
Appeal Decision

Hearing held on 12 March & 5 May 2026

Site visit made on 5 May 2026

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2026

Appeal Ref: 6001474

Land at Oldbury Road, Oldbury Road, Bridgnorth, WV16 5DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Doley against the decision of Shropshire Council.
 - The application Ref is 25/01257/FUL.
 - The development proposed is Cross Subsidy Housing Scheme comprising of 2 No semi-detached two storey affordable houses, 2 No detached two storey affordable dwellings, 4 No detached two storey open market dwellings and 2 No semi-detached open market dwellings, all with garages, construction of new access road and alterations to existing field access.
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Decision

1. The appeal is allowed and planning permission is granted for a cross subsidy housing scheme comprising of 2 No semi-detached two storey affordable houses, 2 No detached two storey affordable dwellings, 4 No detached two storey open market dwellings and 2 No semi-detached open market dwellings, all with garages, construction of new access road and alterations to existing field access at Land at Oldbury Road, Oldbury Road, Bridgnorth, WV16 5DZ in accordance with the terms of the application, Ref 25/01257/FUL subject to the conditions in the attached schedule.

Application for costs

2. An application for the award of costs against Shropshire Council has been made by Mr David Doley. This is subject to a separate decision.

Preliminary Matters

3. At the outset of the appeal, the appellant submitted amended drawings to address matters raised during the application process, including comments from the Local Highway Authority. The amendments clarify and refine aspects of the scheme, as opposed to making any substantive or fundamental alterations to the proposal. As all parties have had a full opportunity to comment on the changes, I am satisfied, having regard to the Wheatcroft principles¹, that no party has been prejudiced by my acceptance of the amended drawings.
4. The hearing opened on 12 March 2026 but was adjourned until 5 May 2026 to allow the appellant an opportunity to consider late evidence submitted by the Council that was relevant to the determination of the appeal. Following discussion

¹ As set out in *Wheatcroft v Secretary of State for the Environment* (1982) and refined by *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018).

at the opening session, further evidence was also requested from the main parties before the hearing resumed.

5. During the adjournment, the Council published a new Five-Year Housing Land Supply Statement², which identifies that the Council continues to be unable to demonstrate a five-year housing land supply, albeit the stated shortfall (4.6 years) is modest.
6. All parties have had a full opportunity to comment upon all additional evidence submitted during the appeal including amended plans. Accordingly, I am satisfied that no party has been prejudiced by the process.
7. During the appeal, it emerged that an incorrect ownership certificate had been submitted with the planning application. However, evidence has been provided that suitably demonstrates all relevant landowners were aware of and supported the application and this subsequent appeal. Furthermore, as part of the appeal proposals each of the landowners has entered into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). In these circumstances, I am satisfied that no party has been prejudiced and that the error does not prevent the appeal from being determined.
8. The Council confirmed at the hearing that the amended plans address several of its previously held design concerns, although not all. Notably, it no longer contends that the proposal would provide inadequate living conditions through insufficient bedroom sizes. I have no reason to reach a different conclusion.

Main Issues

9. In light of the above, the main issues are:
 - i) whether the appeal site is a suitable location for residential development having regard to the Council's adopted local development strategy;
 - ii) whether an appropriate level of affordable housing would be secured as part of the proposed development having regard to local and national policy;
 - iii) the effect of the proposal on the character and appearance of the area, including the Oldbury Conservation Area;
 - iv) whether the proposed development would provide an appropriate provision of public open space; and
 - v) whether the proposed development would appropriately secure Biodiversity Net Gain.

Reasons

'Cross Subsidy Housing'

10. The development is described as a cross-subsidy housing scheme. Cross-subsidy housing is a funding model whereby profits generated from the sale of market housing are used to support the delivery of affordable housing. It is therefore a financial mechanism rather than a housing tenure.

² Shropshire Council Five Year Housing Land Supply Statement - Data to 31 March 2025 (Published 31 March 2026).

11. The Council's Type and Affordability of Housing Supplementary Planning Document (2012) (the SPD) supports the delivery of local needs rented homes on exception sites through cross-subsidy enabling development, subject to a range of criteria. The SPD explains that this approach responds to the difficulties of delivering local needs rented housing on exception sites with little or no public subsidy. However, as cross-subsidy housing is a funding mechanism rather than a tenure type, the SPD's approach represents only one model through which a cross-subsidy housing scheme may operate.
12. The evidence before me indicates that the appeal proposal has not been advanced as a rural exception site with the proposed affordable dwellings not put forward as local needs rented homes. Furthermore, prior to determination of the application, the appellant sought to amend the description of development to remove reference to its cross-subsidy nature, thereby avoiding any suggestion that the proposal should be assessed as an exception site.
13. Drawing these matters together, I find that the appeal scheme can properly be described as a form of cross-subsidy housing. However, that description merely explains the funding model underpinning the development. It does not mean that the proposal relies upon, or should be assessed against, the Council's exception site policy or criteria contained within the SPD.

