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## Appeal Decision

Inquiry held on 21-24 October and 4 November 2025

Site visit made on 4 November 2025

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> December 2025

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### Appeal Ref: APP/L3245/W/25/3362414

#### Land to the East of Tilstock Road, Tilstock, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Boningale Developments Ltd against Shropshire Council.
  - The application Ref is 24/04176/FUL.
  - The development proposed is full planning application for the residential development of 70 dwellings including access, open space, landscaping and associated works.
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#### Decision

1. The appeal is allowed and planning permission is granted for the residential development of 70 dwellings including access, open space, landscaping and associated works at Land to the East of Tilstock Road, Tilstock, Shropshire in accordance with the terms of the application, Ref 24/04176/FUL, subject to the conditions set out in the attached schedule.

#### Preliminary Matters

2. It is the case that additional evidence has been submitted during the appeal process in advance of the Inquiry. This includes a Highways Technical Note<sup>1</sup> (the Technical Note) in association with revised plans<sup>2</sup> that reflect layout and landscaping changes along the Tilstock Road frontage of the site for the purposes of accommodating an enhanced visibility splay. Additional bird survey information<sup>3</sup> and revised biodiversity-related documentation<sup>4</sup> has also been forthcoming. The suite of additional evidence has been consulted upon at appeal stage, and I am content that no party with a potential interest in the outcome of the appeal is prejudiced by me accepting it for determination purposes.
3. The Council has indicated that it would have refused planning permission had it been in a position to do so. Following its full consideration of the additional evidence submitted at appeal, its main outstanding concerns relate to: conflict with the development plan and its embedded spatial strategy for delivering development; alleged harm to the character, appearance and vitality of the area, principally as a consequence of the proposal's scale and detailed composition; and alleged harm by virtue of the constrained accessibility of facilities and services that

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<sup>1</sup> Ref: SH5037-11PD (July 2025)

<sup>2</sup> Ref: P24-1425\_DE\_002\_E\_02; P24-1425\_EN\_06C; P24-1425\_EN\_07C Sheets 1-4; P24-1425\_EN\_010B Sheets 1-4; P24-1425\_DE\_008\_B\_01; P24-1425\_DE\_002\_D\_08

<sup>3</sup> Breeding Bird Survey BBR001 (July 2025)

<sup>4</sup> including Biodiversity Net Gain Report (Submission 3) BNG001 (August 2025)

would in turn – it has suggested – place an over-reliance on private vehicle use. I have formulated the appeal’s first three Main Issues accordingly.

4. A planning obligation pursuant to Section 106 of the Act (the legal agreement) is before me. This is dated 7 November 2025 and is signed by the appellant as the relevant landowner and the Council. The legal agreement contains various provisions related to affordable housing, biodiversity net gain, public open space, and mitigating recreational impact upon Brown Moss<sup>5</sup> and Cole Mere<sup>6</sup>. I shall return to the legal agreement later in this Decision.
5. A draft new Local Plan (the WLP) was submitted for examination in September 2021 but was withdrawn from the examination process in July 2025. As such, no weight can now be afforded to the formerly emerging policies of the WLP. Nevertheless, the evidence base that supported the WLP is capable of comprising a material consideration for the purposes of decision-making – a factor that I shall take into account where applicable to do so.

### **Main Issues**

6. The main issues are:
  - Whether the appeal site is an appropriate location for the proposed development, having particular regard to relevant provisions of the development plan;
  - Whether the appeal site is an appropriate location for the proposed development, having particular regard to accessibility to facilities and services;
  - The effect of the proposed development on the character and appearance of the area, including consideration of urban design matters; and
  - The extent of the Council’s acknowledged housing supply shortfall.

### **Reasons**

*Whether an appropriate location, having regard to relevant provisions of the development plan*

7. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) sets out a strategic approach for delivering development across the plan period 2006-2026. It endorses a ‘rural rebalance’ approach, with around 35% of Shropshire’s residential development envisaged in rural areas, with such development being predominantly located in Community Hubs and Community Clusters – contributing to social and economic vitality.
8. Tilstock comprises part of a recognised Community Cluster whereby the combined settlements offer a range of services contributing to a sustainable community. The Shropshire Council Site Allocations and Management of Development (the SAMDev) Plan (December 2015) contains Settlement Policies that set out the amount of additional development envisaged in settlements (including clusters of settlements) to the end of the plan period (2026), as well as any specific site allocations and development boundaries. Policy S18.2 relates to Community Hub

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<sup>5</sup> Special Area of Conservation which comprises part of the Midland Meres and Mosses Phase 1 Ramsar site

<sup>6</sup> comprises part of the Midland Meres and Mosses Phase 2 Ramsar site

and Cluster settlements in the Whitchurch Area, whilst part (ii) of S18.2 deals specifically with the Community Cluster<sup>7</sup> that incorporates Tilstock.

9. It is envisaged by part (ii) of Policy S18.2 that, across the plan period, housing growth of about 100 dwellings shall be achieved across the Cluster (with approximately 50 of these at Tilstock) to be delivered via allocated sites<sup>8</sup> together with development of infilling, groups of houses, and conversions on suitable sites within the development boundaries identified on the Policies Map (or on well related sites to Prees Heath, a different settlement within the same Cluster). The appeal site, which is not allocated for development, is positioned outside of the designated development boundary for Tilstock. Thus, the proposal, which when considered in conjunction with completions upon allocated sites would result in considerably more dwellings than the 50 unit guideline total set for Tilstock, fails to adhere with the requirements of part (ii) of Policy S18.2.
10. Moreover, the site falls within the Countryside as defined in local planning policy terms. Policy CS5 of the CS and Policy MD7a of the SAMDev set out strict controls over new development in the Countryside, and the appellant has acknowledged conflict with these policies. Further, Policy CS4 of the CS seeks to promote development within the limits of Community Hubs and Clusters and indicates that development in conflict with Policy CS5 should not be allowed. Indeed, the supporting text to Policy CS4 makes it clear that windfall development adjoining a village is unacceptable unless a specific policy exception were to apply.
11. Therefore, having regard to relevant provisions of the development plan, the site does not represent an appropriate location for the proposed residential development. There is identifiable conflict with Policies CS1, CS4 and CS5 of the CS and Policies MD1, MD7a and S18.2 of the SAMDev in so far as these policies establish a strategy for the distribution of development across the plan area. I shall return to this identifiable policy conflict and its implications within my Planning Balance below.

*Whether an appropriate location, having regard to accessibility to facilities and services*

12. Tilstock contains a limited range of facilities and services. These include a primary school, a public house, a village hall, and a bowling and tennis club. Thus, notwithstanding the reasonable walkability of these facilities from the site via an on-site connection to be made to an existing public right of way<sup>9</sup> (the PRow) and established hard-bound footways, it is inevitable that travel outside of the village would be required by future occupiers of the development in order to satisfy their full day-to-day needs. For example, in order to access shops, places of work, or secondary education.
13. Given the distance and nature of the journeys involved, incorporating routes outside of the village not served by lit and hard-surfaced footways, it is highly unlikely that future occupiers would choose to travel to different settlements on foot. This is a matter of common ground between the main parties.

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<sup>7</sup> Whitchurch Rural & Ightfield and Calverhall Community Cluster

<sup>8</sup> Three of which are at Tilstock (TIL001; TIL002; TIL008) totalling the provision of 50 units, as anticipated when the SAMDev was adopted

<sup>9</sup> PRow 0233/28/1

14. In terms of cycling, neighbouring settlements that contain facilities and services, namely Whitchurch and Prees Heath, are situated realistically cyclable distances from the site. Even so, the routes involved are not served by specific facilities for cyclists such as defined cycle lanes, which is a factor that likely influences their attractiveness and realistic useability in a cycling sense. This includes along Tilstock Road which, whilst offering the most direct link from the site to Whitchurch, is a busy and winding single-carriageway route that is subject to the national speed limit between settlements. Whilst recent accident records (when taken in isolation) do not highlight a safety issue, automatic traffic count (ATC) data illustrates cycling along Tilstock Road to be a rare rather than regular occurrence – which is consistent with the route’s constraints as just set out. Additional data provided via the Strava platform does not clearly or persuasively demonstrate a situation otherwise.
15. At the Inquiry interested parties referred to recent experiences of cycling between Tilstock and Whitchurch, albeit via a less direct route incorporating the lower-trafficked Alkington Road. Notwithstanding the existence of this option, it remains fair to consider that – for the purposes of accessing facilities and services on a day-to-day basis from the appeal site – cycling would be unlikely to represent a realistic and attractive option for the majority of future occupiers of the development scheme.
16. It is nevertheless pertinent to note that there is an hourly bus service that connects Tilstock to various other settlements that include the towns of Whitchurch (incorporating secondary school drop-off and pick-up provision during term time), Wem, and Shrewsbury. There was discussion at the Inquiry related to the accessibility of the nearest bus stops on Tilstock Lane. It is set out in the Shropshire Manual for Adoptable Roads and Transport (2021) (the SMART) that houses should be situated within 400 metres of a regular bus stop wherever possible to reduce the use of private cars for local trips, which is consistent with guidance offered by the Chartered Institution of Highways and Transportation. This is a distance that would be exceeded by each of the newly proposed dwellings, albeit by a limited amount in most cases.
17. Nevertheless, the SMART constitutes guidance as opposed to adopted policy and, as set out in the Government-produced Manual for Streets (2007) (MfS), the propensity to walk is influenced by not only the distance involved but by the quality of the walking experience. In the circumstances of this case, future occupiers would obtain access to bus stops via a new bound and lit pedestrian footpath, a short stretch of already well-established footpath that is intended to be upgraded, and a bound and lit pavement along Tilstock Lane. As was apparent upon inspection, this route does not exhibit stark levels changes and would be anticipated to provide a quality and realistic option for the majority of future occupiers. In this context, satisfactory bus stop accessibility would be achieved.
18. It is, however, important to acknowledge that there are bus service limitations at play, including no Sunday services and due to restricted evening operations. Further, notwithstanding the existence of early morning services and the clear potential for future occupiers to undertake daily travel to and from destinations served directly by the bus service, any possible potential to link bus travel from Tilstock with onward rail travel (from Whitchurch to Manchester, for example) for the purposes of a daily commute would be highly constrained. More generally, notwithstanding the short nature of journeys between Tilstock and Whitchurch,

these service limitations offer some degree of uncertainty that future occupiers would be able to conveniently and routinely depend upon the bus service for the purposes of satisfying their full day-to-day needs.

