

AGENDA ITEM



Committee and date

9th December 2025

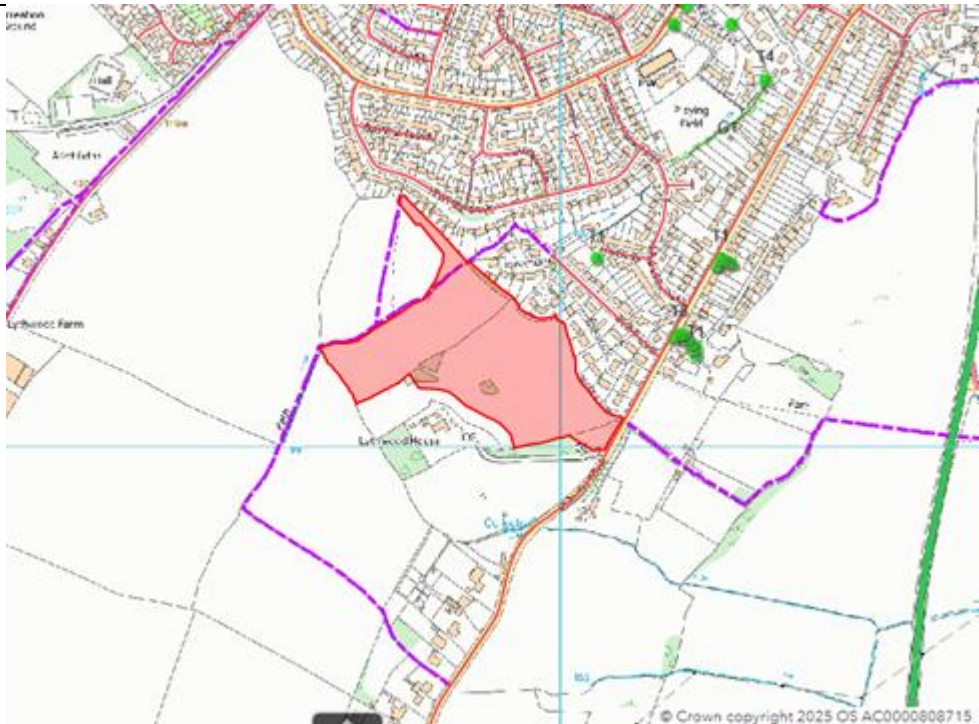
Development Management Report

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

Summary of Application

Application Number: 24/00765/FUL	Parish:	Bayston Hill
Proposal: Hybrid planning application seeking (a) full planning permission for the creation of 108 dwellings, open space and infrastructure with access from Lyth Hill Road and (b) outline planning permission for up to 4no. serviced self-build plots (Amended description)		
Site Address: Land West Lyth Hill Road Bayston Hill Shrewsbury Shropshire		
Applicant: Redrow Homes Midlands		
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk	

Grid Ref: 347941 - 308088



REPORT

Recommendation: That delegated authority is given to the Planning Services Manager to grant planning permission subject to the completion of a Section 106 agreement and the conditions in Appendix 1 of the 19th August 2025 committee report, and for any minor changes to conditions as required.

1.0 BACKGROUND

1.1 This planning application was presented to North Planning Committee at its meeting on 19th August 2025, with an officer recommendation that delegated authority is given to the Planning Services Manager to grant planning permission subject to the completion of a Section 106 agreement and conditions. Members discussed the application and resolved:

- That determination of the application be deferred to allow planning officers the opportunity to open negotiations with the developer in respect of site density, open space, impact on local services and urbanisation of the village.

1.2 Since that time, officers have discussed the above resolution with the applicant, and options to seek to address Members' concerns. As a result of this, further and amended information has now been submitted. A re-consultation process has been undertaken. Officers provide below an update to the original Committee report (included as Appendix A). This should be read in conjunction with the previous report.

