

AN APPEAL BY BONINGALE DEVELOPMENTS LIMITED RELATING TO
PROPOSED RESIDENTIAL DEVELOPMENT OF LAND AT TILSTOCK ROAD,
TILSTOCK

CLOSING SUBMISSIONS OF THE APPELLANT

Introduction

1. These submissions address the remaining relevant main issues and other issues. The main issues have been reordered in order to aid explanation of the Appellant's case.

The extent of the shortfall in the deliverable land supply.

2. This issue is addressed at the outset of the closing submissions because it sets an important context for assessing the rest of the evidence.

Calculating the housing requirement

3. The Council has used the stock and affordability data that was the most up to date information in February 2025, the date when it published the most recent annual five year supply assessment. Mr Pycroft has used the most recent data which is available as at the date of the inquiry. The difference that the issue makes is relatively minor, as the competing

five year requirement figures are the Council's 9,970 dwellings and the Appellant's 10,125 dwellings, both excluding the 5% buffer.

4. The Appellant's approach is the correct one for the following reasons. Footnote 39 of the NPPF directs that requirement should be calculated using the standard method. The standard method is described in the PPG. The PPG uses stock data and affordability data as components of the standard method calculation. In both cases, the PPG at paragraph 004 of the "Housing and Economic Needs" chapter provides, for stock data, that:

"..the most recent data published at the time should be used."

5. For the affordability data, the paragraph provides that:

"The mean average affordability over the five most recent years for which data is available should be used."

6. Both of those provisions make it clear that it is the most recent data that should be used when housing requirement has to be calculated. Those provisions do not apply solely to the date when the annual supply position statement is prepared. The Council, through Ms Clover, drew attention to the words "at the time", but two points can be made about that:

- a. Most obviously, those words only appear in relation to stock data, not to affordability data; and

- b. In any event, “at the time” is clearly apt to refer to any point in time when requirement has to be calculated. The Council’s interpretation simply assumes its own answer.
- 7. There are other strong indications that Mr Pycroft’s interpretation is the correct one. First, it is clear that five year supply calculations can be affected by events that occur between annual position statements being prepared. Mr Pycroft gave two examples:
 - a. New Housing Delivery Test results may emerge during the life of an annual statement. Paragraph 80 of the NPPF provides that HDT results are to be used from the day after publication for the purposes of what buffer to use¹; and
 - b. A plan may turn five years old after an annual position statement is prepared and before the next one is prepared. Local housing need would have to be used to calculate requirement from the fifth anniversary of the plan’s adoption.
- 8. The Council did not argue that those points were wrong.
- 9. Further, there is an important practical reason to prefer Mr Pycroft’s approach. The Council’s approach uses a 1st April 2024 base date for testing supply, but it calculates requirement using base data that is a year older. Mr Pycroft’s approach uses data for both requirement and supply which has the same base date of 1st April 2024. It is plainly appropriate to use a calculation both components of which are comparable. The supply

¹ See also paragraph 034 in the “Housing Supply and Delivery” chapter of the PPG

should be tested against the requirement that applies to the supply's base date. The Council did not try to answer this important point.

10. For those reasons, the Appellant's approach to calculating requirement is correct and should be used.

The Council's deliverable supply.

11. We address points of principle before addressing the Council's claimed supply.

12. For a site to be deliverable, there should generally be a realistic prospect that housing will be delivered on the site within 5 years. However, for sites in category (b), the NPPF goes further. The burden is on the Council to provide "*clear evidence that housing completions will begin on site within five years*". That means:

- a. Where no evidence has been provided for the inclusion of a category (b) site, it should be removed: see for example, in the Secretary of State's decision in Nantwich, sites were removed from the claimed supply when they had outline permission only, no reserved matters application and no evidence of a written agreement between the LPA and developer². See also the other examples at paragraph 3.18 of Mr Pycroft's proof;
- b. Whilst proformas and Statements of Common Ground can, in principle, amount to clear evidence of deliverability, their evidential value depends upon the

² CD15.10, DL paragraph 21

nature and quality of the information contained within them. Bare assertions of delivery at a certain point in the future will not discharge the burden of providing clear evidence³;

- c. Developers are financially incentivised to reduce competition from competing supply and so there should be a realistic assessment of not just planning matters but also technical, legal, commercial and financial issues⁴;
- d. Whilst a Planning Performance Agreement (“PPA”) is relevant evidence, it is not powerful evidence of deliverability. PPA timescales can be changed, as Mr Pycroft explained at the round table session; and
- e. Evidence that post-dates the base date can be used to test the deliverability of sites that were categorised as deliverable at the base date. Such later evidence may support or undermine a contention that a site was deliverable at the base date. So far as the Appellant is concerned, that was never in issue and it is not clear why the Council thought that the Appellant would object to such evidence, What is objectionable is evidence to “category-shift” sites into the deliverable category if they were not thought deliverable at the base date. The Appellant does not contend and has never contended that the Council has tried to do that in this case.

³ CD15.15, Woburn Sands appeal, IR12.13 to 12.15 and DL12 and CD15.18 the SoS’ decision at Hatfield Peverel appeal DL41, as explained at 3.25 and 3.26 of Mr Pycroft’s main proof.

⁴ CD15.20, Little Sparrows, Sonning Common, DL20 and DL21.

13. There is a fundamental issue with the Council's approach to category (b) sites which, on its own, is sufficient to remove a significant proportion of the disputed sites. That issue is that the Council, and particularly Mr Corden, misunderstand and thus misinterpret paragraph 007 of the "Housing Supply and Delivery" chapter of the PPG. That paragraph provides that there are sites that are deliverable in principle, which is a clear reference to category (a) sites. It then says that in addition to such sites, the definition of "deliverable":

"also sets out the site which would require further evidence to be considered deliverable, namely those which:

- *have outline planning permission for major development;*
- *are allocated in a development plan;*
- *Have a grant of permission in principle; or*
- *Are identified on a brownfield register."*

14. These are category (b) sites. The paragraph then continues by giving examples of what such "further evidence" might comprise, including firm progress towards the submission of an application. In the context of a site which has outline permission, such an "application" can only be an application for reserved matters approval.

15. Mr Corden's error arises in this way. There were a number of occasions where Mr Corden relied on what he alleged was evidence of "firm progress towards an application" which was an application for outline planning permission or other progress where a site was not in one of the categories listed in the first set of four bullets in paragraph 007. To argue his case that way has the effect of interpreting the policy on example types of "further evidence" without regard to the fact that the policy applies to sites within the four

categories quoted above. The effect of that is that Mr Corden thinks that providing evidence of firm progress towards, for example, an outline application is clear evidence of deliverability, whereas that is merely evidence that gets a site towards falling within one of the four categories of site (namely one with outline permission) where further evidence of deliverability is still required, even if that status is achieved. Mr Corden seems to regard evidence of progress towards an outline application as getting him to the summit of proving deliverability. But all it really does is to get him to base camp where he still has work to do, namely provide further evidence of deliverability. The Council's approach on this issue is a serious error of interpretation which significantly undermines its claimed supply so that it falls still further below five years.

