

# AGENDA ITEM



Committee and date

26<sup>th</sup> of August 2025

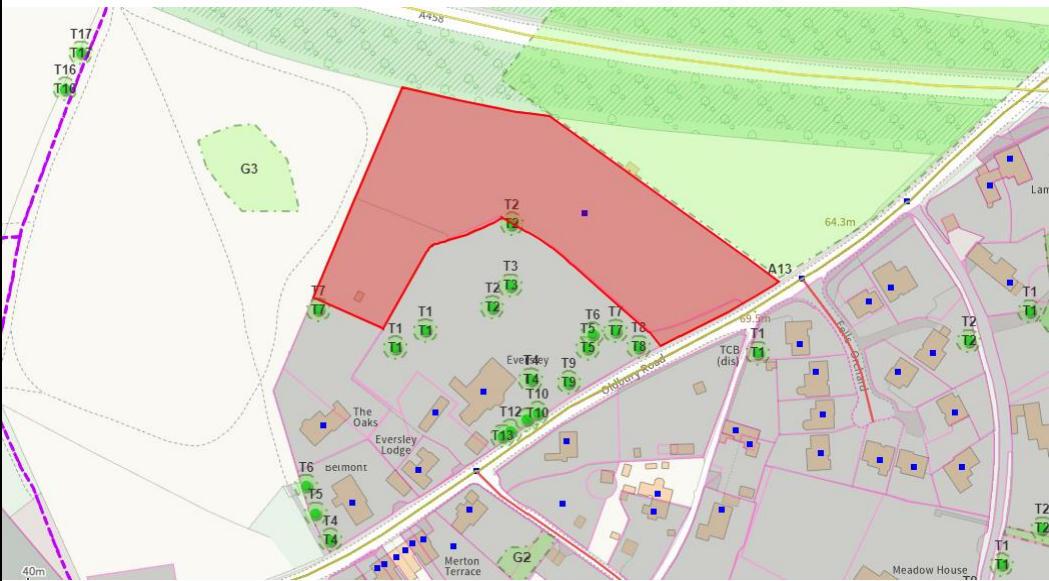
## Development Management Report

Responsible Officer: Tim Collard, Service Director - Legal, Governance and Planning

### Summary of Application

<b>Application Number:</b> 25/01257/FUL	<b>Parish:</b>	Bridgnorth
<b>Proposal:</b> Cross Subsidy Housing Scheme comprising of 4 No. affordable houses, 6 No open market dwellings all with garages, construction of new access road and alterations to existing field access		
<b>Site Address:</b> Proposed Development Land South Of A458 Off Oldbury Road Bridgnorth Shropshire		
<b>Applicant:</b> Mr David Doley		
<b>Case Officer:</b> Sara Robinson	<b>email:</b> sara.robinson@shropshire.gov.uk	

**Grid Ref:** 371317 - 292207



## Recommendation:- Refusal

1. The proposed development would be sited in an unsustainable location contrary to the principles set out in the National Planning Policy Framework (NPPF). Although a footpath connects Oldbury to Bridgnorth and the site appears proximate on plan, existing physical barriers—including distance, the nature of the route, and lack of public transport—make it insufficiently accessible. Prospective occupants would be heavily reliant on private motor vehicles for day-to-day activities, undermining the aim of promoting sustainable development, contrary to SC Core Strategy policies CS5, CS6 and CS17, SAMDev Plan Policy MD2 as well as the NPPF.
2. The proposed layout fails to demonstrate an effective or efficient use of land. Areas designated for public open space and biodiversity net gain (BNG) are inaccessible and may lead to encroachment by occupants. Contrary to SC Core Strategy policy CS9 and the NPPF.
3. The proposed development fails to demonstrate a well-designed place. While the architectural detailing of individual dwellings reflects local character, the siting of solar panels, disproportionately large garage heights, inadequate bedroom sizes for certain property types, the street frontage being dominated by hard standing, and the parking provision is excessive for the scale of the development. Open spaces are poorly integrated, often inaccessible, and lack natural surveillance, failing to provide safe, healthy living conditions. Contrary to planning policy CS6 of the Shropshire Core Strategy and MD2 of the SAMDev and NPPF.
4. Notwithstanding the applicant's claim that this is a cross subsidy proposal, The provision of affordable housing at 40%, and open market dwellings, is not the mix of development required to meet this definition to benefit from being a cross subsidy scheme. Accordingly, the proposal is considered contrary to the relevant development plan policies MD7a of the SAMDev, policy CS5 of the Core Strategy and The Affordable Housing SPD.
5. The proposed development due to its siting and design would result in an unacceptable level of harm upon the setting of Oldbury Conservation Area contrary to policy MD13 of the SAMDev and the NPPF.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a Cross Subsidy Housing Scheme comprising of 4 No. affordable houses, 6 No. open market

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dwelling all with garages, construction of new access road and alterations to existing field access at Land South Of A458 Off Oldbury Road, Bridgnorth.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is approximately 1 hectare of rough grazing land situated on the South of Bridgnorth and on the edge of the village of Oldbury. The site is separated from Bridgnorth by the A458 bypass to the North. The site is 'L' shaped with the southern boundary wrapping around the northern side of the grounds to a property known as 'Eversley'.
- 2.2 The site is located within the recognised named settlement of Oldbury and is located within the open countryside. Part of the site is location within the Conservation Area of Oldbury.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council comments are contrary to officer recommendation. The application went before the Chair and Vice Chair of the planning committee at the agenda setting where it was agreed that the determination of the application should be by committee.