19. My attention has also been drawn to a community transport service that runs on a voluntary basis, that I understand offers access to Market Drayton and Whitchurch (both on a weekly basis), and that seeks to accommodate individual transport needs where possible. Whilst this is a somewhat confined service and clear assurances related to the longevity of its continued operation are not before me, it still offers some potential to serve future occupiers of the development and is a material factor relevant to my deliberations.
20. The National Planning Policy Framework (December 2024) (the Framework) indicates that significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of travel modes. To my mind, especially given the considerable scale of rural development under consideration here and the fairly anticipated number/frequency of additional private vehicular trips likely to be generated, there is some degree of conflict with this overarching policy requirement. Even so, the Framework also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in decision-making.
21. All related matters considered, including the meaningful degree of connectivity offered by an hourly bus service accessible via walkable stops as well as the proximity of Tilstock to Whitchurch, I find that significant harmful effects would be avoided. Accordingly, it is my judgement that the proposal would cause moderate harm by virtue of the site not representing an appropriate location for housing having particular regard to access to surrounding facilities and services. It thus follows that the scheme conflicts with Policy CS6 of the CS in so far as it requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

*Character and appearance, including urban design matters*

22. The site comprises the westernmost part of a large, grassed field. The main body of the site is of roughly square shape and is relatively level in terms of its topography. Neighbouring land uses tend to be rural/agricultural. This is with the exception of land to the south, which comprises part of the built up area of Tilstock. Perimeter planting is in place to the site's southern, western and northern boundaries, whilst Tilstock Road, from which access to the proposed development is intended to be drawn, runs along the western of these boundaries.
23. In terms of the landscape and visual effects of the proposal, there is a considerable degree of common ground between the main parties. This has been prompted via a Council-commissioned independent review (March 2025) of the appellant's Landscape and Visual Impact Assessment (the LVIA) (October 2024). Whilst the outcome of this review suggested specific amendments be made to the LVIA, it has been agreed through appeal-stage correspondence between the parties that amended assessment would not materially alter the findings of the LVIA.

24. Thus, in landscape character terms, there is consensus that the site has medium value, medium susceptibility to change, and medium overall sensitivity, and that the proposal would have a moderate permanent adverse effect on landscape character at a site level without impacting the key characteristics of the site's wider countryside context. Having considered all relevant submissions and undertaken inspection so as to obtain an appreciation of the site's makeup and the extent to which landscape character at a site level is already influenced by the immediate proximity of the northern edge of the village, I have no reason to dispute these areas of agreement.
25. As regards visual effects, obtainable views of the proposed development from publicly accessible vantage points would often tend to be of a restricted nature and at least partially filtered by the presence of intervening features such as existing property and established planting. For example, such limitations would apply to footpathed sections of Tilstock Road, Crabmill Meadow, and the car park that serves the village hall. It is also noteworthy that the planned removal and reinstatement of hedgerow along the Tilstock Road boundary would be fairly anticipated to have localised implications in a visual sense. This is especially in view of the manner in which Tilstock Road is laid out beyond the limits of the village, with its curving alignment and strong planted edges complemented by narrow verges unsuitable for navigation on foot.
26. Even so, there is consensus that a major visual effect would, in the initial period post-construction, ensue from positions along the PRoW. This runs roughly west to east from the rear of the primary school across expansive and open pastureland situated eastward of the site. Whilst this route is not lit or hard bound, so as to restrict its useability to some degree, it still offers a valuable recreational resource that is likely to attract usage by local residents.
27. It is relevant that a limited appreciation of the wider countryside beyond the site (to the west) is obtainable from the PRoW, in-part owing to the local topography and the presence of established planting to Tilstock Road's edges. It is also noteworthy that an awareness of Tilstock's current built edge is apparent from vantage points along the PRoW. Even so, the proposed development would – at least initially – be experienced as a clear and noticeable excursion into the open countryside. The associated major visual effect would apply to views experienced on an approximate western orientation along a not insignificant stretch of the PRoW.
28. It is however fair to assert that this major effect would be temporary. Moreover, taken in the context of available westward views from the PRoW, mitigation would take the form of a 10 metre wide woodland buffer aligning the site's eastern edge. A buffer of this extent would screen/soften views over time such that, by 15 years post-construction, there is agreement between the main parties that the adverse visual effect compared to baseline would reduce from major to moderate. Having considered all relevant information before me, I have no reason to take a different stance. I also note here that such planting would comprise part of a seemingly realistic and logical Landscape Masterplan<sup>10</sup> that incorporates the establishment and/or reinforcement of proportionate planted buffers.

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<sup>10</sup> Ref: P24-1425\_EN\_06C

29. As regards Tilstock's development pattern, it is evident that the village has been extended via incremental growth over time. As is apparent from historic mapping dating to the late 19<sup>th</sup>-century, it originated as a nucleated settlement concentrated around the meeting points of principal routes. Ribbon development to the east along Tilstock Lane was the predominant source of village expansion during the 20<sup>th</sup>-century, bolstered by recently implemented permissions for housing development on allocated sites (Churchfield and The Pastures).
30. Notwithstanding the linear pattern of expansion that is evident along Tilstock Lane, other modern extensions to the village have occurred. This includes in locations to the north, such as at Tilstock Close (off Tilstock Road) and Crabmill Gardens (off but setback from Tilstock Lane). Therefore, when also factoring in that dwellings can often be observed to occupy irregular plots, provide variable frontages, and exhibit differing styles/designs, it is fair to pinpoint that the village exhibits a mixed and compact pattern of development.
31. The scale of development proposed is significant, especially when considered in the context of Tilstock as a rural settlement that has retained a compact form despite its growth overtime. It is noteworthy that the number of dwellings intended considerably exceeds that offered by any other recently consented development proposal at the village and an obvious enlargement to the village's size would ensue beyond its built limits in contrast with the incremental manner in which the settlement has expanded. In this sense, most particularly due to its scale, the proposed development would not comfortably align with Tilstock's development pattern and rural identity so as to exacerbate, to some degree, the harm already identified in the specific sphere of landscape character and visual effects.
32. Even so, there are scheme-specific factors that dictate that the proposal would not be perceived as fundamentally at odds with the manner in which Tilstock has evolved through its history and exists today. For example, development would be positioned adjacent to a principal route (as is typically characteristic of previous growth).
33. Furthermore, the proposal's immediate relationship with built form to the south would mean that the development would ultimately be read and experienced as a part of the village as opposed to as a separate entity. This is even though a narrow strip of well-planted land, which a previous Inspector<sup>11</sup> in 2023 identified to form a well-defined edge to the settlement and to make a positive contribution to the rural character of the village's setting, abuts the site's southern boundary. Indeed, this neighbouring parcel of land abuts merely a portion of said boundary and newly intended accessible open space to the southeast of the site would incorporate a clear and direct pedestrian linkage so as to reinforce satisfactory integration with the village. It is also of relevance in a wider integration sense that, away from the village's built edge, existing field boundaries would be respected and reinforced wherever practicable and appropriate to do so.
34. It has been suggested that the proposal fails to embrace existing street patterns identifiable within Tilstock. It is true that no other similar arrangement of a primary street interconnected with a series of shared spaces is existent within the village. However, in view of a village street pattern that exhibits a series of ad hoc cul-de-sacs set off an irregularly aligned network of principal routes, I do not consider this

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<sup>11</sup> Ref: APP/L3245/W/3320163

problematic in a character or appearance sense. In any event, the precise layout of streets would only become apparent upon entry to (and circulation of) the new development.

35. Moreover, a legible street-level environment would materialise. This is especially owing to the formation of a central area of open space and the manner in which buildings would be positioned in perimeter block formations so as to directly address the public realm. I am also satisfied that, without prejudice to my findings upon the previous Main Issue of this appeal, appropriate on-site facilities for pedestrians would be incorporated so as to endorse suitable priority for movements via sustainable travel modes.
36. Indeed, the aforementioned pedestrian link, to be of all-weather specification, would connect to a primary street served by footway to both of its sides and logically positioned tactile-paved crossing points, off which unimpeded access to multiple shared surfaces would be readily obtainable. Accordingly, a range of route choices across a distinguishable hierarchy of streets would prevail as part of a permeable environment for pedestrians. Further, whilst cyclists would not have access to the pedestrian link, a cyclable network of streets off Tilstock Road would be achieved. For the avoidance of doubt, I shall cover matters pertaining to design speeds and highway adoption under Other Matters below.
37. On the basis of my above considerations, I am of the view that the proposed development would, from a detailed site-level urban design standpoint, integrate satisfactorily with Tilstock without being fairly anticipated to materially erode social cohesion or the vitality of the settlement. However, I have identified harmful effects in a character and appearance sense which stem from encroachment into the countryside and the significant scale of development under consideration. Indeed, temporary and permanent adverse landscape and visual effects (as detailed above) would be exacerbated via a failure of the scheme to fully respect a compact development pattern informed by small-scale growth overtime. Thus, harm of a meaningful moderate extent in a character and appearance sense would ensue. The proposal therefore conflicts to some degree with Policies CS5 and CS6 of the CS and Policy MD2 of the SAMDev in so far as these policies require development proposals to respect and enhance local distinctiveness.