2.0 ADDITIONAL INFORMATION SUBMITTED

2.1 The applicant has reviewed the design and layout of the proposed development in response to Member's concerns, and has submitted revised and additional plans and documents. The principal amendment to the proposal is the reduction in the number of dwellings from the originally proposed 114 to 108. The submitted documents include:

- Revised site layout drawings to reflect the reduced density
- Updated landscaping and other plans
- Additional information in respect of agricultural land
- Technical note on highways matters
- Density assessment statement
- Legal advice in respect of density
- CGI imagery showing views within the development
- House types brochures and street scene drawings

2.2 No changes are proposed to the element of the proposal which has been submitted in outline for the self-build dwellings.

3.0 ADDITIONAL REPRESENTATIONS

3.1 The additional and revised information has been made available on the public

planning register, and a re-consultation exercise has been undertaken with relevant consultees including the Parish Council. The additional representations that have been made since the previous North Planning Committee meeting are summarised below.

3.2 Consultee comments

3.2.1 Bayston Hill Parish Council Objects.

The revisions to application 24/00765/FUL remains contrary to the Shropshire Local Plan policies CS6 (Sustainable Design and Development Principles), MD2 (Sustainable Development), and the National Planning Policy Framework (NPPF paragraphs 125 and 135b). The proposal continues to exhibit excessive density, loss of best and most versatile agricultural land, inadequate open space provision, harmful landscape and light impacts, and adverse implications for local services and highway safety.

1. Density and Character - Conflict with MD2 and CS6

The proposed 108 dwellings and 4 self-build plots equate to a density of 26 dwellings per hectare, representing a 37% uplift over the Bayston Hill average of 19 dwellings per hectare. This level of intensification is inconsistent with the village's established form, scale, and layout. It therefore fails to comply with Policy MD2 (2.i), which requires development to respect local character, and NPPF paragraph 135(b), which seeks designs that are visually attractive and contextually appropriate. The development would cause significant harm to the character and appearance of the area, contrary to Policies CS6 and MD2.

2. Loss of Best and Most Versatile Agricultural Land

The revised scheme would still result in the loss of 2.3 hectares (38%) of best and most versatile agricultural land. This represents a substantial and unjustified loss of valuable farmland, conflicting with national and local objectives to safeguard such resources and ensure the efficient use of land. The latest document submitted on 14.10.2025 by the Agent with regards to Best and Most Versatile [BMV] Agricultural Land, if this approach was taken where every application involved the loss of BMV Agricultural land the numbers would add up and would be significant.

3. Public Open Space - Inaccessible and Poorly Integrated

Although the developer claims a 29% increase in public open space (from 1.39 to 1.80 hectares), this uplift is not clearly demonstrated in the revised plans (1555-08-02-114 Rev E vs Rev B). Most open space remains on the periphery of the site rather than being distributed within the development, limiting accessibility and usability. The proposal fails to provide safe, overlooked, and functional play and recreation areas, as required by Policy MD2 (13.3) and NPPF guidance. A reduction in housing density would allow for more meaningful and integrated open space provision.

4. Light Pollution and Landscape Impact

The site occupies an elevated hillside currently characterised by dark rural surroundings. Introducing street and domestic lighting here would cause skyglow and light spill visible across the valley, harming visual amenity, tranquillity, and nocturnal wildlife. This conflicts with NPPF paragraph 125, which seeks to protect intrinsically dark landscapes from inappropriate illumination.

5. High Visual Impact (Zone of Theoretical Visibility)

The developer's own Zone of Theoretical Visibility analysis (Tyler Grange drawing 15040/P02a, Feb 2024) identifies the site as an area of High Potential Visibility within a 5km radius. With ridge heights of 8.5-10.0m, the development would be even more prominent than indicated, increasing its adverse visual impact and urbanising the rural skyline.

