



Appeal Decision

Hearing held on 22 November 2016

Site visit made on 22 November 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th December 2016

Appeal Ref: APP/L3245/W/16/3150322

Land to the East of Wem Road, Shawbury SY4 4PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Acton Reynald Estate Trustees against the decision of Shropshire Council.
 - The application Ref 14/04558/OUT, dated 8 October 2014, was refused by notice dated 25 November 2015.
 - The development proposed is a residential development of 25 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all detailed matters other than means of access reserved for future approval. I have dealt with the appeal on that basis, treating the site layout as illustrative.
3. The Shropshire Site Allocations and Management of Development (SAMDev) Plan was adopted on the 17 December 2015 which was after the Council issued its decision to refuse planning permission, but before the submission of this appeal. All parties have had the opportunity to comment on the change in status of this document in terms of the relevance to their case. The Council confirmed that upon adoption of the SAMDev Plan, Saved Policies of the North Shropshire Local Plan have been replaced and are no longer part of the development plan, including Saved Policy H5 which was referred to in the decision notice. I, therefore, give no weight to policies of the North Shropshire Local Plan in determining this appeal.
4. A completed legal agreement under Section 106 of the Planning Act (S106) was submitted during the hearing¹. The agreement includes obligations relating to affordable housing and public open space.
5. During the hearing, attention was drawn to a High Court judgement in the case of *East Staffordshire Borough Council v Secretary of State for Communities and Local Government and Barwood Strategic Land II LLP [2016] EWHC 2973 (Admin)*. The written judgement although published on 22 November 2016 was not available at the time of the hearing. By agreement, the matter was addressed after the hearing closed by written representations. I have taken

¹ Hearing Document 1

the High Court judgement² and written responses from the parties³ into account in determining this appeal.

Main Issues

6. The main issues are:

- Whether the proposal is consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas;
- The effect on the character and appearance of the site and its surroundings, and;
- The effect on agricultural land.

Reasons

Location and supply of housing in rural areas

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
8. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy, March 2011 (CS), sets out the strategic approach to development in Shropshire. It suggests that over the plan period 2006-2026 around 27,500 new homes, of which 9,000 will be affordable, will be delivered. Approximately 25% of this housing development will be accommodated in Shrewsbury, around 40% will be accommodated in Market Towns and other Key Services Centres and around 35% will be accommodated through a 'rural rebalance' approach with the objective that rural areas will become more sustainable.
9. As part of the 'rural rebalance', Policy CS1 indicates that development and investment will be located predominantly in Community Hubs and Community Clusters. Outside these settlements, development will be primarily for economic diversification and to meet the needs of the local communities for affordable housing.
10. Policy CS4 of the CS anticipates that in the rural area, communities will become more sustainable by, amongst other things, focusing private and public investment into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets Policy CS5 of the CS. Policy CS4 also sets out that Community Hubs and Community Clusters are identified in the SAMDev Plan.
11. Policy CS5 of the CS states that new development will be strictly controlled in accordance with national planning policies protecting the countryside. The policy indicates that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to a list of identified types of development. The list, although not all-encompassing as it

² Post Hearing Document 1

³ Post Hearing Documents 2 & 3

is preceded by 'particularly where they relate to', does not identify market housing, other than in terms of considerations relating to residential conversions.