#### *The extent of the housing supply shortfall*

38. It is common ground between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. As such, the presumption in favour of sustainable development is brought into play – the implications of which I shall return to in my Planning Balance below. In any event, it is necessary for me to assess the extent of the acknowledged shortfall for the purposes of guiding the degree of positive weight to be rightfully apportioned to the intended delivery of 70 dwellings at the appeal site.

#### *Housing Requirement*

39. As the Council's strategic policies are in excess of five years old, the Framework sets out that housing land supply should be measured against local housing need calculated using the standard method set out in the Planning Practice Guidance (PPG). The Council's most recent assessment<sup>12</sup> (the Supply Statement) was

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<sup>12</sup> Shropshire Council Five Year Housing Land Supply Statement, data to 31 March 2024, published 13 February 2025

undertaken in the context of local housing need and it is common ground between the main parties that the correct housing requirement figure<sup>13</sup> was calculated/used at the point in time when the Supply Statement was published in February 2025.

40. The point of dispute between the parties in a housing requirement sense surrounds whether the calculation of local housing need should be updated to take account of subsequent updates to data inputs. For context, the relevant paragraph<sup>14</sup> of the PPG confirms that housing stock data informs the baseline for calculating a minimum annual local housing need figure and that affordability ratio data guides an adjustment to take account of affordability. It has been brought to my attention that updated affordability ratio data was published in March 2025, and that updated housing stock data was published in May 2025.
41. Within the same aforementioned paragraph of the PPG, it is set out that, when calculating a minimum annual local housing need figure using the standard method, the most recent housing stock data published at the time should be used to assist in setting the baseline. Having considered the respective views of the parties, I am satisfied that the provision 'at the time' is apt to refer to any point in time when a housing requirement has to be calculated – for example, for the purposes of assessing the merits of this appeal. Indeed, with respect to this case, to construe that 'at the time' necessarily fixes the dataset to that available at either the base date of assessment or the publication date of the Supply Statement would represent an unduly inflexible approach to the potential detriment of objective decision-making.
42. It has been suggested that it would be inappropriate to update the 'need' side of the assessment without doing so to the 'supply' side. However, the updated data inputs are 2024-based and thus align with the relevant and agreed 1 April 2024 base date for calculating housing land supply. I am thus unpersuaded by this line of argument. Instead, in the circumstances that prevail here, it is fair to anticipate that the use of updated data inputs would promote reliable and robust assessment.
43. Whilst the Framework is explicit in its requirement for Councils to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against either their housing requirement set out in adopted strategic policies or their local housing need (as applicable here), it does not follow that any housing requirement/need adjustment should necessarily be made only on an annual basis. To the contrary and by way of example, Housing Delivery Test results produced annually by the Government can impact the relevant buffer to be applied to deliverable sites, whilst the age of strategic policies can – at a bespoke point in time – alter the methodology for calculating a housing requirement. Periodic adjustments are thus inevitable and do not, to my mind, perpetuate a constant or unmanageable state of flux.
44. On the basis of the above considerations, I find that the correct annual local housing need figure, when calculated in accordance with the latest available and relevant data inputs, equates to 2,025 dwellings. This generates a five-year housing requirement (with 5% buffer applied) of 10,631 dwellings across the five-year period 1 April 2024 to 31 March 2029.

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<sup>13</sup> Annual local housing need of 1,994 dwellings, generating a five-year housing requirement (with 5% buffer applied) of 10,469 dwellings across the five-year period 1 April 2024 to 31 March 2029

<sup>14</sup> Paragraph: 004 Reference ID: 2a-004-20241212

### *Supply of deliverable sites – relevant context*

45. It is the Council's position, following roundtable discussion at the Inquiry, that is able to demonstrate a supply of 9,344 deliverable housing units (equating to a 4.39 year supply when calculated against the correct housing requirement as set out above). The appellant's view is that 7,586 deliverable units comprise the supply (equating to a 3.56 year supply). The contributions to deliverable supply made by a total of 28 sites are disputed by the parties.
46. The term 'deliverable' is defined in the Framework's glossary. It sets out that, to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Moreover, sites which do not involve major development and have planning permission and all sites with detailed planning permission, should typically be considered deliverable unless clear evidence to the contrary were to exist. The definition also confirms that, where a site has outline planning permission for major development or has been allocated in a development plan, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
47. As set out in the PPG<sup>15</sup>, such clear evidence may relate to: progress towards approving reserved matters on larger sites (to potentially link to a planning performance agreement); progress towards the submission of an application (to potentially include confirmation/agreement of developer delivery intentions); firm progress with site assessment work; or to site viability, ownership constraints and/or infrastructure provision/funding. In the context just set out, I shall now move to assess the deliverability of individual disputed sites.

### *Disputed sites with planning permission*

48. There are three disputed sites<sup>16</sup> with planning permission, the Council made a sensible concession at the Inquiry so as to confirm a year slippage to anticipated delivery at Flax Mill, Spring Gardens is reasonable from its perspective. Having considered the respective submissions of the parties, I have no reason to take a different stance or to consider that any further slippage be accounted for. For the avoidance of doubt, with respect to all three of these disputed sites I am content that suitably clear progression towards realistic delivery numbers has been demonstrated against a backdrop of the principle of development having been established in each case. 144 deliverable dwellings are thus contributed to supply.

### *Disputed sites – allocated (adopted)*

49. Five adopted allocated sites are in dispute. In terms of Land at Ludlow Road, Cleobury Mortimer<sup>17</sup> and Land off Avenue Road, Broseley<sup>18</sup>, which comprise allocations in made neighbourhood plans, no clear evidence of progression towards applications has been provided such that no contribution to the deliverable supply is offered by either site.
50. As regards Land south of Ellesmere<sup>19</sup>, this the subject of a longstanding outline permission for 250 units permitted in December 2016. Full planning permission

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<sup>15</sup> Paragraph: 007 Reference ID: 68-007-20190722

<sup>16</sup> Ref (as taken from Core Document 4.9): 20/05065/OUT; 21/01136/FUL; 19/02385/FUL

<sup>17</sup> Ref: CM1

<sup>18</sup> Ref: HO2

<sup>19</sup> Ref: ELL003a & ELL003b

was subsequently granted for enabling works in July 2024, which, I understand, was sought to address issues encountered by past unsuccessful reserved matters applications. An application to vary the approved outline conditions was submitted in September 2024, in advance of anticipated fresh reserved matters applications. The September 2024 application is the subject of a positive January 2025 officer resolution, that is dependent upon the completion of a deed of variation to the original legal agreement – the finalisation of which has encountered unforeseen delays. To my mind, in view of the obvious progression made in recent times, there is satisfactorily clear evidence of deliverability. However, most particularly in view of the current delay, a slippage of one year when compared to the Council's forecast delivery timetable is reasonable to account for such that 101 units can be fairly attributed to the deliverable supply.

51. As regards Land at White Acres, Albrighton<sup>20</sup>, it is apparent that a reserved matters application for 88 dwellings is pending consideration and that a national housebuilder has become involved at detailed planning stage. Notwithstanding an overly ambitious early trajectory for delivery from the Council's perspective, I am content that, when factoring in the standard 10% non-delivery allowance that is routinely applied, 79 units can be rightfully considered deliverable. This, I note, equates to a slight reduction when compared to the figure relied upon by the Council.
52. In terms of Eastern Gateway Sustainable Urban Extension (SUE), Oswestry<sup>21</sup>, it is evident that a resolution to grant outline planning permission for 85 dwellings was reached earlier this year subject to the completion of a legal agreement. This process has yet to complete. It is relevant to my considerations that the site is subject to approved funding via the Housing Infrastructure Fund (HIF). All related matters considered, when noting the realistic trajectory for delivery purported by the Council, I am content that 45 units can be fairly attributed to the deliverable supply.
53. Thus, across these five sites, 225 deliverable dwellings are contributed to the housing land supply.

*Disputed sites – proposed allocations in now withdrawn Local Plan*

54. There are 17 disputed sites that formerly comprised draft allocations in the WLP. I first note that sites such as this, where the principle of development has yet to be established (assuming the absence of planning permission), do not conform to any specific site type referenced within either defined category of the Framework's definition of deliverable. Whilst these categories do not comprise a closed list, this situation offers relevant context to my deliberations.
55. Even though I am led to understand that all former draft allocations went through a rigorous site assessment process, the withdrawal of the WLP has only fuelled the potential for uncertainties to arise in the sense of gathering assurances that such sites shall ultimately be supported and built out.
56. I acknowledge that it was agreed via the Council's cabinet in early 2025 that the evidence base that supported the WLP is a material consideration in decision making on relevant planning applications (to include planning applications for new

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<sup>20</sup> Ref: ALB002

<sup>21</sup> Ref: OSW024

development on sites formerly proposed to be allocated) in order to support the presumption in favour of sustainable development. However, in the absence of formal emerging allocations supported by emerging policies capable of being attributed material weight in decision-making, I cannot accept any assertion made that this cabinet resolution shall necessarily ensure consistency and certainty for all parties. Instead, inherent uncertainties are a natural consequence of the present situation.