Location

14. The appeal site comprises a predominantly open parcel of rough grassland on the edge of Oldbury, on the outskirts of Bridgnorth. Although it lies adjacent to existing residential development, Oldbury is not identified as either a Community Hub or Community Cluster within the Council's Site Allocations and Management of Development Plan (adopted 2015) (the SAMDev). Consequently, despite being a recognisable settlement, Oldbury is treated as countryside for planning purposes, and the appeal site is therefore also located within the countryside in policy terms.
15. Policy CS1 of the Shropshire Core Strategy (adopted 2011) (the Core Strategy) sets out the Council's overarching spatial strategy, including a "rural rebalance" approach that directs around 35% of housing growth to rural areas. However, such growth is focused primarily within designated Community Hubs and Community Clusters, with development elsewhere generally restricted to economic diversification and meeting local affordable housing needs. The supporting text makes clear that this strategy seeks to deliver growth in sustainable locations. While conflict with Policy CS1 did not form part of the Council's reason for refusal, the Council has nevertheless identified such conflict during the appeal proceedings.
16. Core Strategy Policy CS5 and SAMDev Policy MD7a seek to strictly control development in the countryside, permitting new housing only in limited circumstances. The proposal has not been shown to satisfy any of the relevant exceptions and therefore conflicts with those policies.
17. Meanwhile, Core Strategy Policy CS6 promotes sustainable design and development principles. This includes through locating development in accessible locations where opportunities for walking, cycling and public transport can be maximised and reduces the need for car-based travel.

18. Although Oldbury contains a church, village hall and a small number of commercial uses, these facilities would not meet the day-to-day needs of future residents.
19. Notwithstanding the above, the appeal site lies nearby to Bridgnorth, which is identified under Core Strategy Policy CS3 as a Market Town and Key Service Centre. The policy expressly recognises Bridgnorth's role in serving not only its resident population but also a substantial surrounding hinterland. The evidence before me, together with my own observations, confirms that the town provides a comprehensive range of services and facilities, including primary and secondary schools, employment opportunities, retail provision, leisure facilities, community services and public transport connections. As such, the site is located in rather close proximity to one of the County's most sustainable settlements.
20. Reference has been made to various guidelines concerning acceptable walking distances to facilities and services. However, such benchmarks are not absolute standards and should be applied with appropriate flexibility. What is important is whether future occupiers would have a realistic choice of travel modes. In this regard, many of Bridgnorth's facilities are within comfortable walking distance of the site and certainly within cycling distance. Indeed, in some instances, facilities and services are more readily accessible than from established residential areas within the town itself.
21. The principal route between the site and Bridgnorth benefits from continuous footways, of sufficient width, as well as streetlighting, thereby providing pedestrians a direct and safe connection to the town centre and its facilities. This route crosses a bridge over the by-pass, but still, this does not present any physical or perceptual barriers that are likely to discourage pedestrian movement between the site and the town. Moreover, although the route is characterised by a degree of gradient, this is not unusual within Bridgnorth and its surrounding area. I do not consider the incline to be so severe as to materially deter walking or cycling for healthy residents. The availability of a community-run bus service provides an additional transport option for those who have difficulty with other means of travel.
22. A permissive footpath also runs adjacent to the site that provides an alternative option to access Bridgnorth, whilst notably providing a shorter connection to nearby education settings that would be within 1km walking distance. This route is unmade, through woodland with limited natural surveillance and a lack of lighting. It would therefore not offer an attractive option during periods of darkness or adverse weather and is unlikely to be suitable for persons with mobility issues. Nevertheless, at times, I still consider it would provide a convenient and potentially well-used pedestrian link, particularly for parents accompanying children and for older pupils travelling independently. Furthermore, the schools remain within a reasonable distance for walking and/or cycling along alternative and safe routes.
23. In transport terms, the site is approximately 700 metres from the nearest bus stop, with several others located within Bridgnorth providing frequent services to destinations including Shrewsbury, Telford and Kidderminster. Consequently, future residents of the appeal site would have some opportunities to access services and facilities in wider centres without reliance upon the private car for all journeys.
24. The Framework recognises that opportunities to promote sustainable transport solutions will vary between urban and rural areas. It does not require

developments to be located where all journeys can be undertaken by sustainable modes, nor does it demand that future residents are unlikely to use private vehicles. Rather, the relevant consideration is whether genuine opportunities exist to reduce reliance on the car. Given the site's close relationship with Bridgnorth and the range of accessible services, facilities and transport options available, I am satisfied that future occupiers would have meaningful opportunities to undertake a proportion of journeys by walking, cycling and public transport.