## 4.0 Community Representations

Full consultee comments can be found on the Shropshire Council ("SC") Website.

### 4.1 Consultee Comment

#### 4.1.1 SC Drainage and SUDS - 14/04/2025

The site is within the SuDS consultation zone and therefore a scheme of surface and foul water drainage must be submitted for approval.

The applicant must complete infiltration testing on site and submit results and calculations of rate, for approval. If infiltration rates are favourable, then soakaways must be incorporated within the drainage strategy. Groundwater levels must be greater than 1m below the invert of any proposed soakaway.

The following item requires attention:

1. A scheme of surface and foul water drainage must be submitted for approval.

#### 4.1.2 SC Waste Management - 14/04/2025

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

An option for residents to have wheelie bins for recycling has been added to the

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service in 2022, therefore space for three wheelie bins per property could be required.

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here:

[https://www.shropshire.gov.uk/media/25994/shropshire-refuse-and-recycling-planning\\_guidance2022.pdf](https://www.shropshire.gov.uk/media/25994/shropshire-refuse-and-recycling-planning_guidance2022.pdf)

I would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that the vehicle can access and turn on the estate. Details of the vehicle size and turning circles are in the document linked above.

Particular concern is given to any plots which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase. Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

#### 4.1.3 SC Archaeology - 25/04/2025

We have no comments to make on this application in respect of archaeological matters.

#### 4.1.4 SC Environmental Protection - 12/06/2025

With regard to the agent's response to Environmental Protection's previous comments relating to contaminated land, it should be emphasised the recommendation for a Phase I Desk Study was a recommendation/advisory ONLY. This is/was NOT a requirement/condition.

#### SC Environmental Protection - 28/04/2025

With reference to the acoustic report, the location will inevitably receive transport noise from the A458 bypass. This is not atypical for developments near roads and I note the standoff distance of road to the properties as well as the road being in a cutting which will afford further mitigation. The conclusions of the façade construction, glazing calculation to achieve standards and ventilation as presented in section 6 and table 6.1-3 of the acoustic report should be implemented so to achieve internal BS standards.

Contaminated Land.

Environmental Protection has reviewed the planning application and has no objection to the proposed application.

However, given the proposed development is for a large residential housing estate

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with gardens, we would recommend the applicant undertake a Phase I Desk Study. This would be a precautionary measure to ensure no potential land contamination is present at the site, safeguarding future residents.

## 4.1.5 SC Affordable Housing - 29/04/2025

Please refer to our comments provided in relation to PREAPM/24/00116 which remain relevant.

## 4.1.6 SC Green Infrastructure - 11/06/2025

On review of the submitted information a revised layout has not been included. Please note previous comments are still relevant regarding the application and should inform any future conditions.

At this stage it is important to raise the following in support of policy MD2 -

Consider design of open space and landscape holistically as part of the whole development to provide safe useable well connected outdoor spaces.

-North POS is still not well overlooked. Property boundaries and trees will screen/ limit views from the adjacent houses. We would advise the adjacent property frontages face onto the POS to enhance natural surveillance.

-Northwest corner of the POS is a blind corner behind units. It is also not clear how the southwest corner of the site will be accessed for maintenance due to the plot boundaries of units 9 and 10.

Indication as to how these spaces are accessed for maintenance needs to be provided. Both Areas 4 shown on the landscape masterplan (southwest and northwest corners) will require maintenance access paths and gates to prevent public access.

Any future landscape drawings should refer to previous consultation feedback to support policy MD2 and MD12.

## SC Green Infrastructure - 29/04/2025

We would advise the following:

- A review of safety perceptions in the north POS.
- Review the maintenance access to all areas of planting and POS. Provide a plan that shows the full extent of land within POS management with access details/ boundaries if required.
- The identified coordination issues are clarified.
- More detail provided for the hard and soft landscape proposals, including the boundary treatments. This could be dealt with as a condition.

## 4.1.7 SC Ecology - 30/04/2025

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17. I have reviewed the information and plans submitted in association with the

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application and I am happy with the survey work carried out.

The Ecological Appraisal & BNG Assessment carried out by Ben Jones Ecology (March 2025) determined the site to largely consists of other neutral grassland, with bramble scrub, line of trees and a mix of ornamental and defunct native hedgerows. The site survey found no signs or evidence of protected or notable species. No further surveys were recommended.