16. The erroneous approach to paragraph 007 of the PPG has significant consequences for the Council's claimed supply. The error affects the Council's judgements on a total of 23 of the disputed sites, totalling 1,315 units. Each site where the Appellant contends that this point applies is flagged up in the site specific entries in the Appendix to these submissions.
17. As to the competing figures, the Council's starting position has been modified slightly by the deletion of 34 units from the contribution to be made by the Flax Mill site. The Council's claimed deliverable supply, as compared to the case at the opening of the inquiry, is a claimed deliverable supply of $9,378 - 34 = 9,344$. The Appellant's claimed supply seeks to deduct $1,792 - 34 = 1,758$ from the Council's claimed supply, giving a total deliverable supply of 7,586 units.
18. It is not necessary to lengthen these submissions by setting out the Appellant's case on each side in the main body of this text. Instead, a summary of the Appellant's position

appears as an Appendix to these closings. The full evidence is in Mr Pycroft's proof and appendices and a fuller summary in the Scott Schedule which, in some cases, was expanded upon orally at the round table session to address points made verbally by the Council. The disputed sites fall into the following groups:

- a. Sites which had been proposed for allocation in the now withdrawn emerging Local Plan (17 sites totalling 1,169 units);
- b. Sites allocated for the development in the adopted Development Plan (5 sites totalling 392 units);
- c. Sites with planning permission (3 sites totalling 131⁵ units in issue);
- d. One site of 34 units in the Council's Strategic Land Availability Assessment;
and
- e. Affordable housing sites (2 sites totalling 32 units).

19. Making those deductions, and after accounting for the requirement difference, that leads to a supply of 3.56 years or a shortfall of 3,045 homes against the five year requirement.

⁵ This is different from the figure in paragraph 3(b)(iii) of the opening (which was 165 units) to account for the Council's agreement to delete 34 units from the Flax Mill site's contribution to supply.

Whether the appeal site is an appropriate location for the proposed development, having particular regard to the relevant provisions of the Development Plan.

20. The Appellant addresses the locational aspects of the Development Plan under this heading. The suitability of the site in terms of accessibility, character and appearance effects and design are separate main issues.

21. Tilstock is part of a Community Cluster recognised in the Development Plan. As part of the rural rebalancing approach and doubtless also because of the size and nature of Shropshire, a significant proportion of growth envisaged in the Core Strategy was assigned to the rural area. Policy CS1⁶ of the Core Strategy contains a housing requirement of around 27,500 new homes for the period 2011 to 2026. The rural areas, which include Community Hubs and Community Clusters, were envisaged to accommodate around 35% of the housing requirement with development contemplated “in” such hubs and clusters. Policy CS4⁷ deals with the Community Hubs and Community Clusters, and provides that investment will be focussed “in” such settlements and that development outside them will not be allowed unless it complies with policy CS5. In turn, policy CS5⁸ contains a policy of strict control over development in the countryside and prescribes a limited list of types of development that will be permissible in the countryside. Mixed market and affordable housing schemes do not appear in that list.

22. The Core Strategy did not prescribe settlement limits. That was left to the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (“the

⁶ CD2.2 plan page 35, PDF41

⁷ CD2.2 plan page 61, PDF68

⁸ CD2.2 plan page 65, PDF72

SAMDev”), adopted in December 2015. That policy set out to deliver the Core Strategy housing requirement over the core strategy period and so had to be in general conformity with the Core Strategy. It only had to comply with the NPPF insofar as its own content was concerned. It did not, for example, have to consider such matters as ascertaining an Objectively Assessed Need or a consequent housing requirement. Policy MD1⁹ of the SAMDev deals with the scale and distribution of development and supports sustainable development in the Community Hubs and Clusters. Policy MD7a¹⁰ repeats the policy of strict control of development in the countryside and again prescribes the circumstances in which dwellings will be permissible in the countryside. The appeal scheme is not acceptable in the countryside according to the policy. The settlement boundaries which divide settlements from the countryside are not dealt with by an overarching policy of the SAMDev, but is left to the policies that deal with individual hubs or clusters. Policy S18.2 deals with hubs and clusters in the Whitchurch area and policy S18.2(ii)¹¹ creates the Whitchurch Rural & Ightfield and Calverhall Community Cluster, which includes Tilstock. The policy allocates three sites within Tilstock and supports windfall within the settlement boundary that is prescribed by that policy and which appears on Inset 3 of the SAMDev policies map¹². By that rather tortuous route, we can see that the appeal site is in the countryside for the purposes of the development plan where the policy of restricting development of the type proposed here applies.

23. Given the appeal site’s location and the nature of the appeal scheme, the appeal site is not seen by the Development Plan as a suitable location for the appeal scheme. As a result, the Appellant accepts that the appeal scheme breaches the Development Plan’s policies on

⁹ CD2.3 plan page 15 PDF15.

¹⁰ CD2.3 plan page 46 PDF46

¹¹ CD2.3 plan page 231 PDF231 and following

¹² CD2.19 PDF3

locating development, principally policies CS5, MD7a and S18.2(ii). References in other policies to controlling development outside settlements add nothing to the breaches of these policies.

24. The Appellant accepts that breach of these policies can be equated with breach of the Development Plan taken as a whole. The application of section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal be dismissed unless material considerations indicate otherwise. As is developed below, there are such material considerations.

25. At the beginning of the inquiry, Mr Thomas' position in his written evidence was that the breach of the Development Plan policies that direct the location for development was a matter that attracted substantial negative weight against the appeal scheme and that the policies themselves deserved substantial weight. "Substantial" is the top of Mr Thomas' scale of weight descriptors. However, there was the unexpected (at least to the Appellant) change to that approach during Mr Thomas' XC when he decided that, in the light of recent appeals, he had been "overambitious" about the weight to be afforded to the policies and thought it should be reduced. When the Inspector asked him to describe the weight he would now give to them, he said it was "limited", no fewer than 3 steps down in the scale of weightings he gives at paragraph 1.11 of his proof. That is a significant change of tack which considerably weakens the Council's opposition to the appeal. In RX, Mr Thomas was invited to agree that that simply put him where Ms Wilson ascribes the level of weight to the policies and their breach. That is precisely the point – Mr Thomas now agrees with Ms Wilson. When asked in XXm whether it was reflection on the consequences of the five

year supply position had led him to alter his view, he said not, but the precise reasons for his reviewed position were never clarified.

26. His concession was clearly correct. It was never rational to ascribe the highest level of weight to those policies and to their breach when the Council did not have a five year supply. That is because both Mr Corden and Mr Thomas readily agreed that there was no evidence that the Council would achieve a 5 year supply if policies such as CS5 and MD7a were applied with full rigour. The Supreme Court has warned against applying policies like CS5 and MD7a with full rigour as that might frustrate the ability to achieve a deliverable supply¹³. Further, the Core Strategy was devised to meet an old Regional Spatial Strategy housing requirement that pre-dated 2011 and which was only intended to address needs to 31st March 2026. The Core Strategy was never intended to identify and provide for needs throughout the five year housing land supply period relevant to this inquiry. Further still, the Council was not ascribing substantial weight to policies CS5 and MD7a prior to the December 2024 NPPF, as it was granting planning permission in breach of those policies on sites which were then emerging Local Plan allocations in the plan that later failed at examination. It is also key to note that plan-led growth is not going to occur at least until summer 2028, on Mr Corden's evidence, when the Council hopes to adopt a new style Local Plan.

