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## Appeal Decision

Inquiry held on 22 – 25 July and 29 -30 July 2025

Site visit made on 22 and 29 July 2025

**by Lesley Coffey BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> November 2025

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**Appeal Ref: APP/C3430/W/25/3363067**

**Land at Boscobel Lane, Bishops Wood, Staffordshire, ST19 9FG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Boningale Homes against the decision of South Staffordshire District Council
  - The application Ref is 24/00467/OUTM.
  - The development proposed is up to 100 residential dwellings, a local Use Class E(a) shop and associated drainage and infrastructure.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application is in outline with access only to be determined. The appellant's Statement of Case listed the documents that were submitted to the Council following the refusal of the application, but prior to the submission of the appeal. These documents included the Designer's Response to the Road Safety Audit (RSA) and was accompanied by Plan No 5074-10PD-001 – P02.<sup>1</sup> This plan shows some additional signage/road markings on the public highway and the provision of a pedestrian access at the northwestern corner of the site. The position of the site access, the visibility splays and the geometry of the proposed junction remain unchanged.
3. As set out in my Post Case Management Conference note, I conclude that the amendment to the appeal scheme and the additional information submitted satisfies the tests within the Holborn Studios judgement.<sup>2</sup> Accordingly, I have determined the appeal on the basis of the Indicative Framework Plan (CD 6.3), and the other submitted information as set out at paragraph 7.1 of the Statement of Common Ground (SoCG).<sup>3</sup>
4. The Inquiry sat for six days and closed on 30 July. I undertook an accompanied site visit on 22 July and a further unaccompanied visit on 29 July. Bishops Wood Community Action Group (BWCAG) participated in the Inquiry as a Rule 6(6) party.
5. The application was originally refused for 9 reasons. Following the submission of further information, reasons for refusal 8 in relation to flooding, 5,6 and 7 in respect

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<sup>1</sup> CD7.3

<sup>2</sup> *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

<sup>3</sup> CD 4.1

of the impact on Great Crested Newts, wintering birds, the Motte Meadows Special Area of Conservation (SAC), the Belvide Reservoir and Big Rough Sites of Special Scientific Interest (SSSI), and the Cannock Chase SAC and/or Cannock Extension Canal SAC, and reason for refusal 4 in respect of highway safety were withdrawn by the Council. Notwithstanding this BWCAG, continued to object to the proposed development on a number of grounds, including the impact of the development on flooding and highway capacity and safety. I consider these matters below.

6. The Council determined the application in October 2024, prior to the publication of the current National Planning Policy Framework (the Framework). The implications of the revised Framework, including the changes to Green Belt policy was considered by all parties within their Statements of Case and proofs of evidence. Although the effect of the proposed development on heritage assets was not a reason for refusal, due to the introduction of the grey belt policy within the Framework the Local Planning Authority considered that the potential impact of the proposed development on heritage assets was a material consideration. BWCAG also objected to the proposal on the basis that it would harm the significance of heritage assets within the locality of the appeal site.
7. An agreement under Section 106 of the Act dated 6 August 2025 was submitted following the close of the Inquiry. This covenanted to provide affordable housing, an Electric Vehicle (EV) car club, and financial contributions towards a bus service, education, and primary healthcare services.
8. SoCG were agreed between the appellant and the Local Planning Authority in respect of planning matters and ecology, the appellant and the Local Lead Flood Authority in respect of flooding and drainage, the appellant and the Highway Authority in relation to highway safety and capacity. In addition, there was a SoCG between the appellant and BWCAG.
9. Natural England originally objected to the proposed development by letter dated 28 August 2024. Following the submission of further information, it confirmed by letter dated 24 March 2025 that it was satisfied that adverse impacts on Habitats Sites from air quality could be ruled out, together with adverse impacts on Motte Meadows SAC. However, Natural England's concerns regarding impacts on Belvide Reservoir SSSI and Big Rough SSSI from changes in water quality remained. The ecologists for the appellant and the Council agreed that on the basis of the additional information provided in relation to the drainage strategy that there would not be any adverse impact on either Belvide Reservoir SSSI or Big Rough SSSI as a consequence of the development. At my request this information was forwarded by letter dated 24 July 2025 to Natural England for comment. Natural England responded by letter dated 11 August 2025 that based on the measures within the latest Flood Risk Assessment and Outline Drainage strategy (Enzygo January 2025) the proposed development would not damage or destroy the interest features of these SSSIs.
10. The Right Honourable Gavin Williamson CBE MP objected to the proposal due to the loss of countryside, impact on infrastructure, traffic congestion, and harm to the character of the village.

### **Main Issues**

11. I consider the main issues to be:

- The effect of the proposal on highway safety with particular regard to speeding and visibility and pedestrian access to services and facilities.
- Whether the proposal is in a sustainable location or a location that could be made sustainable.
- Whether the proposal would be inappropriate development within the Green Belt.
- The effect of the proposed development on the openness of the Green Belt and any other harm to the Green Belt.
- The effect of the proposed development on the significance of heritage assets.
- Whether the proposed development would be safe from flooding over its lifetime and avoid increasing flood risk elsewhere.
- The housing land supply position.
- Whether any harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

### **Reasons**

12. Bishops Wood is a small settlement of about 260 dwellings located within the Green Belt where there is a presumption against inappropriate development.
13. The development plan includes the South Staffordshire Core Strategy (adopted 2012) and the South Staffordshire Site Allocations Document (adopted 2018). The emerging Local Plan Review (ELPR) has been submitted for examination. At the time of the Inquiry the July Hearings had been postponed pending the receipt of further information in respect of the Duty to Cooperate.
14. Paragraph 49 of the Framework advises that weight may be given to the relevant policies in emerging plans according to the stage of preparation it has reached, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan with the Framework.