#### 4.1.8 SC Highways - 02/05/2025

In view of the planning history of this site, Shropshire Council as Local Highway Authority would not raise any objection in principle to the proposed residential development, however would recommend that prior to determination visibility splays are maximised where possible to reflect the vehicle approach speeds and visibility splays put forward at pre-application stage.

It is recommended that the internal carriageway is increased to a minimum of 5.5 metres and swept path analysis is extended to demonstrate that the proposed access to the site is fit for purpose. The proposed development only seeks permission for 10 dwellings however there may be opportunity to further extend the number of dwellings, therefore consideration should be given to the proposed internal arrangement and if there is any merit in providing footways on both sides of the carriageway.

#### 4.1.9 Landscape Officer - 02/05/2025

The predicted landscape and visual effects would be localised, restricted to the Site itself and the immediate surrounding environs, and it is considered that the Proposed Development generally complies with relevant aspects of the Council's Local Plan policies on landscape and visual amenity.

The Landscape Officer has requested that a landscaping scheme condition to be attached to any grant of permission.

#### 4.1.10 SC Conservation - 15/05/2025

The application proposes a Cross Subsidy Housing Scheme comprising of 4 No. affordable houses, 6 No open market dwellings all with garages, construction of new access road and alterations to existing field access at this site known as Proposed Development Land South Of A458 Off Oldbury Road, Bridgnorth. The application site lies to the edge of Oldbury within open countryside. The site lies predominantly adjacent to the Oldbury Conservation Area, with a small portion along Oldbury Road lying just within the Conservation Area. When travelling through Oldbury from the south the village is characterised by large houses in large plots, interspersed with open views over the surrounding countryside, giving it a semi-rural character. Towards the north eastern end of the village, development becomes slightly more tightly spaced to the south east of Oldbury Road but still

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with parcels of open land. To the north east of Oldbury Road development remains sparse with houses on large plots and parcels of undeveloped agricultural land. The application site is bounded by mature hedging and trees which contribute to the character of this part of the conservation area. Two previous outline applications for open market residential development on this site have been dismissed at appeal, both Inspectors made reference to the site contributing to the rural setting of the conservation area and the buffer it provides between Oldbury and Bridgnorth. The development of this site has therefore previously been determined to result in harm to the setting of the conservation area in principle, this harm has been determined to be of a less than substantial nature. This proposal would not differ in those main principles, however, the additional planting and landscaping is noted and goes some way to mitigate the harm identified, the remaining harm is considered to be at the lower end of less than substantial, but nevertheless would still need to be weighed against the public benefits of the proposals in line with paragraph 215 of the NPPF.

#### 4.1.11 SC Tree Team - 27/05/2025

I have reviewed the amended BS5837 tree report (Sylvan Resources, November 2024) registered on 13th May 2025, which has been submitted in response to my original consultation comments submitted on 30th April 2025.

On behalf of Shropshire Council Tree Team I can report that the amended tree protection plan (Appendix C - SR3) is satisfactory and fit for purpose. The recommended tree protection and landscaping conditions remain as given in my response of 30th April 2025.

## 4.2 **Public Comments**

### 4.2.1 Bridgnorth Town Council - 01/05/2025

Stance: Customer made comments in support of the Planning Application

Comment: Support - We believe that the site can appropriately be developed due to its location and characteristics. We support the greater than usual proportion of affordable homes and feel that the proposal is well designed in the context of the village. We would like to see the footpath along the northern border of the site improved to make this a viable access.

### 4.2.2 Local Member - 24/06/2025

As the recently elected Councillor for Bridgnorth Castle which includes the village of Oldbury it is my job to represent the constituents.

I have read over 40 objections to the development with only the Town Council seeming to support the Plans.

The objections cover many aspects which I consider to be material considerations such as the impact on the environment and conservation area, the increase in traffic and noise. Add to this the nearby large housing development in Tasley results in myself not supporting the planning application and I seek to preserve the

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village in its present form.

## 4.2.3 Public Comments

Following the display of a site notice for the period of 21 days over 40 public representations were received at the time of writing this report. The public representations were mainly in objection and are summarised as follows;

### Environmental Impact

- Removal of mature trees and hedgerows would harm wildlife habitats.
- Nearby ponds with Great Crested Newts were not acknowledged in the ecological report.

### Heritage and Conservation

- Development would erode the Oldbury Conservation Area and its historic character.
- Risk to landmark oak tree believed to be one of the oldest in Shropshire.

### Sustainability Issues

- No public transport within 400m; residents would be car-dependent.
- Footpaths cited in the application are not public rights of way.

### Planning Inaccuracies

- Ecological and access statements contain misleading or incorrect information.
- Disputed land ownership and misrepresentation of site boundaries.

### Affordability of Affordable Homes

- Affordable homes are not truly accessible to local residents.
- Legal and land title costs would inflate housing prices.

### Cumulative Development Pressure

- Other large-scale developments (e.g., Tasley) already approved or planned.
- Housing need is already met by existing approvals

### Policy Conflicts

- Contradicts Shropshire Council's planning policies (e.g., CS6, CS17, MD13).
- Fails to protect the setting of the Conservation Area.