27. All of these factors combine to mean that Ms Wilson is right to ascribe limited weight to the locational policies and their breach and that Mr Thomas is right to be a late but welcome convert to that view.

¹³ CD12.3: *Suffolk Coastal DC v Hopkins Homes Limited* [2017] UKSC 37 at [79] per Lord Gill.

28. When it became clear to Mr Thomas what the implications might be of his revised view, he gave answers which regrettably showed that he was seeking to argue a case rather than give expert evidence. First, when it was pointed out in XXm that his answer gave a large part of his case away, he tried to change his mind. Second, when that change of mind to his change of mind was dropped, he tried to argue that the issue of how much weight to attach to the locational policies and their breach was not an important matter in reaching an overall balanced judgement. That is not a credible view given the emphasis placed on a plan-led system in the Council's opening and in XXm of Ms Wilson. Mr Thomas' change of mind and then his reaction to the realisation of what he had done shows that he knows that he had made a significant concession.

29. It was also a feature of the Council's case as put to Ms Wilson in XXm that the countryside protection policies and the settlement boundaries by reference to which they operate were determinative of sustainability. Ms Clover went so far as to illustrate her point by contending that "2cm" either side of the boundary mattered. That is a flawed argument. It is doubtful whether that single point would ever be determinative of a judgement about overall sustainability, but it is accepted that, where a Development Plan was working, proposing a 70 unit mixed market and affordable housing scheme outside of a settlement limit would be an uphill task for a developer. However where a plan is not securing a five year supply, adherence to the settlement limits will be much less likely to be the determinant of sustainability, given that sustainability is a multi-faceted concept which includes the social aspect of ensuring that sufficient homes are delivered, as made clear by paragraph 8(c) of the NPPF. The line of argument is also hard to square with Mr Thomas' new found view that the settlement limits and locational policies now deserve limited weight.

30. In conclusion on this issue, the appeal scheme would breach the locational policies of the Development Plan but it is now common ground that that breach deserves limited weight. On Mr Thomas’ scale, that means that the issue has “minimal impact”¹⁴.

31. The consequence is that the Council’s other objections have to carry a greater proportion of the weight against the appeal scheme if the application of paragraph 11(d)(ii) of the NPPF is to lead to the appeal being dismissed. Those other arguments can now be addressed.

The effect of the appeal scheme on the character and appearance of the area, including its design.

32. In this appeal, the Landscape SoCG is of particular importance, because it demonstrates just how narrow the issues are. There is, in fact, full agreement between the parties on the level of effects that would be experienced by both landscape and visual receptors. The real issue is what weight localised adverse effects carry in the overall assessment of policy compliance and the planning balance, in the context of the application of the tilted balance in paragraph 11(d)(ii) of the NPPF.

33. The application was accompanied by an LVIA which the Council accepts is methodologically appropriate and follows applicable guidance. The Council’s independent expert reviewer of the LVIA made some observations on it, to which the Appellant

¹⁴ Paragraph 1.11 of his proof.

responded. As recorded in the LSoCG at paragraph 8.2, the points raised make no difference to the acceptability of or judgements in the LVIA.

34. The site has no designations of any kind relevant to landscape issues, is not a valued landscape and has a medium value, medium susceptibility to change of the nature proposed and a medium sensitivity overall. In arriving at those judgements, Mr Furber explained that the site's edge of settlement location is a relevant factor to take into account. The LCT in which the site sits identifies settlement as one of its characteristics, hence its title of "Settled Pastoral Farmlands", noting that the LCT washes over Tilstock. The Council did not demur from the view that the settlement influences the site's character. In other words, whatever the precise degree to which the appeal site adjoins the settlement, the presence of the settlement influences its character. It might not, therefore, be a particularly important matter to decide how many curtilages or how much hard development lies next to the appeal site. Notwithstanding this conclusion, the visual connection between the village hall and the site and the sequential experience of viewing the site in the context of the existing settlement from the public footpath are best assessed during the site visit.

35. The appeal scheme would include landscape mitigation. Providing such mitigation is, of course, an important aspect of ensuring that impacts are reduced to the lowest level reasonably possible. In this case, Ms Clover's contention that the proposed landscaping would be "engineered landscape forms" is plain wrong. The mitigation comprises planting of types which, as Mr Furber explained, are entirely in accordance with the Key Characteristics of the Settled Pastoral Farmlands LCT in which the site is located. The site visit will have shown that the landscaping proposals are entirely characteristic of the area. The same can be said of the proposed water body in the south east corner of the site.

Permanent ponds are locally characteristic and Mr Furber explained how the scheme was designed to ensure that the SuDS basin would be a permanent rather than transient water body to reflect this local characteristic.

36. The overall landscape character impacts of the appeal scheme are not in dispute, in terms of how they should be described. Contrary to the point made by Ms Clover during the round table session, there is no tension between pointing to the reduction in impact and to the integration of the appeal scheme into the village. The mitigation scheme would not make the development invisible from outside view. It is there to soften, break up and mitigate views of the character change that would occur. That effect can take place whilst at the same time having an appropriate relationship to the village in character terms.

37. It is an important consequence of the mitigation and of the residual landscape effects that it is common ground that the appeal scheme would cause no adverse impact to the key characteristics of the Settled Pastoral Farmlands LCT, as that shows that the appeal scheme's residual effects would be entirely sympathetic to the landscape around the site. Of course, the appeal scheme would change the character of the site itself and that change would be adverse, but the effects proposed here are, on the evidence, no greater than could be expected as the simple consequence of putting housing on a greenfield site. The site makes some contribution to the landscape setting of Tilstock as any greenfield site would do, but the change to the appeal site and the extension of the settlement is not, of itself, an indicator of unacceptable harm. As is clear from the planning evidence, the Council has had to permit greenfield development outside settlements in order to achieve its still unsatisfactory land supply. All of those sites will have affected the land on which they would be located and their surroundings to some degree.

38. The appeal scheme would allow for the retention of all of the landscape components of the site's boundaries apart from the 89m of low quality hedgerow required to be removed to achieve the site access. That would be replaced with a new hedge of native species behind the visibility splay. It is of no consequence that the access proposals have changed after the LVIA, as Mr Furber explained that the original proposals involved the loss of about two thirds of the length now proposed for removal (which would be roughly 60m) and that the extra length of removal would not change any of the judgments expressed about the effect of change along the Tilstock Road frontage.

39. The Council's concern about changing the perception of approaching Tilstock is overplayed. The site is not readily apparent in views for a traveller entering from the north or leaving it to head north. The appeal scheme would place development away from the road to soften impacts, not hide the scheme. There would be acceptable change.

