable location close to day-to-day services and facilities. The Putative Reasons for Refusal in respect of the Appeal can therefore not be substantiated and the balance clearly tips in favour of the grant of planning permission.

