

AGENDA ITEM



Committee and date

Southern Planning Committee

Tuesday 25th November 2025

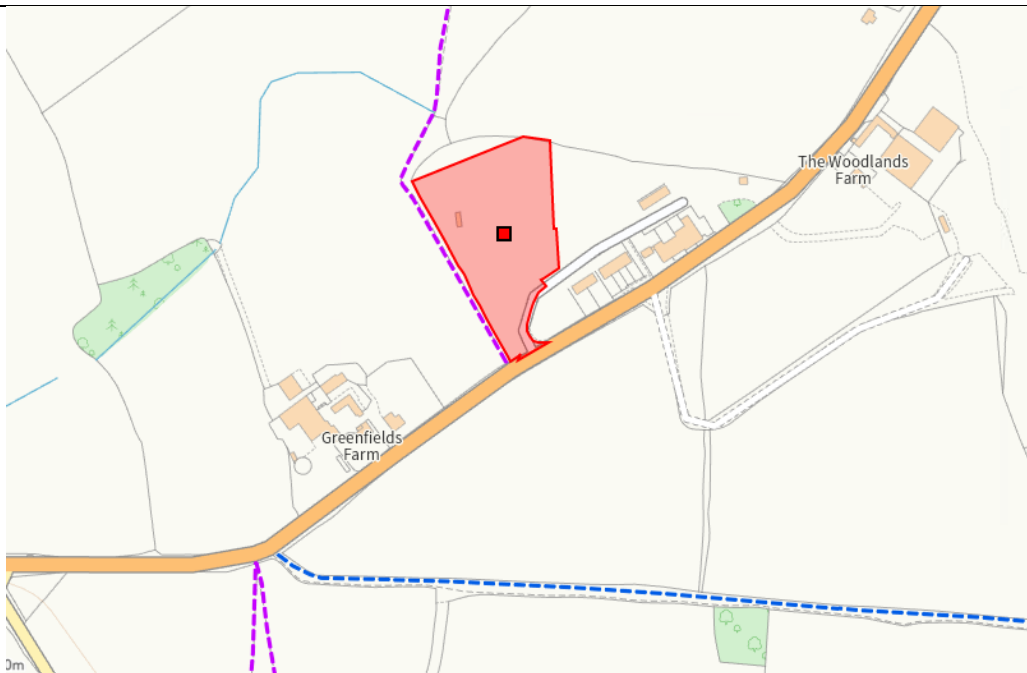
Development Management Report

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

Summary of Application

<u>Application Number:</u> 25/02795/FUL	<u>Parish:</u>	Pontesbury
<u>Proposal:</u> Erection of 5No. open market and 5No. affordable dwellings, garages and a new access road [Revised Description]		
<u>Site Address:</u> Proposed Residential Development Land To The North Of The Old Hare And Hounds Cruckton Shropshire		
<u>Applicant:</u> Mr Andy Rutter		
<u>Case Officer:</u> Jennifer Powell	<u>email:</u> jennifer.powell@shropshire.gov.uk	

Grid Ref: 343126 - 310775



Recommendation:- Refuse, for the reasons provided below

1. Whilst it is acknowledged that Shropshire Council is currently unable to demonstrate five year housing land supply, and the 'Tilted Balance' expressed at Paragraph 11d of the NPPF would apply (given the development plan is considered out of date, with less weight required to be applied to its policies), the site is not an allocated site for residential development and its development would be contrary to the policies of the Core Strategy and the Council's SAMDev Plan as a whole, as well as to the policies of the Pontesbury Neighbourhood Plan. No material considerations have been identified that would overcome this conflict with local planning policy or would otherwise meet the requirements of the Tilted Balance in respect of sustainability, efficient use of land, well designed places, affordable housing and with regard to other NPPF policies relevant to the sustainability of proposals. The site is in the open countryside, and is neither located within the settlement of Cruckton, nor in an otherwise sustainable location, whilst the development would have an urbanising impact that would harm the visual amenity and rural character of the area. The proposal does not make efficient use of land and would not create a well-designed place in terms of the site layout, design of the garages, the fact several house types do not meet nationally described space standards, landscaping proposals and the lack of provision of public open space. The scheme has been put forward as an affordable housing exception site on the grounds of it being a cross-subsidy scheme, however no financial information has been provided to justify this, whilst the proposal does not otherwise meet the guidelines as set out in the Councils adopted Type and Affordability of Housing SPD in respect of tenure and cross-subsidy. The public benefits of boosting of the supply of housing, the provision of discounted sale open market dwellings and the employment associated with the construction phase of the dwellings would be modest, and insufficient to outweigh the adverse impact of the development on the character and appearance of the rural area. The proposal is therefore contrary to Local Development Plan policies CS1, CS3, CS4, CS5, CS6, CS11, CS17, Site Allocations and Management of Development (SAMDev) Policies MD1, MD2, MD3, MD7a and MD13, Shropshire Council's Type and Affordability of Housing SPD, and the NPPF (2024).
2. Insufficient information has been provided in respect of highways, where no transport statement has been provided, it has not been demonstrated that there is an adequate safe pedestrian route to and from the development such that public transport may be safely accessed and where the access arrangements proposed are not adequately justified and therefore cannot be supported. The proposal therefore fails to accord with Core Strategy Policy CS6, SAMDev Policy MD2 and the NPPF (2024).

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks permission for the erection of 10 dwellings on land in the

open countryside northwest of the converted former public house known as the Hare & Hounds. This land is adjacent to, and would share an access with a site where an application for eight new dwellings was approved by the Elected Members of the then Southern Planning Committee in 2023 under 23/04167/FUL, contrary to officer recommendation

- 1.2 The current application proposes what has been termed as a “cross-subsidy” housing scheme in the same manner as was proposed under 23/04167/FUL. The approval of that earlier application at committee represented a departure from both the approved development plan and national planning policy, contrary to the case officer’s recommendation to refuse it on the basis that the site was in an unsustainable location.
- 1.3 The “cross subsidy scheme” now proposed comprises the erection of five detached, two storey, open market houses, and three detached and two semi-detached, discounted sale “affordable” bungalows, all with garages. Dormer bungalows do not form part of the development, although Plots 1, 4, 5, 6 and 7 have been described and labelled as such on the accompanying application form and plans. Rather these five dwellings would in fact be two storey houses. The description of the development has therefore been revised to prevent any misinterpretation of what is being proposed. Each dwelling has been described as having three bedrooms although again it is considered that the two storey dwellings would actually have four bedrooms and that an upstairs ‘study’ has been inaccurately labelled.
- 1.4 The five “affordable” dwellings proposed would be discounted market sale homes. Affordable dwellings are defined in the NPPF at Annex 2: Glossary (c): as being *“sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households”*. The “affordable houses” would be discounted against their market value in perpetuity, with this arrangement being secured via a Section 106 agreement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site lies in the open countryside to the northeast of and adjacent to the former Hare and Hounds public house which is situated on the northern side of the B4386. The former Hare and Hounds pub is not listed but has been identified as being of heritage value. The site is c.150m north of the route of a Roman Road and is adjacent to 18th century road which marked by an historic milestone close to the proposed site access.
- 2.2 The ten dwellings proposed would be sited on c.0.9ha of agricultural land, some distance north of the highway and projecting into the countryside. The dwellings would be laid out in a roughly triangular formation around a central area of land

which would be encircled by new carriageway. The development would be accessed off the right hand bend of the existing access into the previously approved development to the south east of the site. An area of land for onsite BNG is proposed in the northern part of the site, with access to it provided between plots 5 and 6.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 A representation of support based on material planning reasons was received from the Parish Council although this was received after the agreed 31 day timescale had expired. No comments were received from the Local Member.
- 3.2 This notwithstanding, the application was discussed between the Interim Planning and Development Services Manager and the Chair of the Southern Planning Committee on 25th September 2025 and it was resolved that this application should be determined by committee.