40. Mr Furber considers that the landscape character effects of the appeal scheme would be:

- a. At the level of the site and its immediate context¹⁵, a medium magnitude of change which, when combined with the medium sensitivity of the site produces an adverse effect of moderate significance that would be permanent; and

¹⁵ Mr Furber's proof paragraph 3.16 refers to the site itself, but paragraphs 5.20 to 5.23 of the LVIA [CD10.1A] address the site and its immediate context and reach the same judgements on sensitivity, magnitude and significance as described in Mr Furber's proof.

- b. On the wider countryside, the appeal scheme would be perceived as well-contained, the key characteristics of the LCT would be unaffected. There would be negligible effects through lighting or traffic.

41. The Council produces no methodical assessment to contradict these judgements.

42. Visual impact can best be assessed on site and detailed submissions in closing are not helpful. The Appellant simply makes the following points:

- a. The visual impacts of the appeal scheme would occur in the context of a site which is not open to wide view. It is relatively well contained visually, as set out in paragraphs 7.2 and 7.3 of the LSoCG, albeit it not visually isolated from the settlement;
- b. The Council places some attention on footpath 28/1 to the east of the site. It is the only public right of way that the appeal scheme would affect. That path is not promoted as part of any recreational route and the views of the appeal scheme from it would not indicate unacceptable harm. A walker heading out of Tilstock to the east would not be greatly impacted by the appeal scheme as they would have their back to the site. For a person walking towards the village, the present view takes in housing on the edge of the village and on Tilstock Road and the appeal scheme would put views of housing in front of those present views. The change would be adverse, but not unacceptably so. Mr Furber explained that the judgement that there would be visual impact of major significance was the worst case impact along the relevant 350m length and

should not be taken to apply to the whole 350m distance. Overtime the growth of the proposed 10m wide woodland belt along the eastern boundary of the site would increasingly screen views of the built development and by Year 15 would be expected to reach or slightly exceed the height of housing on the site. There would be a residual effect from the closest part of footpath 28/1 of moderate significance;

- c. The transient views from the settlement edge would undergo, at Year 1, medium magnitude of change on receptors of medium sensitivity leading to moderate adverse visual effects. These would reduce as planting matures by Year 15 so that the magnitude of change would reduce to low and the overall effect would be minor adverse; and
- d. Again, the Council agrees with Mr Furber's findings, but simply considers the residual effects unacceptable in policy terms and in the planning balance, but without any cogent rationale for that view.

43. The Council contends that people moving around the landscape would be confused by being presented with the appeal scheme in their experience. That is an absurd claim. It would be readily apparent that the appeal site was located on the edge of the present village and that it lay in close proximity to the village. The arrangement of the proposed footpath and the pond, with its open space, would draw that person's eye and the person themselves to the point of pedestrian connection with the school site, village hall and the rest of the village. The implicit idea that people would somehow be aimlessly wandering around awaiting rescue is farcical.

44. Overall, the landscape and visual effects of the proposal would conserve the character of the landscape, if not of the site itself. The appeal scheme would comply with Core Strategy policies CS6 and CS17¹⁶, as well as SAMDev policies MD2 and MD12⁷. The appeal scheme recognises the intrinsic character and beauty of the countryside as the NPPF requires. That policy aim was taken into account when designing the scheme. Mr Furber described the landscape led approach to defining the areas for perimeter landscaping first, before the details built development layout was designed by Mr Pullan. If site level adverse landscape and visual effects are to be treated as policy breach, then that does not assist because any greenfield development for housing would breach the relevant development plan policies. The Council cannot be advocating an embargo on such development, or even that such harm satisfies the requirements of the titled balance.

45. As for urban design issues, Mr Pullan's evidence demonstrates that Tilstock was originally a nucleated village where development was concentrated along a north-south corridor, as the 1880 and 1901 OS maps at Mr Pullan's figures 15 and 16 show. Thereafter, ribbon development took place along Tilstock Lane to the east, originally as an isolated group (see the 1926 map) and then later with infill ribbon development apparent by 1971. Since then, it has expanded by reference to existing field boundaries and other features that provide some prior existing degree of compartmentalisation or division. Using existing field boundaries as a means of guiding the extent of development is therefore in keeping with how Tilstock has grown. There has been no pattern to the past growth of the village and growth has taken a variety of forms, in a variety of directions over time. In particular,

¹⁶ Addressed by Mr Furber but not cited in pRfR1.

any contention that, in Tilstock, acceptable growth has to be contiguous with a large amount of built form is simply wrong. The settlement has not grown like that over time.

46. Nor would it be appropriate to contend that growth has to be “incremental”. As Mr Pullan explained, incremental growth connotes proportionality, but the issue is proportionate to what? Incremental growth has not been apparent over time, as the map regression shows.

47. Further, the settlement has no uniform or planned edge but rather has developed an organic perimeter. Change on an approach to the village is not unprecedented: see Mr Pullan’s evidence on the nature of change created by the development of The Pastures on the eastern end of Tilstock Lane, which presents development facing oncomers, depriving people arriving at the village of a sense of how large or deep that development is. The approaches to the village do not have a consistent form or character, as Mr Pullan’s evidence contrasting the approaches along Tilstock Lane, Tilstock Road, Hollins Lane and Maltkin Lane shows. There is no prospect of a person arriving at Tilstock being somehow confused by the way the village would present itself on arrival with the appeal scheme in place.

48. The layout of the scheme provides perimeter blocks that provide a strong and active edge to the scheme. The primary street would provide the main access for people not on foot and, as explained in Mr Pullan’s “walk through” at the round table session, the development would provide a choice of routes through and around the site for pedestrians, whilst providing features to mark and guide movement, such as the tree lined primary street, swales, open spaces and dual aspect notable buildings on important corners. The scheme therefore provides legibility to aid movement within it. The design would create a strong sense of place. The LEAP would be located in the south east corner of the site so as

to be accessible by both the residents of the proposed scheme and also the existing community nearby. The density of the scheme would be appropriate and would be denser away from the site's edges so as to "feather" the density towards the site's edges. Affordable homes would be distributed through the site and visually indistinguishable from the market offer.

49. There is no basis for any contention that the scale of the appeal scheme, in terms of the area to be developed or the numbers of proposed units, would be inappropriate. The Council has not made a case that there would be any location (other than a helicopter) where an observer would be able to perceive the entire mass of proposed development from one viewpoint or else gain an impression of any significant outward expansion of the village. The development would be far from dominant or intrusive along the Tilstock Road approach to the village or even to an observer using the footpath to the south east or east of the site. The same is true of an observer at any public location on any part of the northern edge of the village from where any view might be possible.

50. There is nothing in the point that the shared spaces within the scheme have been designed to a 15mph design speed whereas the lowest enforceable limit would be 20mph. That is because the combined effect of tight bends and the use of block paving would reduce vehicle speeds compared to what looser curves and non-differentiated surfaces would create. Mr Hardy showed the following:

- a. The tighter a curve, the lower the speed to negotiate it: paragraph 8.3.8 of MfS2¹⁷. Mr Mead's contention that such evidence is confined to changes to

¹⁷ CD2.14

existing roads is patently wrong given that MfS and MfS2 comprise design guidance for new development;

- b. The use of block paving has been shown to reduce speeds by 2.5 to 4.5mph compared to what might otherwise occur: paragraph 7.2.15 of MfS¹⁸; and
- c. These effects have been accepted as correct by Inspector's in their decision making: see the Cala Homes appeal referred to at paragraph 3.53 of Miss Meer's proof.