25. Drawing these matters together, the appeal site is not a suitable location for residential development having regard to the Council's adopted local development strategy, as it conflicts with Core Strategy Policies CS1, CS5 and CS6 and SAMDev Policy MD7a that together provide the Council's spatial strategy for development and promote sustainable development principles. However, the conflict is tempered by the site's close and functional relationship with Bridgnorth, a sustainable settlement.
26. The Council's decision notice also refers to SAMDev Policy MD2 that relates to sustainable design. However, given the policy does not include accessibility/location criteria I do not consider it to be directly relevant to this main issue. Similarly, reference has been made to SAMDev Policy MD1. Whilst this policy provides additional detail to Core Strategy Policy CS1 regarding the scale and distribution of development within identified settlements, it does not address development outside those locations. Hence, I do not find it of direct relevance to the appeal scheme.
27. Nor do I find Core Strategy Policy CS17, which seeks to protect environmental networks and was stated within the Council's original reason for refusal to be directly applicable to this main issue.

Affordable Housing

28. Core Strategy Policy CS11 sets out the Council's approach to delivering affordable housing. Although not stated on its decision notice, from the discussions at the hearing and evidence submitted I consider it the key policy in relation to this main issue. The objective of Policy CS11 is to meet the current and future housing needs of Shropshire residents and to support mixed, balanced and inclusive communities. To achieve this, the policy requires new open-market residential developments to make an appropriate contribution towards local affordable housing provision. Further guidance is provided within the Council's SPD.
29. As previously noted, the appeal scheme is not a cross-subsidy development intended to deliver affordable rented housing as a rural exception site. Consequently, the SPD guidance relating to rural exception site criteria is not applicable in this case.
30. Case law establishes that supplementary planning guidance cannot introduce new policy requirements or impose more restrictive criteria than those contained within the development plan³. At the hearing, I was advised that the Council has monitored the effectiveness of the SPD since its adoption through annual housing monitoring reports and consideration of market indicators. Nonetheless, despite evidence of a long-standing under-supply affordable housing across the authority

³ *R (Skipton Properties Ltd) v Craven District Council* [2017] EWHC 534 (Admin); and *William Davis Ltd & Ors v Charnwood Borough Council* [2017] EWHC 3006 (Admin).

area, the SPD has not been updated since its adoption in 2012. Nor does it reflect significant subsequent changes in national policy relating to affordable housing delivery, including the introduction of Discounted Market Sale (DMS) housing. In these circumstances, I attach very limited weight to the wider guidance contained within the SPD.

31. Based on the evidence before me and discussions at the hearing, the applicable affordable housing contribution rate for this part of Shropshire is 20%. Applied to the proposed development, this equates to a requirement for two affordable dwellings. Policy CS11 also expects such provision to be delivered on-site.
32. The appeal scheme proposes six open-market dwellings and four DMS dwellings. DMS is a recognised form of affordable housing, defined in the Framework as housing *“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”*.
33. I find that the Framework's references to local incomes and house prices relate to the eligibility criteria for prospective purchasers rather than the level of discount that should be applied to DMS units. Accordingly, provided the dwellings are sold at least 20% below local market value and the discount is secured in perpetuity for eligible households, they fall within the definition of DMS affordable housing.
34. The main parties agree that DMS is a form of affordable housing and are also in agreement in respect of median sales values for housing in the area. However, no compelling, up-to-date evidence or policy basis has been presented to me to justify the Council's view that the discount to be applied to the proposed DMS units should exceed the national minimum requirement outlined within the Framework. I have therefore not been persuaded that a greater level of subsidy is necessary in this case.
35. The above view is reinforced by the Council's relatively recent approval of a cross-subsidy housing scheme (LPA Ref: 23/04167/FUL). In that case, the Council accepted DMS dwellings secured at 80% of market value, subject to local need and cascade provisions, as affordable housing. Although there are material differences between the schemes, including their location and overall level of affordable provision, no substantive evidence has been provided to demonstrate why a greater discount is necessary in this case for the proposed units to qualify as affordable housing.
36. I therefore find that DMS housing delivered at 80% of market value represents an appropriate form of affordable housing in this instance. It is consequently unnecessary to reach a definitive view on the main parties' respective income data or affordability calculations. Nevertheless, the presented evidence indicates that several mortgage lenders offer borrowing in excess of four times household income, with lending for affordable housing commonly capped at between 4.5 and 5 times gross annual household income. By contrast, the Council has presented no suitable policy basis or recognised standardised methodology to justify restricting affordability assessments for first-time buyers to four times median household income.
37. The executed Unilateral Undertaking (UU) would secure the provision of four on-site DMS dwellings, each to be made available to qualifying purchasers at 80% of open market value. The UU contains enforceable provisions governing eligibility,

including local need and cascade mechanisms, together with binding mechanisms to ensure that the dwellings remain available at the prescribed discount in perpetuity. I am therefore satisfied that the affordable housing offer would be effectively secured, delivered on-site and remain available to eligible households for the lifetime of the development. The proposal would consequently provide four affordable dwellings, equivalent to 40% of the total housing provision.