57. There are various disputed sites comprising former proposed allocations where planning applications for major development have either yet to be submitted or are yet to be determined. In situations such as this, there are inevitably challenges associated with accumulating sufficient evidence to clearly demonstrate that such sites represent suitable locations for development now and that there is a realistic prospect that housing will be delivered within five years.
58. For example, at Land between Mytton Oak Road and Hanwood Road, Shrewsbury<sup>22</sup>, notwithstanding the existence of Statements of Common Ground (May 2022 and September 2024) between the Council and site promoter which sets out anticipated construction and buildout rates, an anticipated outline planning application has yet to be submitted. With a swift and successful navigation of the application process in no way guaranteed, no contribution to the deliverable supply can be fairly attributed from this site.
59. At Tasley Garden Village, Bridgnorth<sup>23</sup> an outline planning application for up to 1,500 units is pending consideration with national housebuilders on board. There is, I understand, a Planning Performance Agreement (PPA) in place that indicates determination by the end of December 2025. However, additional supporting documentation has stemmed from requests/objections made, and it was confirmed at the Inquiry that the scheme shall/did not make the November Committee agenda. Moreover, PPA deadlines are subject to change and, of course, cannot override formal determination processes. To my mind, in view of the absence of outline planning permission and the overriding uncertainties that prevail, no supply contribution can be fairly attributed within the relevant five year period.
60. Turning to Land west of Ellesmere Road, Shrewsbury<sup>24</sup>, there is again a live outline planning application that was, in this case, submitted in 2022 for up to 450 dwellings. Delays in determination have been associated to a Council decision to pause the North West Relief Road (NWRR), although I understand a Statement of Common Ground (2024) is in place between the Council and the site promoter where indicative timescales and in-principle agreement to the delivery of 150 dwellings in advance of the NWRR is set out. It is nevertheless apparent that new modelling work has only just been received by the Council which, at the point in time of the Inquiry, had yet to be comprehensively appraised. To my mind, in the absence of outline planning permission nor any guarantees of its timely granting, no clear evidence of deliverability has been demonstrated such that no units can be fairly attributed to the deliverable supply.
61. As regards Land north of Chester Road, Whitchurch<sup>25</sup>, a full planning application for 190 dwellings is pending consideration – this was validated in July 2025 and is

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<sup>22</sup> Ref: SHR060 & SHR158 & SHR161

<sup>23</sup> Ref: BRD030

<sup>24</sup> Ref: SHR173

<sup>25</sup> Ref: WHT037 & WHT044

due to be determined via Committee in due course. It is my understanding that objections have been received by local residents that, in some cases, relate to the principle of development. There are no guarantees that planning permission shall be granted such that, even though no detailed reserved matters approvals would be required post-determination, there is no sound justification for this site to contribute any units to the deliverable supply.

62. With respect to Land adjoining Adderley Road, Market Drayton<sup>26</sup>, a full planning application for 115 dwellings has recently been validated, and a national housebuilder is involved. However, especially in the context of this most recent application having followed a previous scheme that was refused in July 2024, it would appear fair to assert that no guarantee of a successful outcome is existent. Thus, even though the pending application is in full as opposed to in outline, clear evidence of deliverability is lacking such that no units are contributed to the deliverable supply.
63. As regards Land at Longford Turning, Market Drayton<sup>27</sup>, an outline planning application for up to 100 dwellings is pending consideration and it was confirmed at the Inquiry that it is/was scheduled to go before Committee in November with a positive officer recommendation despite outstanding objections from local residents. Of further relevance, despite apparent reference from the relevant land promoter to an aim of securing planning permission quickly, any meaningful progress towards the potential submission of reserved matters has not been clearly established. In the context just set out, I find that no units should be credited to the deliverable supply.
64. Turning to Land adjoining Boraston Drive on A456, Burford<sup>28</sup>, no outline application has been submitted, and no clear evidence of realistic deliverability is before me. No contribution is therefore offered to the deliverable supply.
65. With respect to Land between the A53 and Poynton Road, Shawbury<sup>29</sup>, a full planning application for 130 dwellings has been recently submitted. It was confirmed at the Inquiry that there are matters to go back to the applicant upon related to the quality of the submission. In this context, there is plainly no guarantee of a swift and positive resolution. On the basis of an absence of clear evidence of deliverability, no units can be rightfully credited to the housing supply from this site.
66. As regards Land adjoining But Lane on A458, Ford<sup>30</sup>, whilst evidence has been supplied of pre-application engagement with the relevant Parish Council in regard to a potential scheme comprising 102 affordable dwellings, the type of envisaged application is unclear. In any event, no application has been submitted and no clear evidence that housing completions shall begin within five years of the base date of assessment is existent. As such, no units can be credited to the supply.
67. At Land at Liverpool Road, Whitchurch<sup>31</sup>, a full application for 67 dwellings is pending consideration and a national housebuilder is on board. The application was validated in August 2025 and follows a previous unsuccessful scheme that

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<sup>26</sup> Ref: MDR006

<sup>27</sup> Ref: MDR039 & MDR043

<sup>28</sup> Ref: BUR004

<sup>29</sup> Ref: SHA019

<sup>30</sup> Ref: FRD011

<sup>31</sup> Ref: WHT014

was determined in 2016. On the basis of the evidence before me, there is no guarantee that the live application shall reach a positive and timely resolution. Moreover, no clear evidence of deliverability has been provided and no contribution to the deliverable housing supply is offered.

68. Turning to Land south of Sundorne Road, Shrewsbury<sup>32</sup>, whilst awareness of progress towards the submission of a planning application has been highlighted by the Council, no such application has yet come to fruition. Clear evidence of deliverability is absent such that no units can be attributed to the deliverable housing supply.
69. At Land east of Barley Meadows, Llanymynech<sup>33</sup>, an outline application for 48 dwellings that was validated in July 2025 is pending determination. The Council suggested at the Inquiry that its November Committee was being potentially considered for the scheme's determination, even in the context of outstanding objections having been drawn to my attention. No obvious indication of a likely positive outcome is existent. It is also relevant that no material progress towards the potential submission of reserved matters has been established. To my mind, deliverability has not been clearly established such that no units contribute towards supply.
70. As regards Land west of Shrewsbury Road, Baschurch<sup>34</sup>, an outline application for 37 dwellings has been received following pre-application discussions. This was validated in August 2025 with no further update offered by the Council at the Inquiry. A likely positive outcome has not been robustly substantiated, and clear evidence of deliverability is lacking. No units are attributed to the supply.
71. Turning to Land west of A488, Minsterley<sup>35</sup>, a full planning application has been recently received following pre-application discussions. It is an affordable scheme comprising 25 units. At this point, there exists no clear indication that planning permission shall be granted. Thus, even though the application is in full rather than outline form and relates to a relatively limited scale of development, a realistic prospect of delivery within the relevant five year period has not been suitably substantiated. No units are credited to the deliverable supply.
72. With respect to Land east of Villa Farm, Bicton<sup>36</sup>, an outline planning application for 18 units was validated in August 2025. It is my understanding that objections have been received by local residents. In the absence of planning permission or any clear indication that any such permission shall likely be obtained in a timely fashion, sufficient and clear evidence of realistic deliverability is lacking. No units can be attributed to the deliverable supply.
73. In terms of Land north of Kingswood Road and Beamish Lane, Albrighton<sup>37</sup>, this is now a site where outline planning permission for up to 150 dwellings has been established – this was granted in May 2025. The sale of the site to a national housebuilder has been recently confirmed and I have been alerted to a September 2025 statement from them suggesting that a detailed planning application is being prepared. In this context, notwithstanding an overly ambitious

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<sup>32</sup> Ref: SHR054a

<sup>33</sup> Ref: LYH007

<sup>34</sup> Ref: BNP024

<sup>35</sup> Ref: MIN018

<sup>36</sup> Ref: BIT022

<sup>37</sup> Ref: ALB017 & ALB021

early trajectory for delivery from the Council's perspective, I am satisfactorily content that 97 units can be rightfully considered deliverable across the relevant five year period.

74. As regards Land between Windmill View and The Monument on A464, Shifnal<sup>38</sup>, a full application relating to 57 dwellings across – I understand – approximately half of the site is pending determination. It was explained at the Inquiry that a resolution to grant planning permission under delegated powers is in place subject to the completion of an associated legal agreement. It is also my understanding that this legal agreement is anticipated to be of somewhat simple composition, centred upon affordable housing and open space provisions. With a national housebuilder on board and no detailed subsequent reserved matters applications required, I am content that clear evidence of deliverability exists for this particular part of the site. However, the same conclusion cannot rightfully apply to the remaining part of the site, which is not, I understand, the present subject of a live application for development. When factoring in the standard 10% non-delivery allowance, 51 units can be attributed to the deliverable supply.
75. Thus, across these 17 disputed sites, 148 deliverable dwellings are contributed to housing land supply.