6. Additional Concerns

- The site lies outside the defined Village Development Boundary.*
- The development does not adequately mitigate its impact on local services and infrastructure.*
- The proposal would introduce approximately 236 additional vehicles onto Lyth Hill Road and the A49 junction, exacerbating existing pedestrian and traffic safety concerns.*

Conclusion

The latest revisions-reduction of six plots (has only reduced the density by 6%) -does not overcome the fundamental issues of excessive density (80 properties would be in line with the current density of Bayston Hill), harming the existing character of the village, the loss of BMV agricultural land, and light pollution.

Nothing has been changed in this revision to satisfactorily improve the quality and accessibility of the open space for the residents of this development.

Given the high potential visibility, landscape sensitivity, and conflict with Policies CS6, MD2, and NPPF paragraphs 125 and 135b, the proposal fails to deliver a sustainable or well-designed extension to Bayston Hill.

The Northern Planning Committee asked the Officers and the Developer to address these issues which has clearly not been achieved and for all the reasons above, the application should be refused.

3.2.2 SC Ecology Recommends conditions.

The amended Biodiversity Net Gain Assessment states that the proposals will result in a loss of -1.80 (-11.93%) habitat units and an increase in 1.72 (13.17%) hedgerow units. The on-site BNG is considered to be significant, therefore a s106 will be required to secure the BNG for 30 years. The s106 will include a monitoring fee using our monitoring fee calculator, This would be a small site of low technical difficulty, therefore requiring a monitoring fee of £7,834.76.

The unit deficit of 3.30 habitat units will need to be purchased from a habitat bank. Details of this will need to be provided in the Biodiversity Gain Plan (e.g. receipt of purchase), which will need to be submitted in order to discharge the General Biodiversity Gain Condition.

The submitted plans do not provide sufficient number or detail of the recommended wildlife boxes and other enhancements. A planning condition should be imposed to require that these details are submitted for approval.

3.2.3 **SC Highways** No objections following submission of additional highways information.

The following comments were not received in time to be included in the 19th August 2025 committee report. They were circulated to Members as part of the Schedule of Additional Letters, and are included here for completeness.

In response to additional information submitted, Shropshire Council as Local Highway Authority continue to raise no objection to the application submitted, subject to the Section 106 contributions outlined below being secured and planning conditions attached to any permission granted.

In relation to the minor amendments to the layout, this is considered acceptable and subject to the submission of full Section 38 technical details, the proposed layout is suitable for future adoption. Amendments will be required to Drawing no. 1555-08-02-122 REV E- Highways Adoption Plan, to ensure that it meets Shropshire Council's requirements, carriageway, and footway widths, and visibility splays should be added throughout. In accordance with previous highways comments, Drawing no. 1555-08-02-144 REV F, Management Company Plan should not conflict with the Highways Adoption plan.

In response to concerns raised with regard to the walking audit submitted it is noted that subsequent to previous highway comments submitted in June 2025, Active Travel England have provided comments submitted 5th August 2025, raising no objection to the application submitted.

It is acknowledged that pedestrians and cyclists travelling towards the site do so on an uphill gradient, and it is fair and reasonable to take this into account in any assessment. In terms of walking and cycle times, these are average times and will depend on the individual. In view of the existing number of dwellings on Lyth Hill Road it is not considered that the gradient of Lyth Hill Road is severe enough for pedestrians and cyclists to use, but it is acknowledged may discourage some users.

In relation to the existing and likely increase in vehicle movements along Lyth Hill Road, and the potential impact on highway safety, this has been taken into account when determining the application. It is considered that the application seeks to mitigate the likely impact on Lyth Hill Road where possible by providing additional footway facilities and Section 106 contributions towards improvements to passenger

transport and safety improvements.

In relation to the concerns raised with regard to the PROW and the usability, it is noted and the issue with regard to maintenance will be raised directly with the relevant Shropshire Council team.