51. Further, paragraph 7.2.2 of MfS refers to a *maximum* design speed of 20 mph. It follows that a design speed of less than 20mph is acceptable in the terms of MfS even though the lowest enforceable speed limit is 20mph. As paragraph 3.51 of Miss Meer's evidence shows, the Council has permitted 15mph design speeds in situations where that speed could not be used as an enforceable speed limit.

52. The round table session spent quite a period of time discussing whether the proposed streets would be adoptable. Ultimately, that issue was a waste of time because the Council accepted that it was not saying that the roads would not be adoptable, that adoption was not a planning matter and it accepted Ms Trivedi's intervention that, if adoption proved not possible, alternative means of maintenance could be provided for in an agreement under section 38 of the Highways Act 1980. In any event, there was ever any evidence that the road layout or proposed materials would impose an inappropriate maintenance burden on the Council.

¹⁸ CD2.13

53. The Council now accepts that there would be no difficulty in imposing a condition to restrict the presence or height of vegetation in the visibility splay at the main site access and that adoption of the splay was not necessary. If that is so, the same must logically apply to the presence of vegetation in other forward visibility splays within the scheme. However, such a condition is not necessary given the effect of the tight bends and the use of block paving.

54. The appeal scheme has been pedestrian-led in the proper sense of that term. Mr Mead suggests that being pedestrian-led means that no pedestrian can ever be expected to change their behaviour as a result of vehicles being in the same general location. He even went so far as to suggest that as a pedestrian is entitled to walk down the middle of a road or shared space then expecting them to share road space with a bin lorry on collection day is indicative of a vehicle-dominated development. Such a claim is absurd and, if taken literally, means that no shared space would ever be acceptable, as a pedestrian would be able to prevent vehicular movement by walking down the middle of any road or street. Being pedestrian-led does not mean that a pedestrian never has to make any adjustment to whatever behaviour they might otherwise wish to undertake. The layout of the scheme would be highly permeable for pedestrians with obvious and extensive choices of routes for pedestrians. Crossing points would be made obvious by the use of dropped kerbs and tactile paving. The fact that a pedestrian might have to cross a road at the end of the footpath in the south-eastern part of the site to access some of the proposed dwellings does not mean that the development is not pedestrian led. Taking a holistic view of the scheme, it has plainly been designed with pedestrians at the forefront of the designer's mind.

55. Mr Mead's contention that the road space outside plot 43 would be "dead space" is simply silly. It would provide obvious access to the plots in the north east part of the site, particularly plots 65 to 66. Taking a point which is so obviously devoid of merit is a clear indication of how keen the Council and Mr Mead are to say anything that comes into their head to try and oppose the appeal scheme.
56. The appeal scheme would not over-provide parking spaces. The number proposed has been chosen to avoid indiscriminate on-street parking and, in the absence of any parking standards against which to test the appeal scheme, the Council has no benchmark to use to show that the proposed number is excessive or objectionable.
57. Overall, Mr Pullan's evidence demonstrates that the appeal scheme would respond appropriately to its context such that SAMDev policy MD2, which is the most prescriptive design policy in the development plan, would be complied with.
58. Mr Thomas accepted in XXm that his points about the appeal scheme leading to social tension or a lack of social cohesion depend upon the Council's landscape, visual and design case being accepted. If that case is not accepted, then that is the end of the point. But the reverse is not true. Even if the Council's case on these issues is accepted, it does not follow that the appeal scheme would create a lack of social cohesion. There is simply no realistic evidence that such a consequence would arise. The residents of the appeal scheme could join in village life as much as anyone else, spending their money in the pub, joining the bowling club, booking the village hall or joining in the activities that take place there and so on. Social cohesion does not depend on people having a reason to visit a housing estate. As it happens, they would, as Ms Wilson pointed out, given the proposed LEAP, which

would cater for different aged children to the small area next to the village hall which caters only for younger children. There is no merit in the fears that residents of the appeal scheme would be unable to integrate into village life.

Whether the proposed development would be appropriately located in terms of its accessibility to goods and services.

59. The appeal scheme would be appropriately located in accessibility terms for the following reasons.

The relevance of the Tilstock allocations in the SAMDev

60. The SAMDev allocated three sites for development totalling 50 units within the settlement boundary that it prescribed around the village. Whilst those allocations would have been found sound and sustainable in terms of all aspects of sustainability, the testing of those allocations must have considered whether they would be sustainable in accessibility terms. There is no evidence that the range of services and facilities in the village were different when the SAMDev was adopted, or that the bus services have changed or that there has been any other change relevant to testing accessibility. The Council has to explain why Tilstock was found to be a sustainable location, including in accessibility terms, for 50 units, but would not be sustainable for another 70. The Appellant is not advocating unrestrained growth, as appeared to be implied in Miss Meer's XXm. Nor does it have to suggest or show where any notional limit of expansion lies. All the Appellant has to do is address the merits of the scheme before the inquiry. No precedent would be set by allowing the appeal. Any future proposals would have to be tested on their merits.

61. The Council's case is that Tilstock has a limited range of facilities, people have to leave the village for a broader range of services and that residents would not have a genuine choice of modes of travel and that the need to travel is not minimised. The potential residents of proposed allocations in the SAMDev would have had, and the actual residents do now¹⁹ have, the same choice and opportunities. There has been no real attempt by the Council to explain why the residents of those allocations have a genuine choice of modes and that the location of their homes acceptably minimises the need to travel, whereas the residents of the appeal scheme would not. That is so despite every witness for the Council being given a chance in XXm to explain themselves. That is a defect which fundamentally undermines the Council's case. There was an attempt in the XXm of Miss Meer to suggest that the appeal scheme would offend against the second bullet of Core Strategy policy CS6²⁰, which similarly to NPPF paragraph 110, refers to choice of modes and minimising the need to travel. However, pointing to that policy only serves to amplify the incoherence in the Council's case, because that policy plainly existed when the SAMDev was formulated, examined and adopted. The SAMDev had to be in general conformity with the Core Strategy and so the allocations must have been thought appropriate and sound in the light of that policy imperative in CS6. One simply returns to the question of why the allocations were appropriately accessible but the appeal site would not be.

62. Miss Meer was also tackled on the basis that no policy says that Tilstock is a sustainable location for growth. There are two easy answers to that contention:

¹⁹ All the allocations having been approved and built out.

²⁰ CD2.2, plan page 69, PDF 76.

- a. Tilstock was thought sustainable in all terms, which must have included accessibility, for the 50 units; and
- b. The Council's Statement of Case²¹ even went so far as to say that the question of Tilstock's sustainability (presumably in all its facets) should not even be a main issue at the inquiry because the Council considered that its sustainable status had been settled.