*Disputed sites – Strategic Land Availability Assessment (SLAA) and affordable housing sites*

76. There are three disputed sites that fall under this particular sub-heading. Land behind 18-34 Aston Road, Wem<sup>39</sup> was initially identified via the Council's SLAA. An outline planning application for 38 dwellings was submitted in September 2024 and is pending determination. I understand that additional information has been requested/required to support the application since its submission. On the basis of no clear assurances related to a likely timely and positive outcome, deliverability has not been satisfactorily demonstrated such that no units are contributed to the deliverable supply.
77. As regards New Street, Wem<sup>40</sup>, despite stated proactive engagement with the site's promoter and a Registered Provider seemingly being on board, no application has been submitted at this point. Thus, notwithstanding any possible link to time-limited Homes England funding, clear evidence of deliverability is lacking. No units are attributed to the deliverable supply.
78. Turning to land West of Swain Close, Wem<sup>41</sup>, an outline planning application for 21 affordable units was submitted in June 2024 and a resolution to grant permission has been reached subject to the finalisation of a legal agreement. A developer and associated Registered Provider are on board, whom I understand continue to work in close collaboration with the Council's affordable housing enablement service and are actively preparing for the reserved matters process. Further, a link to Homes England funding that is dependent upon a swift completion of the project has been brought to my attention. All relevant matters considered, I am content that the deliverability of this relatively small scheme has been suitably established.

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<sup>38</sup> Ref: SHF022 & SHF023 (part)

<sup>39</sup> Ref: WEM018

<sup>40</sup> Ref: NS, Wem

<sup>41</sup> Ref: SC, Wem

79. Thus, with the standard 10% non-delivery allowance applied, 19 deliverable dwellings are contributed to the housing land supply across these three disputed sites

*Supply of deliverable sites – conclusion*

80. On the basis of my above site-by-site analysis, it can be identified that, across all 28 disputed sites combined, 536 dwellings are contributed to the deliverable housing supply. When added to the 7,586 dwellings that are not disputed by the parties (minus the 13 dwellings acknowledged by the appellant to be deliverable at the disputed site, Land to the south of Chirbury<sup>42</sup>), the **total deliverable supply is 8,109 dwellings**. When measured against a five-year housing requirement (with 5% buffer applied) of 10,631 dwellings across the relevant five-year period, an **undersupply of 2,522 dwellings** is calculated. This translates to a **3.81-year supply** of deliverable housing sites.

## **Other Matters**

### *Heritage*

81. Christ Church (the Church) is a Grade II Listed Building of 19<sup>th</sup>-century origin. Its significance and special interest as a designated heritage asset is drawn, in-part, from its age, its relevance to the historic evolution of the village, and its role and function as a visual and social landmark. This significance and special interest is further underpinned by the asset's traditional materials – predominated by red brick and slate – and the often inherently rural nature of its wider surroundings. The appeal site, albeit separated from the Church beyond intervening modern development, comprises a part of the asset's setting.
82. Upon inspection, I noted visibility of the Church's tower from various locations that included positions upon and proximate to the appeal site. It is fair to anticipate that some views of the Church (or, more specifically, its tower) would be disrupted by the proposed development. However, most particularly owing to the present existence of intervening modern buildings, the extent of this disruption would be limited. As such, it is my judgement that, when considered in a holistic sense, the scheme would not unduly dominate or unacceptably impinge upon views currently available from publicly accessible vantage points. Moreover, when also factoring in the prevailing rural context that would continue to be contributed to by other agricultural land within the Church's wider setting post-development, I find that the proposal would have no material adverse effect upon the Church's setting and thus would result in no loss of heritage significance or special interest.

### *Habitat sites*

83. The site lies near to the Brown Moss Special Area of Conservation, which also comprises part of the Midland Meres and Mosses Phase 1 Ramsar Site. It is also proximate to Cole Mere, which comprises part of the Midland Meres and Mosses Phase 2 Ramsar Site.
84. Therefore, I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitat Regulations). These regulations require that, where the project is likely to have a significant effect on (a) European site(s) (either alone or in combination with other plans or projects), the competent

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<sup>42</sup> Ref: 21/01136/FUL

authority must make an appropriate assessment of the implications of the project in view of relevant conservation objectives. For the purposes of this appeal, I am the competent authority. For the avoidance of doubt, whilst Ramsar sites are not protected via the Habitat Regulations, proposals affecting them still require habitat regulations assessment due to the protection afforded to them via the Framework.

85. Brown Moss is a wetland area. It consists of a series of pools set in lowland heathland and woodland. It is designated as a SAC specifically for its population of Floating Water Plantain, an aquatic plant. The Ramsar designation within which it falls stems from a range of wetland habitat and associated assemblages of rare plants and invertebrates. Cole Mere is a flora-rich mere containing open water and bog that supports a diverse range of aquatic invertebrate fauna. Recreational visits hold the possibility of damaging the designated features of both Brown Moss and Cole Mere, as is corroborated by submitted documentation that includes the Habitats Regulations Assessment (December 2020) that was undertaken in relation to the Regulation 19 Pre-Submission Draft of the WLP. The proposed development would be likely to have a significant effect on the qualifying features of these sites.
86. The legal agreement secures a contribution agreed by the main parties, calculated on the basis of £50 per bedroom (for Brown Moss and Cole Mere – so £100 per bedroom in total). This would be paid to the Council prior to the commencement of development, with the Council covenanted to direct the contribution for the purposes of providing visitor improvement measures. This would be in the interests of mitigating recreational impacts. Such visitor improvement measures include improved visitor signage, visitor infrastructure maintenance, car park improvements, and visitor monitoring.
87. Natural England (NE), in its role as the statutory nature conservation body, has stated a lack of awareness of the evidence base related to existing or projected recreational pressure impacts and has noted that no strategic solution has been agreed. Consistent with this, it is my understanding that the withdrawal of the WLP has delayed progression towards the publication of any formally agreed mitigation strategy or mitigation tariff for either Brown Moss or Cole Mere.
88. Even so, it is apparent that the Council has, over a prolonged period of time, sought to progress a detailed evidence base as a precursor to formally determining appropriate site-specific mitigation measures. For example, management plans informed by detailed visitor survey reports have been produced for both Brown Moss and Cole Mere, whilst a draft Recreation Mitigation and Monitoring Strategy was published for Cole Mere as recently as January 2023, which contains a series of detailed and costed mitigation measures. As an integral part of the explorative work carried out to date, the site falls within preliminarily identified indicative visitor catchment areas within which it has been identified additional housing may contribute to an increase in recreation pressure on either Brown Moss or Cole Mere.
89. As a consequence of the above, it is inevitable that the Council has accrued a depth of understanding related to the risks associated with recreational pressure at the designated sites in question and to what constitutes fair and proportionate mitigation. Accordingly, it has been able to pinpoint specific active mitigation measures that contributions would be directed towards, and – with respect to housing schemes situated within the respective indicative visitor catchment areas

– it has, I am led to understand, made requests on a consistent basis in recent times. Thus, whilst it would clearly be preferable for a formalised mitigation strategy and adopted tariff to be in place (a position I am content shall be realised in due course), I am suitably satisfied that sufficient and proportionate mitigation is secured to guard against an adverse effect on the integrity of any habitats site. To take a different stance would run contrary to the evidenced professional opinions of the main parties and would – in my view – be unjustified at this juncture.

90. For the above reasons, the proposal would mitigate its likely significant effect upon the Brown Moss Special Area of Conservation and the Midland Meres and Mosses Phase 1 Ramsar Site that it comprises a part of, and upon the Midland Meres and Mosses Phase 2 Ramsar Site that Cole Mere comprises part. I am thus satisfied that the development would not adversely affect the integrity of these sites. The proposal therefore accords with Policy MD12 of the SAMDev and the natural environment provisions of the Framework, in so far as these policies set out that permission will be refused where habitat regulations assessment indicates an adverse effect on the integrity of a designated site which cannot be avoided or fully mitigated.

#### *Local Housing Need*

91. A Local Housing Need Assessment (LHNA) has been produced by the appellant for the purposes of seeking to illustrate the local housing need for the local area at a neighbourhood level. However, there are factors that bring into question the reliability and robustness of the LHNA's conclusions. For example, it applies a methodology intended to support the apportionment of a wider housing requirement to a Neighbourhood Plan geography that does not align with the geographical basis of the current development plan. Further, it has drawn on no direct engagement with relevant communities to assist with understanding their needs. It is also the case that it could be interpreted that somewhat speculative assertions are sometimes drawn from the demographic profile of the area as presented. I therefore find the LHNA to attract limited evidential weight. However, especially in view of the housing requirement rightly applicable at an authority-wide level, this finding is not determinative to the outcome of this appeal.

#### *Highway capacity and safety*

92. The scheme is supported by a Transport Statement (October 2024) (the TS) that, amongst various other highway-related matters, considers anticipated trip generation and any associated off-site impact. ATC data has been collected and used to inform current traffic conditions along Tilstock Road. The TS indicates that, once anticipated trips are distributed beyond the site access, the impact upon the highway network would fall below the threshold of requiring further assessments at offsite junctions. Having considered the scale of development and fairly anticipated trip rates, I have no reason to take a different stance and note that neither has the Highway Authority (HA) raised issues in a highway capacity sense.
93. In terms of the suitability of the site's access design, it is noteworthy that the Technical Note responds to concerns raised by the HA, including in relation to the suitability of data used to inform the design of vehicular visibility splays and to the potential for queuing northbound right-turning traffic to materialise. Moreover, additional ATC data was collected and redesigned/extended splays have been

accommodated through the provision of revised plans. In addition, an absence of forecast queuing vehicles on Tilstock Road has been robustly demonstrated through related modelling work. In highway safety terms, the HA, in advance of the Inquiry, confirmed acceptance to the revised access solution. For the avoidance of doubt, I too am content that highway safety would not be prejudiced in this sense even with no associated speed limit change intended along Tilstock Road.