### Noise and Health Concerns

- Noise Impact Survey underestimates future traffic noise from A458.
- No provision for acoustic barriers or mitigation.

### Brownfield Alternatives

- Calls to prioritize redevelopment of empty shops and buildings.
- Greenfield development should be a last resort.



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## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Visual impact and landscaping

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan (local planning policy) unless other material considerations indicate otherwise.

### 6.2.1 Adopted Local Plan Policy

At this point in time the development plan in Shropshire consists of the Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan. Policy CS4 of the Core Strategy indicates that development in the rural area will be focused in Community Hubs and Community Clusters, and states that development outside of these hubs and clusters will not be allowed unless it complies with the requirements of Policy CS5 of the Core Strategy.

6.2.2 To provide for sustainable patterns of development Policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan strictly control development in the countryside such that only limited types of residential development, such as conversion of buildings of architectural or heritage merit, accommodation for essential countryside workers, and other affordable housing, is permitted.

6.2.3 Together these policies seek to direct development to the most accessible locations, protect the character of the countryside, and support the well-being and vitality of rural communities. In this case, Oldbury has not been identified as a Community Hub or Community Cluster within the adopted developed plan and was not proposed to become one in the now defunct Draft Local Plan. In policy terms, Oldbury is therefore considered solely to be a recognised named settlement in the open countryside. As such, the proposal for new market housing would conflict with the development plan policies outlined above.

6.2.4 Oldbury lacks any essential day to day services that would deem the settlement to be a sustainable location for residential development. It has no school, local shop, or employment facilities, whilst the only bus service is the Bridgnorth Community

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Transport Group which is irregular and upon request to members which does not necessarily run through the settlement, or occupants are required to access the bus service within Bridgnorth itself which is over half a mile away. The nearest shops and facilities available to the population of Oldbury therefore are those in Baschurch which is over half a mile away for any of these services.

6.2.5 The site is positioned to the east of the residential curtilage of the dwelling known as 'Eversley' and is part of an enclosed area of countryside.

6.2.6 Oldbury does not have a development boundary and is deemed to be open countryside for planning purposes. Given the site's existing agricultural use and location, it is more closely associated with the surrounding open countryside than with the existing built form of the settlement.

6.2.7 The application site cannot be described as an infill plot, as it would need to have a stronger visual and functional relationship with the neighbouring built form and highway than it does for this to be the case. Given that proposal is not for a development type that would be permitted in the countryside under policies CS5 and MD7a, the development of this site for a cross-subsidy site would not be supported under the current adopted local plan.

## 6.2 Draft Local Plan

6.2.1 The site is still considered to be outside any defined development boundary or Community Hub or Cluster and is therefore identified as being located in countryside.

6.2.2 Comments from the Inspectors on the local plan examination were received on the 17th February 2025 indicating that modifications required to make the Plan sound were significant and would require a significant amount of further supporting evidence and testing as part of the examination process. Unfortunately, the Inspectors considered that the timetable to undertake the work is unrealistic and have recommended that the local plan examination is withdrawn. The Council will not be continuing with the current draft Local Plan and have publicised its intention for it to be withdrawn and not proceeded with.

6.2.3 Despite the decision to withdraw the draft Local Plan, the Council's Cabinet resolved that the Evidence Base behind the draft local plan would remain a material planning consideration. The Hierarchy of Settlements (2020) document forms part of the Evidence Base and will continue to be used to inform decisions on a settlement's potential to accommodate new development in terms of its size and the availability of services and facilities within it. Within the document, Oldbury was identified as a recognised named settlement with a settlement population estimate of only 347 individuals and a dwelling estimate of 174 dwellings. As part of the screening process to identify appropriate locations for new housing development,

recognised named settlements in Shropshire were ranked and categorised according to population size and number of households, alongside the extent to which the settlement had the potential to provide a range services and facilities, high speed broadband, employment opportunities and public transport links. Oldbury was screened out as lacking the necessary potential in this regard and was therefore not deemed to be capable of supporting new residential development.

The Hierarchy of Settlements document can be viewed via the following link:

<https://www.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-library/evidence-base-documents/>

## 6.3 National Planning Policy Framework (NPPF) & Five Year Land Supply

6.3.1 Following the publication of the revised NPPF in December 2024, a new standard method for calculating housing need was adopted, the purpose of which is to significantly boost housing delivery across England. The new standard methodology for Shropshire has resulted in an increased requirement of 1,994 dwellings per annum which for the five year period 2024/25 to 2028/29 equates to a local housing need of 9,970 dwellings. With an additional 5% buffer of 499 the total requirement is 10,469.

6.3.2 The deliverable housing land supply on the 1st April 2024 was 9,902 and there is a shortfall of 567 dwellings. Shropshire Council is therefore currently unable to demonstrate a five year supply of deliverable dwellings with only 4.68 years of supply.

6.3.3 Footnote 8 and Paragraph 11(d) of the NPPF detail the implications of not having a five year housing land supply for decision making in the context of the application of the presumption in favour of sustainable development. Footnote 8 indicates that where a Council cannot demonstrate a five-year supply of deliverable housing sites, it means planning policies most important to the decision will be considered out of date.