4.0 Community Representations

No community representations have been received.

4.1 Consultee Comments (Summarised)

SC Affordable Houses

Unable to support this application for the following reasons:-

- The proposed site fails to meet the spatial requirements set out in CS5 and CS11, given the site is in open countryside and is not adjoining any recognisable named settlement.
- The proposal is not compliant with policy guidance, in this instance seeks to provide 5 full open market dwellings and 5 discounted sale dwellings (80% of the open market value). The cross-subsidy mechanism supports affordable rented tenure and not discounted sale tenure as currently proposed. Additionally, the cross-subsidy mechanism does not allow full market value properties.
- The guidance also states that the properties for rental on the exception site will normally be owned and managed by a Registered Provider and be intended to meet local housing needs. They will be subject to occupancy restrictions and will be let in accordance with the Councils Housing Allocations Policy and Scheme using our preferred Choice Based Lettings system. The proposed affordable housing (5 discounted sale dwellings) does not comprise the required rented tenure.
- Paragraph 82 of the National Planning Policy Statement (NPPF) states 'Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help facilitate this', in other words, the market housing subsidising the

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affordable provision. The submission does not include any financial information to support cross-subsidy or evidence to support the need for 5 detached dwellings to subsidise 5 discounted market affordable 3 bed dwellings.

- The agent suggests at '2.11 *The public benefits delivered by the scheme in the form of good quality affordable housing including bungalows, are considered to outweigh the harm of the site being outside the settlement boundary as identified in the Local Plan.*' However, there is nothing within this submission to suggest that the affordable provision is indeed 'affordable' or that there is local affordable need for 5 x 3 bedrooomed affordable dwellings.
- At 2.12 the agent referenced the NPPF 2023 Annex 2: Glossary c) Discounted market sales housing: Is that sold at a discount of 20% below market value in perpetuity. However, what has been omitted from the definition is '*eligibility is determined with regard to local incomes and local house prices*'. The medium household income for the Parish is £41,000 (CACI paycheck data). When considering a mortgage multiplier of 4.5 would generate a maximum of mortgage of £184,500 (with a deposit of between £18,450 and £36,900). The previous discounted sale dwellings were marketed at £200K for a two-bed dwelling. The SPD states that the Discounted Market Sale dwellings should be sold at 60% of the open market value. The discounted sale price 80% is unaffordable. Again, no information has been provided to demonstrate affordability.
- The S106 attached to the previous development reference 23/04167/FUL required the discounted sale dwellings (80% of the open market value) to be sold to a 'Qualifying Purchaser' defined as 'means a person who is resident within or employed within or has family connections with the Local Area who intends to purchase a Discounted Sale Dwelling and: 1.lacks his/her own housing or lives in housing which is agreed by the Council in its absolute discretion to be inadequate or unsuitable to meet his/her existing or future requirements whether because of its tenure, size, type, design, amenity, location, condition security, or costs and 2. is unlikely to be able to meet his/her housing needs at the development without access to an Affordable Housing Dwelling. Local Area within the S106 is defined as the administrative area of the Parish of Pontesbury. Should permission be granted, any interested purchaser would need to demonstrate a local connection and be in need to satisfy the affordable 'need' criteria 1. above, which is a property type typically sought by an older cohort who, from experience, seek to move to sustainable locations and close to service provision.
- The proposal is effectively a market development in the open countryside in an unsustainable location. The proposal is contrary to National Planning Policy, Local Policy and guidance embedded in the Supplementary Planning Document. The submission is confused in so much as it refers to cross-subsidy but does not provide any financial information to demonstrate how

the provision of 5 detached properties is needed to subsidise 5 detached bungalows.

SC Highways DC

Comments received on 27/08/25 indicated that the proposal represented unsustainable development (in transport terms) in a location that provided no genuine choice for mode of travel other than via a private vehicle. Advised that the 10 dwellings proposed were not accompanied by a supporting transport statement and that insufficient information had been provided in this regard. Noted that the bus stop referred to - Route 558 – was at a 400m distance where no walking facilities were provided along B4568, and where there were no safe walking opportunities for escorted or unescorted school trips. Also noted in terms of access to B4386 that it would need to be demonstrated that the previous permission adjacent captured the site access by plan or condition. Further advised that ten dwellings in this isolated location would be significant in transport terms, where under NPPF Para 110 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes', and that this site would neither limit the need to travel, by proposing to create household family lifestyles that would be reliant on access to facilities (including education) that would have no genuine transport choices, given the relationship with the B4386. Advised that in terms of a new access there was no information provided to support 20mph design speeds or the visibility for those speeds, whilst placing access on the outside of a bend whether technically achievable or not is a more complicated arrangement than visibility on a straight section. Whilst it may be acceptable to do this in engineering terms, the proposal appears not to take into consideration whether such matters are otherwise avoidable. Advised that vehicle access matters may potentially be agreeable subject to further work.

Reconsultation comments received on 24/09/25 stated that the highway authority had carried out a desktop review of the location as no supporting documentation had been provided by the applicant, where the position of the highway authority remained as follows:

- Para 110 of the NPPF states that 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'. It is for the decision maker to determine if the scale of development proposed is significant. The proposal does not maximise or make any intent to maximise sustainable transport solutions in this location. There are no viable footway routes to local facilities that could support future pedestrian trips from the site. There is

no evidence to suggest that the B4386 is suitably laid out to support cycling as a genuine travel choice for all future residents - taking Figure 4.1 from LTN 1/20 on cycle infrastructure. The additional comments provided by the applicant have recognised an existing bus service but have taken no opportunity to ensure that future residents find this service to be accessible and a genuine choice. Despite the comments added that Shropshire is a rural county and that manual for streets design principles are primarily aimed at urban areas, there is nothing that states that the outcome of rurality should be an absence of choice with a reliance on the private car.

- I am mindful, in the absence of any other consultee responses to adjust my position, that all education needs would require escort by car or that each and every future young person would require school travel arrangements to be accommodated. A lack of genuine choice is an issue in this location and the additional development proposed will generate a disproportionately high level of car trips compared to any location where genuine choice exists. If there is a scale of development, based on car reliance that is acceptable in a location such as this, then it must be viewed as being permitted with that awareness. Without a position on sustainability being made there would be no reason to consider the limited scale of development that could be supported in transport terms in a location such as this.
- Having reviewed the additional comments provided, there is nothing to dissuade me from the previous recommendation that the site lacks genuine choice and does not meet the requirements of Para 110 of the NPPF.
- Looking to the planning statement and the house types I can see that the affordable three bedroom bungalows and the market housing three bedroom bungalows are provided with different levels of parking. On what basis? Car ownership isn't any more or less necessary in this location due to individual circumstances. We can establish that affordable premises are less likely to be car owners or multiple car owners. This reinforces the concern that those affordable families' reliance on school transport will be even greater due circumstance.
- Policy CS6 of the core strategy states 'Requiring 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'. In this location the significance is of a development proposal that lacks safe and suitable facilities for trips by any mode other than the private car. It is difficult to establish where exactly a pedestrian should stand on the B4386 to wave down a bus or compel it stop when passing the other way. The site is unsafe and unsuitable for onward travel by any mode other than the private car as a genuine choice to support essential living needs.
- The technical matters relating to access, internal arrangement including streets and parking would be private areas that would not be supported for adoption by the local authority.