#### ***The effect of the proposal on highway safety***

##### ***Speeding and visibility***

15. The Transport Assessment found that the proposed development would generate about 55 two-way vehicle trips during the AM and the PM peak periods. The Highway Authority is satisfied that there are no highway capacity concerns at the Boscobel Lane / Tong Road / Ivetsey Bank Road / Offoxey Road crossroads junction.
16. BWCAG does not dispute that the highway network would have sufficient capacity to accommodate the proposed development but is concerned that the increase in vehicular traffic could have implications for highway safety.
17. The proposed access would be located on Boscobel Lane. Based on the recorded Automatic Traffic Count (ATC) survey results as set out in the Appellant's submitted Transport Assessment (April 2024), 85th percentile speeds along Boscobel Lane in

the vicinity of the site are 39.7mph northbound and 43.1mph southbound.<sup>4</sup> On the basis of these speeds the required visibility splays would be 117 metres to the north and 102 metres to the south. Both the Highway Authority and the appellant agree that these splays can be achieved from the proposed site access as shown on Drawing Number ST5074-12PD-001 Revision A. It is further agreed that based on this drawing that the proposed vehicular access onto Boscobel Lane would be safe and suitable to serve the site. The Highway Authority also confirmed that all proposed highways works could be delivered within land under the control of the appellant and / or highway maintainable at public expense.

18. BWCAG submitted survey, anecdotal and qualitative evidence outlining traffic issues on the approach roads to Boscobel Lane. It believes that the proposal would substantially increase the exposure of vulnerable road users such as pedestrians to danger by exacerbating existing speeding issues.
19. BWCAG was concerned that the Transport Assessment assumed perfect visibility and average speeds. The necessary visibility splays were derived from the recorded traffic speeds at Boscobel Lane and were based on the 85<sup>th</sup> percentile speed. The proposed access arrangements were subject to an independent Road Safety Audit (RSA).<sup>5</sup> In response to the concerns within the RSA the pedestrian access was located further to the west to improve visibility, and the Tong Road pedestrian crossing was removed from the proposal. I am therefore satisfied that the proposed access and visibility splays were adequately assessed and would provide for safe access, including pedestrian access to and from the site.
20. BWCAG submitted evidence from its speed watch surveys. It conducted 16 sessions between January and May 2025 and recorded 150 vehicles (4.5%) travelling at 35mph or above in a 30mph limit, with a top speed of 60 mph. The Highway Authority also conducted a traffic speed survey at Ivetsey Bank Road (the main road through the village that links it with the A5). The speeds were comparable with those used by the appellant and were slightly higher than those recorded by BWCAG.
21. BWCAG submitted evidence, including photographs of serious accidents that had occurred close to the village. At the Inquiry it was confirmed that the submitted photographs related to the A5 rather than the village. The appellant submitted details of Personal Injury Accidents on public roads in the Bishops Wood area for 2018-2023. There had been only one incident over the five-year period and no trends or patterns were identified. At the Inquiry BWCAG reported a fatal accident that occurred earlier this year. At the time of the Inquiry limited information was available in relation to the accident, including whether there were any other vehicles or other factors involved.
22. On the basis of the submitted evidence I am satisfied that the traffic speeds used by the appellant to calculate the proposed visibility splays is robust. I am not persuaded that the roads within the vicinity of the appeal site and the wider Bishops Wood area are inherently unsafe for vehicular traffic. Notwithstanding this, the appellant agreed with the Highway Authority that minor changes to the Boscobel Lane / Tong Road / Ivetsey Bank Road / Offoxey Road crossroads junction would provide for improved visibility at this junction. These changes can be secured by way of a Grampian condition and the Highway Authority is satisfied that the

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<sup>4</sup> the speed at or below which 85% of vehicles are traveling on a given road.

<sup>5</sup> CD 7.3

necessary work can be accommodated within land under the control of the appellant and / or highway maintainable at public expense.