6.3.4 The effect of this is that the 'tilted balance', as set out in paragraph 11 (d) of the NPPF, is now engaged. Paragraph 11(d) of the NPPF states:

*d)Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

*ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, 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.*

- 6.3.5 This does not change the legal principle in Section 38(6) of the Planning and Compulsory Purchase Act (2004) that decisions on planning applications are governed by the adopted Development Plan read as a whole unless material considerations indicate otherwise. Paragraph 11(d) of the NPPF requires the decision maker to apply less weight to policies in the adopted Development Plan and more weight to the presumption in favour of sustainable development as a significant material consideration. This is described as the tilted balance.
- 6.3.6 Paragraph 11(d) highlights several important considerations to determine if a proposal is genuinely sustainable. Notably it:
- Directs development to sustainable locations.
  - Expects efficient use of land.
  - Requires well designed places.
  - Maintains requirement for provision of affordable housing.
  - Requires consideration of other policies in the NPPF also relevant to determining the sustainability of proposals.
- 6.3.7 Importantly, the tilted balance approach maintains the general principles of good planning. Development should be genuinely sustainable in order to be approved. Paragraph 8 of the NPPF sets out what is meant by sustainable development:
- 8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):"*
- 6.3.8 The three objectives referred to are social, economic and environmental. Other policies in the NPPF and local policy are also relevant to determining the sustainability of proposals.
- 6.3.9 The extent of the housing land supply shortfall is a further material consideration for the decision maker. Shropshire currently has 4.68 years' supply of deliverable housing land and therefore, whilst a shortfall of 0.32 exists, this is relatively small in the context of the total required supply.
- 6.3.10 The key planning issue to consider in determining whether the principle of development is acceptable in Oldbury is whether the proposal under consideration represents sustainable development and whether there are any other material considerations or benefits of the proposal that are sufficient to outweigh the conflict with the development plan with regards to the location of housing and any other adverse impacts arising from the proposal. These are considered below.

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## 6.4 Sustainable Location

6.4.1 Oldbury has no essential day to day services or facilities. It is likely that any occupiers of the site would therefore have to rely on a motor vehicle to travel to neighbouring settlements and towns for shopping, education, and work. Bridgenorth is over half a mile from the access of the site.

6.4.2 Although there is a footpath from Oldbury into Bridgenorth, and on plan it would appear that the site is well connected to Bridgenorth. However, due to existing physical barriers such as the distance and the type of route which results in the site not being as accessible as it would first appear. It is likely occupiers of the site would therefore have to rely on a motor vehicles. Given there is no public transport to and from Oldbury, officers consider that there would be a strong need for potential occupiers of the development to rely on a motor vehicle on a day-to-day basis, and that this would not result in sustainable development. In terms of domestic vehicles accessing the development site more generally, an acceptable vehicular access has thus far been demonstrated.

6.4.3 Given that Oldbury is not a community hub or cluster and was screened out of the Hierarchy of Settlements document of the Local Plan Evidence Base, the development proposal is inconsistent with the scale and character of the settlement and would not be sustainable development. As such any approval of the proposal would be at odds with the tilted balance outlined in NPPF Paragraph 11(d) (ii) as it would not direct development to a sustainable location.

## 6.5 Efficient Use of Land

6.5.1 Turning to the next requirement of Paragraph 11(d) (ii), the proposed site covers an area of approximately 1.07ha and will provide ten dwellings of various sizes and tenures. The number of dwellings and housing mix accommodated within the site is considered to represent an under provision of housing on the land in this regard. The site is relatively large and officers have concerns about the design and layout, which could be arranged more effectively. The quantum of development would not be acceptable for this site and would not provide the efficient use of land required by the tilted balance.

## 6.6 Well Designed Places

6.6.1 Overall the external appearance of the dwellings are considered to be sensitively designed. However, the overall layout and space within the dwellings is not considered to be acceptable.

6.6.2 The third bedrooms provided within units 2, 3, 4, 5, 9 and 10 would not meet the minimum space standards as outlined within the Technical Housing Standards –

nationally described space standard (published 27th March 2015). The minimum space standards advised within the standards for single bedroom is at least 7.5m<sup>2</sup>. The orientation of Unit 6 appears awkward within the street scene. Officers would expect side elevation 2 to front the highways. Officers consider that the solar panels to the front of the proposed properties detracts from their proposed character. It would be advised that the chimneys are brought to the front of the properties and the solar panels located to the rear. It is also noted that the height of the proposed garages are disproportionate to the proposed dwellings. The heights of the garages should be reduced in order to appear subservient to the proposed dwellings.