12. Further to the policies of the CS, Policy MD1 of the SAMDev Plan relates to the scale and distribution of development. The policy states that sufficient land will be made available during the remainder of the plan period up to 2026 to enable delivery of the development planned in the CS, including amongst other things, the amount of housing in Policy CS1. In this respect, it indicates that sustainable development will be supported in Shrewsbury, the Market Towns and Key Service Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD.1.1, having regard to Policies CS2, CS3 and CS4 of the CS respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4 of the SAMDev Plan.
13. Policy MD3 states that in addition to supporting the development of the allocated housing sites set out in Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a. In this respect, the policy indicates that the settlement housing guideline is a significant policy consideration.
14. However, Policy MD3 does not specifically preclude development where it would result in the number of completions plus outstanding permissions providing more dwellings than the guideline, subject to listed criteria in part 2 of the policy which decisions will have regard to. The criteria includes the increase in number of dwellings relative to the guideline, likelihood of delivery of outstanding permissions, benefits arising from the development, the impacts of the development and the presumption in favour of sustainable development.
15. For the purpose of interpretation of Policy MD3, the explanatory text at paragraph 3.18 indicates that windfall development on sites other than those allocated for housing in Policies S1-S18 of the SAMDev Plan is also important, both within settlements and in the countryside, including both brownfield and, where sustainable, greenfield sites, having regard to the policies of the Local Plan.
16. With regard to the above, Policy MD7a of the SAMDev Plan relates to managing housing development in the countryside and indicates that further to Policies CS5 and CS11 of the CS, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Service Centres and Community Hubs and Community Clusters. The policy also states that suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.
17. The Glossary of the SAMDev Plan⁴ provides the definition of an exception site as 'small sites solely for affordable housing which would not otherwise be released for general market housing'. The explanatory text of Policy MD7a at paragraph 3.55 indicates that the detailed criteria for the assessment and

⁴ Hearing Document 8

subsequent treatment of exception housing proposals is set out in the Type and Affordability of Housing Supplementary Planning Document (SPD)⁵.

18. When Policies MD3 and MD7a of the SAMDev Plan are read together, the circumstances where market housing may be acceptable in the countryside outside of settlement development boundaries, if the proposal does not meet the definition of an exception site, is when a settlement housing guideline appears unlikely to be met. This reflects circumstances where Policy MD3 part 3 would be engaged, with an assessment of a development remaining subject to the listed criteria at Policy MD3 part 2. Consequently, it follows that Policy MD3 part 2 is intended to apply only to windfall development within settlements identified in Schedule MD.1.1 and Settlement Policies S1-S18 when Policy MD3 part 3 is not engaged.
19. The policies set out above are broadly consistent with the Framework which seeks to significantly boost the supply of housing in paragraph 47. The Council's strategy, including the approach of Policy CS5 of the CS, also seeks to meet the objectives of national policy in terms of protection of the countryside. This is reflected in paragraph 17 of the Framework where an overarching principle is recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. In this regard, paragraph 55 of the Framework seeks that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
20. The Framework makes clear that relevant policies for the supply of housing should not be considered up-to-date if local planning authorities cannot demonstrate a five-year supply of deliverable housing sites⁶. The Council have indicated in its evidence that there is a deliverable five year supply of deliverable housing sites in Shropshire. Furthermore, during the hearing, my attention was drawn to a recent appeal decision dated 10 November 2016 at Land at Foldgate Lane, Ludlow, Shropshire⁷ in which up-to-date evidence relating to housing supply had been tested through an Inquiry held on 2 to 5 August and 4 to 5 October 2016. In determining the appeal, the Inspector accepted that a five year supply of deliverable housing sites can be demonstrated.
21. The appellant has not disputed the issue of five year housing supply or provided any evidence to the contrary, nor have I any reason to take a different view to the conclusion of the Inspector relating to this matter. In such circumstances, paragraph 49 of the Framework and the related criteria in paragraph 14 applicable when a development plan is absent, silent or out of date, are not engaged.
22. During the hearing, the Council provided a summary of housing supply and windfall analysis which provided an update to Table MD1.1 of the SAMDev Plan as at 31 March 2016⁸. It was indicated that the information had been tested and accepted by Inspectors in recent appeals. The document identifies that of the overall housing requirement of 27,500 dwellings in Policy CS1 of the CS, 10,902 dwellings have been built since 2006 and 11,309 dwellings are