*Provision for Pedestrians*

23. Both the Highway Authority and BWCAG raise concerns in relation to the lack of footpaths in some locations and the width of some of the existing footpaths. The proposed development would provide for a footpath extending from the vehicular access to the site that would extend as far as the crossroads. This footpath would link with the existing footpath within the village and ensure that there would be a pedestrian route to the Public House and the School.
24. The proposals would provide a 2 metre wide footway along the site frontage on Boscobel Lane, as well as pavement and crossing points at the junction of Boscobel Lane and Offoxey Road. This would allow residents, including existing residents, to walk from the appeal site to Bishops Wood Community Centre. This would be an improvement compared to the existing situation given that at the present time there are no existing crossing facilities provided for residents of Bishops Wood to access the Community Centre.
25. An informal pedestrian crossing point would be provided on Ivetsey Bank Road to the south of the junction with Old Coach Road.<sup>6</sup> This would be beneficial to pedestrians accessing the bus stops in the village but would also assist existing residents living on the eastern side of Bishops Wood in accessing the St John Church of England First School. BWCAG was concerned that this would be an informal crossing, rather than a zebra or pelican crossing. It is for the Highway Authority to determine the type of crossing required. However, even an informal crossing would provide an improvement, especially for those using the school bus.
26. BWCAG drew attention to a number of dwellings that did not have a frontage onto a footpath. During the site visit I walked south along Ivetsey Bank Road from the telephone box at the junction with Old Weston Road at the southern end of Old Weston Road. There are about 13 dwellings on the west side of this stretch of Ivetsey Bank Road. Although not particularly heavy, there was a steady flow of traffic that included several HGVs and farm vehicles. I have little doubt that, due to the lack of footpaths this would not be an attractive route for pedestrians, particularly those with children.
27. The Transport Assessment indicates that 32% of vehicles from the proposed development would travel along Ivetsey Bank Road. This equates to 18 two-way trips during each of the AM and PM peak periods. I do not consider that an increase in traffic of this order would have a significant effect on pedestrian safety.
28. I am also aware that there are other properties within the village without a footpath. A number of these dwellings front Ivetsey Bank Road, and although they do not benefit from a footpath, there is a footpath on the opposite side of the road. Tong Road is more lightly trafficked than Ivetsey Bank Road, and due to the more winding nature of Tong Road and its short length, the traffic speeds in Tong Road are significantly lower.
29. The Highway Authority is also concerned that the existing footpaths are inadequate in that they are mainly on one side of the road only and vary in width with many

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<sup>6</sup> See inset plan Drawing Number ST5074-12PD-001 Revision A (CD 6.5)

less than 2 metres wide contrary to the advice in Inclusive Mobility and Manual for Streets (MfS).<sup>7</sup> The guidance in both of these documents is directed at new streets or those subject to redesign. For this reason, I do not consider that the minimum widths suggested within these documents are applicable to the appeal scheme. Notwithstanding this, the appellant submitted a walking audit that assessed the width of existing footpaths and the length of the various sections.

30. The majority of the routes assessed, including along Ivetsey Bank Road exceeded 1.5 metres in width which would be considered acceptable in the context of the Inclusive Mobility guidance. A 15 metre stretch at the Royal Oak was 1.3 metres wide, however this would still allow pedestrians to pass each other. The area adjacent to the bus stop on Old Coach Road and the footpath opposite also fall below 1.5 m in width. The former is a small, paved area for those waiting for the school bus. I was advised that children either wait at the at the corner of the Ivetsey Bank Road or by the bus shelter. There is a substantial verge at the bus shelter that can accommodate pedestrians and those waiting for the bus. There are also locations along these footpaths where residents have allowed vegetation to overhang the footpath, but this is a matter for the Highway Authority to address. Moreover, these are existing issues and there is no evidence to suggest that they would be exacerbated by the proposed development.
31. Therefore having regard to the existing pavements within the village, the absence of any recorded accidents involving pedestrians, and the speed limit through the village, I am satisfied that the proposed development would make adequate provision for pedestrians, including those who may choose to visit the proposed shop.
32. Amongst other matters paragraph 115 of the Framework requires safe and suitable access for all users. The proposal was subject to an independent RSA and as a consequence the proposals were revised to improve pedestrian visibility. The Highway Authority has no outstanding concerns regarding pedestrian visibility at the site.
33. Overall, I conclude that the proposal would be acceptable in terms of its effect on highway safety and would provide suitable and safe provision for pedestrians. In this respect it would comply with Core Policy 4 and Policy EQ11 of the Core Strategy in so far as they seek to ensure safe access to facilities.

***Whether the proposal is in a sustainable location or a location that could be made sustainable.***

34. Bishops Wood is a small village with about 260 dwellings. It benefits from a village hall, a First School<sup>8</sup> a public house and a playground. Reference was made to a nursery in Bishops Wood, this is located on Offoxey Road, along a narrow road with no footpaths. Due to its distance from the main part of the village, I do not consider it to be a facility that specifically serves the village.
35. The appellant proposes the inclusion of a village shop, a bus service contribution for up to five years and an EV car club for five years. The appellant contends that these measures taken together could make Bishops Wood a sustainable location.

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<sup>7</sup> CD 18.2 and CD 2.6