38. The scheme would therefore deliver affordable housing at a level significantly above the 20% required by Policy CS11. This overprovision is a public benefit to which I attach significant weight.
39. Drawing these matters together, I am satisfied that the proposed development would secure an appropriate level of affordable housing having regard to both local and national policy. The proposal therefore accords with Core Strategy Policy CS11 and CS9 which together set out the Council's approach to the delivery of affordable housing and key infrastructure.
40. The Council's decision notice refers to Core Strategy Policy CS5 and SAMDev Policy MD7a. These policies though relate to the management of development in the countryside, as opposed to specifically relating to affordable housing provision. While due to the proposal not being considered a rural exception site, I do not consider these policies to be directly applicable to this main issue.

Character and Appearance

41. Oldbury Conservation Area (the CA) derives much of its significance from its tranquil rural character, elevated setting, and strong relationship with the surrounding countryside. Its loosely knit pattern of development, comprising dwellings of varied age and design set within generous plots, reflects the village's gradual evolution and contributes to its informal character. Tree and hedge-lined lanes, extensive gardens, orchards, paddocks, and mature landscaping blur the distinction between settlement and countryside, creating a verdant and secluded environment with attractive views into, out of, and across the village. Together, these features foster a strong sense of spaciousness and rural tranquillity despite the CA's proximity to Bridgnorth.
42. Only a narrow strip of the appeal site lies within the CA. Nonetheless, the frontage hedgerow that is situated within the CA is a characteristic feature that reinforces its rural and verdant qualities. The CA is closely tied to its rural surroundings, and the appeal site, as an undeveloped grassed field, bound by hedgerows and hedgerow trees, makes a further positive contribution to its setting. Although largely enclosed by mature vegetation, the appeal site remains visible from Oldbury Road and nearby public/permissive footpaths, where its undeveloped and verdant character can be appreciated.
43. The proposal would result in the limited loss of the frontage hedgerow, which would be mitigated in part through replacement planting behind the proposed visibility splays. Nevertheless, the removal of this characteristic feature at a key gateway into the CA, together with the introduction of a modern estate road, would be at odds with its prevailing rural character thereby causing harm to the area's character and appearance.
44. Although the site is experienced as part of the residential edge of Oldbury rather than the wider open countryside, development would introduce dwellings,

associated infrastructure and domestic activity onto a currently undeveloped parcel of land. Whilst relatively well contained by landscaping, with dwellings set back from the main highway, and seen in the context of adjoining residential development, the proposal would nevertheless erode the rural edge of the village and diminish an important component of the CA's setting.

45. That said, the extent of the landscape harm would be modest and localised. Additionally, the proposal would result in some loss of physical and visual separation between Oldbury and Bridgnorth, but it would not result in settlement coalescence. The intervening bypass, changes in topography, retained areas of undeveloped land, and the presence of existing and proposed landscaping would ensure the scheme remains well contained and that the distinct identity of each settlement is maintained.
46. Meanwhile, the proposed dwellings are of a suitable appearance reflective of neighbouring residential built form, and the overall density would be appropriate to its context. The proposal would also make an efficient use of the site, through a balanced relationship between built form, plot sizes and landscaping, with green infrastructure integrated at various locations within the development site.
47. Proposed Plot 6 would retain a frontage to the street, although its design gives greater visual emphasis to the elevation facing the adjacent public open space. Whilst its orientation and detailing could be improved, I do not find its current arrangement would result in any meaningful harm to the character or appearance of the development. Moreover, the proposed arrangement would provide valuable natural surveillance, or at least a perception of it, over the public open space.
48. Generous parking provision is a common characteristic of development in the area, and the residential development opposite the site exhibits a notably suburban form, with substantial frontage parking and hardstanding. In this context, the proposed parking provision would not appear excessive or unduly dominant within the street scene. Likewise, the garages would remain subordinate to the host dwellings and would not appear incongruous.
49. Notwithstanding these positive aspects, the proposal would introduce an urbanising influence into a currently undeveloped site, causing harm to the character and appearance of the area including the Oldbury Conservation Area and its setting. As such, the development would conflict with Core Strategy Policy CS6 and SAMDev Policy MD13, which together seek to protect, conserve and enhance the natural, built and historic environment.
50. Taking account of the containment of the site and the mitigation afforded by proposed landscaping, I find that the harm that would arise to the character and appearance of the area, including to the CA and its setting, would be modest and localised.
51. In the context of the National Planning Policy Framework (the Framework) the harm to the designated heritage asset would be less than substantial and towards the lower end of this spectrum. Nonetheless, in accordance with the Framework, any harm to a designated heritage asset carries great weight.
52. The proposal would provide ten dwellings, of which four would be affordable units, in an area with an identified deficit of housing supply and significant need for affordable homes. I find the public benefits arising from the delivery of these

homes, would be sufficient to outweigh the harm identified to the heritage asset and therefore provides clear and convincing justification for the proposed development. I return to this matter as part of my overall planning balance.