94. I note that forward visibility at various bends of the proposed road layout would be dependent, if only in-part, upon the continued availability of visibility across front garden spaces. The private nature of such spaces raises some prospect of future obstructions to visibility occurring that would be challenging to effectively enforce against. However, having considered matters that include the alignment/composition of intended highway bends, proposed surfacing, and the precise extent to which calculated forward visibility splays as annotated upon submitted plans<sup>43</sup> would overlay private spaces, I am content that highway and pedestrian safety would not be prejudiced as a consequence of the fairly anticipated standards of visibility to be achieved on-site.
95. I also note here that, in the absence of adopted parking standards, I take no issue with the number of parking spaces intended. Indeed, the number of proposed spaces is not excessive and the aim to avoid indiscriminate on-street parking is a legitimate one from a safety perspective.

#### *Highway adoption*

96. Concerns have been raised from the Council's perspective that the proposed road layout may not be adoptable as public highway. This position principally stems from concerns that intended block-paved shared surfaces would generate excessive routine maintenance requirements in lieu of their low design speed (15mph) and lack of tolerance to accommodate vehicle movements of greater speed.
97. It is not my role to determine the suitability of the proposed layout for future adoption. However, the evidence before me offers a clear indication that the proposed road layout has been designed with the clear aims of meeting adoptable standards and seeking subsequent adoption. For example, relevant provisions of the SMART were brought to my attention at the Inquiry and measures to reduce speed (tight bends and block paving) are embedded in the current detailed design.
98. Whilst it has been suggested that a 15mph design speed cannot be appropriately applied in view of standard speed limits, this stance has not been robustly substantiated and would appear at odds with specific design speed guidance contained within MfS. Further, it is noteworthy that discussion at the Inquiry indicated that a change to the materiality of shared surface areas (potentially governable by a hard and soft landscaping condition) could offer the realistic opportunity for an acceptable agreed solution to be reached without unduly compromising the achievement of high-quality design. This is despite the low design speed at play.
99. To my mind, should the appeal be successful and the development be implemented, any risks associated to the proposed road layout not being adopted

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<sup>43</sup> Ref: SH5037-10PD-002 Rev C

and actively maintained as public highway are minimal. Indeed, it is evidently not the case that wholesale changes to the proposed layout would be necessitated to cater for the requirements of the HA and, even if adoption ultimately proved to be unobtained, the potential for on-site roads to be alternatively managed and maintained on a private basis could be legitimately explored.

100. It is also of relevance that the standards to which the roads and footpaths serving the development would be constructed could be secured via condition in the event the appeal be successful. For the avoidance of doubt, given the above context, any further condition requiring signage to be erected and maintained for the purposes of confirming the presence of private streets and footpaths would be unreasonable and inappropriate.

*Biodiversity, including protected species*

101. The scheme is supported by a Preliminary Ecological Appraisal (October 2024) (the PEA) informed by on-site survey work. The PEA identifies the site to predominantly comprise modified grassland of limited ecological value and contains discussion and recommendations with respect to protected species. I note that no significant impact on foraging and commuting bats is anticipated and that no evidence of badgers was identified (notwithstanding the presence of suitable habitat).
102. As regards great crested newts (GCNs), there are various ponds situated within or close to the site. As confirmed via a relevant Technical Note (June 2024), seven ponds within 250 metres of the site were surveyed in April 2024 in accordance with best practice. One of these ponds, situated eastward of the site, was found to have GCNs present and to have good suitability for the species. No other surveyed pond returned a positive result in terms of presence, but a number were found to offer good suitability.
103. As a consequence of the above, as confirmed via the PEA, it is the appellant's intention to join the District Level License Scheme that is led by Natural England so as to allow any potential adverse impacts upon GCNs to be proportionately mitigated for through the establishment of suitable mitigation off-site. An 'Impact Assessment and Conservation Payment Certificate', signed and dated (December 2024) by a representative of Natural England, has been submitted to corroborate this intention.
104. I have no reason to doubt that the relevant legal tests that apply to license applications shall be complied with. Thus, for the avoidance of doubt, should this appeal be successful, it would be unnecessary to require any further proof related to a District Level License being secured via condition. For the avoidance of doubt, there are relevant statutory duties that apply outside of the planning process.
105. In terms of birds, a Breeding Bird Report (July 2025) (the BBR) has been submitted at appeal stage which documents surveys undertaken between 12 May and 11 July 2025. Its purpose has been to establish baseline conditions and to identify the presence or otherwise of notable breeding bird species (most specifically skylarks) within the surveyed area. A total of 29 bird species were recorded via the fieldwork undertaken, which included various protected/notable species. However, no species was found to be present in sufficient number to indicate international or national level importance.

106. No skylarks, which are ground nesting, were heard or seen on the site or in immediate proximity to the site during the survey work, although one was heard singing to the east of the site and there is acknowledgement via the BBR that this species is present in the wider landscape. To promote the protection of breeding birds, reasonable avoidance measures are to be undertaken during construction (full details of which would be securable via a Construction Environmental Management Plan), and habitat creation is embedded in the overall scheme design and landscape masterplan.
107. An updated Biodiversity Net Gain Report (Submission 3) (August 2025) and associated metric calculation establish that a measurable and policy-compliant biodiversity net gain can be anticipated (in terms of both habitat units and hedgerow units). This is whilst factoring in the intended loss of an approximate 89 metre stretch of existing hedgerow along Tilstock Road. I have no reason to doubt the conclusions of this work and note that related provisions to secure biodiversity net gain are contained within the legal agreement.

*Best and Most Versatile (BMV) agricultural land*

108. The site has not been the subject of a site-specific assessment to determine its agricultural land classification. In accordance with the Agricultural Land Classification map, there is strong potential for it to comprise BMV agricultural land. Thus, for the purposes of this appeal, it is reasonable to proceed on the precautionary basis that the site does indeed comprise BMV land<sup>44</sup>.
109. The Framework sets out that planning decisions should contribute to and enhance the natural environment by, as one of various wide-ranging provisions, recognising the economic and other benefits of BMV agricultural land. Its intended loss, which would remove its potential to contribute food production, constitutes an adverse effect of the development proposal. Nevertheless, owing to a prevalence of BMV land in Shropshire, it is inevitable that some such land shall require utilisation for the purposes of delivering housing in the context of the significant supply shortfall that is identifiable. As such, a loss of BMV land is not determinative to the outcome of this appeal. Limited harm is attributable, which I shall recognise in my Planning Balance below.

*Further Other Matters*

110. I note here that Policy MD3 (Delivery of Housing Development) of the SAMDev requires regard to be had to a number of factors – including the increase in number of dwellings relative to the guideline and the presumption in favour of sustainable development – when considering the merits of any residential proposal that would result in the relevant settlement housing guideline being exceeded (as is the case here). For the avoidance of doubt, in lieu of the outcome of my Planning Balance below, I do not identify conflict with Policy MD3. Further, in the interests of clarity, I do not identify material conflict with Policy CS7 of the CS in so far as it sets out broad aspirations for communications and transport.
111. Various appeal decisions appear before me and have been referred to in the respective submissions of the parties. In some instances, comparisons to the appeal proposal before me have been sought to be drawn. This includes an

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<sup>44</sup> Grade 2 and/or Grade 3a

unsuccessful decision<sup>45</sup> from October 2025 that relates to an outline scheme for 99 dwellings at Hurst, which falls within the borough of Wokingham. Although a number of the matters that were in dispute at Hurst are replicated here, the presumption in favour of sustainable development was not engaged owing to an identified failure to meet the sequential test in a flood risk sense. When also noting that the Hurst decision was made in the context provided by a different development plan and individual site circumstances, it is a decision of little relevance to my deliberations.

112. A recent September 2025 appeal decision<sup>46</sup>, also unsuccessful, has also been drawn to my specific attention. This relates to a scheme for 75 units at the settlement of Tytherington in South Gloucestershire. It is again the case that similar matters of dispute were at play. It is nevertheless apparent that the Inspector at Tytherington was unable to identify the existence of a bus service that could be fairly thought of as an established service, with significant uncertainties surrounding associated funding. In this sense, when again noting that a different development plan was in place and variant individual site circumstances would have prevailed, it is difficult to draw direct parallels between the Tytherington decision and the proposal that is before me for determination. It is thus a decision of little relevance.
113. Concerns have been raised in relation to the extent of public engagement carried out at (and prior to) planning application stage, and I am led to understand that at no stage did the appellant attend a Parish Council meeting to present the scheme. However, the evidence before me indicates that some direct engagement with the local community did occur at pre-application stage. For example, a consultation meeting in the village hall has been referenced in the submissions of the Parish Council. In any event, there is no clear reason to suspect that any statutory requirement in an engagement/consultation sense was not met.
114. A suggestion has been made that the new pedestrian link to the southeast of the site raises safeguarding concerns and the prospect for criminal/anti-social behaviour to arise. However, the new link, which is intended to be lit, would be in-part overlooked by newly proposed housing. It would also connect to the PRoW, which already affords public access alongside and to land to the rear of the primary school. I find the proposal to be acceptable from a safeguarding/crime prevention perspective.
115. I have noted concerns raised by an adjacent farmer as regards the potential for noise disturbance to occur during the construction and occupational phases of development, and for future occupiers to enter his land. However, there is no clear reason to suspect the noise to be generated by either construction activities (which would temporary/time-limited) or future residential occupiers would be to an extent likely to cause undue stress for adjacent livestock. Further, it would be unlawful for any future occupier to commit trespass and a clear distinction between the appeal site and neighbouring private land would prevail post-construction. In this context, the concerns raised do not offer a legitimate basis by which to resist the development proposal.
116. Concerns have been raised by interested parties that further growth at Tilstock shall place undue pressure upon local infrastructure. I have also noted comments

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<sup>45</sup> Ref: APP/X0360/W/25/3364304

<sup>46</sup> Ref: APP/P0119/W/25/3360622

made that Tilstock Primary School is currently over-subscribed. However, the development would be subject to a Community Infrastructure Levy used to fund infrastructure in Shropshire needed to support new development (including with respect to education and health facilities). There is thus no fair reason for me to suspect that a proportionate contribution to support infrastructure provision would not be forthcoming. Moreover, it has not been clearly demonstrated that any unduly disruptive effect upon the village's school would be fairly anticipated as a consequence of the proposal.