<sup>8</sup> Provides for up to year 4

36. Core Policy 1 of the Core Strategy seeks to allocate development to the most accessible and sustainable locations in accordance with the settlement hierarchy. Bishops Wood is identified as a small service village where very limited development may be acceptable for the provision of rural affordable housing where it clearly supports a local need and contributes to the sustainability of the local community.
37. Policy DS5 of the emerging Local Plan Review (ELPR) similarly aims to locate growth at the most accessible and sustainable locations in accordance with the proposed settlement hierarchy. It identifies Bishops Wood as a Tier 4 settlement that is expected to support very limited windfall housing growth to assist in safeguarding the limited services and facilities.
38. Paragraph 110 of the Framework states that significant development should be focused on locations which are, or can be made, sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 83 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
39. As acknowledged by the appellant, at the present time Bishops Wood is an unsustainable location, and the proposed development would conflict with Core Policy 1 of the Core Strategy and Policy DS5 of the ELPR.
40. The proposed shop would not avoid the need for a supermarket shop but would enable day-to-day and top-up shopping for future and existing residents. I have no reason to doubt the appellant's evidence that there is a business in a nearby village interested in operating the shop. BWCAG advised that residents generally use the shop at the BP garage on the A5, and that this is a similar distance from the north of the village as the proposed shop. BWCAG consider that the proposed shop would duplicate these services rather than add a further facility. However, for the reasons discussed above, any journey to the shop on the A5 would very likely be made by car, and for many existing residents, particularly those living towards the southern end of the village it would be further to travel.
41. The demographic profile of the village has changed since 2011. There is now a higher proportion of those aged 65+. A local shop within walkable distance, and accessible by footpaths, would be particularly beneficial to the older age groups and also to younger people without access to a car.
42. The Rural Services and Facilities Audit<sup>9</sup> is part of the evidence base for the ELPR. It states that shopping is the single biggest reason for people to undertake trips out of a settlement, and convenience stores are increasingly important to ensuring that residents can meet their day-to-day shopping needs. This is reflected in the evidence from BWCAG which indicates that 74 out of the 282 trips recorded were to the shops and supermarket, as opposed to 36 trips to work. The Audit states that villages without walking access to a convenience store risk causing residents to undertake numerous trips out of the village throughout the week, thereby risking a significant increase in private car journeys if development occurs in these locations. I find that the provision of a village shop would have the potential to reduce the number of shopping trips, as well as benefit those who may struggle to access other shops by car.

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<sup>9</sup> CD 17.8

43. In my view the proposed shop would be distinguishable from the shop at the BP garage in that for most residents it would be accessible by foot and provide a walkable alternative for residents. The shop at the BP garage, caters not only for the residents of Bishops Wood, but also for the considerable number of drivers using the A5. The proposed shop has the potential to tailor its offer to meet the more specific needs of the village.
44. I was informed that a previous shop in the village had failed and that there was a risk that the proposed shop would also fail. It would seem that the previous shop closed more than 20 years ago and the reason for this is not clear. Notwithstanding this, local retailing has changed significantly in recent years and many local shops offer a wider range of services than in the past. Whilst there is no certainty as to the shop operator, the fact that there has been an expression of interest from an existing business also operating in a small village would suggest that there is potential for it to be viable. The provision of the shop and its future retention could be secured by a suitable planning condition.
45. The proposed EV car club would be available to future and existing residents within the village. The s106 agreement secures the provision of 4 car club spaces, for a period of at least five years and would be operated by a dedicated business. Although at the present time there is no certainty as to the car club operator, expressions of interest submitted to the Inquiry indicate that there are companies willing to operate a car club in rural locations such as Bishops Wood. As confirmed by Annex 2 of the Framework sustainable transport modes include ultra-low and zero emission vehicles. Therefore, the provision of the car club would make a modest contribution to the sustainability of the location.
46. The appellant proposes to make a financial contribution to the provision of bus services for a 3-5 year period. The financial contribution would be secured by the s106 agreement and the service would provide one bus an hour between 07:00 and 10:00 and 15:00 and 19:00 Monday to Friday and on an hourly basis between 07:00 and 19:00 on Saturday. It is intended that the service would link Bishops Wood with Codsall Station.
47. At the present time there is a bus service that is timed to serve the local school. It is available for the public to use but only makes one journey each way a day. At the time of the application there was an existing bus service, but this was subsequently withdrawn as it was not profitable. BWCAg advised that it was unreliable, often failed to arrive, and didn't accommodate the time or destinations at which people wanted to travel.
48. The proposed bus service has the potential to improve the sustainability of the village. As with the proposed shop it would be particularly beneficial to those either unable to drive or not wishing to drive. Whilst it would not replace all journeys currently made by car it would provide a degree of choice for the residents of Bishops Wood. However, the service would be limited to particular times of day and whilst Codsall Station provides links to Telford and Wolverhampton it generally provides only an hourly service, even during much of the morning and evening peak.
49. The appellant outlined a potential route at the Inquiry, but there was no evidence from the bus company to indicate that it would support such a route. The range of services and facilities that could be accessed by the proposed bus service would

depend on the precise nature and timing of the route. It is probable that some journeys, such as trips to the supermarket would still be made by car. However, there are a number of home delivery services, especially for groceries and I noted several delivery vehicles in the village at the time of my visits.