In relation to the development, pedestrian and cyclists are likely to route along Lyth Hill Road but also Footpath 0406/11A/1 onto Grove Lane/Yew Tree Drive, the footpath is in a reasonable state of repair but consideration could be given to providing wayfinding signage within the development. It is recommended at these works are subject to a planning condition attached to any permission granted.

Section 106 Contributions

Local Highway Improvements

The following measures have been put forward and agreed with the applicant. The applicant has agreed to provide Section 106 contribution to fund an additional Vehicle Activated Sign (VAS) on Lyth Hill Road to help reduce vehicle speeds. It is considered that the introduction of localised parking restrictions along Lyth Hill Road would regularise the parking along Lyth Hill Road. These works would be subject to statutory consultation, and therefore also subject to a Section 106 contribution. The final measure put forward would be the possible introduction of a STOP Line at the junction with Lythwood Road. These works would be subject to further consideration to establish if the criteria is met and would be subject to approval by West Mercia Police This would be subject to consultation so would also be subject to a Section 106 contribution.

A Section 106 contribution for Local Highway Improvements to surrounding highly network of £30,000 should be secured prior to commencement and spent within 10 years.

Passenger Transport contribution

Passenger Transport contribution of £136, 800.00 payable prior to first occupation and any unspent contribution returned within 10 years.

Framework Travel Plan

It is recommended that a condition is placed upon any permission granted that requires a Travel Plan to be submitted and approved prior to the occupation of the first dwelling and annual surveys submitted for 10 years following the first occupation. A travel plan monitoring contribution of £10,000 will be required to be secured through the Section 106 agreement.

Planning Conditions – *it is recommended that planning conditions are included to require the following details to be submitted for approval:*

- Wayfinding signage*
- Engineering details of site access junction improvements*

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- Estate street phasing and completion plan
- Adoptable streets
- Management plan for on-site construction

In relation to the additional information that was submitted following the 19th August planning committee meeting, the Highways Officer has advised that there are no further comments.

3.2.4 SC Green Infrastructure Advisor No objection.

On review of the submitted information It is noted the number of units has reduced. However, there has been no significant changes to the landscape masterplan, therefore no additional comments can be made regarding the layout. Suggestions for POS improvements were provided to the developer during this revision process.

3.2.5 SC Affordable Housing No objection.

The previously submitted proposal for 114 included the provision of 28 affordable dwellings representing 24.56%. The reduction in proposed dwellings to 108 has reduced the affordable provision by one dwelling. The provision of 27 affordable dwellings representing 25% provision which is 5% above the prevailing target rate of 20%. The affordable housing mix provides for 1,2,3 and 4 bed provision, the balance of which is affordable housing tenure split will be 70% affordable/social rent and 30% local cost home ownership. This tenure split is reflected in the submitted plans. The need for more affordable housing is well documented and therefore, an additional 5% provision is a material consideration. The affordable housing provision in this proposal is supported.

3.2.6 West Mercia Police

Comments of West Mercia Policy were not received in time to be included in the 19th August 2025 committee report. They were circulated to Members as part of the Schedule of Additional Letters, and are included here for completeness.

Road Safety - To reduce the reliance on private car use and traffic movements to and from the proposed development and to encourage the use of alternative modes of transport such as cycling and also walking particularly on Lyth Hill Road, the provision of a suitable footpath from the site entrance to Grove Lane with crossing points is recommended. The link into existing footpaths on Lyth Hill Road will require maintenance. The width of some existing footpaths are severely reduced because of hedgerows encroaching onto the footway. This could pose a road safety risk to vulnerable road users and accessibility issues for those with mobility difficulties. West Mercia Police reserve the right in the future to make comment on any considered traffic calming measures in line with our statutory obligation.

3.3 Additional public representations

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3.3.1 Since the original committee report was published further public representations have been received. These includes approximately 235 letters of objection and three letters of support. The matters raised as summarised below and the full representations can be read on the planning file.