The highway authority has a responsibility to the safe and suitable opportunity to access facilities by all modes regardless of whether a location is rural or urban. This site only seeks to rely on vehicle movements to and from it and that is not considered to be sustainable in transport terms.

SC Green Infrastructure Advisor -

Initial comments received on 20/08/25 queried discrepancies between plans indicating locations of BNG area and Public Open Space, and raised concerns that:

- the application is not fully clear whether the appropriate extent of Public Open Space has been provided for the site as per SAMDev policy MD2.
- Lack of clarity on what the landscape details for the site will be (advises this could however be controlled by condition).
- Lack of clarity as to how the proposed BNG will be implemented via a landscape masterplan.
- No arboricultural information submitted to provide clarity on how existing landscape features have been retained, enhanced, extended, and integrated into the new development. Arboricultural information is also required to better understand what the boundary vegetation is given that any hedgerow that consists of at least 80% native woody shrubs, and measures at least 20m in length, qualifies as 'priority habitat', and would therefore be classified as a core area of the environmental network.
- Further concerns that the existing boundary vegetation appears to be placed within private plots which does not necessarily guarantee its retention once residents move in. Notes that placing key existing landscape features into POS ensures their retention and appropriate future management (recognising that the site is identified as being within an area that is below the recommended target of 20% tree canopy cover)
- The accompanying design and access statement provides no narrative on the landscape design. The conceptual visuals include some landscape rendering but without any description.

Reconsultation comments received 25/09/25 noted the red line boundary had been amended to include the BNG area, but advises the previous comments of 20/08/25 provided had not been addressed and all of them remained relevant.

Further reconsultation comments received 03/10/25 found that insufficient information had been submitted in respect of providing a sufficiently detailed landscape plan, and where inconsistencies were noted with planning drawings in respect of the location of trees to be planted and the extent of back gardens.

Tree Team

Comments received 11/09/25 noted there are a number of significant trees present on or adjacent to this site, where the development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or

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exert an influence over the proposed development in the longer term. Added that because no arboricultural information has been submitted it was not possible to provide meaningful comments on the proposed site layout in relation to existing trees. The status, condition, and value of trees on or adjacent to the site have not been assessed, and there is currently no evidence to demonstrate that arboricultural constraints have informed the design process and therefore advises an arboricultural assessment must be submitted to properly evaluate the implications of the proposal, together with a landscaping information and a tree planting plan

Commented that the integration of trees and green infrastructure is essential to achieving sustainable development, climate resilience, and high-quality placemaking. The approach to tree protection and landscape design must align with relevant national and local planning policies and established best practice, including:

- NPPF Paragraphs 131 and 174 stress the importance of trees in improving environmental quality, contributing to biodiversity, and enhancing local character. The NPPF also requires development to avoid significant harm to important natural features and to deliver measurable environmental gains where loss is unavoidable.
- BS 5837:2012 ' Provides guidance for the assessment, retention, and protection of trees during design, demolition, and construction, requiring early integration of arboricultural constraints into the site layout process.
- BS 8545:2014 ' Establishes standards for successful establishment of new trees in the landscape, from selection and planting through to independence in the environment.
- Shropshire Council Local Plan Policy MD12 ' Requires the protection and enhancement of the natural environment, including the retention of trees of landscape, ecological, or amenity value, and encourages the delivery of green infrastructure and biodiversity net gain.

Concluded that whilst there was no objection in principle to the proposed development of this site, it must be demonstrated through a compliant AIA that the scheme has been informed by the presence of trees, hedgerows and arboricultural features of value, and that adequate measures will be put in place to protect them during and after construction. Where tree loss is unavoidable, this must be clearly justified, and an appropriate level of mitigation and compensatory planting provided to avoid net loss of canopy cover, biodiversity, or visual amenity.

The submitted layout and landscape proposals must show how retained trees can be sustainably integrated within the development, and how new planting will contribute positively to site character, ecological value, and long-term environmental function.

Advised that if this information was not forthcoming it must be considered that the

proposed development would have a substantial negative impact on the adjacent trees and the wider amenity and it would be recommended that the application be refused as it would be contrary principals of sustainable development outlined in the NPPF and the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 and policies MD2 & MD12 of the adopted SAMDev plan.

Reconsultation comments received on 28/10/25 raised objection to the submitted arboricultural impact assessment and tree planting scheme. Conditions recommended should an approval be issued.

SC Ecology

Initial comments received 27/08/25 raised no objection, with conditions and informatives recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17. Advised biodiversity net gains would be required at the site in accordance with the NPPF and CS17.

Further comments were received on 09/09/25 in response to amended BNG plans. These found the amended plans to be consistent with the proposed map attached to the BNG metric but flagged that the plans submitted Ecological Appraisal & BNG document (Figure 5.1), did not reflect the revisions and required updating to reflect the proposed plans and negate any confusion amongst proposals.

SC Archaeology (Historic Environment)

Comments received on 22/08/25 reported that the site is considered to have untested archaeological potential and noted that contrary to Paragraph 207 of the NPPF (December 2024) and Policy MD13 of the Local Plan no desk-based assessment had been submitted.

Reconsultation comments received on 24/10/25 acknowledged the submission of an acceptable archaeological desk based assessment, and advised of wording of a condition if the application were approved in line with Paragraph 218 of the NPPF (December 2024).

SC Conservation (Historic Environment)

Initial comments received on 25/08/25 noted that the red lined site and proposed further housing development would be further beyond the former public house, previously confirmed to be a non-designated heritage asset and that the current proposal would continue the 'estate vernacular' design introduced with the previously approved new build scheme. Advised that there appears to be no map based evidence of existing or former historic buildings in the red-lined site, and whilst Conservation had no specific comments relevant to the current proposal per se, they highlighted the comments submitted from SC Archaeology and the lack of a heritage desk-based assessment in support of the proposed development. Advised conditions if the application were to be supported by planning officers.

Reconsultation comments received on 16/09/25 noted that the agent had advised they had commissioned a desk based heritage assessment but that this had not been received and no comments would be provided until this was made available.

SC Waste Management

Commented on 06/08/25 and repeated the same on 27/08/25 (following reconsultation) that 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 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. It was recommended that the developer look at the guidance that waste management have produced, which gives examples of best practice as well as details of the vehicle size and turning circles. Advised particular concern would be 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.

SC Regulatory Services

Commented on 17/09/25 that the site is within a Coal Mining Reporting Area (as defined by the Coal Authority). Advised that the presence of a development over coal workings or areas of non-coal mining does not necessarily mean that there are risks due to gas emissions, but given that there are specific circumstances when mine gas can pose a significant risk (acute or chronic) to development it is therefore important that these risks are assessed by undertaking a Mine Gas Risk Assessment. A precommencement condition was therefore advised, should the application be approved.