50. Whilst the proposed bus service could potentially improve the locational sustainability of Bishops Wood, the Council and BWCAG expressed concern about the continuation of the service once the subsidy provided by the appellant ends. This is particularly pertinent given that many rural bus services, including the previous service within the village, have been withdrawn in recent years due to lack of profitability.
51. Evidence submitted by the Highway Authority suggests that the proposed development would generate about 30 passengers a day. Current bus fares are capped at £3.00 and therefore the proposed service would generate an income of about £90 a day. The Highway Authority suggests that in the absence of a subsidy, passengers would need to pay about £16.60 a ticket for the service to be viable. This figure is unverified, and potentially pessimistic, in that it makes no allowance for existing residents using the service, particularly given that a number of those who responded to the BWCAG survey expressed an interest/desire for a reliable bus service. The figure also fails to take account of other stops along the route that may add to the viability of the service. Notwithstanding this, the difference between the income generated by the capped fares and the income needed to make the service viable is considerable. Moreover, there is no evidence from the bus company to suggest that the route would be viable in the longer term.
52. The route suggested by the appellant would take in a number of other settlements and these could combine to improve the viability of the service. However, at the present time, there is no substantive evidence to indicate that either the bus service would remain viable after five years, or alternatively that it would be eligible for a subsidy once the s106 agreement subsidy ceases.
53. In reaching this view I have had regard to Core Policy 11, which amongst other matters states that the Council will support the retention and improvement of bus services and the extension of services to serve new development, whilst Policy EQ13 seeks contributions towards the extension and improvement of the public transport system including the provision of community bus services. However, in order to be effective and viable in the longer term such services need to be part of a wider strategy.
54. There would also be an opportunity to cycle from the appeal site, including to Brewood which is within 5km from the site, and has a wider range of facilities. The proposal does not provide any enhancement to the highway network to facilitate cycling. Due to the nature of the local roads, many of which are narrow, winding and unlit, I consider that few residents would choose to cycle rather than use a car.
55. The existing facilities within the village include a Village Hall, a First School, a Public House and a playground. There is also a bus service serving the local school. The enhancement of these facilities through the provision of a village shop, a reliable and regular bus service and an EV car club would improve the sustainability of the village, although it is doubtful whether a single shop and an hourly bus service during peak hours would make the location sustainable. Having regard to the Rural Services Audit, these changes would mean that Bishops Wood

would have similarities to some of the local service villages (Tier 3 in the ELPR), where Core Policy 1 supports limited development where it meets local needs. Notwithstanding this, Bishops Wood would generally remain poorly served and access to employment and most educational facilities would require regular trips out of the village. In this regard the proposed development would fail to comply with Core Policy 11 which seeks to reduce the need to travel.

56. Policy EV11 requires proposals to include provision for sustainable forms of transport to access the site, and within the development. The proposal would comply with this to the extent that there would be improvements to pedestrian routes, including a pedestrian crossing on Ivetsy Bank Road, as well as the provision of the EV carpool spaces.
57. In the absence of the proposed bus service, residents would be reliant on the use of the private car. There is limited evidence as to the proposed route and its connectivity with train times. Furthermore, there is insufficient evidence as to the viability of the bus service once the subsidy provided by the S106 agreement ceases. The proposal would therefore conflict with paragraph 135 of the Framework which states that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. A five-year period would represent a very small proportion of the lifetime of the development. I conclude that looked at in the round, given the uncertainty regarding the proposed bus service and the limited facilities within Bishops Wood the location would be unsustainable.
58. Paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it also advises that significant development should be focused on locations which are, or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Whilst the proposed bus service would offer a choice of transport modes, it would be limited in terms of the times of day it would operate and other than Codsall Station, there is no certainty as to which destinations it would serve. Aside from the proposed shop, occupants of the proposed development would need to travel out of the village for most services, including primary education above Year 4. Furthermore, there is insufficient evidence to suggest that the bus service would continue once the subsidy ceases. I therefore conclude that the proposed development would be contrary to Core Policies 1 and 11 of the Core Strategy and paragraphs 110 and 135 of the Framework, as well as Policy DS5 of the ELPR.
59. I have had regard to the Basildon appeal decision where the Inspector found that it would be unreasonable to expect the subsidy to the bus service to continue in perpetuity. However, the appeal proposal differs from the Basildon appeal where the County Council supported the continuation of the bus service and intended that the service would become commercially viable. There is no similar evidence before me. Moreover, the Basildon appeal was for a significantly greater number of dwellings and proposed to connect the appeal site to Basildon, a large town with a wide range of facilities and is not comparable to Codsall which is described as a large village with a limited train service.
60. Overall, I conclude that the proposed development is not located in a sustainable location, and despite the potential to improve the sustainability of the village, there

is insufficient evidence to demonstrate that it could be made sustainable in the longer term.

***Whether the proposal would be inappropriate development within the Green Belt***

61. Together Core Policies 1 and GB1 seek to protect the Green Belt from inappropriate development. GB1 generally reflects the policies within the Framework in relation to the categories of development that should not be considered as inappropriate development but does not include the Grey Belt. Core Policy 1 states that the Green Belt will be protected from inappropriate development and the policy restrictions relating to Green Belt in the Framework.
62. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt, including harm to its openness. It confirms that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
63. Paragraph 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:
  - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b. There is a demonstrable unmet need for the type of development proposed;
  - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
  - d. Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
64. The Appellant contends that the appeal proposal benefits from the grey belt exemption and should not be regarded as inappropriate development, or should I conclude that the proposal is inappropriate development the proposal is justified on the basis of very special circumstances.
65. Grey belt includes land that does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the Framework. It excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. The Council agree that the appeal site does not strongly contribute to purposes a), b) or d) of the Green Belt as set out at paragraph 143 of the Framework.
66. The parties differ regarding the application of footnote 7 with reference to the potential heritage impact of the proposed development. The appeal site extends close to the Grade II listed Church of St John. There was no heritage reason for refusal and the parties agree that the eastern part of the site is not proposed for development because of the harm that it would cause to the heritage significance of the Church of St John. The Council maintain that this represents a strong restriction on development and for this reason the proposed development would not be grey belt development.