3.3.2 Support

- Interested in living at the development

3.3.3 Objections

- Village is being overdeveloped
- Insufficient supporting infrastructure
- Impact from additional traffic
- Public transport information is outdated
- Revisions are insufficient to address concerns re density
- Development is much denser than the surrounding area
- Comparisons with density in other settlements is irrelevant due to different contexts
- Layout does not comply with Building Regulations re fire appliance access
- Out of keeping with the village's character
- Impact due to loss of agricultural land
- Some of the smaller dwellings fall below Nationally Described Space Standards
- no dedicated badger survey has been carried out; granting permission would be unlawful and open to judicial review
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- open space is not readily accessible to houses as it is being provided on the edge of the development
- Bayston Hill has provided more housing than envisaged by the SAMDev Plan
- Concerns over flood risk
- Overlooking
- Light pollution
- Visual impact
- Site lies outside of the development boundary
- Impact on local services
- No evidence of unmet need for housing in the area
- Brownfield land should be prioritised
- Attenuation basin is too close to existing homes; risk of flooding
- Surface water drainage proposals not appropriate
- Improper weight given to threat of appeal
- Conflict with Development Plan
- Appeal decisions involving similar decisions have been dismissed

4.0 OFFICER APPRAISAL IN RELATION TO REASONS FOR DEFERRAL

4.1 The resolution of Members at the 19th August planning committee was specifically in relation to the following concerns: site density, open space, impact on local services

demonstrate a 5 year housing land supply. In these circumstances, paragraph 11(d) of the NPPF applies. The implications of this are set out in sections 6.2 and 7 of the committee report. Paragraph 11(d) specifically refers to the need to have regard to making effective use of land.

- 4.2.4 Core Strategy policy CS6 requires that development is appropriate in scale, density, pattern and design; and makes effective use of land. SAMDev Plan policy MD2 requires that development responds appropriately to the form and layout of existing development, including scale, density and plot sizes.
- 4.2.5 Density Assessment Statement
The applicant has submitted a Density Assessment Statement. This provides information in respect of the density of the proposed development as revised; details of housing density in nearby areas, and data on densities which have been permitted for other housing schemes in Shropshire.
- 4.2.6 The draft Local Plan which has now been withdrawn proposed that the application site is allocated for residential development with a guideline of 100 houses. This was not intended to be an upper or lower limit. The development proposes a greater number of houses, whilst also overproviding on open space. Were the application to propose a housing development of 100 houses, exactly in line with the guideline, this would have a net density of approximately 27 dwellings per hectare (dph). The proposed development as revised would have a net density of 29.19. Officers consider that this is a marginal increase on what would have been anticipated under the draft Local Plan.
- 4.2.7 Officers recognise that the density would be significantly higher than that of the adjacent housing to the north-east. However, this area (Grove Lane, Beddoes Drive, Amblecote Drive and The Huntons) is a low density area of housing, with just 11 dph, which is significantly lower than other areas of housing nearby. The applicant's Density Assessment has looked at other housing on this southwestern edge of Bayston Hill. It identifies that the housing around Yewtree Drive, adjacent to the northern boundary of the site, has a similar density to that being proposed, and the area to the northwest of that, around Lythwood Road and Brookfield, has a density of more than 31dph. The density being proposed is therefore in line with significant areas of other housing at this edge of the settlement.
- 4.2.8 Were the proposed development to be designed with a density more in line with the adjacent houses to the northeast of 11dph, this would result in a development of 40-41 houses. This would be significantly lower than the guideline stated in the former draft Local Plan, and would be contrary to NPPF policy to seek an efficient use of land, particularly in the context of the Council not being able to demonstrate a 5 year supply of housing land.
- 4.2.9 The applicant's Density Assessment also demonstrates that the proposed Lyth Hill development would have a density which is comparable to those which have been

permitted in other Community Hubs in the county on land that was proposed to be allocated for housing in the former draft Local Plan.