West Mercia Constabulary

Comments received 06/08/25 raised no formal objection to the proposal's design.

Environment Agency (Midlands Region)

A 'no comment' response was received on 07/08/25, referring to foul drainage standing advice and need to submit form FDA1.

SUDS

Commented on 06/08/25 that a surface and foul water drainage pre-commencement condition would be required if the application was approved, to

include infiltration test results with rate calculations, as well as foul water calculations and FDA1 form

Public Comments

Pontesbury Parish Council (support comment received 09/09/25)

Pontesbury Parish Council supported the application advising that:

- It considered the proposal to be a sustainable development in line with relevant policies in the NPPF and Shropshire Local Plan, including Pontesbury Neighbourhood Plan.
- Considered the site to be within the 'T-shaped' settlement of Cruckton and part of the wider site of the former Hare & Hounds pub and that it would restore vitality to a once busy focus of the Cruckton community.
- Felt that the dwellings would make an important contribution to the housing need of the area and would provide some benefit to the local pub and shops in Hanwood and Copthorne as well as the use of village hall by means of a car, bus and footpaths and that it would satisfy the economic objective of sustainability.
- Advised that the emphasis of the proposal on single storey houses would begin to address the failure of recent housing to do so where housing surveys in the approved Neighbourhood Plan highlighted the need for affordable and single storey housing.
- Considered the proposal to be very well designed with architectural features are in line with the local vernacular, low elevations that would not intrude into countryside views, and where there would be new hedges for plot boundaries, with a central green area respecting the prevalence of greenery along the Montgomery Road, as well as mirroring the character of the rest of Cruckton, near the Hall and former church.
- Found that the adjacent PRoW had potential to link up with Thieves Lane bridleway.
- Noted the bus service timetable enables shopping visit to Copthorne, access to Shrewsbury workplace and stops at Shrewsbury Hospital, and whilst conceding the nearest bus stop is via a wide roadside verge, felt that it should be a relatively easy matter to have an additional bus stop at the Hare and Hounds which would improve the viability of the bus services.
- Noted a 20-minute walk via country road or across fields via PROW would give access to a more extensive bus service at Cruckmeole/Hanwood and that this indicated the proposed development would achieve the social objective of sustainability and would meet the design requirements of NPPF Paragraph 135.
- Commented that it considered the agricultural site to be disused and of low ecological value and regarded that an acceptable density of housing on the site would constitute effective use of land.
- Considered that the proposal would increase biodiversity and the existing and proposed hedges, trees and green will provide good screening in line

with the existing greenery nearby, thus maintaining local character.

- Added that EV charging points, solar panels and ASHP technology will assist the move to a low carbon economy and would meet the environmental objectives of sustainability.
- Advised that there was identified housing need in Pontesbury Neighbourhood Plan and that given then intention was to provide affordable housing by means of open market properties there would be no conflict with Neighbourhood Plan policies MOV1, GRE2, LAN2 and parts of LAN1. Felt that these also lent their support to NPPF policies 82 and 83.
- Concluded that the proposal constituted a sustainable development that would result in no harm that might significantly outweigh the benefits of a high quality design delivering much needed affordable housing, making good use of land, maintaining local character, supporting community vitality and boosting housing supply, when there is limited land available within Pontesbury development boundary.

5.0 THE MAIN ISSUES

Principle of development and consideration of the tilted balance
Conflict with Pontesbury Neighbourhood Plan
Other outstanding matters
The Planning balance

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. Policy

MD3 of the SAMDev recognises that windfall residential development, including on sites within the countryside, will play an important part in meeting Shropshire's housing needs. However, Policy MD3 requires proposals to comply with other relevant development plan policies, such as Policies CS4, CS5 and MD7a.

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. Cruckton has not been identified as a Community Hub or Community Cluster within the adopted development plan and was not proposed to become one in the now withdrawn draft local plan. In policy terms, Cruckton 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 The settlement of Cruckton does not have a development boundary and is deemed to be open countryside for planning purposes. Whilst both the applicant and the Parish Council have suggested that the site is part of the settlement of Cruckton (with the Parish Council describing the settlement as T-shaped) officers are of a contrary opinion, finding Cruckton to be tightknit settlement located around half a mile south of the site. Officers find the site to be physically and visually separated from Cruckton by the intervening field and road network, noting it would take around 15 minutes to walk into Cruckton from it along unrestricted country roads which lack pavements and street lighting, or by using public rights of way across fields. Given the site's existing agricultural use and location, officers find that it is therefore more closely associated with the surrounding open countryside than with the existing built form of Cruckton.

6.2.5 Given that proposal is not for a development type that would be permitted in the countryside under policies CS5 and MD7a, and is not within a Community Cluster, where policy CS4 might otherwise apply, the development of this site for the "cross-subsidy" housing scheme proposed would not be supported under the current adopted local plan. The cross subsidy element will be discussed in further detail in due course.

6.3 Draft Local Plan

6.3.1 Under the draft local plan Cruckton was not identified to become a Community Hub or Community Cluster and therefore in policy terms was considered to remain countryside where new open market development would be resisted.

6.3.2 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 was unrealistic and recommended that the local plan examination was withdrawn. The Council has

confirmed it will not be continuing with the current draft Local Plan which has now been withdrawn.

6.3.3 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 in the determination of planning applications. 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, Cruckton was identified as a recognised named settlement with a settlement population estimate of only 88 individuals and a dwelling estimate of 36 dwellings. As part of the screening process to identify appropriate locations for new housing development in the county, 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. Cruckton 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/>

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

6.4.1 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.

6.4.2 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 4.73 years of supply.

6.4.3 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.

6.4.4 The effect of this is that the 'tilted balance' is engaged, as set out in paragraph 11

(d) of the NPPF. This 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.*

6.4.5 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.

6.4.6 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.

6.4.7 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):

6.4.8 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.

6.4.9 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.

6.4.10 The key planning issue to consider in determining whether the principle of development is acceptable in this open countryside location is therefore whether the proposal under consideration represent 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 in turn below.

6.5 Sustainable location

6.5.1 Officers do not consider the site to be within the settlement of Cruckton. Cruckton has no demonstrable sphere of influence over the development site and lacks any essential day to day services that would deem it to be a sustainable location. It has no state schools or local shop, no pub, limited employment opportunities and no bus service that can be reached from the heart of the settlement where access to a regular bus service (the 558 service between Montgomery and Shrewsbury) is only achieved via a bus stop on the B4386 around half a kilometre to the north of the settlement (this bus stop is also the nearest one that potential occupants of the development could access if travelling by bus, being around 450m west of the site and similarly inaccessible on foot). There are no pedestrian footways or street lights that might facilitate safe pedestrian transit around and beyond Cruckton, whilst the nearest shops and facilities available to the local population are those in Hanwood (over 2 kilometres away from the site).