67. The Council contend that the application of the footnote 7 test does not involve any consideration of the development that is proposed in any given application because the definition in the Framework is applicable to both plan making and decision making and also relates to the land rather than the development.
68. In terms of decision-taking footnote 7 is referenced in paragraph 11 d)i of the Framework. This specifically refers to *“the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; “*.
69. The appellant contends that in order to understand footnote 7 it needs to be considered in the context of its source policy. I also note that PPG states that for the purposes of plan-making that it may only be possible to provisionally identify such land as grey belt in advance of more detailed specific proposals.<sup>10</sup> This would seem to imply that the assessment of whether a site is grey belt may require a consideration of the nature of the proposal itself.
70. Notwithstanding this, the definition of grey belt at Annex 2 of the Framework clearly relates to land within the Green Belt, whereas paragraph 11 d)i. refers to a strong reason for refusing the development. Moreover, the wording within the definition of grey belt specifically differs from that at footnote 7 in that it includes a reference to restricting development. A similar reference to restricting development is provided within PGG ( paragraph 007 Reference ID: 64-007-20250225), although I note that the figure within this paragraph does not include a reference to restricting development.
71. When considered together with the definition of grey belt, I consider that grey belt is an assessment of the land rather than the proposed development, and that the Council’s interpretation correctly reflects the definition of grey belt within the Framework. Consequently, even though the parties agree that the heritage harm would not be a strong reason for refusal, it is a strong reason for restricting the development and as such I conclude that the appeal site is not grey belt land.
72. The parties agree that there is a demonstrable need for the type of development proposed. Having regard to the housing land supply position I agree with this assessment. Therefore, the proposed development would satisfy paragraph 155 b) of the Framework.
73. I have found above that the proposed development is not in a sustainable location, and whilst the proposed bus subsidy would assist with making it more sustainable than at present in the short term, facilities and services would remain limited, but for the reasons given above I am not persuaded that it would be sustainable over the lifetime of the development.
74. The parties agree that the proposal would provide affordable housing and new green space accessible to the public and new residents in accordance with the Golden Rules at paragraph 156 of the Framework. There would be some improvements to local infrastructure in terms of footpaths, crossings, the alignment of the junction at Boscobel Lane, Tong Road, Offoxey Road and Ivetsey Road, as well as the EV car club, village shop and, in the short term, the local bus service. On balance, I conclude that the proposal would comply with the Golden Rules.

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<sup>10</sup> Paragraph 006 Reference ID: 64-006-20250225

75. I concluded above that the appeal site is not grey belt land and the proposed development would not be in a sustainable location. Therefore, it would represent inappropriate development within the Green Belt.

***Other Green Belt harm***

76. The essential characteristics of Green Belts are their openness and their permanence. Openness has both a spatial and a visual dimension. The site is located on the periphery of the village. It comprises about 5.2 hectares of land presently in agricultural use. The appeal site is surrounded by open countryside to the south, east and west, and the part of the southern side of Tong Road that comprises the appeal site is undeveloped. The openness of the landscape is noticeable through the spaces between dwellings and above the single storey extensions and garages on the southern side of Tong Road.
77. The existing rural character of the appeal site would be replaced with housing at a density of about 30 dph and 2-2.5 storeys high. This would significantly reduce the openness of the appeal site.
78. The site rises from about 147 AOD at the western boundary to about 150 AOD at its highest point towards the centre of the site. The land then falls to about 137 AOD towards Kiddemore Green Road (the eastern boundary). Based on the Indicative Framework Plan the proposed dwellings would generally occupy land ranging between 141 AOD and 149 AOD. Gradients are typically 1:20 with some steeper areas at the centre of the Appeal site at approximately 1:12.
79. The proposed development would be particularly noticeable in views from Boscobel Lane to the south of the appeal site as well as from Offoxey Road. As such it would represent a notable extension to the village and a reduction in the extent of the Green Belt. The Indicative Framework Plan shows development set back from the Boscobel Lane frontage. Maintaining the openness of this corner would assist with mitigating the impact of the proposed development on openness.
80. The oak tree towards the centre of the site is a prominent feature in views of the site and adds to the open rural character of the landscape. It would be surrounded on three sides by the proposed dwellings. Whilst the upper part of the canopy would be visible over the top of the dwellings, the loss of its rural setting would add to the loss of openness. The proposed dwellings would be noticeable from Kiddemore Green Road, including in proximity to the Church of St John. It would introduce residential development into a predominantly rural setting. Whilst the proposed community orchard would assist with screening views of the dwellings, due to the rising land the loss of openness would be apparent from this location. The additional activity associated with the proposed dwellings, including car journeys, would further reduce the openness of this part of the Green Belt.
81. The site does not have any public access which limits the perception of openness to roads and public rights of way beyond the site boundary where the perception of openness is sometimes curtailed by landform, built development and intervening planting. There are no PROW within the appeal site. Although the appeal site would be separated from bridleway CP75 and Monarchs Way by agricultural fields the proposed development would be seen as a significant extension to the built development within Bishops Wood.