- 6.6.3 The proposal would lead to an over-provision of parking spaces and subsequently large areas of hardstanding to the front of the property. The properties could be brought forward within the plots which will subsequently improve the street scene.
- 6.6.4 The proposed block plan and landscaping contradict one another. The block plan indicates that close boarded fencing would be provided to the extent of the south east boundary to plot no.1, whilst the landscaping plan indicates a native hedgerow. The provision of the 2m high fence in this location would unacceptably impact upon the visibility splay when existing the drive for plot no.1. Officers consider that the provision of the 2m high fence on the approach into the development site would be unacceptable. Officers also consider that the garage and the dwelling on plot no.1 should be swapped in order to improve the appearance of the approach into the development site.
- 6.6.5 The boundary treatments and the site layout would not lead to a suitable natural surveillance of the public open spaces, footpath open areas of grassland and open areas of woodland. Officers consider that the boundary treatments and landscaping layout can be improved which will in turn improve the appearance of the street scene. The Green Infrastructure Officer has raised concerns in relation to natural surveillance of the public open space, as well as noting that the area to the northwest corner of the POS is a blind corner behind units. It is also not clear how the southwest corner of the site will be accessed for maintenance due to the plot boundaries of units 9 and 10. There is no indication as to how these spaces are accessed for maintenance needs to be provided. Both Areas 4 shown on the landscape masterplan (southwest and northwest corners) will require maintenance access paths and gates to prevent public access. An amended plan was submitted to demonstrate one bedroom window for surveillance over the POS. However, this is the only window proposed on this elevation and is considered insufficient to provide sufficient surveillance of the POS.
- 6.6.6 The areas of BNG, specifically to the rear of plot numbers 7, 9 and 10 are not overly accessible to the public or to allow for maintenance. This leads to the potential for the future occupiers of the properties to extend their gardens into these areas.

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6.6.7 The proposed development as a whole would not result in a well designed place as required by the tilted balance outlined in NPPF Paragraph 11(d) (ii) as it would not result in a well-designed place.

6.7 Affordable Housing Need

6.7.1 Paragraph 65 of the NPPF requires that the provision of affordable housing should be sought for developments in designated rural areas where more than five units housing are proposed, whilst Policy CS11 'Type and Affordability of Housing' of the Core Strategy indicates that all new open market housing development should make an appropriate contribution to the provision of local needs affordable housing having regard to the current prevailing target rate as set out in the Shropshire Viability Index.

6.7.2 The Written Ministerial Statement (WMS) published on the 28th November 2014 indicated that affordable housing contributions on sites of 10 units or less or 5 units or less in designated protected rural areas would not be required. The Parish of Oldbury is not within a designated protected rural area. The WMS is policy, not binding law and the Council's position has been that the WMS is a significant material consideration, but it doesn't replace or automatically override the development plan as the starting point for planning decisions. Consequently, there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.

6.7.3 New open market housing in the countryside is not acceptable in principle and therefore not policy compliant. As such, and in line with Paragraph 65 of the NPPF the Council's Affordable Housing Team considers that greater weight should be given to Policy CS11 than the WMS and that an affordable housing contribution should be provided to assist in local needs affordable housing. The application proposes ten dwellings in the countryside and a planning gain for the development would therefore be necessary to help contribute towards local needs affordable housing. The existing target rate in this part of Shropshire is 20% which equates to a requirement to provide two dwellings. The proposal includes four affordable dwellings as part of a cross subsidy site which would be a slight overprovision against the prevailing rate.

6.7.4 As mentioned, Oldbury is considered to be a settlement with no facilities provided. Oldbury is not a settlement identified as capable of accommodating new growth and instead is considered as being within the open countryside. New development in the open countryside is strictly controlled so as to protect the character and vitality, which in-turn results in policy supporting only those developments which deliver economic and community benefits – of relevance to this enquiry is that local policy supports affordable housing and required community infrastructure in such locations.

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- 6.7.5 Whilst the provision of affordable housing is a permitted development type in the countryside, open market is explicitly excluded on the basis of it not constituting sustainable development. Resultantly, affordable housing in the countryside is regarded as an 'exception' to policy on the recognition that land value is typically restrictive for affordable housing in more sustainable locations. However, where affordable housing is proposed, the exception policy clearly states that this must be for 100% affordable housing and secured in perpetuity (through a s106 Agreement).
- 6.7.6 As to cross-subsidy housing under the current adopted Local Plan, policies are largely silent, instead the Type and Affordability of Housing SPD provides guidance on how applications will be determined. The SPD recognises that a big challenge facing rural affordable housing is how to bring forward local needs rented homes on exception sites with either no or limited public subsidy. As a result, on occasion, an exception site which is cross-subsidised by a form of low cost home ownership can be considered under a set of following criteria (Appendix G, Section 8).
- 6.7.7 Of particular note are the following:  
- *"No more than 50% of the housing on the exception site to be a form of low cost home ownership of sufficient value to the developer to allow them to cross-subsidise and develop on that same site"; and*  
- *"that the sale value of the properties required to generate the necessary cross subsidy must not exceed 90% of their open market value as determined by an average of no less than two written "off plan" valuations"... "these are therefore 'discounted' open market properties and should ideally be targeted for local needs".*
- 6.7.8 The proportion of affordable dwellings v open market dwellings is below the 50% requirement. The criteria is also clear that these must be low-cost home ownership and not open market housing. As currently proposed, the development would not be supported for a cross-subsidy scheme as it includes a proportion of open market housing. Furthermore, there is no viability appraisal accompanying this enquiry to demonstrate the need for open market housing as a subsidy to the development of affordable housing. A further requirement as set out in the criterion in the SPD is that *"the number of discounted open market properties required on the site must be agreed in the first instance by the Housing Enabling Officer"*. Comments provided following consultation on this enquiry has resulted in them confirming they would not support the scheme in its present form as the proposal is not truly a cross-subsidy site.
- 6.7.9 In terms of the tilted balance, therefore, the proposal would not meet its requirements for an appropriate provision of affordable housing.
- 6.8 Other NPPF policies relevant to determining sustainability