6.5.2 There is no pedestrian footway leading to or from the development site in any direction. There is an adjacent public right of way to the west of the site (leading north across fields towards Sascott), however existing physical barriers such as stiles, uneven terrain, and physical distance would not render the site readily accessible by this route, given the ROW does not lead to any identified services or facilities. This route would also presumably be of limited use to the older target group of occupants of the development who might benefit from the five single storey affordable dwellings proposed, as the applicant has suggested. There are other public rights of way in the vicinity that lead south towards Cruckton and Hanwood beyond (for example the Thieves Lane bridleway), but accessing them would require pedestrians to walk west directly on the carriageway of the 60mph B4368, or on its verge, for approximately 300m first. The nearest bus stop that potential occupants could utilise would then be even further beyond that point, requiring them to walk an additional c.150m. In turn, upon leaving the bus a reverse journey of 450m along the 60mph road which has no street lighting of pavement would be required to return to the proposed development site.

- 6.5.3 Given there is no readily accessible public transport to and from the site or safe pedestrian access or to and from the bus stop and ROW to the south west, 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 in turn that this would not result in sustainable development. This aligns with the comments provided by the Highways team who find the proposal lacks safe and suitable opportunities for trips to be by any mode other than the private car and who consider that this lack of genuine choice will generate a disproportionately high level of car trips compared to any location where genuine choice exists. As such the proposal would also be contrary to Policy CS6 of the core strategy which 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.
- 6.5.4 In terms of sustainability, therefore, the site is not in Cruckton and has no ready or safely accessible means of reaching on foot, cycle or by public transport access to services and facilities. Even if officers did consider it to be in Cruckton, the settlement is not a community hub or cluster and has screened out of the Hierarchy of Settlements document of the Local Plan Evidence Base on the basis of its lack of sustainability. Any potential occupiers of the development in this isolated open countryside location would need to rely on a motor vehicle to travel to neighbouring settlements and towns for shopping, education and work and the development would not therefore represent sustainable development. Any approval of the proposal would therefore be at odds with the tilted balance outlined in NPPF Paragraph 11(d) (ii) as it would not direct development to a sustainable location. It would also be contrary to Paragraph 84 of the NPPF which seeks to avoid the development of isolated homes in the countryside.
- 6.6 Efficient Use of Land
- 6.6.1 Turning to the next requirement of Paragraph 11(d) (ii), the proposed site covers an area of approximately 0.9ha and would provide ten dwellings made up of three house types and two 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 the design and layout proposed could be arranged more efficiently. As such the quantum of development proposed would not be acceptable for this site and would not provide the efficient use of land required by the tilted balance.
- 6.7 Well Designed Places
- 6.7.1 Despite plots 1,4,5, 6 and 7 being inaccurately presently as 'dormer bungalows', the materiality and general appearance of these two storey dwellings and the other single storey dwellings proposed would be acceptable, noting that they appear to be sensitively designed and draw reference from adjacent dwellings and the converted former pub in an 'estate vernacular' style.

- 6.7.2 However, the proposed dwellings do not meet the Technical Housing Standards – nationally described space standard (published 27th March 2015). These require a three bedroom / five person single storey dwelling to have a minimum gross internal area of at least 86m², whereas the detached affordable dwellings proposed will have a GIA of only 79m², resulting in unacceptably cramped living accommodation. Likewise, the semi-detached affordable bungalows proposed (three bedroom / six person single storey dwellings) also lack the required minimum GIA (95m²) and are instead proposed to have a GIA of 78m².
- 6.7.3 By the same token, officers are concerned that the first floor ‘Study’ shown on the plans for the five x two-storey dwellings (inaccurately labelled as ‘dormer bungalows’) both reads as, and could readily be used as a double bedroom measuring 14.5 x 14.5m. This strongly suggests that these dwellings are actually four bedroom / eight person units rather than the three bedroom / six person units presented on the plans. The gross internal area of these two storey units is 121m² which is below the minimum requirement of 124m² for a dwelling of this size, and, as with the other units on the site, would also result in unacceptably cramped living accommodation that would not comply with the statutory standards.
- 6.7.4 The proposed development provides no visitor parking, whilst concerns are raised with regard to the proportions of the garages proposed, which are needlessly tall in stature, yet possess no upper storey to justify their height. The single garages are particularly disproportionate and overly tall in relation to their width, whilst also being disproportionate and incongruous when compared to the proposed single storey dwellings they would sit alongside.
- 6.7.5 Shropshire Highways Authority’s standing advice has not been met in respect of the internal widths of any of the garages, which are not sufficiently wide enough to accommodate a vehicle. The car parking spaces shown in single garages are only 2.5m wide and should be a minimum of 3.3m in width, whilst the double garages are only 5.3m wide internally when these should be a minimum of 5.8m. This would result in the single storey dwellings effectively having only a single parking space (in front of each unusable garage) which would be unacceptable for a development of this size and area and could result in occupants needing to park directly on the carriageway serving the development.
- 6.7.6 Officers are concerned that given the single garages adjacent to the ‘affordable’ are effectively redundant for the purpose of parking a vehicle, the siting of the garages associated with those plots have potential to become incorporated as additional living accommodation in future (through enlargement of / linkage to the affordable dwellings) and such a resultant increase in built form would further drive up the price of these dwellings making them even less affordable for any potential occupants in identified housing need who might otherwise accord with the purchasing criteria. These ‘affordable’ dwellings therefore would be better served

by a provision of two parking spaces in tandem, with no redundant garage.

6.7.7 The amount of public open space (POS) provided by the development is unclear and this aspect of the proposal is deficient with regard to SAMDev policy MD2 which requires that 30m² of public open space per person (at a rate of one person per bedroom) should be provided as part of the development. The POS requirement for this site would therefore be 1050m² (based on the five two-storey dwellings each having four bedrooms rather than three labelled - such that the POS is calculated at a rate of 35 persons in total, rather than 30). The central 'green' area of the development is less than 400m² in area, so even if this were included as POS, the requirements of the policy would still not be met and the proposal fails to accord with policy MD2.

6.7.8 MD2 also requires the development's landscaping and open space to be considered holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set. No landscape masterplan has been provided to better elucidate the development in landscape and public open space terms, and no information has been provided in terms of any maintenance regime and responsibility for the central, undefined 'green' area of the development. This is similarly contrary to the requirements of MD2 which requires that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.

6.7.9 For the several reasons above, 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)

6.8 Affordable Housing

6.8.1 The agent has advised the scheme would be a "cross subsidy scheme" that will provide 50% "affordable homes" as defined in the NPPF under Annex 2 Glossary. Cross subsidy can be used as a mechanism to develop affordable housing where there is no public funding available; and in such schemes, the market housing effectively funds the affordable homes. However, in this case there appears to be some confusion and lack of understanding as what constitutes cross subsidy. In Shropshire, the cross-subsidy mechanism only supports affordable rented tenure, and not the discounted sale tenure proposed. Furthermore, Paragraph 82 of the NPPF states that "local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this". However, Paragraph 82 cannot apply to this site because its location does not satisfy the spatial requirements for exception sites, being in open countryside. This is confirmed by the agent at Paragraph 2.14 of the submitted planning statement: *"it is readily accepted that the site is situated in the countryside for policy purposes and in the current local plan Cruckton is not*

identified as a community hub settlement or a settlement which is part of a community cluster within the adopted development plan”.

6.8.2 Notwithstanding the above, the agent has advised that the discounted market sales housing proposed would be sold at a discount of 20% below local market value. They have however provided no rationale for this minimum level of discount being offered (where officers note the NPPF advises that this type of housing should be sold with at least a 20% discount).