82. The proposed development would also conflict with purpose c) of the Green Belt in that it would fail to safeguard the countryside from encroachment by extending the village edge into the open countryside. It would also fail to encourage the recycling of derelict and other urban land. However, given the rural character of South Staffordshire and the evidence submitted to the Inquiry it would seem that there is limited derelict or urban land within the South Staffordshire area.
83. Overall, I conclude that the proposal would significantly reduce the openness of the Green Belt and conflict with purposes c) and to a lesser extent purpose e) of the Green Belt contrary to Strategic Objective 1 of the Core Strategy and the policies within the Framework that seek to safeguard the Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt, including harm to its openness.
84. The appellant sought to justify the loss of openness on the basis that it would occupy a relatively small percentage of the West Midlands Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is not a matter that can be assessed by way of a mathematical calculation. Indeed, such an approach could be repeated many times over, particularly within an area such as South Staffordshire where about 80% of the area lies within the Green Belt and could ultimately lead to the erosion of the Green Belt.

### ***Heritage***

85. There are a number of heritage assets within proximity to the appeal site. These are the Grade II Listed Church of St John, the Grade II Listed Milestone, Pigsty and Cow House at Acorn Cottage; Grade II\* Listed Boscobel House; Grade II Boscobel House Registered Park and Garden; Scheduled White Ladies Priory; Grade II\* Listed Black Ladies Priory; and the Grade II Listed Pearce Hay Farmhouse.
86. The Council and the appellant agree that the proposed development would result in some harm to the Grade II listed St John's Church, and that this would be at the lower end of the spectrum of less than substantial harm. They further agree that there would be no harm to any other designated heritage asset.
87. BWCAG agree that there would be no harm to the setting or significance of the listed Pigsty or Cow House in the grounds of Acorn Cottage, Black Ladies Priory or Pearce Hay Cottage. Based on the evidence submitted to the Inquiry and my observations at the time of my site visits, I agree that the proposed development would not impact on the setting or significance of these assets.

### ***Church of St John***

88. The significance of the Church of St John is principally derived from its historic and architectural interest. It is a well-preserved example of an Anglican church in the decorated style representing the prevalence of the gothic revival movement during the late 18th and 19th centuries. The church forms part of the history of Bishops Wood Parish and has been the centre of worship for over 150 years, as well as used for events and activities. It also contains memorials to members of the Parish lost during the First and Second World Wars and is therefore illustrative of the impacts of these international events upon local communities across England.

89. The setting includes the associated churchyard and boundary hedge, and the trees within the churchyard. Together these filter views of the church from Kiddemore Road other than from the immediate vicinity of the church. Views towards the site from the Church of St John are partially screened by mature vegetation, particularly that within the churchyard. The open character of the appeal site and the surrounding agricultural land contribute to the rural setting of the church. The spire is visible over longer distances, including from parts of Tong Road and the Public Right of Way (PROW) between Kiddemore Green Road and Pearce Hay Farm.
90. The illustrative layout has been amended. It is now intended that the proposed dwellings would be separated from the church by a community orchard, open space and a play area. The extent of the proposed housing as shown on the Indicative Framework Plan would broadly align with the eastern extent of development along Tong Road and would be separated from the church by open space.
91. The proposed dwellings would occupy higher land by comparison with the church and would continue to rise towards the west thereby impinging on the existing rural setting of the church. Although the dwellings would be on higher ground than, and visible from the church and the churchyard, based on the Indicative Framework Plan they would be separated from it by more than 150 metres. This distance, together with the proposed landscaping would help to maintain the rural setting of the church and churchyard, thereby limiting the harm from development within its setting.
92. The proposed development would not significantly impact views of the church from Tong Road or the PROW. Overall, I conclude that the proposed development would harm the significance of the church contrary to Core Strategy EQ3. I am satisfied that the layout and the proposed landscape could be secured at the reserved matters stage. Overall, in terms of heritage, I conclude that there would be less than substantial harm to the setting of St John's Church. I agree with the Council and the appellant that the harm would be located towards the lower end of the spectrum.

*Listed Milestone*

93. The appellant contends that the appeal site does not contribute to the setting of the listed milestone located within the grass verge adjacent to Acorn Cottage. The Local Planning Authority shares this view. BWCAG maintain that the setting of the milestone would be harmed by the modern appearance of the entrance to the appeal site.
94. The milestone comprises a late 18th or early 19th-century sandstone milestone with a pyramidal top inscribed in antique lettering. The milestone is believed to have been erected by the 2nd George Durant of Tong Castle (now-demolished) as an estate boundary marker and represented the boundary between the parishes of Tong and Bishop's Wood.
95. Due to its height and size the milestone is only visible when in very close proximity. It derives historic interest from its function as both a county and estate boundary as well as a mile marker. This intrinsic interest is enhanced by its well-preserved condition and survival at its original location. The association of the milestone with the 2nd George Durant of Tong Castle also contributes towards its significance.

96. Due to their relative positioning, only a glimpse of the hedgerow to the north-western corner of the site is co-visible with the milestone in eastward-facing views along Offoxey Road from the west. These views are seen in the context of modern built form along Ivetsey Bank Road. Overall, by virtue of the spatial and visual separation, as well as the scale and function of the milestone, the site makes no contribution to the setting of the Grade II Listed Milestone in the grounds of Acorn Cottage.
97. There would be no intervisibility between the entrance on Boscobel Lane and the milestone. The dwellings in the northwest of the site would be visible from the milestone but would be seen in the context of the existing dwellings at Tong Road and Ivetsey Bank Road. I conclude that the appeal site does not contribute to the setting of the listed milestone.