4.2.10 Notwithstanding the above, in relation to density, it is relevant to consider what impact the proposed density would have on the local area. Views of the proposed development from the public realm would be limited. Public views would be principally limited to those from Lyth Hill Road and from public footpaths in the vicinity. Immediately adjacent to Lyth Hill road, on the left hand side of the site entrance road would be public open space. On the right hand side would be the proposed self-build houses, design details of which are not being sought as part of the current application. Other than these, the nearest houses would be set back approximately 80 metres from the public highway. Views of the development from public rights of way would be restricted by existing and proposed landscaping.

4.2.11 Officers consider that the density being proposed is appropriate and reflects Development Plan and national planning policy. Based upon the assessment of the application, officers do not consider that the density would result in adverse impact in the local area. It is not uncommon for settlements to have areas of housing with differing densities. It is not considered that there would be visual harm. The plots would provide an acceptable level of private amenity space, and the houses would offer a range of housing sizes, all of which would be acceptable in relation to the likely number of occupants.

4.3 Open space

4.3.1 Based upon the number of bedspaces now being proposed, policy MD2 of the SAMDev Plan indicates that the proposal should include 0.95 hectares of open space. The proposed development as revised includes approximately 1.51 hectares. This represents approximately a 59% increase over the policy expectation, and is a positive benefit of the scheme which should be given significant weight in the planning balance.

4.3.2 The concerns that have been raised regarding the location of open space within the site are acknowledged. The open space proposed is a mix of formal play areas; informal corridors and landscaped areas; areas of retained landscaping; and peripheral buffer areas which separate the proposed units from existing houses and provide a softer edge to the development. There are green corridors, a tree-lined verge along the main entrance road; and an area of green space at the entrance which sets the development back from Lyth Hill Road. Officers do not have any significant concerns over the type, amount or location of open space being provided.

4.4 Impact on local services

4.4.1 The revisions to the planning application include a reduction in the number of bedspaces from 349 to 317, and this would be expected to result in a reduction in the demand for local services. As was explained in section 6.9 of the original committee report, the proposal would be liable for Community Infrastructure Levy (CIL). CIL is the principal mechanism for funding local infrastructure that is needed as a result of

development. For this application this is likely to be around £1.6 million. In addition to this, and as set out in paragraph 6.9.2 of the original committee report, contributions that the applicant will be required to make towards local highways-related improvement have been agreed which total £176,800.

4.5 Other matters

4.5.1 Highway matters:

The submitted Technical note on highways matters includes the results of a recent traffic count and speed survey, updating the one that was provided as part of the application as originally submitted. The applicant's highways consultant has collected more recent data in the vicinity of the site access on Lyth Hill Road and at the junction of Lyth Hill Road and the A49, and compared this to that presented in the original Transport Assessment which related to surveys which were undertaken in 2022. The more recent data shows an 18% decrease in traffic flows on Lyth Hill Road at the site access. It also shows that southbound traffic on the A49 increased by 6.5% during the morning peak, albeit that is within typically expected daily variations of traffic flows. Otherwise traffic flows on the A49 northbound and Lyth Hill Road were observed to have decreased.

4.5.2 The technical note concludes that traffic flows along Lyth Hill Road and at the A49/Lyth Hill Road/The Common junction have reduced between 2022 and 2025. The highways consultants suggest that the most likely reason for this is the increase in working from home. No objections have been raised by the Council's Highways Officer.

4.5.3 Affordable housing

The reduction in the number of houses being proposed has result in the number of affordable units being reduced from 28 to 27. This would increase the proportion of affordable housing being proposed at the site from 24.6% to 25%, representing an overprovision of 5% on the required rate of 20%. As advised in the original committee report, this is a significant benefit of the scheme and should be given significant weight in the planning balance.