53. Although the above view differs to that of previous Inspectors' decisions at this site⁴, there are material differences between the schemes. Notably, the current appeal scheme is for full planning permission, whereby the detailed design including landscaping arrangements can be more fully understood. Moreover, the current appeal scheme delivers greater public benefits, most notably through the provision of four affordable dwellings.

Public Open Space

54. From the evidence before me and the discussions at the hearing, it was apparent that the Council's concerns related to the quality of the proposed public open space rather than the overall quantity of provision.
55. The appeal scheme would incorporate several areas of public open space, including larger parcels located alongside the principal spine road and along the northern boundary of the site. Having regard to the scale of the development and the size of the proposed open spaces, these areas are unlikely to function as destinations for recreation or extended leisure use. Rather, they would perform a range of supporting functions, including softening the appearance of the development, providing visual relief within the streetscene, enhancing landscape character, delivering biodiversity net gain, and facilitating pedestrian movement through the site.
56. The principal area of open space adjacent to the site entrance and running along the spine road occupies a logical position in terms of the site's geometry, as well as acting as a gateway feature and focal point within the development. The proposed woodland planting would help assimilate the development into its surroundings, softening the visual impact of the built form, and would contribute to safeguarding both the living conditions of neighbouring occupiers and the character and appearance of the CA. Similarly, the area of open space to the rear of Plots 9 and 10 would enable the provision of additional woodland planting, allowing a robust vegetated buffer to be maintained with the adjoining residential property.
57. The north-western parcel is modest in size and intended to serve a dual function, accommodating an area of biodiversity net gain alongside a connection to the existing permissive footpath adjoining the site. Located between Plots 6 and 7 and extending partially to the rear of Plot 7, the space would not comprise a prominent feature within the proposed development, instead performing a discrete but purposeful role in supporting ecological enhancements and pedestrian connectivity. Furthermore, owing to its limited scale, its likely extent of use, and the degree of overlooking from adjacent dwellings, the space would benefit from sufficient natural surveillance. Consequently, whilst functional in nature, it would not result in a poor-quality, inaccessible, unsafe, or poorly integrated public open space.
58. In addition, the Council acknowledged at the hearing that its earlier concerns regarding the maintenance of public open space had been satisfactorily addressed

⁴ Appeal References: APP/L3245/W/15/3032664 & APP/L3245/A/13/2205748

through the submission of amended plans demonstrating that suitable access could be provided to the area of open space to the rear of Plots 9 and 10.

59. The possibility of encroachment of private gardens into areas of public open space is a speculative concern and does not provide a compelling basis for concluding that the proposed layout of open space is unacceptable. Furthermore, the Council has appropriate powers to investigate and seek to remedy breaches of planning control should they occur.
60. Drawing these matters together, I find that the appeal scheme would deliver a suitable and functional network of public open space, commensurate with its scale and character. The proposed development would therefore provide an appropriate provision of public open space. Accordingly, in respect of this main issue, the appeal scheme complies with Core Strategy Policy CS6 and SAMDev Policy MD2, insofar as they seek to secure open space that responds to and reinforces local character and context. Nor do I find any conflict with Core Strategy Policy CS9 relating to infrastructure delivery.

Biodiversity Net Gain

61. At the hearing, the main parties agreed that the relevant development plan policies in respect of this main issue are Core Strategy Policy CS17 and SAMDev Policy MD12. Together, amongst other matters, these policies seek to protect Shropshire's natural assets and promote their conservation and enhancement.
62. The parties also agree that the statutory 10% Biodiversity Net Gain (BNG) requirement can be achieved through a combination of on-site measures and the purchase of off-site biodiversity units from a suitable habitat bank. The dispute centres on whether those measures can be appropriately secured by a unilateral undertaking (UU), with the Council contending that a bilateral or multilateral planning obligation is necessary.
63. A UU, bilateral agreement and/or multilateral agreement are all recognised forms of planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended). Each binds the land and is enforceable as a planning obligation. However, because a UU is executed solely by the landowner and/or developer, it cannot impose obligations on the local planning authority or require it to undertake specific actions.
64. A bilateral or multilateral agreement could place obligations on all relevant parties regarding the delivery, monitoring and long-term management of BNG and would therefore represent the most comprehensive mechanism for securing those outcomes. However, I find the absence of such an agreement does not necessarily prevent mandatory BNG from being secured through a UU. As a section 106 obligation, a UU is capable of imposing binding and enforceable commitments on the landowner and/or developer in relation to the delivery and maintenance of BNG.
65. Its effectiveness must also be considered in the context of the wider statutory BNG framework established by Schedule 7A of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021. Under that regime, development cannot commence until a Biodiversity Gain Plan has been approved by the local planning authority. The authority is responsible for monitoring compliance and retains powers to enforce relevant planning conditions and section 106 obligations.

In addition, section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a biodiversity duty on public authorities. Consequently, while a UU cannot impose obligations on the Council, the Council nevertheless retains statutory functions and enforcement powers that contribute to securing the delivery and long-term maintenance of BNG.