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- 6.8.1 In summary, with regard to the tilted balance, officers consider that Oldbury is not a sustainable settlement for planning policy purposes given its lack of facilities and services, limited sustainable transport options and its strong visual and functional connection with the open countryside. As such the development site would not represent sustainable development, as it would fail to fully satisfy all three of the economic, social and environmental dimensions to sustainable development outlined in Paragraph 8 of the NPPF and would conflict with the relevant objectives in national and local policies regarding sustainable development and the provision of housing. Overall, the proposal fails to accord with two of the provisions of the tilted balance at Paragraph 11d (ii) of the NPPF (these being 'directing development to sustainable locations', and 'well-designed places') as outlined above.

Furthermore, the proposal also fails to accord with Paragraph 11(d) (i) which seeks to protect areas or assets of particular importance such as Oldbury Conservation Area. This is discussed in more detail in the following paragraph. The proposed development is fundamentally unacceptable and cannot therefore be supported in principle.

6.8 Impact on the Conservation Area

- 6.8.1 The proposal partially within the Conservation Area (CA) and consideration should be given to the impact the proposed residential development will have upon the character of the CA.
- 6.8.2 Whilst the proposal may be an efficient use of the land available in terms of the tilted balance, the proposal is partially within the Conservation Area (CA) and consideration should be given to the impact the proposed residential development will have upon the character of the CA.
- 6.8.3 The length of the front boundary hedge lost to the development would be limited, and compensatory planting could be placed behind the splays. However, the existing boundary hedge is characteristic of the verdant, enclosed nature of the CA and its partial loss would harm both the appearance and character of the CA to some degree which would accordingly not be preserved with respect to the statutory duty set out above. This harm is to be regarded as less than substantial in terms of the NPPF but must be weighed against any development benefits.
- 6.8.4 Within the previous appeals relating to this site the Planning Inspectorate has acknowledged the effect of the development on the setting of the Oldbury CA would be more significant. The site is not highly visible from Oldbury Road itself due to boundary vegetation. However, from other public viewpoints and footpaths crossing the open fields to the north east, the development would be closely visible as an urban intrusion into the open countryside, within which the village and the Oldbury CA are set, eroding its separation from Bridgnorth.

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- 6.8.5 The Planning Inspectorate stated that this could be achieved by a detailed design, including the reduction in the number of dwellings from the seven indicated at that time. Although additional landscaping is proposed, the proposal has also sought to increase the numbers from 7 to 10 dwellings. The presence of the development within the setting of Oldbury would still be harmful to the CA as a whole and would neither enhance nor better reveal its significance, as contemplated by national policy and guidance.
- 6.8.6 Taken together, the degree of direct harm to the Oldbury CA due to the road access and the damage due the urbanisation of the setting of the CA amounts to significant harm, albeit less than substantial in terms of the NPPF. This places the proposed development into conflict with Policies CS6 and CS17 and requires to be weighed against its planning benefits.
- 6.8.7 On an overall balance of judgement however, the socio-economic benefits of contributing a small number of market and affordable homes towards the housing stock in the face of a relatively slight five year undersupply are significantly and demonstrably outweighed by the adverse environmental impacts the development would have on the Oldbury Conservation Area and its setting.
- 6.9 Highways
- 6.9.1 Shropshire Council, as the Local Highway Authority, has been consulted on the proposed development and has provided the following comments.
- 6.9.2 SC Highways have raised no objection in principle to the proposed residential development of 10 dwellings, subject to further clarification on specific highways matters.
- 6.9.3 The SC Highways Officer recommended that visibility splays be maximised where possible to reflect actual vehicle approach speeds. These should align with those discussed at the pre-application stage.
- 6.9.4 The internal carriageway should be increased to a minimum width of 5.5 metres. Swept path analysis should be extended to demonstrate that the proposed access is suitable for the intended vehicle types. Consideration should be given to the provision of footways on both sides of the carriageway, particularly in light of the potential for future expansion of the site.
- 6.9.5 In response to initial comments, the applicant submitted an appeal decision and an Access Assessment Addendum. SC Highways note that the appeal decision involved different site-specific circumstances, including new access points and improvements, which were material to the Inspector's decision.