⁵ Hearing Document 5

⁶ Paragraph 49

⁷ Appeal Ref: APP/L3245/W/15/3137161 - Hearing Document 9

⁸ Hearing Document 4

- identified as commitments on sites with planning permission. In addition, there are site allocations (without existing planning permission) with an estimated capacity of 5,800 dwellings. In this regard, the Council have suggested that the current housing supply would be sufficient to deliver the housing requirement.
23. Notwithstanding the above, it is evident from the distribution of the housing supply in the updated Table MD1.1 in seeking to meet the housing requirement in Policy CS1 would be influenced by a surplus in Shrewsbury and Market Towns, whilst a shortfall in rural areas remains. In this respect, I am mindful that the strategic approach for development in Shropshire includes the objective to achieve a 'rural rebalance'. However, there is no substantiated evidence before me that would lead me to consider that the current shortfall in rural areas up to 2026 could not be met by development in accordance with Policies CS4 and CS5 of the CS and Policies S1-S18, MD3 and MD7a of the SAMDev Plan. This would include windfall development within settlement limits, together with affordable housing, conversions, single plot affordable and rural workers dwellings and other such developments which would be supported by the policies as a whole.
24. The appeal site adjoins, but lies outside of the settlement boundary of Shawbury as identified by the Shropshire Council Adopted Policies Map Inset 2⁹ at its northern extent. The settlement boundary identified in Inset 2 relates to Policy S17.2 of the SAMDev Plan which indicates that Shawbury is a Community Hub, as listed under Schedule MD1.1.
25. The SAMDev Plan, through Policy S17.2, indicates modest housing growth for Shawbury of about 50 new dwellings over the period to 2026. The evidence before me indicates that the requirement would be met by a single housing allocation within the settlement boundary that has an extant outline planning permission (ref 14/03635/OUT)¹⁰ granted on 8 September 2015. There is also possibility of windfall development within the settlement boundary. The appellant has expressed concern with respect to the deliverability of the housing allocation due to the noise impact arising from the proximity to flight corridors used by RAF Shawbury. In this regard, the outline planning permission includes a condition that a noise assessment shall be submitted with the first reserved matter, which has yet to occur. Nevertheless, there is no substantiated evidence before me that delivery of the site is not feasible and that the noise constraints could not be satisfactorily overcome.
26. Having regard to the above, at the current time there is no immediate need to release additional sites, including those outside of the settlement boundary of Shawbury such as the appeal site, to meet the housing growth indicated in Policy S17.2 of the SAMDev Plan. In such circumstances, Policy MD3 part 3 is not engaged.
27. As the appeal site lies outside of a Community Hub or Community Cluster it is within the countryside. As such the development would appear to be contrary to the strict controls on market housing in Policy MD7a of the SAMDev Plan and would not fall in the listed exceptions, albeit that it would provide for some affordable housing through the provisions of the S106.

⁹ Hearing Document 6

¹⁰ Hearing Document 7

28. With regard to the above, it is evident that Policy MD7a is intended to be read together with Policy MD3 and the protection afforded to the countryside by Policies CS4 and CS5 of the CS. Policy CS5 is permissive of appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits. In such circumstances, although market housing outside of settlements is strictly controlled, it is not expressly prohibited and can be allowed outside them, including in the countryside if the proposal accords with the development plan policies when read as a whole. This approach is consistent with the Framework.
29. It is common ground between the main parties that the development would not result in isolated homes with respect to paragraph 55 of the Framework, which consists of national policy to which Policy CS5 of the CS seeks compliance. I have no reason to take a different view given that the site has adjoining development on three sides, including the Shawbury settlement to the south and RAF Shawbury to the west and north.
30. Although the appeal site is outside of the settlement boundary of Shawbury, it is a short walking distance from existing local services in the Community Hub with the route having a pedestrian footway and street lighting. As such, the development would make a positive contribution to the enhancement of the vitality of the rural community. The potential for a 50% increase in housing supply relative to the housing growth indicated in Policy S17.2 for Shawbury up to 2026 would be significant. However, the Council has not provided any evidence that the cumulative addition of housing associated to the development and the existing allocation could not be supported by local infrastructure.
31. Having regard to the above, the development would make a positive contribution to the vitality of rural communities with associated local economic benefits. However, there would appear to be a degree of conflict with Policies MD3 and MD7a of the SAMDev Plan and the objectives of planning policies relating to the location and supply of housing in rural areas. Nevertheless, to conclude on the compliance of the proposal with Policies CS4 and CS5 of the CS and the development plan as a whole it is necessary to also determine the effect on the character and appearance of the site and its surroundings which I will now go on to consider.