6.8.3 Eligibility is determined with regard to local incomes and local house prices. However, no financial information has been provided by the agent to justify the need for five detached dwellings to subsidise five discounted ‘affordable’ bungalows, despite calculations having been requested by officers to elucidate this position. It is therefore uncertain how the cross-subsidy nature of the proposal could work in practice, particularly when the anticipated house prices of the ‘affordable’ bungalows have not been provided, and when the median household income in the parish is known to be £44,423 p.a. and the median house price in Pontesbury parish is £352,500 (source: Land Registry Price Paid Data 2024 and CACI Household Income Data 2024). Based on these averages, a selling price at 80% of the median market rate the ‘affordable’ dwellings might reasonably be expected to be c. £282,000. However, when a mortgage multiplier of 4.5 is applied to the current average median household income figure, a maximum of mortgage of only £199,904 could be generated (a 10-20% deposit of between £19,990 and £39,980), meaning the dwellings would still be out of reach for local people in Pontesbury Parish. In these circumstances the ‘affordable’ bungalows would not be genuinely affordable for the majority of local people, who would in any case need to demonstrate both a local connection and demonstrable, verified need for housing in order to purchase one of the dwellings.

6.8.4 It is the view of officers that the agent has failed to demonstrate the affordability of the proposed dwellings for local people in housing need within the parish, whilst it remains unclear, based on the insufficient information provided, whether there would be eligible individuals who would actually seek to move to this unsustainable location on this basis. The lack of the demonstrable affordability of the proposed bungalows and their unsustainable location could in turn lead to the very real prospect of the developer struggling to dispose of the dwellings if approved given a s106 agreement would be required to accompany a planning approval. This in turn risks the possibility of the developer needing to discharge any S106 agreement on the basis of a lack of suitable applicants with a local connection coming forward to purchase the “affordable dwellings” and in the eventuality that a s106 agreement were discharged (i.e. be removed from a planning approval) then the development would at that point become entirely open market in nature and able to be sold at full price. This not unlikely scenario would have the effect that (if the development were approved) the council would have a demonstrably unacceptable development in an unsustainable location in the open countryside where other developments would

not typically be approved (given they would be contrary to local and national planning policy – as this one is).

- 6.8.5 In correspondence with the case officer, seeking to justify the proposal, the agent has additionally sought to expound the concept that the development would result in a 150% 'overprovision' of affordable housing (where the prevailing target rate for affordable dwellings in this locality is 20%). The agent goes on to suggest this 'overprovision' would represent social sustainability and would be a material planning consideration in the determination of the application. However, overprovision of affordable housing as a concept can only be considered as a material consideration for open market schemes not within a development boundary in otherwise sustainable locations to justify the market housing being sought. In contrast, the current development proposed has been definitively presented to the LPA as an exception site. Given cross subsidy provision can only apply to exception sites, and overprovision to open market developments, the proposal cannot fulfil both scenarios simultaneously (i.e. it cannot be both compliant with policy and an exception to policy at the same time). For the reasons outlined above, and due to the absence of reasoning provided for the part-open market, part-'affordable' scheme proposed, officers find that the proposal does not meet the affordable housing provision of the Tilted Balance under Paragraph 11d (ii), where such provision would be better directed to other developments in genuinely sustainable locations where the needs of local people in housing need could be far more appropriately met.

6.9 Other NPPF policies relevant to determining sustainability

- 6.9.1 In consideration of the principle of development at this site, weight should also be given to other NPPF policies relevant to determining sustainability. In this regard, the proposal would fail to fully satisfy all three of the economic, social and environmental dimensions to sustainable development outlined in Paragraph 8. Additionally, Paragraph 84 seeks to avoid the development of isolated homes in countryside locations such as this one, whilst Paragraph 110 states that 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'. The significant development proposed in this location, resulting in a disproportionate reliance on car use in this rural area, would be contrary to Paragraph 110.

- 6.9.2 Furthermore, Paragraph 83 of the NPPF advises that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one

village may support services in a village nearby'. Notwithstanding the minor and short-lived economic benefit that would arise during the construction phase of the development, it is not considered that the development of this site would otherwise enhance or maintain the vitality of the wider rural community in any way. The site is not within a settlement, and even if Members did consider the site to be within Cruckton (a recognised named settlement), Cruckton has been screened out of the Hierarchy of Settlements document as not being an appropriate location to support future settlement growth due to its unsustainability. This remains a material consideration.

- 6.9.3 Paragraph 73 supports the development of windfall sites in existing settlements, however this site is categorically not in a settlement and therefore cannot be considered such a windfall site, where many other speculative sites are coming forward at the present time and where several windfall sites are being considered within the settlement of Pontesbury, which, as a community hub and as recognised in the Neighbourhood Plan, is a far more appropriate location for new housing development.
- 6.9.4 Paragraph 135 of the NPPF sets out requirements for achieving well-designed places, where, amongst other considerations, these should function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development. This paragraph also requires developments to be sympathetic to local character and history, support local facilities and transport networks and create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. With respect to the design inadequacies of the proposed development, alongside its open countryside location, and inaccessibility to services and transport services, the proposal would not comply with the provisions of Paragraph 135.
- 6.9.5 In terms of other NPPF policies relevant to determining sustainability, therefore, the proposed development fails to accord with them. The proposal would not deliver genuinely affordable housing through the purported policy non-compliant and unevidenced "cross-subsidy" mechanism proposed, and does not propose an efficient use of land or a well-designed scheme, failing to accord with any of the provisions of the tilted balance at Paragraph 11d (ii) of the NPPF. It would conflict with the relevant objectives in national and local policies regarding sustainable development and the provision of housing outlined under CS1, CS3, CS4, CS5, CS6, CS11, MD2, MD7a and the Type and Affordability of Housing SPD. As such the development it is unacceptable in principle and should be refused.
- 6.10 Conflict with Pontesbury Neighbourhood Plan
- 6.10.1 Pontesbury Neighbourhood Plan is a material consideration in the determination of the proposal. It is noted that a representation of support, submitted after the deadline, has been made by Pontesbury Parish Council, which finds the proposal to be in accordance with its own Neighbourhood Plan policies. However, the case

officer's opinion differs to this, and is not aligned with the position taken up by the Parish Council. Concerns are also raised about the consistency and objectivity of the Parish Council's representations on development proposals within the parish, given that three weeks prior to submitting their representation of support for this proposal, the Parish Council submitted an objection response (on the grounds of a lack of sustainable location) to another proposed housing development located c. 800m east of the site along the same stretch of the B4386, in an open countryside location that is closer to the services and facilities of Shrewsbury. This can be viewed under 25/02789/PIP – refused in September 2025, and this is pertinent because it is now the subject of an appeal against its refusal.