117. An interested party with a disability and restricted mobility has raised concerns related to traffic conditions and infrastructure capacity. As such, the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 is applicable. The PSED requires, amongst other provisions, due regard to be had to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not. In view of the specific implications of the scheme and my associated reasoning above, the PSED does not alter the outcome of my highways and infrastructure related deliberations.

### **Legal Agreement**

118. The legal agreement secures the on-site provision of 10 on-site affordable dwellings, to be comprised of seven social rented dwellings and three shared ownership dwellings. This level of provision would exceed the current plan requirement (10%) and be supplemented by an Affordable Housing Contribution calculated in accordance with the Type and Affordability of Housing Supplementary Planning Document (September 2012) so as to achieve 15% provision.
119. Also secured, is the delivery of Public Open Space (POS) in compliance with the overarching provisions of Policy MD2 of the SAMDev and in accordance with a detailed POS specification to be agreed. Management and maintenance provisions would be undertaken via either an appointed management company or the Parish Council (following land transfer and the provision of a commuted sum for maintenance purposes). In accordance with the Detailed POS Hard and Soft Landscaping Proposals<sup>47</sup> submitted, the POS is to incorporate features that would include a wide array of new planting, unadopted footpaths, and both a Local Equipped Area for Play and Local Area of Play which I am content would be fit-for-purpose.
120. The submission and implementation of a Habitat Management and Monitoring Plan related to the management and maintenance of Biodiversity Gain Land for a period of not less than 30 years is secured via the legal agreement in association with the payment of a Biodiversity Gain Land Monitoring Contribution. This approach is consistent with national policy and associated statutory requirements. Whilst it is not ideal that the calculation used to generate the monitoring contribution is unclear, the £20,613.77 figure would appear broadly proportionate for its intended purpose, and to not secure a meaningful monitoring fee would bring into question the credibility of the scheme's BNG provisions.

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<sup>47</sup> Sheets 1-4 P24-1425\_EN\_07C

121. A Ramsar contribution is secured towards providing a suite of visitor improvement measures to mitigate recreational impacts consistent with the terms discussed under the relevant habitat sites section of Other Matters above.
122. I am satisfied that the various contributions and provisions secured through the legal agreement would be necessary to make the development acceptable in planning terms, would be directly related to the development, and be fairly and reasonably related in scale and kind.

## **Planning Balance**

### *The presumption in favour of sustainable development*

123. As a consequence of the housing supply situation identified above, the policies most important for determining the scheme are deemed out-of-date. As such, given that the policies of the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing planning permission, the presumption in favour of sustainable development is engaged.
124. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole. This is, as set out in the Framework, whilst having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

### *Adverse impacts, including the apportionment of weight to identifiable development plan policy conflicts*

125. In terms of the scheme's adverse impacts, I have identified conflict with Policies CS1, CS4 and CS5 of the CS and Policies MD1, MD7a and S18.2 of the SAMDev in so far as they establish a spatial strategy for the distribution of development. This is a strategy that incorporates the designation of settlement-based development boundaries and places strict controls over new development in countryside locations situated beyond said boundaries, such as the appeal site.
126. I acknowledge that development boundaries were not drawn on an arbitrary basis. Even so, in circumstances where the policies most important for determination are deemed out-of-date as a consequence of the housing supply situation in Shropshire, the site's position outside of Tilstock's development boundary (a boundary that has acted to restrict housing delivery) is not decisive to my considerations. Moreover, in such circumstances, the level of weight to be fairly attributed to the harm brought about by identifiable conflict with the suite of policies directing the distribution of new development is limited.
127. Notwithstanding my above finding in a locational sense, I have identified conflict with Policies CS5 and CS6 of the CS and Policy MD2 of the SAMDev in so far as they relate to safeguarding character and appearance and local distinctiveness. They are policies that exhibit consistency with the Framework in so far as it seeks to recognise the intrinsic character and beauty of the countryside and promote development that is sympathetic to local character. For reasons that are set out in detail in my reasoning above, the proposal would cause moderate associated harm in a character and appearance sense.

128. I have additionally identified conflict with Policy CS6 of the CS in so far as it concerns the accessibility of facilities and services and supports sustainable transport choices. It is a policy that is consistent with the Framework in so far as it promotes the provision of sustainable travel opportunities. For reasons set out in detail above, the proposal would cause moderate associated harm by virtue of the site not representing an appropriate location for housing having particular regard to access to surrounding facilities and services.
129. Further, the loss of BMV agricultural land necessitated by the scheme constitutes a harm that is fairly attributed limited weight for reasons that are set out under Other Matters above.

#### *Scheme benefits*

130. The proposal involves the creation of 70 additional housing units in a location within a local authority area where I have identified the housing land supply to currently sit at 3.81 years, an undersupply of 2,522 units. This represents a significant shortfall when compared to the minimum five-year supply threshold endorsed by the Framework. Whilst an identifiable supply shortfall across the county has not been longstanding, having been brought about by a recent change in national calculation methodology, any suggestion that a temporary methodological anomaly is in existence has not been robustly substantiated. This is especially so in the absence of any realistic prospect of up-to-date strategic policies obtaining adoption in the near future. In such circumstances, the additional dwellings would make a meaningful and important contribution to the supply-deficit and attract very significant weight as a scheme benefit.
131. Further, the above policy requirement delivery of 15% affordable homes principally as part of the housing to be developed would promote the delivery of distinct social benefits that carry significant weight. In addition, there would be job creation during the construction phase and increased household spending generated once the development becomes occupied which are benefits that attract moderate weight. Further, a net gain in biodiversity of at least 10% is a benefit that attracts moderate positive weight, whilst the provision of open space and PRow upgrades principally intended to serve future occupiers of the development attract minimal positive weight. Moreover, the scheme's benefits would be very significant when assessed in cumulative terms and attract substantial weight.

#### *Final Balance*

132. Having considered the adverse impacts and benefits of the scheme before me, I conclude that the adverse impacts identified, comprising limited harm by virtue of conflict with the Council's spatial strategy for distributing development, moderate harm by virtue of the site not representing an appropriate location for development having particular regard to the accessibility of facilities and services, moderate harm to the character and appearance of the area, and limited harm as a consequence of lost BMV farmland, would not, in combination, significantly and demonstrably outweigh the proposal's substantial benefits when assessed against the Framework's policies taken as a whole whilst having particular regard to key policies as presented above. Thus, the presumption in favour of sustainable development, as set out in the Framework, applies.
133. Therefore, notwithstanding identifiable conflict with a number of the most important policies for determining this appeal, there are material considerations, including

the Framework, that indicate that the proposal should be determined otherwise than in accordance with the development plan in this instance.

### **Conditions**

134. A list of draft planning conditions was worked upon by the parties in advance of the Inquiry. Following further discussion at the event, I have considered the conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made minor amendments to the list for consistency and clarity purposes. Pre-commencement conditions have only been applied where agreed to by the appellant and where necessary to guide initial works on site. In the interests of certainty, a condition setting out the approved plans is required.
135. In the interests of minimising risks to human health, a condition is necessary to ensure that any unexpected contamination encountered during the construction phase is properly investigated and remediated as required. A further condition requiring the implementation of a programme of archaeological work is reasonable to ensure the archaeological interest of the site is suitably investigated and recorded.
136. In the interests of protecting the character and appearance of the area, conditions are required to secure a comprehensive scheme of hard and soft landscaping, a scheme of tree protection to be implemented during the construction phase, and full details of the external wall and roof materials to be utilised.
137. In the interests of highway and pedestrian safety, conditions are reasonable to impose that secure the submission and implementation of a Construction Method Statement (CMS), full details of the standards to which roads and footpaths are to be constructed, and the provision of means of vehicle/pedestrian access and on-site parking in accordance with submitted details. The CMS condition would also be in the interests of safeguarding neighbouring living conditions. Further, in the interests of promoting sustainable travel choices and safeguarding pedestrian safety, a specific scheme of works to improve the PRoW is reasonable and necessary to condition.
138. In the interests of nature conservation and preserving wildlife, conditions are reasonable and necessary that secure full details of a range of wildlife boxes to be installed and the undertaking of a pre-commencement badger inspection as well as the submission of an associated mitigation strategy if necessitated. For the same reason, the submission and implementation of a Construction Environmental Management Plan is a reasonable requirement to condition. Further, to minimise disturbance to bats in the interests of nature conservation, an external lighting plan is necessary to secure via condition.
139. In the interests of guarding against flood risk and ensuring the appropriate management of foul and surface water, full details and the subsequent implementation of a drainage scheme is reasonable and necessary to condition.