Character and appearance

32. The appeal site forms part of a larger agricultural field which slopes gently away from the frontage on Wem Road (B5063), towards an undulating landscape of further farmland visible to the east. Although the appeal site has no specific ecological, landscape or heritage designation, I consider it important to the setting of Shawbury as part of the wider area of countryside around the settlement. The open appeal site and its frontage represents a definite visual break and a gap in built development, albeit narrow, on the eastern side of Wem Road.
33. The site marks the point where the character changes from the settlement of Shawbury briefly to countryside, which provides differentiation from existing development associated with RAF Shawbury to the north. Although the layout before me is illustrative, the shape of the site would inevitably result in a more linear form of development than the visible settlement edge of Shawbury and

- would considerably narrow the existing gap between built development to the north.
34. The construction of dwellings on the site would result in built development where there is presently none on a greenfield site. The Council have offered no specific concerns with respect to the potential for a reserved matters submission to provide a development in compliance with Policy CS6 of the CS. However, the footprint of buildings and the resultant bulk, scale and massing, together with hardstanding and domestic paraphernalia would inevitably change the character of the site. The loss of views of open countryside further to the east of Wem Road and the change in character of the site to a suburban addition beyond the existing settlement edge would be observed from the pedestrian footway which adjoins the site. The potential for additional boundary screening or landscaping would not mitigate the resultant change of the site to a suburban character and appearance.
35. The impact on the countryside arising from the loss of the rural character of the site would be reduced by the visual containment provided by surrounding built form associated to RAF Shawbury to the west and north. Furthermore, open views into the site from passing vehicles travelling along Wem Road are largely screened by the presence of an existing hedgerow. Nevertheless, users of the pedestrian footway are sensitive receptors to change and the development would increase the sense of enclosure of built form on the eastern side of Wem Road.
36. Having regard to the above, the development of the site would result in a detrimental visual impact on the countryside and therefore, would fail to maintain its vitality and character. Consequently, the proposal would be an unacceptable development in the countryside given the harm identified and would not, therefore, comprise one of the types of development that Policy CS5 of the CS permits.
37. I conclude that the development would have a harmful effect in terms of the character and appearance of the site and its surroundings. The proposal is not, therefore, consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas. The proposal conflicts with Policies CS4 and CS5 of the CS and Policies MD3 and MD7a of the SAMDev Plan.

Agricultural land

38. The appeal site consists of 0.93 hectares and is within an area of grade 3 agricultural land. At the time of my visit the field of which the site forms part appeared to be in agricultural use. However, no substantiated evidence has been provided with respect to the definitive breakdown between grades 3A and 3B agricultural land relating to the field. In such circumstances, I cannot be certain that the site includes any of the best and most versatile agricultural land. It, therefore, follows that I cannot conclude that the proposal would involve development of agricultural land resulting in a loss of best and more versatile agricultural land.
39. There is no evidence before me that would lead me to consider that there is a shortfall of grade 3 agricultural land in Shropshire. In any case, the extent of loss of agricultural land would not, in my view, be significant in the context of

the Framework¹¹. As such, the loss of agricultural land would reflect only a minor adverse effect in the planning balance.

40. I conclude that, based on the evidence before me, the development would not result in significant harm to agricultural land, with only a minor adverse effect arising from its loss. The Framework seeks only that the economic and other benefits of best and most versatile agricultural land are taken into account in decision making.