66. In this case, the submitted UU requires the developer, amongst other matters, to submit a Habitat Management and Monitoring Plan (HMMP) for approval, deliver the on-site BNG within specified timescales, maintain the habitats for a minimum of 30 years and undertake monitoring in accordance with the approved HMMP. It also includes mechanisms to address any non-compliance.
67. As the Council is not a party to the UU, it is under no contractual obligation to act in the event of a breach. Nor does the UU require it to undertake site inspections, issue completion certificates or defect notices, oversee implementation, carry out management activities, or apply monitoring contributions for BNG purposes.
68. Nevertheless, the UU would impose enforceable obligations on the landowner and developer regarding the delivery, management and monitoring of BNG. When considered alongside the statutory BNG regime and the Council's regulatory powers, I am satisfied that the required BNG is achievable and would be suitably secured for the long term.
69. I therefore conclude that the proposal would appropriately secure Biodiversity Net Gain and. Despite not being referred to on the Council's decision notice, the proposal would also accord with Core Strategy Policy CS17 and SAMDev Policy MD12.

Other Matters

70. The Framework is clear that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
71. Additional traffic would inevitably be experienced by existing residents. However, the increase in vehicle movements arising from the development would be modest in the context of the existing road network. From discussions at the hearing and the evidence before me, adequate visibility splays can be achieved as well as sufficient parking and vehicle manoeuvring space. Subject to appropriate conditions, I am satisfied that the proposal would not prejudice highway safety. Nor do I consider that the scale of traffic likely to be generated would materially harm the living conditions of nearby residents.
72. Although the A548 bypass passes close to the site, it lies at a substantially lower level within a deep cutting. The appellant's Noise Impact Assessment demonstrates that all private gardens would comply with the outdoor amenity standards set out in BS8233:2014, with most achieving noise levels below the desirable threshold of 50dB LAeq,16hr. The assessment further confirms that the development's use of appropriate glazing, ventilation and façade specifications would achieve acceptable internal noise levels consistent with BS8233:2014 and World Health Organisation guidelines. The Council's Environmental Health Officer raises no objection, and no substantive evidence has been presented to support a contrary conclusion.

73. The proposed layout and dwelling sizes would provide future occupiers with a good standard of living accommodation, including adequate privacy, outlook and private amenity space.
74. Equally, the relationship between the proposed dwellings and neighbouring properties would not result in unacceptable impacts through overlooking, loss of privacy, loss of light, noise, disturbance or overbearing effects. Some temporary construction impacts are inevitable but a condition requiring approval of, and adherence to, a Construction Method Statement would provide suitable mitigation and prevent material harm to neighbouring amenity.
75. The Ecological Appraisal and BNG Assessment identifies the site as comprising predominantly neutral grassland, together with areas of scrub, trees and hedgerows. No evidence of protected or notable species was recorded. Based on desktop research and field survey work, the report concludes that no overriding ecological constraints exist. The proposal is also capable of delivering BNG through a combination of on-site measures and off-site biodiversity units. Subject to a condition securing biodiversity enhancements, I am satisfied that the development would not give rise to unacceptable ecological or biodiversity impacts.
76. The site lies within Flood Zone 1 and is therefore at low risk of flooding. The appellant's submitted evidence also indicates that the appeal site's ground conditions are likely to be suitable for infiltration or attenuation thus enabling the use of sustainable urban drainage systems. In the absence of persuasive evidence to the contrary, and subject to a condition securing approval of the detailed surface and foul water drainage, I am satisfied that the proposal would provide adequate drainage and would not increase flood risk elsewhere.
77. Subject to conditions securing landscaping and tree protection measures, I am also satisfied that the development would not result in the unacceptable loss of trees.
78. Reference has been made to other large-scale developments that have been approved nearby, albeit I have not been provided with detailed background information. Nevertheless, the Council continues to face a shortfall in housing land supply, and no compelling evidence has been presented to demonstrate that local services or infrastructure lack the capacity to accommodate the development.
79. Whilst prioritising development of brownfield sites can provide sustainability benefits, this does not preclude residential development on suitable greenfield sites, particularly where identified housing needs are not being met.
80. No robust evidence has been provided to demonstrate that land ownership issues, including the existence of a purported ransom strip, would prevent the development from being implemented. In any event, such matters are private legal considerations and are not determinative of the planning merits of the appeal.