Walking

63. Tilstock has a limited range of services, but ones which perform a useful local function. Critically, it has a primary school to which the appeal scheme would afford easy access via the proposed connecting footpath. Miss Meer's evidence that this was a principal source of trips to and from the appeal site was not challenged in XXm. The appeal site would be within convenient walking distance of all of the facilities in Tilstock via the proposed path to the south east.
64. Miss Meer considers that residents of the appeal scheme would not be likely to walk out of Tilstock for any reason (other than perhaps recreationally). That is the same for the residents of the SAMDev allocations. If a person wanted or needed to get to the collection of services and facilities at Prees Heath near the A49, then a cycle ride would be a genuine and sustainable choice.
65. The bus stops which would serve the appeal site are located around 445m from the site centre, which can be used as a typical distance. Some properties would be closer and the

²¹ CD3.2 paragraph 7.2

furthest would be 620m from the bus stop. Although those distances are above the 400m guideline distance, it was accepted by Mr Mead in XXm that 400m is not a hard and fast cut-off point when assessing the propensity to walk to a bus stop. As Miss Meer explained, qualitative aspects of the route would be relevant too. Those aspects are conducive to walking to the bus stops in this case. Miss Meer's rebuttal at paragraph 2.2 shows that Inspectors have not approached the 400m distance as an inflexible maximum, especially in rural areas. There is no reason to conclude that the appeal scheme's distance from bus stops means that residents would be disincentivised to walk to the stop so that a bus trip would not be genuine option.

Cycling

66. As for cycling, the position is very clear. All of Tilstock is within an easy cycling distance and the agreed 8km distance takes in Whitchurch, Prees Heath and Prees. The first and third have railway stations. The evidence is that people do cycle:

- a. They show up in the ATC counts;
- b. The data extracted from publicly visible Strava users show that there have been 24,619 cycling trips southbound along Tilstock Road since Strava was created in 2009. There have been no personal injury accidents involving cyclists in the five year assessment prior to the Transport Assessment. The evidence tends²² to show that cyclists undertake the journey safely; and

²² The mismatch in the periods of the user and accident data sets is acknowledged and needs to be borne in mind.

- c. Of the four local people who gave evidence, half of them cycle between Tilstock and Whitchurch on a regular basis. The fact that they choose to use another route is neither here nor there. The point is that they plainly see cycling between the village and town as a realistic and, for them, sufficiently attractive choice.

67. Mr Mead's reference to note LTN 1/20 needs to be seen in that context. The Council has been at pains to say that it is not running a safety case, so it is not claiming that cyclists will cycle on a dangerous route and put themselves in danger. Their case must either be that the perceived danger will put people off cycling or that the appeal scheme should not go ahead without segregated cycling facilities on the Tilstock Road (or indeed on any other route carrying vehicular traffic governed by a speed limit set at or above 30mph). As to the former contention, it is belied by the ATC, Strava and local resident's evidence just discussed and Mr Mead accepted that he provided no yardstick against which to test his contention that cycle traffic on Tilstock Road as a proportion of all traffic was disproportionately low. As to the second contention, the Council, either as planning or highway authority, has never sought such provision either on Tilstock Road or elsewhere. There is no evidence to show that its provision would be reasonable in scale or necessary to make the appeal scheme acceptable in planning terms and, if sought here, would have to be sought so extensively as to run the risk of changing the appearance of large parts of areas with rural roads carrying vehicular traffic at above 30mph.

68. The appeal site and scheme would present a realistic choice to travel to services and facilities by cycle.

Bus Services

69. The details of the bus services are common ground. There is no suggestion that they have changed in any material way since the SAMDev allocations. They provide a realistic choice for access to Whitchurch and to Shrewsbury. The Monday to Saturday start and finish times would allow for work or social trips during the day and would accommodate a traditional 9-5 working pattern. The service, at hourly, is acceptable. It is true that people would have to structure their activities around the timetable, but that is an inevitable feature of travelling by public transport save in the most urban of areas where services run so frequently that a person can adopt an attitude that a bus will be along within a convenient time regardless of when they arrive at a stop. The bus service allows access to Whitchurch and Shrewsbury railway stations, with the range of destinations they serve. Mr Mead pointed out that if one left Manchester Piccadilly on the late afternoon train, a bus connection would occupy 30 minutes of waiting time at the mode change. If that were a disincentive to a person, then waiting times could be eliminated by cycling to and from the station. Even in the worse case, if a person chose to drive to the station, their overall multi-mode journey would be a sustainable one.

70. It is perhaps of some assistance in assessing the Council's case that at no point has it sought a contribution to make any improvement to the bus service or bus infrastructure (such as improvements to the bus stops), so the point made in paragraph 23 of the Council's opening that no funding contribution has been proposed is devoid of merit. Further, the existence and peak hour quality of the bus service led Tilstock to pass the admittedly binary test in the settlement hierarchy work that informed the withdrawn Local Plan²³. Whatever led to

²³ CD2.17

Tilstock's final proposed status as a community cluster and not a hub in the abandoned plan, it was not public transport accessibility.

71. The NS Wheelers voluntary service provides a further limited bookable door to market service to two local markets twice a week, as well as being bookable for occasions such as attending medical appointments.

72. There is also a secondary school minibus service, in addition to the public service that serves the secondary school in term time, as recorded in paragraph 24 of the Highways SoCG.

73. The appeal scheme would allow for bus travel to be a genuine and realistic choice of mode which would allow access to a satisfactory range of destinations with their services, facilities and onward connections.

74. Overall, it is apparent that the appeal scheme would comply with paragraphs 110 and 117 of the NPPF and with Core Strategy policies CS6 and CS7 and SAMDev policy MD2.

The Effect of the appeal scheme on best and most versatile agricultural land.

75. The appeal scheme has not been the subject of a site specific assessment to determine its agricultural land classification. The Agricultural Land Classification map shows it as grade 3. It therefore may or may not be best and most versatile agricultural ("BMV") land. The Appellant is content to proceed on the precautionary basis that the site is BMV land. It is also accepted that what matters is the effect of the loss of BMV land, regardless of the

purpose to which it is presently put. It follows that what is relevant is the loss of BMV land as a resource in itself and so Mr Thomas is mistaken to address this issue by reference to locational factors.

76. Given the prevalence of BMV in Shropshire, as shown in the map and table on page 53 of Ms Wilson's proof, and the acceptance by Mr Thomas that the Council will not achieve the requisite land supply without the loss of BMV land, the loss of BMV land ought not stand in the way of permission, a point reflected in the fact that the Council only makes it part of the overall planning balance as expressed in putative RfR4 and did not raise it as a putative RfR in its own right.

The Planning Balance

Harms

77. For the reasons given above, the only harms to be included in the planning balance are:

- a. The breach of the Development Plan that comprises the breach of the policies guiding the location of development away from the countryside, which is agreed to deserve limited weight;
- b. The relatively low levels of landscape and visual harm that largely correspond to the inevitable effects of developing a greenfield site. As Ms Wilson explained in XXm, the moderate level of landscape and visual harm would be experienced

over a restricted area and so there is no inconsistency in ascribing such moderate harm negligible weight in the overall planning balance; and

- c. The negligible weight that is afforded to the loss of BMV, if that is what the appeal site comprises.