Other Matters

41. In reaching my conclusions on the main issues, I have taken into account appeal decisions which were brought to my attention by the appellant including at Ludlow¹² and West Felton¹³. However, those decisions pre-date the adoption of the SAMDev Plan. In that respect, the evidence before me and the individual circumstances of each case when compared to the proposal are different. I have also taken into account the additional appeal decisions¹⁴ drawn to my attention by both parties in support of their case. Nonetheless, those decisions emphasise the finely balanced nature of the cases and that each case needs to be judged on its own merits, based upon the evidence before the Inspector.
42. The proposal would deliver social and economic benefits in a relatively accessible location by providing up to 25 new homes. The S106 makes provision for affordable housing as part of the development in accordance with Policy CS11 of the CS and the Council's Type and Affordability of Housing SPD, and therefore the provision of affordable housing can be attributed weight. In this respect, the development would contribute to meeting the identified housing need and choice in Shawbury and elsewhere in Shropshire, whilst supporting local services and businesses. In addition, there would also be local economic benefits arising from Community Infrastructure Levy revenue and the necessary construction activity required to deliver the development.
43. The S106 agreement also includes an obligation relating to the provision of public open space. In this regard, even though the primary purpose would be to meet policy requirements, there would be some social benefit from the potential for wider public access to any on-site provision. I have taken the S106 agreement into account as it has been signed, dated and executed by the relevant parties and the obligations relating to affordable housing and public open space accord with paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
44. Although the site is not currently needed in order to ensure an adequate supply of deliverable housing sites, there is nothing in the Framework to suggest that the existence of a deliverable five year supply of housing should be regarded as a restraint on further development. Furthermore, Policy CS1 of the CS set minimum targets for housing delivery rather than a limitation on housing development. In this context, and given the need to deliver affordable homes

¹¹ Paragraph 112

¹² APP/L3245/W/15/3001117

¹³ APP/L3245/W/15/3003171

¹⁴ APP/L3245/A/14/2221627, APP/L3245/A/14/2228348, APP/L3245/A/14/2229145, APP/L3245/W/15/3004618, APP/L3245/W/15/3029727, APP/L3245/W/15/3039545, APP/L3245/W/15/3131686, APP/L3245/W/15/3134152, APP/L3245/W/16/3142894, APP/L3245/W/16/3143283, APP/L3245/W/16/3145470, APP/L3245/W/16/3145902, APP/L3245/W/16/3145822, APP/L3245/W/16/3146165, APP/L3245/W/16/3146178, APP/L3245/W/16/3146736, APP/L3245/W/16/3146986, APP/L3245/W/16/3149461, APP/L3245/W/16/3149970, APP/L3245/W/16/3152344.

in Shropshire in accordance with Policies CS1 and CS11 of the CS, I attach significant weight to the above social and economic benefits associated with the proposal.

45. It is common ground between the main parties that the proposal would be acceptable in terms of highway safety relating to the single means of access proposed onto Wem Road, ecology and biodiversity, drainage and flooding, and noise and amenity, subject to the imposition of conditions if the appeal were to be allowed. Based on the evidence before me, I have no reason to take a different view and the proposal would, therefore, meet the relevant parts of Policies CS6, CS17 and CS18 of the CS relating to those matters. In addition, I am satisfied that a layout of development which would preserve the living conditions of occupiers of neighbouring properties could be secured as part of a reserved matters application. However, the absence of any concern in these respects is largely a neutral factor, aside from limited environmental benefits which could be secured relating to ecology and biodiversity enhancements by condition.
46. The appellant has made reference to the Council approach to the visual harm to the countryside identified and have drawn my attention to an initial Committee Report which recommended that planning permission should be granted subject to a planning obligation. However, based on the evidence before me, the difference in the Committee Reports arose as different weight was applied to the material considerations as part of the planning balance. This was influenced by the publication of the Inspectors Report following the SAMDev Plan Examination in Public.

Planning Balance

47. The proposal would conflict with the approach to the location and supply of housing in rural areas in Policies CS4 and CS5 of the CS and Policies MD3 and MD7a of the SAMDev Plan and would not therefore be in accordance with the development plan. In such circumstances, planning law and the Framework¹⁵ indicate that planning permission should not be granted unless material considerations indicate otherwise.
48. The appellant has made reference to the Wychavon¹⁶ case with respect to the interpretation of the presumption in favour of sustainable development and whether it should be applied outside of paragraph 14 of the Framework and not only to circumstances where the development plan is absent, silent or relevant policies are out of date. However, the judgement of the Court of Appeal in the case of *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council*¹⁷ confirmed that paragraph 14 of the Framework explains how the presumption in favour of development is to be applied.
49. It follows from the above, that in the context of decision taking, the presumption does not apply unless the proposal accords with the development plan or the development plan is absent, silent, or relevant policies are out of date and the adverse impacts do not significantly and demonstrably outweigh

¹⁵ Paragraph 11

¹⁶ *Wychavon v SCLG and Crown House Developments Ltd* [2016] EWHC 592 (Admin)

¹⁷ *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East, SCLG* [2016] EWCA Civ 168

the benefits. This is supported by the approach advocated in the recent East Staffordshire judgment referred to earlier.