Planning Balance

81. The proposal would make a valuable contribution towards housing supply, and affordable housing provision, in an authority area suffering from a shortfall of supply. Given the scale of provision, particularly the delivery of four affordable dwellings, I attach significant weight to these benefits. The scheme would also

- generate economic and social benefits during construction and occupation, including expenditure within the local economy and support for local services and facilities by future residents, to which I attach moderate weight. In addition, the proposal would deliver biodiversity net gain, which attracts modest positive weight.
82. Compliance with development plan policies relating to matters such as living conditions, highway safety and public open space represent neutral considerations in the planning balance.
 83. The development plan is time expired, but it remains the statutory starting point for determination of the appeal. The proposal conflicts with Core Strategy Policies CS1, CS5 and the locational requirements of CS6, together with SAMDev Policy MD7a. It also conflicts with the character, design and heritage objectives of Core Strategy Policy CS6 and SAMDev Policy MD13. Consequently, I find the appeal scheme conflicts with the development plan when read as a whole.
 84. Policies CS1, CS5 and MD7a seek to direct development to sustainable locations. These policies take a more restrictive approach to development in the countryside than the Framework but remain broadly consistent with its objectives. However, the Council has failed to deliver a sufficient supply of housing and the more limited flexibility inherent in these policies is likely to have contributed to that position. I therefore afford only moderate weight to the conflict with these policies.
 85. In respect of the distribution of development, Core Strategy Policy CS6 seeks, amongst other matters, to locate development where opportunities for walking, cycling and public transport can be maximised. The site does not represent a wholly sustainable location. Nevertheless, its close and functional relationship with Bridgnorth, a sustainable settlement containing a wide range of services, facilities and transport options, limits the extent of that conflict. Accordingly, I attach only modest weight to the harm arising.
 86. Policies CS6, along with Policy MD13, also seek to protect, conserve and enhance heritage assets. However, they do not reflect the balancing exercise required by paragraph 215 of the Framework where less than substantial harm has been identified to designated heritage assets. Accordingly, whilst I have attached great weight to the identified heritage harm, I afford only moderate weight to the resulting conflict with Policies CS6 and MD13.
 87. Main parties dispute the extent of the Council's housing land supply. Even if I were to accept the Council's higher figure of 4.6 years, a five-year supply would still not be demonstrable. As such, Paragraph 11d) of the Framework is engaged.
 88. For the reasons given, the public benefits of the proposal outweigh the identified less than substantial harm to the heritage asset. The Framework policies relating to assets of particular importance therefore do not provide a clear reason for refusing planning permission in this case, and the presumption in favour of sustainable development remains engaged.
 89. The proposal would support the Framework's aim to significantly boost the supply of homes, including affordable housing, and reflects its recognition that small and medium-scale developments can make an important contribution to meeting housing needs. These are matters to which I attribute significant weight. Economic and social benefits associated with the scheme align with those elements of the Framework and attract moderate weight. The proposal also aligns with the

Framework's aim of providing net gain for biodiversity, which attracts modest weight.

90. Against these benefits, the proposal would not fully accord with the Framework's objectives where it states that the planning system should actively manage patterns of growth and sustainable transport is to be prioritised. However, potential future occupiers would have realistic opportunities to access a reasonable range of services and facilities by means other than the private car and I therefore attach only limited weight to this conflict. The appeal scheme also fails to accord with the Framework, where it seeks to protect local character and conserve or enhance heritage assets. Albeit, for reasons outlined the harm that would arise in this respect is modest.
91. Drawing these matters together, I find the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies and the Framework indicates that this is a case where the development should be permitted.

Conditions & Section 106 Agreement

92. Main parties provided a list of agreed conditions in the event of the appeal being allowed and planning permission being granted. Apart from the standard condition setting out the timescale for commencement of development, the following conditions are also reasonable and necessary:

Pre-Commencement Conditions

- Approval of a construction method plan (in the interest of highway safety from the outset of development and to protect the living conditions of neighbours during the construction period)
- Approval of the detailed surface and foul water drainage (to avoid on site or downstream flood risk and ensure appropriate infrastructure is delivered at the outset of the development)
- Approval of a scheme of landscaping (to ensure development activity does not prejudice future landscaping from being suitably incorporated in the interests of the character and appearance of the area)
- Installation of tree protection measures (to protect trees during the construction period in the interest of the character and appearance of the area)

Pre-Occupation Conditions

- Approval of a scheme of biodiversity enhancements (in the interests of biodiversity)

Other Conditions

- Development to be carried out in accordance with approved drawings (for clarity and certainty)
- Restrictions on the routing of drainage and service infrastructure (to protect trees in the interest of the character and appearance of the area)

- Approval of external materials (in the interests of the character and appearance of the area)
 - Maintenance of visibility splays (in the interests of highway safety)
93. As detailed at the hearing, where appropriate, I have amended the precise wording of the suggested conditions to align with the tests outlined at Paragraph 55 of the Framework and to improve precision.
94. I have not found it necessary to impose a pre-commencement condition requiring approval of a Biodiversity Gain Plan, as this requirement is imposed directly by paragraph 14 of Schedule 7A of the Town and Country Planning Act 1990 (as amended). I am also satisfied that the submitted UU suitably secures the off-site BNG requirements.