78. Mr Thomas' list of harms and weights also flow from his case. His weighting of landscape and visual harm as substantial, the top of his scale, is plainly seriously out of kilter with the significance of the impacts he describes. He could not ascribe any more weight to any landscape and visual harm – even massive alien development in a National Landscape. He has a skewed calibration of his judgements.

79. There is also a fundamental lack of clarity about what he has done and why. He has a list of 7 types of harm in paragraph 5.7 of his proof which undoubtedly contain considerable overlap within them. He has clearly tried to unpick overarching topics to create a longer, more impressive looking list of harms. Then, for good measure, he unpacks those 7 items and includes a total of 11 harms in his later table which also has overlap. Including breach of the evidence base as a harm is incorrect because the breach of the evidence base is not a harm in and of itself but is a matter that would be reflected in one of the other harms he has already identified, such as an inappropriate type, amount or location of development at Tilstock. It adds nothing other than an impression of a longer list of harms. Ms Wilson's approach is straightforward, comprehensible and greatly to be preferred.

80. The appeal scheme would bring important benefits:

- a. Sixty much-needed market homes in an area with an admitted lack of five year supply, deserving very significant weight;
- b. Affordable housing at a rate of 15% compared to the plan requirement of 10%, also deserving very significant weight;
- c. A mix of home types which would help to address some of the feature of the present housing stock, attracting younger residents, as addressed in the report at Ms Wilson's appendix 1 and the other rural enhancements, deserving significant weight;
- d. Significant weight to BNG at a rate materially higher than the 10% statutory rate. Contrary to the point put in XXm, BNG is not mitigation. The clue is in the last word of its name, *gain*;
- e. Moderate weight to the economic benefits. The quantification of them is not in dispute. Even if they were generic, the absence of a five year supply means that such benefits are not going to be realised to the extent that would be expected if an adequate supply existed. In any event, there is some locational specificity to them: some spending would take place in the village, such as at the pub. More would take place in Whitchurch or other local places. The Council's points do not undermine the Appellant's weighting of this benefit;
- f. The upgrading of public rights of way comprised in the appeal scheme should attract moderate weight;

- g. The public open space, including the play area, would be of wider benefit than just to the appeal scheme residents and deserves moderate weight; and
- h. Although contributions made in the planning obligation would be compliant with the CIL Regulations and therefore necessary to make the scheme acceptable in planning terms, they would be of some limited benefit to local people.

81. The lack of housing land supply triggers paragraph 11(d) in this case. The parties agree that no policy within the scope of paragraph 11(d)(i) provides any, let alone a strong, reason for dismissing the appeal. The application of paragraph 215 of the NPPF to any heritage impacts arising from the effect on views of the church leads to the conclusion that the public benefits outweigh that harm. The resolution of the ecological putative reasons for refusal addresses any protected habitats issues.

82. As a result, the tilted balance in paragraph 11(d)(ii) is in play. An important purpose of the tilted balance in a case such as this is to recognise that, when an inadequate housing land supply exists, there is an imperative to address that shortage which will involve having to accept some harm from development proposals – even harm that is net harm overall. It is only if the harm reaches the level of significantly and demonstrably outweighing the benefits that permission should be refused. The way that the Council has looked for objections at every turn in this case, from application stage onwards, even to the extent of raising detailed putative reasons for refusal on issues that it would not even allow the applicant to address (much to its frustration), shows that the Council is not addressing the

lack of housing supply with an open mind. It went so far as Mr Mead inventing an argument that the roads would be of insufficient public utility to adopt, regardless of their standard of construction – an invented point that went beyond its previous case and which occupied too much time only to be dropped.

83. The Appellant firmly submits that the harms from the appeal scheme come nowhere close to significantly and demonstrably outweighing its benefits. Through the prism of the tilted balance it *is* sustainable development.

84. The Appellant asks for the appeal to be allowed.

MARTIN CARTER

Counsel for the Appellant

4th November 2025

Kings Chambers

Manchester – Leeds – Birmingham

APPENDIX 1: THE APPELLANT'S CASE ON FIVE YEAR SUPPLY

The starting point is the Council's claimed five year supply (as modified during the round table session) of **9,344 units**.

From that total, the following deductions should be made.

Sites which had been proposed for allocation in the now withdrawn emerging Local Plan

In this category are a total of 17 sites totalling 1,169 units.

A general point: The Council's Cabinet resolution provides none of the claimed consistency or certainty that the Council claims for it. The resolution only provided that the evidence base underlying the withdrawn draft Local Plan should be a material consideration. The status of something as a material consideration is an issue of law, not planning judgement, and so the resolution was superfluous. The resolution did not discuss the weight to be afforded to that material consideration, which is a matter of planning judgement. The weight to be afforded to draft allocations may vary from site to site depending on the quality and nature of the evidence base provided for each site. As Mr Pycroft explained, a withdrawn plan cannot confer either certainty or consistency as the withdrawn plan has no status and had been found to be so defective as to not be able to proceed. The sites in this category attracted objections, were never examined by the Examining Inspectors and so their merit has never been tested, let alone established.

Land between Mytton Oak Road and Hanwood Road, Shrewsbury

Council: 171 units; Appellant: 0 units – deduction of **171** units.

No planning permission or application. No timeline for the submissions of the first or subsequent RMs. A SoCG with the promoter from September 2024, prior to withdrawal of draft Local Plan and which refers to delivery which the Council has now moved away from by deferring delivery by a year and so there is no developer input into the Council's asserted trajectory. Site was controlled by promoter, not developer. No clear evidence of deliverability.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Tasley Garden Village, Bridgnorth

Council: 113 units; Appellant 0 units, deduction of **113** units.

Site with an undetermined outline planning application. Council relies on SoCG which pre-dates withdrawal of the draft LP and which the Council no longer supports in terms of trajectory. Not realistic to assume application will reach November 2025 committee. No clear indication that application will be successful and if it were, would simply put it into category (b).

Evidence of 21 month timescale for delivery from approval of outline permission, but the start date for that 21 months is unclear, even assuming the 21 months is realistic. Any slippage in the timescale would make delivery during the 5 year period unlikely.

PPA entered into but not in evidence.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land west of Ellesmere Road, Shrewsbury

Council: 135 units; Appellant 0 units, deduction **135** units.

Outline application validated in March 2022 still not determined and new highway modelling work only just received by Council and not yet appraised. Developer information relied on permission being granted in 2024. Even if outline permission were granted, that would simply put the site into category (b) and there is not the required evidence of deliverability.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land north of Chester Road, Whitchurch

Council: 95 units; Appellant 0 units, deduction **95** units.

Site has no planning permission and unrealistic to assume delivery in 2026/2027, even noting full planning application has been made. The application has attracted objections which go to the principle of development and not just detail. It cannot be assumed that those objections will be overridden.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land north of Kingswood Road and Beamish Lane, Albrighton

Council: 97; Appellant: 0 units; deduction **97** units.