50. The Framework makes it clear that the policies that it sets out, taken as a whole, constitute what sustainable development means in practice for the planning system. Paragraph 7 of the Framework sets out three dimensions of sustainable development, namely the economic, social and environmental roles. These dimensions are mutually dependent and should be jointly sought. The appeal proposal would contribute significantly to the social and economic dimension through the provision of up to 25 new homes, including affordable housing, to which I attach significant weight. However, it would cause harm to the character and appearance of the countryside and the setting of the northern edge of the settlement of Shawbury. Such harm is contrary to a core principle of the Framework that planning should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside. Although limited environmental benefits in terms of ecology and biodiversity enhancements could be secured, this would be largely offset by a minor adverse effect in terms of loss of agricultural land.
51. The Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the appeal proposal would be contrary to the development plan as a whole, given the conflict with policies I have referred to, that set out the approach to the location and supply of housing in rural areas, which are not out of date.
52. On a simple balancing exercise, the adverse impact of the development in terms of the conflict with the development plan relating to protection of the countryside would not, in my judgement, be outweighed by other material considerations. This includes the contribution of the development to the supply of housing and the significant weight attributed to the identified social and economic benefits which would result. In this respect, the presence of less harmful alternatives for the location and supply of housing which exist to meet the requirements of the CS for development of housing in Shawbury and within Shropshire is overriding. The proposal, therefore, is not sustainable development when considered relative to the Framework as a whole.

Conclusion

53. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Niall Blackie LLB LARTPI	FBC Manby Bowdler LLP
Justin Stevenson MRICS	Balfours LLP

FOR THE LOCAL PLANNING AUTHORITY:

Karen Townend MD BSc MRTPI	Shropshire Council
Killian Garvey	Kings Chambers

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Section 106 Agreement dated 21 November 2016 - signed and certified 22 November 2016
- 2 Appeal Decision - Ref: APP/L3245/W/16/3146178
Dunedin, Lower House Farm Junction to St Martins Church, Little Ness, Shrewsbury SY4 2LG
- 3 Appeal Decision - Ref: APP/L3245/W/16/3152344
Land in Middleton, Ludlow, Shropshire SY8 3EP
- 4 SAMDev Plan Inspectors Report Housing Supply/Windfall Analysis with Current Position (as at 31 March 2016)
- 5 Shropshire Council Type and Affordability of Housing Supplementary Planning Document, adopted 12 September 2016
- 6 Extract from Shropshire Council Adopted Policies Map 2015, including S17 Inset 1 (Wem), 2 (Shawbury), 3 (Harmer Hill) and 4 (Myddle)
- 7 Shropshire Council Decision Notice
Application No. 14/03635/OUT- Development Land East of A53, Shrewsbury Road, Shawbury, Shropshire
- 8 Shropshire Local Development Framework: Adopted Core Strategy March 2011 - Glossary
- 9 Appeal Decision - Ref: APP/L3245/W/15/3137161
Land at Foldgate Lane, Ludlow, Shropshire
- 10 Planning Resource article dated 22 November 2016 - 'Judge rules on application of NPPF's presumption in favour of sustainable development'
- 11 Draft wording of proposed condition relating to glazing and ventilation requirements for dwellings

DOCUMENTS SUBMITTED AFTER THE HEARING (BY AGREEMENT)

- 1 High Court judgement – East Staffordshire Borough Council v Secretary of State for Communities and Local Government and Barwood Strategic Land II LLP.
22 November 2016 [2016] EWHC 2973 (Admin)
- 2 Written Submission from Kings Chambers on behalf of Shropshire Council dated 22 November 2016, received 25 November 2016
- 3 Written Submission from FBC Manby Bowdler LLP for the Appellants dated 30 November 2016, received 1 December 2016

Richborough Estates