Section 106 Agreement

95. The submitted UU is dated and executed by all parties with an interest in the land and binds successors in title. As previously outlined, it would secure the provision of affordable housing in perpetuity and the delivery and long-term management of BNG. It would also secure the provision and ongoing maintenance of the site's public open space.
96. I have had regard to the relevant development plan policies, including Core Strategy Policies CS9 (Key Infrastructure) and CS11 (Affordable Housing), together with the Council's Developer Contributions Supplementary Planning Document (2011).
97. Based on the evidence before me, I am satisfied that the obligations contained within the UU meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended). In particular, they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the proposed development.

Conclusion

98. For the reasons outlined above, the appeal is allowed.

Lewis Condé
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents:
 - Location Plan: Drawing No. 24.003 1.00
 - Proposed Site Plan: Drawing No. 24.003.1.02P
 - Proposed Site Plan (affordable housing): Drawing No. 24.003.1.02O
 - Plans and Elevations Unit 1: Drawing No. 24.003.2.00B
 - Plans and Elevations Units 2 3 4 5: Drawing No. 24.003 3.00B
 - Plans and Elevations Unit 6: Drawing No. 24.003.4.00B
 - Plans and Elevations Units 7&8: Drawing No. 24.003 5.00C
 - Plans and Elevations Units 9 & 10: Drawing No. 24.003 6.00A
 - Proposed Garage Plans and Elevations: Drawing No. 24.003.9.00C
 - Proposed Habitat Plan BJ25-033E
 - Biodiversity Survey and Report (Dated March 2025)
 - Proposed Public Open Space and BNG Plan: Drawing No. 24.003.1.03 A
 - Road Alignment and Swept Path Plan: Drawing No. 944-24 SK 01e
 - Landscape Masterplan: Drawing No. 10028_P07a
- 3) No development shall commence until a Construction Method Plan has been submitted to, and approved by the local planning authority. The plan shall include details of:
 - i. parking arrangements for site operatives and visitors;
 - ii. storage of plant and materials;
 - iii. wheel washing facilities;
 - iv. measures to control noise, dust and vibration during construction;
 - v. hours of construction operations.The development shall thereafter be carried out in accordance with the approved Construction Method Plan.
- 4) No development shall commence until detailed landscaping specifications, consistent with the approved Landscape Masterplan (Drawing No. 10028_P07a), have been submitted to and approved in writing by the Local Planning Authority. The landscaping specifications shall include:
 - Details of ground preparation, planting pit specification, specification of trees and shrubs to be planted (including species, locations or density and planting pattern, type of planting stock and size at planting);

- Details of the planting period, any phasing of planting and date of completion;
- Details of post-planting monitoring and replacement planting for any tree, shrub or hedge that dies, is removed, becomes diseased or fails to establish within five years of planting

The development shall be carried out in accordance with the approved landscaping scheme.

- 5) No development shall commence until a detailed scheme for disposal of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented prior to the first occupation of any dwelling and shall thereafter be retained and maintained.
- 6) No development shall commence until all tree protection measures set out in Section 3 (Arboricultural Impact Assessment) and Section 4 (Method Statement) and Appendices A, B, C, D and E of the approved BS5837 Report (Sylvan Resources, November 2024) have been implemented. The tree protection measures shall thereafter be retained/adhered to for the duration of the construction period.
- 7) Prior to their use in the construction of the dwellings hereby approved, details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.
- 8) Prior to the first occupation of any dwelling hereby approved, a Biodiversity Enhancement Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, specification and installation timetable for:
 - At least 5 bat boxes or integrated bat bricks;
 - At least 11 artificial bird and swift nests of either integrated brick design or external box design;
 - At least 4 invertebrate bricks and/or invertebrate houses;
 - At least 2 hedgehog domes;
 - At least 4 house martin nesting cups;
 - At least 1 hibernaculum to provide refuge for newts.The development shall be implemented in accordance with the approved scheme and the wildlife features shall thereafter be retained and maintained for the lifetime of the development.
- 9) No drainage or service infrastructure shall be routed within the Root Protection Areas, indicated on the Tree Protection Plan (Appendix C, Plan SR3).

- 10) No structure, planting or other obstruction exceeding 0.6 metres in height shall be placed or permitted to grow within the approved visibility splays, as shown on the approved Road Alignment and Swept Path Plan (944-24 SK 01e). The visibility splays shall be provided prior to the first occupation of any dwelling and shall be permanently retained thereafter.

Richborough

APPEARANCES

FOR THE APPELLANT:

A Stein	No 5 Chambers (Counsel)
G French	The Planning Group Ltd (Planning Agent)
M Parrish	The Planning Group Ltd (Planning Agent)
R K Morriss	Richard K Morriss & Associates (Heritage Consultant)

For THE COUNCIL:

E Green	Area Planning Manager
D Fourie	Planning Officer
M Howell	Housing Enabling Manager
B Jones	Senior Conservation Officer
D Cordan	Principal Planning Officer

INTERESTED PARTIES:

A Coley	Bridgnorth Civic Society
J Hart	Bridgnorth Civic Society