Site has outline planning permission but Crest Nicholson, purchaser of site, has indicated intention to submit a "detailed planning application" which is ambiguous and may indicate intention to submit new full application rather than a RM application pursuant to the outline. In any event, no timescale proposed for the submission of whatever type of

application is proposed. Delivery in 2026/2027 unrealistic. Council's timescales no confirmed by any information from developer.

Land adjoining Adderley Road, Market Drayton

Council: 68 units; Appellant: 0 units; deduction **68** units

A site which was refused full planning permission during the currency of the draft Local Plan in 2024. Further full planning application validated on 2.10.25, but no clear evidence it will be permitted given past history when the draft plan was extant and carried more weight. No clear evidence of deliverability.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land at Longford Turning, Market Drayton

Council: 68 units; Appellant: 0 units; deduction **68** units.

Outline pp refused in 2023. New outline application validated in July 2025 which has attracted objections which include issues of principle. If outline pp were to be granted, simply puts site into category (b) and there is no further evidence of deliverability and so the Council's judgement is affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land between Windmill View and The Monument on A464, Shifnal.

Council: 65 units; Appellant: 0 units; deduction **65** units.

Full planning application made but not determined, outstanding objections and unknown if it will be granted now that draft LP withdrawn. Not stated to be intended for approval on Council website.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land adjoining Boraston Drive on A456, Burford

Council: 54 units; Appellant 0 units; deduction **54** units.

No planning application of any kind submitted. No progress to date to even making outline application.

Land between the A53 and Poynton Road, Shawbury

Council: 45 units; Appellant: 0 units; deduction **45** units.

Full planning application made but undetermined and issues about quality of submitted information which Council seeks to address. No indication if developer will agree that more/better information is required, when it would be provided or whether the application will be granted. The proposal is for 130 units compared to the former draft allocation for only 80 units.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

But Lane, A458, Ford.

Council: 32 units; Appellant 0 units; deduction **32** units.

Some engagement with local community over 100% affordable scheme but no evidence of firm progress towards an application. No indication of whether application would be full or outline. No evidence of when it would be made, how it would be received by consultees or Council and apparent proposal is for 102 units compared to the former draft

allocation for 75. No evidence of funding criteria or time pressures for the affordable scheme.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Liverpool Road, Whitchurch

Council: 63 units; Appellant: 0 units; deduction **63** units.

Full planning application refused in 2016 on basis of the adopted Local Plan. New full planning application validated 6th August 2025. No evidence it will be permitted.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land south of Sundorne Rad, Shrewsbury

Council: 54 units; Appellant: 0 units; deduction **54** units.

Developer stated in the past that it intended to submit an application when the now withdrawn draft LP was adopted. No planning application made and no evidence of when one will be made.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land east of Barley Meadows, Llanymynech

Council: 45 units; Appellant: 0 units; deduction **45** units.

Outline planning application validated July 2025 but undetermined. Outstanding objections. Even if granted, will just place site into category (b) and so clear evidence of deliverability would still be required. There is none.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land west of Shrewsbury Road, Baschurch

Council: 32 units; Appellant: 0 units; deduction **32** units.

Undetermined outline planning application. Even if granted, will simply place site into category (b) where clear evidence of deliverability beyond fact of outline permission would be required.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land west of A488, Minsterley

Council: 18 units; Appellant: 0 units; deduction **18** units.

Promoter's reps to LP examination referred to delivery early in LP period, so the position post withdrawal of the draft plan is unclear. Full planning application validated 10.10.25. Unclear if it will be granted.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land east of Villa Farm, Bicton

Council: 14 units; Appellant: 0 units; deduction **14** units.

Promoter's reps to LP examination referred to delivery early in LP period, so the position post withdrawal of the draft plan is unclear. Outline planning application validated, but unclear if it will be granted. Even if it were granted, that would simply put the site into category (b).

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Sites allocated for the development in the adopted Development Plan

There are 5 sites totalling 392 units in this category.

Land south of Ellesmere

Council: 151 units; Appellant: 0 units; deduction **151** units.

Complex planning history which means either that the site has a live outline permission or no permission at all. Either way, clear evidence of deliverability needed and there is none. The s73 application requires a deed of variation which has remained unaddressed for some time. On day 2 of the inquiry, Mr Thomas reported that the applicant is not responding to the Council's attempts to get into contact to progress the obligation.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land at Ludlow Road, Cleobury Mortimer

Council: 97 units; Appellant: 0 units; deduction **97** units.

Neighbourhood Plan allocation but no planning permission or application. No evidence of progress towards application.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Land at White Acres, Albrighton

Council: 81 units; Appellant: 0 units; deduction **81** units.

Site with outline permission and undetermined reserved matters application yet the Council assumes delivery in current year 2025/26. No trajectory information from developer supporting Council's assumptions.

Eastern Gateway SUE, Oswestry

Council: 45 units; Appellant: 0 units; deduction **45** units.

Resolution to grant outline permission but no s106. Even if granted, site would be in category (b) where clear evidence of progress towards RM application etc would be required.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Avenue Road, Broseley

Council: 18 units; Appellant: 0 units; deduction **18** units.

Neighbourhood Plan allocation but no application for pp. No clear evidence of delivery.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Sites with planning permission

There are 3 sites totalling 131²⁴ units in issue.

²⁴ This is different from the figure in paragraph 3(b)(iii) of the opening (which was 165 units) to account for the Council's agreement to delete 34 units from the Flax Mill site's contribution to supply.

Flax Mill, Spring Gardens

Council: 74²⁵ units; Appellant: 0 units; deduction **74** units.

Hybrid permission where housing component is outline, and so category (b) site. No evidence of firm progress towards a RM application. Assumption of delivery in 2025/2026 unrealistic. 10 year period from 2021 to make RM applications.

Land to the south of Chirbury

Council: 36 units; Appellant: 13 units; deduction **23** units.

Full pp for 13 dwellings and outline pp for 27. No RM applications made for outline element and no clear evidence of progress or deliverability.

Stoke Heath Camp, Warrant Road

Council: 34 units; Appellant: 0 units; deduction **34** units.

Full pp at base date, but has since expired. Outline application for 67 units granted 11.9.25, which simply puts site into category (b) and no clear evidence of deliverability, particularly progress towards RM application(s).

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Council's Strategic Land Availability Assessment

Land behind 18-34 Aston Road, Wem.

Council: 34 units; Appellant: 0 units; deduction **34** units.

²⁵ This is the site where the Council conceded a deduction of 34 units from the 108 previously contended for during the round table session.

Outline planning application made but not determined. Even if granted, would simply put site into category (b). No clear evidence of deliverability.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

Affordable housing sites

There are 2 sites totalling 32 units in this category.

West of Swain Close, Wem

Council: 19 units; Appellant: 0 units; deduction **19** units.

Outline planning application pending since June 2024. Even if granted, will be a category (b) site and no clear evidence of deliverability. No evidence of Homes England funding conditions or timescale pressures.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.

New Street, Wem

Council: 13 units; Appellant: 0 units; deduction: **13** units.

No permission. No application. No clear evidence of deliverability. Any work to date is only progress towards category (b) status.

Council's judgement affected by Mr Corden's misinterpretation of PPG 007 as set out in main text of closing.