4.5.4 Agricultural land

The proposed development would lead to the loss of agricultural land, and officer comments on this were included in paragraphs 6.3.10 - 6.3.12 and 7.3 of the previous committee report. Since the 19th August committee meeting the applicant has provided additional information on this matter. Paragraph 6.3.11 noted that the proposal would result in the loss of 2.3 hectares of Grade 3a agricultural land. Grade 3a, along with the higher quality Grades 1 and 2, is defined as 'best and most versatile' (BMV). The applicant has calculated that the loss of BMV would equate to less than 0.0041% of the county's BMV.

4.5.6 The advice of officers on this matter remains as set out in paragraph 7.3 of the original committee report, i.e.:

The loss of 2.3 hectares of BMV agricultural land, whilst not constituting a significant

area of land, is a negative element of the proposed development. The economic and other benefits of such land is acknowledged. However, it is not considered that this loss is of such significance as to outweigh the benefits of the proposal when assessing it under the requirements of NPPF paragraph 11d.

4.5.7 Housing standards

Draft policy DP1 of the draft Local Plan (the evidence base for which is a material consideration in determining planning applications), states that on sites of 5 or more dwellings, at least 5% should be built to the M4(3) (wheelchair user dwellings) standard within Building Regulations; and a further 70% should be built to the M4(2) (accessible and adaptable dwellings) or higher standard. The proposed development as amended would provide 5.6% to M4(3) standard and 84.3% to M4(2) standard. This represents a greater proportion than was being sought under this draft policy and this benefit should be given moderate weight in the planning balance.

4.5.8 Ecological matters

Public representations have raised concern that there has been inadequate survey for badgers. An Ecological Impact Assessment was undertaken by ecological consultants. This confirmed that no badger setts were present onsite or were identified within the adjacent habitats. It acknowledged that badgers can dig new setts and recommended that precautionary methods should be implemented prior to and during construction works to avoid disturbance to foraging badgers, including undertaking a pre-commencement badger survey prior to commencement of works.

4.5.9 The Council's Ecologist is satisfied that the level of survey work undertaken in support of the application is appropriate and has recommended that a pre-commencement badger survey is undertaken; and a planning condition can be imposed to secure this.

4.5.10 Historic environment considerations

It was explained in the 19th August 2025 planning committee report that the Heritage Statement confirms that there are no designated heritage assets in the area, and that the proposal would not impact on any designated heritage assets. The Statement does identify that a former parish boundary and associated marker stone are located along the north-western boundary of the site, that these are considered to be non-designated heritage assets, but that they are unlikely to be impacted by the proposed development. A condition can be imposed to require that these are protected during construction works, as part of the Construction Environmental Management Plan. In relation to the test set out in paragraph 216 of the NPPF, Officers consider that any harm to the significance of these assets would be minimal and would be outweighed by the benefits of the proposal.

4.5.11 Section 106 matters

The following information was included in the Schedule of Additional Letters which was circulated to Members prior to the 19th August planning committee meeting, and is included here for completeness.

- 4.5.12 The area proposed for the drainage swale at the north-western side of the site is currently owned by the Diocese. It is understood that the legal rights to the use of this land for the swale are being secured under a Deed of Easement. In order to ensure additional security, the Diocese should be a party to the Section 106 agreement which will include legal requirements that the area is retained for drainage purposes in perpetuity. Therefore, it is recommended that this is included as an additional matter to be covered under the Section 106 agreement, should Members resolve to grant planning permission.