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- 6.9.6 The proposed access and swept path analysis are acceptable for the vehicles shown, with sufficient space for smaller vehicles to pass simultaneously. Visibility should be measured from the nearside kerb edge, in accordance with Manual for Streets 2. The use of the nearside track is not considered a consistent or reliable design basis.
- 6.9.7 The internal layout lacks bend widening, and there are sections where refuse vehicles would prevent passing, even by stationary vehicles. Further detail is required on individual plot accesses, including vehicle visibility at a 20mph design speed and pedestrian visibility to the footpath. Clarification is needed on whether boundary treatments would restrict visibility.
- 6.9.8 The site is considered to be suitably located in terms of accessibility and connectivity, with no concerns raised regarding its relationship to the B4363 or to Bridgnorth.
- 6.9.9 While the submission has progressed, further work is required in relation to the access and internal layout. It is considered that these matters are capable of resolution, and subject to the submission of satisfactory additional information, the Highway Authority would be in a position to remove its holding objection.
- 6.9.10 Shropshire Council Waste Management has been consulted and advises that it is essential for all new dwellings to have adequate storage space to accommodate waste for a fortnightly collection cycle. This includes separate provision for compostable and source-segregated recyclable materials. Since 2022, residents have had the option to use wheelie bins for recycling; therefore, space for up to three wheelie bins per property may be required.
- 6.9.11 The development must also ensure that the highway layout and construction are suitable for the safe and efficient operation of waste collection vehicles. These vehicles have a gross weight of up to 32 tonnes and a minimum single axle loading of 11 tonnes. Any access roads, bridges, or ramps must be designed to accommodate these specifications.
- 6.9.12 It is recommended that the developer refer to the Council's published guidance on refuse and recycling requirements, which includes best practice examples and vehicle specifications. Vehicle tracking should be provided to demonstrate that waste collection vehicles can safely access and turn within the site. Particular attention should be given to plots located on private drives, which may not be directly accessible by collection vehicles. In such cases, clearly identified bin collection points must be provided, and future residents must be informed at the point of sale or occupation. These collection points are for temporary use on collection days only and must not be used for permanent bin storage.

## 7.0 CONCLUSION

The site proposed for this cross-subsidy housing is not a sustainable location. Although there is a footpath from Oldbury into Bridgnorth, and on plan it would appear that the site is well connected to Bridgnorth. However, due to existing physical barriers such as the distance (0.7 miles walk to the nearest shop) and the type of route in the form of an unlit footpath, which results in the site not being as accessible as it would first appear. Given there is no public transport to and from Oldbury, officers consider that there would be a strong need for potential occupiers of the development to rely on a motor vehicle on a day-to-day basis, and that this would not result in a sustainable form of development.

The proposed development would not result in an effective use of land. The site could be substantially improved in order to provide an efficient use of land through an amended layout. The proposal results in areas of public open space and BNG which would be inaccessible for the purposes of monitoring and maintenance.

The proposed development would not result in a well designed place. The proposed layout and the design of the proposed development should be re-considered. The proposed layout results in a poor street frontage due to the amount of hard standing as well as the layouts of the parking areas.

In terms of the tilted balance, the provision of affordable housing at 40%, would not meet the requirements for an appropriate provision of affordable housing for this cross-subsidy development.

On an overall balance of judgement however, the socio-economic benefits of contributing a small number of market and affordable homes towards the housing stock in the face of a relatively minor five year undersupply are significantly and demonstrably outweighed by the adverse environmental impacts the development would have on the Oldbury Conservation Area and its setting.

The support for new housing in the development plan and the Framework is not at the expense of ensuring that developments are appropriately designed and integrate suitably with their surroundings. Consequently, the scheme is contrary to the development plan as a whole and there are no material considerations, including the provisions of the Framework, that outweigh this.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree

with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of

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being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Core Strategy and Saved Policies:

MD1, MD2, MD3, MD7a, MD12 and MD13 of the SAMDev

CS5, CS6, CS11 and CS17 of the Core Strategy

The Affordable housing SPD.

### RELEVANT PLANNING HISTORY:

14/01016/OUT Outline application (access for approval) for mixed residential development  
REFUSE 24th July 2014

14/03768/OUT Outline planning permission for residential development to include access  
REFUSE 21st November 2014

PREAPM/24/00116 Cross Subsidy Housing Scheme comprising of 6 No semi-detached two storey affordable houses and 4 No detached open market dwellings with garages PREUDV  
16th September 2024

25/01257/FUL Cross Subsidy Housing Scheme comprising of 4 No. affordable houses, 6 No open market dwellings all with garages, construction of new access road and alterations to existing field access PCO

### Appeal

14/02142/REF Outline application (access for approval) for mixed residential development  
DISMIS 19th January 2015

### Appeal

15/02278/REF Outline planning permission for residential development to include access  
DISMIS 3rd November 2015

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=STULINTDGXN00>

List of Background Papers (This MUST be completed for all reports, but does not include items

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containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor David Walker
Local Member  Cllr Peter Husemann