- 6.10.2 It is of course the responsibility of the Parish Council to agree its own view on a proposed development and submit a representation accordingly, but the stark contrast between these two representations from the same body is somewhat difficult to reconcile. From the LPA's perspective, a risk exists that if the current application is determined by Members to be acceptable - against officer advice, as has occurred in the past on this site - this could result in costs being awarded against Shropshire Council for unreasonable behaviour in the appeal currently underway for the refused application 25/02789/PIP, north east of the proposed site, given the schemes both share clear commonalities in proposing new residential development in unsustainable locations in the open countryside. For that reason, consistency is of the utmost importance in the determination of applications.
- 6.10.3 The Parish Council's representation of support for the scheme, was received after the agreed deadline of 31 days and cannot therefore not be given any weight in favour of the proposal. Furthermore, the proposal does not accord with several policies of the Pontesbury Neighbourhood Plan 2016-2038. Policy LAN1 of the PNP (Landscape Character) states that development outside of Pontesbury's development boundary will be supported where the landscape character of the parish will be maintained or where possible enhanced. However, unsustainable urbanising development in the open countryside would not to maintain or enhance landscape character. LAN1 goes on to state that development proposals likely to have a significant impact on the rural character of the neighbourhood area should demonstrate how this has been taken into account by the proposal. However nothing in the application submission suggests this has been undertaken as required by LAN1.
- 6.10.4 Policy LAN2 (Conservation of the Parish's Historic Heritage) states development will be supported which "involves development in or adjacent to Cruckton village which respects the historic environment associated with Cruckton Hall, including: – the existing Home Farm boundary walls, trees and road alignment – the linear shape of the village and pattern of the footpaths and, where appropriate, uses designs which draw inspiration from the six County Council small holdings set up after the break-up of the Cruckton Hall Estate." It is evident that the proposed development is not in Cruckton, and indeed LAN2 categorically describes the

settlement as linear, and not T-shaped, as the Parish Council has suggested.

6.10.5 The Parish Council refers to Neighbourhood Plan policy MOV1 (Public Rights of Way and Links) and to the 'potential to link up with Thieves Lane bridleway'. However it misapplies this policy which solely relates to developments that seek to enhance / improve Public Rights of Way (PROW) including pedestrian and cycle links, and the proposal under consideration does not propose any of these things. The site is merely located next to a PROW and as previously referenced, there is no safe pedestrian linkage available to access Thieves Lane bridleway.

6.10.6 The Parish Council also refers to the emphasis the scheme has on single storey houses which it considers will begin to address the failure of recent local housing to do. However, the scheme only proposes five single storey dwellings, alongside a further five standard two storey houses, despite the application form and plans and wording of the original description of development suggesting the entire scheme would be single storey in nature. The Parish Council also refers to the identified housing need of some of its parishioners, and describes the proposal as delivering 'much needed affordable housing' whilst not appearing to recognise that the proposed scheme is not at all affordable for its parishioners, and that the submission lacks any evidence that might demonstrate it could be.

6.11 Other outstanding matters

6.11.1 Highways matters

Highways officers advise that insufficient information has been submitted in respect of a required transport statement for a development of this size especially when considered alongside the development previously approved under 23/04167/FUL. Paragraph 96 of the NPPF requires that planning decisions should aim to achieve healthy, inclusive and safe places which is reflected in Core Strategy policy CS6 and SAMDev Plan policy MD2. Paragraph 109 requires that transport issues should be considered from the earliest stages of development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places, ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places; understanding and addressing the potential impacts of development on transport networks; identifying and pursuing opportunities to promote walking, cycling and public transport use; and identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Allied to this, Paragraph 110 requires that the planning system should actively manage patterns of growth in support of these objectives, with significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, whilst Paragraph 115 states that development proposals must ensure safe and suitable access to the site can be

achieved for all users.

6.11.2 It has not been demonstrated that there is an adequate safe pedestrian access to and from the development such that public transport may be safely or sustainably accessed, whilst in terms of the proposed site access, located on the outside bend of another access, highways officers advise that technical matters relating to access, internal arrangement including streets and parking would be private areas and would not be supported for adoption by the local authority in their current form. Were the development to be approved this would likely lead to further expense for the occupants of the 'affordable' dwellings in particular in terms of a future maintenance regime, where it is recognised the provision of affordable dwellings on private drives is a practice which should be avoided wherever it is possible to do so to alleviate the need for additional expense on be borne by those occupiers.

6.11.3 S106 legal agreement

Members are advised that should they resolve to grant planning permission for the development a legal obligation to secure the affordable units to be discounted against market value in perpetuity and retained for local need would be required in advance of any decision being issued.

6.11.4 BNG

Biodiversity net gain has been clarified as being located within the red line boundary with a narrow unmade access to it provided between plots 5 and 6. However, the ecology team has noted the submitted Ecological Appraisal & BNG prepared by Ben Jones Ecology (July 2025) shows a different proposed plan at Figure 5.1, which encompasses the blue line boundary into the BNG Offset area, and this requires updating should the development be approved.

7.0 Planning Balance

7.1.1 The material harms of the proposed development found to be contrary to policy are:

- Harm 1 - Siting in an unsustainable location in the open countryside
- Harm 2 – Negative impact on local amenity
- Harm 3 – Inadequate information in relation to Highways safety
- Harm 4 – Negative impact on amenity of future occupiers

7.1.2 The harms identified would result in significant negative impacts on the character and amenity of the local environment, contrary to the adopted Development Plan Policy and the National Planning Policy Framework. Identified harms are given specific weight in the 'Planning Balance', with the hierarchy of weight ascribed to any harm in this case being:

Very Substantial
Substantial

AGENDA ITEM

Proposed Residential Development Land To The North Of The Old Hare and Hounds

Great
Moderate
Limited

- 7.1.3 There would be definitional harm caused by the siting of the proposed development in an open countryside location that has not been proven to be sustainable, thereby eroding the natural character of this rural location. This would also be contrary to the policies of Pontesbury Neighbourhood Plan. This represents Harm 1, to which very substantial weight is given.
- 7.1.4 Harm 2 would be the combined visual and physical impact of the proposed development on the existing amenity value of the site, where it is not sited on previously developed land and would project into the wider open countryside. This is also ascribed substantial weight.
- 7.1.5 Harm 3 is the impact of the development on highways safety, where the unacceptable access and layout proposed cannot be supported and where insufficient information has been provided in respect of a Transport Statement. Occupants of the development would be compelled to travel along an unrestricted length of carriageway for a considerable distance to access local bus services and no safe pedestrian access to and from the site has been demonstrated to be achievable. Substantial weight is therefore given to this harm.
- 7.1.6 Harm 4 is the negative impact of the development on the amenity of future occupiers, where the bedroom sizes would not all meet the minimum requirements set out in nationally described spatial standards and where the garages are not of sufficient dimensions to accommodate a vehicle. This harm is ascribed moderate weight.
- 7.1.7 The benefits of the proposed development are identified as the provision of five open market dwellings and five dwellings offered at a discounted price which would contribute towards the provision of housing in Shropshire in the absence of Council currently being able to demonstrate a five year housing land supply. This is attributed moderate weight in the planning balance.
- 7.1.8 Whilst there is an acknowledged need for more affordable homes, these should be demonstrably affordable and evidenced as such where they are proposed as cross-subsidy. They should be sited in appropriate locations and not in sites which lack a close relationship with a settlement or in those which are judged to harm the open countryside. The provision of the so-called 'affordable' dwellings would not achieve these aims and whilst they would have some public benefit due to their contribution the housing supply they would be attract no weight in the planning balance in terms of affordable housing. The construction phase of the dwellings would provide a short-lived economic benefit which would have some limited weight, however.