5.0 PLANNING BALANCE AND CONCLUSION

- 5.1 This update report provides officer advice in relation to the revisions that have been made to this planning application following the North Planning Committee's resolution at its 19th August 2025 meeting to defer determination of the application. Having assessed the application as amended, taking into account the additional consultee responses and further public representations, the officer recommendation remains the same as previously: that planning permission for the proposal is granted subject to the completion of a Section 106 agreement and the imposition of planning conditions. The updated planning balance and conclusion is as set out below, and replaces that which was provided in Section 7.0 of the previous committee report.
- 5.2 It is acknowledged that residential development of this site is contrary to the adopted Development Plan. The draft Local Plan has now been withdrawn but included the site as a proposed allocation for housing. The current proposal is generally in line with the development guidelines set out in the draft Plan. The proposal as amended would provide 108 dwellings, compared to the 114 originally proposed, against the guideline figure of 100 dwellings which is referred to in the former draft allocation.
- 5.3 The evidence base which supports the draft Plan is a material consideration. The proposed allocation can therefore be given weight in favour of the current application. In addition, as a result of the Council being unable to currently demonstrate a five year housing land supply the NPPF states that a 'tilted balance' applies to the consideration of residential development. This means, as set out in the NPPF, that planning permission for residential development should be granted unless "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."
- 5.4 As is noted by the Council's Planning Policy team, Bayston Hill is a designated hub within the adopted Development Plan and has a range of services and facilities. The site is located on the edge of a sustainable settlement and is capable of accommodating residential development. This was the basis on which it was proposed to allocate the site for housing. The site would provide an acceptable layout and design. It is acknowledged that the proposal would provide more housing than was stated within the draft allocation. Nevertheless, it would provide appropriate

public open space of an overall size which exceeds the expectations of adopted policy. Officers consider that the proposal would make effective use of the site and would be well-designed. In addition, the proposal would provide a significant overprovision of affordable housing compared to adopted policy. The level of overprovision of public open space and affordable housing should be given significant weight in the planning balance.

- 5.5 The loss of 2.3 hectares of BMV agricultural land, whilst not constituting a significant area of land, is a negative element of the proposed development. The economic and other benefits of such land is acknowledged. However, it is not considered that this loss is of such significance as to outweigh the benefits of the proposal when assessing it under the requirements of NPPF paragraph 11d. The impact of the proposal on the local highway network is acknowledged. The proposed mitigation is appropriate and the residual impact is not considered to be at a level that would justify a refusal.
- 5.6 In terms of the amendments to the application which have been made following the 19th August committee meeting, the reduction in dwellings is a disbenefit, in that fewer houses would be provided in the context of central Government policy objective as set out in the NPPF which is to 'significantly boost the supply of homes' (paragraph 61). Nevertheless, the density of the original proposal was one of the concerns of Members at the meeting and this reduction in units has resulted in a lower density of dwellings compared to the application as originally submitted. On the basis of the assessment contained in this report, officers consider that the density being proposed is appropriate for the area.
- 5.7 The benefits of the proposal include:
- the provision of a significant number of houses in the area, in line with Government's objective of 'significantly boosting the supply of homes', and its contribution to increase Shropshire's supply of housing
 - the provision of a range of housing types and sizes, from starter homes and bungalows to larger family homes
 - the provision of affordable housing at a level which is 5% above the policy requirement
 - homes designed to support disabled and wheelchair access, and to maximise energy efficiency; with the number of units meeting these standards exceeding those sought under the former draft planning policy
 - the provision of up to four self-build houses, reflecting the policy direction as set out in the former draft Local Plan which encourages these types of dwellings
 - open space of approximately 59% above the policy expectation
 - job creation – direct and indirect during the construction phase
- 5.8 Officers conclude that the proposed development represents sustainable development and that there are material considerations of sufficient weight to warrant a decision being made which is contrary to the adopted Plan. The issues raised through the planning process have been addressed through modifications to the

design and other improvements and agreement on necessary financial contributions to make the development acceptable. Officers therefore recommend that planning permission for the proposal is granted subject to the completion of a Section 106 agreement and the imposition of planning conditions, to include those set out in Appendix 1 of the original planning committee report of 19th August 2025.

6.0 Risk Assessment and Opportunities Appraisal

6.1 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.

6.2 Human Rights

Article 8 give 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.

6.3 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.

7.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

8.0 Artificial Intelligence (AI)

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

9.0 Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9BPJQTDFXW00>

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 Teri Trickett

Appendices APPENDIX A – Committee Report for 19 th August 2025 North Planning Committee