### **Conclusion**

140. For the reasons given above, the appeal is allowed such that planning permission is granted subject to conditions.

*Andrew Smith*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2) The development shall be carried out strictly in accordance with the following approved plans:
  - House type H P24-1425\_DE\_003\_07B;
  - House type E P24-1425\_DE\_003\_05B;
  - House type G P24-1425\_DE\_003\_06B;
  - House type D P24-1425\_DE\_003\_03B;
  - House type C2 P24-1425\_DE\_003\_02B;
  - House type L1 P24-1425\_DE\_003\_04-1B;
  - House type L P24-1425\_DE\_003\_04B;
  - House type L2 P24-1425\_DE\_003\_04-2B;
  - House type C P24-1425\_DE\_003\_01B;
  - House type AH3B P24-1425\_DE\_003\_09B;
  - House type AH1B Bungalow P24-1425\_DE\_003\_08B;
  - Garages P24-1425\_DE\_003\_10B;
  - Garages P24-1425\_DE\_003\_11B;
  - Affordable Housing Plan P24-1425\_DE\_002\_C\_10;
  - Building Heights Plan P24-1425\_DE\_002\_C\_09;
  - Parking Plan P24-1425\_DE\_002\_D\_07;
  - Enclosures and Surfaces Plan P24-1425\_DE\_002\_C\_05;
  - Materials Plan P24-1425\_DE\_002\_C\_04;
  - Site Location Plan P24-1425\_DE\_001\_A\_01;
  - Refuse Strategy P24-1425\_DE\_002\_D\_08;
  - Site Layout P24-1425\_DE\_002\_E\_02;
  - Street Scenes P24-1425\_DE\_008\_B\_01;
  - Proposed Site Layout SH5037-10PD-002 REV C;
  - Refuse Vehicle Track SH5037-10PD-003 REV C;
  - Proposed Vehicle Site Access Arrangement via Tilstock Road SH5037-11PD-002;
  - Pedestrian Access SH5037-11PD-004;
  - Landscape and Ecological Management Plan P24-1425-EN\_08B;
  - Landscape Masterplan P24-1425\_EN\_06C;
  - Detailed POS Hard and Soft Landscape Proposals Sheets 1-4 P24-1425\_EN\_07C;
  - Detailed Soft On-plot Landscape Proposals Sheet 1-4 P24-1425\_EN\_010B;
  - Revised Levels Strategy 48888ECEXXXDRC0005P04;
  - Revised Drainage Areas 48888ECEXXXDRC0004P04.
- 3)
  - a) No development permitted by this permission shall commence until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include post-fieldwork reporting and appropriate publication.
  - b) The approved programme of archaeological work set out in the written scheme of investigation shall be implemented in full and a report provided to the Local Planning Authority prior to first use or occupancy of the development. The report shall include post fieldwork assessments and analyses that shall have been completed in accordance with the approved written scheme of investigation, and shall include evidence that the publication and dissemination of the results and archive deposition has been secured.

- 4) No ground clearance, or construction work shall commence until a scheme to safeguard trees to be retained on site as part of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the commencement of any construction or ground clearance and thereafter retained on site for the duration of the construction works.
- 5) No development shall take place until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied or brought into use (whichever is the sooner).
- 6) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - access
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
  - a scheme for recycling/disposing of waste resulting from construction works
  - delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
  - a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) Requirements and proposals for any site lighting required during the construction phase;
  - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
  - e) The times during construction when an ecological clerk of works is required to be present on site to oversee works;
  - f) Identification of Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
    - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site;
  - g) Pollution prevention measures;

All construction activities shall be implemented strictly in accordance with the approved plan.

- 8) Within eight weeks prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for approval prior to the commencement of development that sets out appropriate actions to be taken during the works. These measures shall be implemented as approved.
- 9) No above ground works shall commence until full details of both hard and soft landscape works including surfaces, means of enclosures, structures, lighting, street furniture, and timescales for implementation have been submitted to and approved in writing by the Local Planning Authority. The landscape works shall be carried out in full compliance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the Local Planning Authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 10) No above ground works shall commence until details of the roofing materials and the materials to be used in the construction of the external walls of buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
- 11) No development above ground level shall take place until details of the standards to which the roads and footpaths serving the development are to be constructed have been submitted to and approved in writing by the Local Planning Authority. No individual dwelling shall be occupied until the agreed highway areas fronting that dwelling have been constructed in accordance with the approved details up to binder course level.
- 12) The development hereby permitted shall not be occupied until the means of access for vehicles (including the provision of vehicular visibility splays) has been constructed in accordance with the approved plan SH5037-11PD-002. The vehicle access shall be retained as permitted thereafter, and vehicular visibility splays shall at all times be retained free from any obstruction exceeding 0.6 metres in height.
- 13) The development hereby permitted shall not be occupied until the means of access for pedestrians has been constructed generally in accordance with approved plans SH5037-11PD-002 and SH5037-11PD-004. Pedestrian access shall be retained as permitted thereafter.
- 14) No part of the development hereby approved shall be occupied until a scheme of works to upgrade PROW Footpath 0233/28/1 has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with that approval.
- 15) The development hereby permitted shall not be occupied until the makes, models and locations of wildlife boxes and a timetable for their installation have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 30 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species
- A minimum of 15 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species
- A minimum of 10 invertebrate boxes
- A minimum of 5 hedgehog boxes
- A minimum of 5 insect refugia.

The boxes shall be sited in appropriate locations, at an appropriate height above the ground and with a clear flight path (where applicable), and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

- 16) Prior to the first occupation of each of the residential units hereby granted permission the parking facilities for each dwelling shall have been implemented in accordance with approved plan P24-1425\_DE\_002\_D\_07 and those spaces shall thereafter be kept available at all times for the parking of vehicles including garages.
- 17) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting shall not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. The development shall be carried out strictly in accordance with the approved details, which shall thereafter be retained for the lifetime of the development.
- 18) a) In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. No further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until an investigation and risk assessment has been undertaken and, where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
- b) Following completion of measures identified in any approved remediation scheme and prior to first occupation of the development, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and that the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

## **APPEARANCES**

### **FOR THE APPELLANT**

Martin Carter	Counsel
He called:	
Ben Pycroft	Director, Emery Planning
Anna Meer	Director, DLP Planning Ltd
Kurt Hardy	Principal Transport Planner, DLP Planning Ltd
Neil Furber	Senior Director, Pegasus Group
Colin Pullan	Senior Design Director, Pegasus Group
Megan Wilson	Planning Director, Marrons
Sarah MacPherson	Principal Planner, Marrons
Shruti Trivedi	Managing Director, Devello Legal Limited

### **FOR THE COUNCIL**

Sarah Clover	Counsel
She called:	
Christopher Mead	Senior Developing Highways Manager
Daniel Corden	Principal Planning Policy Officer
Ollie Thomas	Principal Planning Officer

### **INTERESTED PARTIES**

Greg Ebbs	Local Councillor
Richard Thompson	Whitchurch Rural Parish Council
Neil Hughes	Local resident
Stephen Brookshaw	Local resident

## **INQUIRY DOCUMENTS**

- ID1 Opening statement of the appellant
- ID2 Opening statement of the Council
- ID3 Transcript of statement made by Cllr Greg Ebbs
- ID4 Transcript of statement made by Richard Thompson
- ID5 Transcript of statement made by Neil Hughes
- ID6 Transcript of statement made by Stephen Brookshaw
- ID7 Updated Statement of Common Ground – Housing Land Supply
- ID8 Cole Mere Countryside Heritage Site, Management Plan 2020-2025, Dec 2019
- ID9 Cole Mere Countryside Heritage Site, Visitor Survey Report, May 2018
- ID10 Cole Mere Countryside Heritage Site, Visitor Survey Report and Management Plan, Consultation Draft, June 2018
- ID11 Appeal Decision APP/L3245/W/20/3263642, Land off Lowe Hill Road, Wem, 28 January 2022
- ID12 Cole Mere Ramsar/SSSI, Recreation Mitigation and Monitoring Strategy, draft version, January 2023
- ID13 Brown Moss Countryside Heritage Site, Visitor Survey Report and Management Plan, Consultation Draft, June 2018
- ID14 Brown Moss Management Plan 2014-2018
- ID15 Planning Practice Guidance – Neighbourhood planning
- ID16 Housing Need Assessments at Neighbourhood Plan Level – a toolkit for neighbourhood planners
- ID17 Additional suggested draft planning condition – road adoption
- ID18 Closing statement of the Council
- ID19 Closing statement of the appellant

## **DOCUMENTS RECEIVED AFTER THE INQUIRY**

- A Note from appellant confirming acceptance to pre-commencement planning conditions, submitted via email 7 November 2025
- B Completed Section 106 agreement, dated 7 November 2025, submitted via email 7 November 2025
- C Email from Natural England in response to a request from the Inspector for written observations, submitted 18 November 2025
- D Email from the Council in response to the written observations of Natural England, submitted 21 November 2025
- E Letter and associated documents<sup>48</sup> from the appellant in response to the written observations of Natural England, submitted via email 25 November 2025

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<sup>48</sup> Regulation 19 Pre-Submission Draft Shropshire Local Plan 2016 to 2038 Habitats Regulations Assessment (December 2020); Shropshire Council Local Plan 2016 to 3038 Statement of Common Ground between Natural England and Shropshire Council (September 2021); Research Document – examples of financial contributions