7.1.9 In terms of the overall planning balance, officers have identified two benefits which have been ascribed moderate and limited weight in favour of the development. Conversely four harms have been identified and have been given weight ranging from very substantial to moderate. On this basis there are no benefits which individually or cumulatively clearly outweigh the multiple harms identified that are found to conflict with local and national policy, and other legislation. No special circumstances exist which justify the inappropriate development proposed at this location, where the requirements of the tilted balance at Paragraph 11d of the NPPF are not met, therefore the weight in overall planning balance lies significantly in favour of refusing the scheme.

7.1.10 The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated conflict with national and local planning policy.

8.0 Conclusion

Having considered the application against the adopted Development Plan, the National Planning Policy Framework (NPPF), and other material planning considerations, it is concluded that the proposed development fails to meet the requirements for sustainable development. The site is located in open countryside, outside any recognised settlement boundary, and lacks the necessary infrastructure, services, and connectivity to be considered a sustainable location. The proposal conflicts with key local policies including CS4, CS5, CS6, CS11, MD2, MD7a, and the Type and Affordability of Housing SPD, as well as several provisions of the NPPF, notably Paragraphs 8, 11(d), 84, 110, and 135.

The scheme does not demonstrate an efficient use of land, fails to meet national space standards, and lacks adequate provision for public open space and parking. The purported cross-subsidy model for affordable housing is inadequately evidenced and does not guarantee genuine affordability for local people. Furthermore, the absence of a heritage impact assessment and transport statement raises significant concerns in highways terms.

Whilst the proposal would deliver a modest number of dwellings, including discounted units, these benefits are limited and do not outweigh the multiple and substantial harms identified. The development is also contrary to the Pontesbury Neighbourhood Plan and does not align with its objectives for landscape character, heritage conservation, and sustainable growth.

In light of the above, and given the failure to satisfy the requirements of the tilted balance under Paragraph 11(d) of the NPPF, the application is recommended for refusal.

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 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

Central Government Guidance:
National Planning Policy Framework 2024
National Planning Practice Guidance

Core Strategy and Saved Policies:
LDF Core Strategy Policies:
CS1 Strategic Approach
CS3 The Market Towns And Other Key Centres
CS4 Community Hubs And Clusters
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS11 Type And Affordability Of Housing
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:
MD1 Scale and Distribution of development
MD2 Sustainable Design
MD3 Delivery Of Housing Development
MD7a Managing Housing Development In The Countryside
MD12 Natural Environment
MD13 Historic Environment

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

Pontesbury Neighbourhood Plan 2016-2038

RELEVANT PLANNING HISTORY:

PREAPP/10/02247 Erection of holiday chalets REC
PREAPP/13/00326 Conversion and reuse of existing buildings for residential use to include an element of new build PREAMD 23rd August 2013
14/02888/OUT Outline application for the erection of 6 residential dwellings to include access (existing public house to be retained and restored) WDN 17th December 2015

AGENDA ITEM

Proposed Residential Development Land To The North Of The Old Hare and Hounds

21/01756/FUL Alterations and extensions in association with the proposed conversion of redundant fire damaged public house to provide four dwellings, construction of new access and driveway with parking area and provision of associated drainage treatment facilities. GRANT 9th November 2021

22/02734/DIS Discharge of Conditions 7 (Historic Survey) and 12 (External Lighting) on Planning Permission 21/01756/FUL for the alterations and extensions in association with the proposed conversion of redundant fire damaged public house to provide four dwellings, construction of new access and driveway with parking area and provision of associated drainage treatment facilities. DISAPP 14th October 2022

22/03036/FUL Revised access and driveway arrangements (to adoptable standard) in relation to previous application ref 21/01756/FUL GRANT 21st October 2022

22/03783/VAR Variation of Condition No. 2 attached to planning permission 21/01756/FUL dated 15 October 2021 GRANT 31st October 2022

22/04000/DIS Discharge of condition 5 (drainage) on planning permission 21/01756/FUL DISAPP 19th October 2022

22/04674/DIS Discharge of Conditions 7 (external joinery) and 8 (roof windows) associated with planning permission number 22/03783/VAR (amended description) DISAPP 4th December 2022

PREAPP/23/00085 Erection of 6 affordable and 4 open market dwellings PREUDV 21st March 2023

23/02751/DIS Partial discharge of condition 11 (bat boxes) on planning permission

22/03783/VAR DISPAR 20th July 2023

23/02864/DIS Discharge of conditions 5 (landscaping), 11 (bat boxes) and 12 (bird boxes) on planning permission 22/03783/VAR DISPAR 29th August 2023

23/02944/DIS Discharge of conditions 6 (external materials) and 9 (exterior services) on planning permission 22/03783/VAR DISAPP 27th September 2023

23/04167/FUL Cross Subsidy Housing Scheme comprising of 4 No terraced affordable dwellings, a pair of semi-detached affordable dwellings, and 4 No detached open market dwellings with double garages. GRANT 11th March 2024

23/04274/FUL Erection of 4 No. detached double garages to serve dwellings approved under reference 21/ 01756/FUL and 22/03783/VAR, dated 15th October 2021 WDN 11th January 2024

23/04336/DIS Discharge of condition 3 (EPS Licence) on planning permission 22/03783/VAR DISAPP 7th November 2023

23/04875/DIS Discharge of Condition 10 (ECW) attached to planning consent 22/03783/VAR DISAPP 30th November 2023

23/05332/DIS Discharge of Condition 13 (Existing Access) attached to planning consent 22/03783/VAR REFDIS 5th January 2024

23/05339/DIS Discharge of Conditions 5 (a-h) attached to planning consent 22/03783/VAR DISAPP 22nd May 2024

24/01361/DIS Discharge of Condition 13 (Closure of Existing Access) on Planning Permission 22/03783/VAR DISAPP 9th April 2024

24/01386/DIS Discharge of Conditions 5 (Materials), 6 (Construction Method Statement) and 7b (Tree Protection Measures) attached to planning consent 23/04167/FUL DISAPP 30th April 2024

AGENDA ITEM

Proposed Residential Development Land To The North Of The Old Hare and Hounds
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24/01530/FUL Erection of a garage block comprising of 4 No. double garages GRANT 17th June 2024

24/01814/DIS Discharge of Condition 9 (Surface and Foul Water Drainage) associated with planning application number 23/04167/FUL DISAPP 23rd May 2024

24/02883/DIS Discharge of conditions 8 (landscape plan) and 11 (boundary treatments) on planning permission 23/04167/FUL DISAPP 29th August 2024

24/02911/DIS Discharge of condition 10 (Details of domestic waste arrangements) for planning application number 23/04167/FUL DISAPP 29th August 2024

25/00266/DIS Discharge of Condition 13 and 14 (External Lighting) on Planning Permission 23/04167/FUL DISAPP 6th March 2025

25/00289/DIS Discharge of Condition 12 (Ecological Clerk of Works) on Planning Permission 23/04167/FUL DISAPP 13th February 2025

SA/82/0560 Alterations and additions of a flat roof rear extension to provide catering kitchen and use outbuildings and disused store as a functions room. PERCON 10th August 1982

SA/99/0159 Erection of single storey extension to provide new dining room and internal alterations to provide 5 bedrooms each with en-suite bathroom. PERCON 6th May 1999

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T06A6JTDJN800>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member

Cllr Roger Evans