#### *Boscobel House*

98. Boscobel House is a 16th-century farmhouse, the earliest elements of which date to 1595, and was remodelled in the early 17th century for John Giffard as a hunting lodge. It was later extended in the 19th century as a farmhouse. It is a Grade II\* listed building and lies within a Scheduled Monument and Registered Park and Garden.
99. There are several associated Listed structures associated with Boscobel House. These include a range of farm buildings in the farmyard to the north east of Boscobel House (Grade II); the garden wall to the south east of Boscobel House (Grade II); the stable and granary to the north west of Boscobel House (Grade II); the barn in the farmyard to the north west of Boscobel House (Grade II); and the cast iron railings and commemorative brass plates to the Royal Oak about 140 metres South West of Boscobel House (Grade II).
100. The significance of Boscobel House is derived from its architectural interest and its historical interest from its association with royal history as the hiding place of Charles II after his escape from Cromwell's troops at the Battle of Worcester in 1651.
101. The contribution of its setting is derived from The Royal Oak(s) to the south which provide a visual connection to the story of the King's escape, and the wider restored recently planted woodland, which give an idea of the historic context of the asset in the 17th century.
102. The historic farm buildings in the immediate vicinity of Boscobel House provide a picture of the development of the Boscobel House over time. The formal gardens south of the house and wider grounds illustrate the status of the house and White Ladies Priory, and the route between the two.
103. There is a glimpse of the site visible between trees when leaving the Boscobel House complex. However, this view is beyond intervening farmland and with a backdrop of modern built form.
104. The appellant's view is that the change of character of the site would not impact upon the heritage significance of Boscobel House, as the current character of the site makes no contribution to its significance. BWCAG explained that the village took pride in the historic association with King Charles II, and the proposed

development would reduce the historical significance of Boscobel House and the associated listed buildings.

105. I share the appellant's view that the change of character of the site would not impact upon the heritage significance of Boscobel House, as the current character of the site makes no contribution, and so no aspect of the setting of the asset which contributes to its heritage significance would change.
106. There are also listed buildings immediately adjacent to the county boundary that fall within Shropshire. Shropshire County Council was consulted on the application. However, no response was received.
107. Overall, I conclude that the proposed development would harm the significance of the Grade II listed St John's Church contrary to Policy EQ3 of the Core Strategy but would not harm the other designated heritage assets in proximity to the appeal site. The harm to St John's Church would be less than substantial and towards the lower end of the spectrum.
108. Paragraph 212 of the Framework states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal.

### ***Flooding***

109. The Framework requires that development should be safe from flooding and not increase the risk of flooding elsewhere.
110. The site is located within Flood Zone 1 and has a low risk of fluvial and tidal flooding. The Lead Local Flood Authority (LLFA) agree that the site is also at low risk of surface water flooding and that any residual flood risk can be mitigated to a negligible level by setting finished floor levels 150mm above external levels.
111. The site-specific Flood Risk Assessment (FRA) includes an allowance for climate change. The FRA demonstrates that the proposed development would be at minimal risk from flooding and would not increase flood risk elsewhere. The LLFA agree that the proposal is compliant with the requirements of national and local policy and guidance and do not object to the proposal subject to suitably worded conditions.
112. The proposed drainage strategy would manage surface water runoff rates post-development through discharge to a ditch in wider ownership of the appellant with connectivity to a watercourse at an appropriate discharge rate and appropriately sized attenuation basins. These measures provide an opportunity to introduce a measurable betterment to offsite flood risk.
113. BWCAG and local residents provided extensive evidence of the flooding issues that have arisen in the past, including some recent events. It is evident that this has been a longstanding problem. Following a major flood event in 2016, Staffordshire County Council, as LLFA, published a Flood Investigation Report identifying the

worst affected areas. For Bishops Wood it was agreed to support a Local Flood Action Group to support Risk Management Authorities to establish what actions can be taken and by whom to help alleviate future flooding issues and how these might be funded. Residents advised that road access in and out of the village is frequently restricted. In these circumstances the concerns of BWCAG and other residents are understandable.

114. BWCAG was also concerned that the proposed SuDS may not be effective in a rural area. SuDS are frequently used in a variety of locations, including rural areas. The drainage scheme has been designed to manage surface water run-off. It includes a detention basin and an outfall to a ditch within wider ownership of the appellant and connectivity to a downstream watercourse. Subject to conditions and/or planning obligations in relation to the submission of a detailed design, discharge rates, and the management and maintenance of the SuDS, there is no evidence to suggest that they will not perform as intended.
115. I have no reason to doubt the anecdotal evidence from BWCAG and other parties in respect of flooding issues with foul water. The appellant consulted Severn Trent Water and it was indicated that additional investigation/modelling will be required to better understand the impact of the additional properties on the public network. No substantive evidence was submitted to suggest that there are capacity issues. However, should it be found that upgrades are necessary to accommodate the proposed flows, the Appellant would be required to make financial contributions towards any necessary upgrades.
116. Whilst the drainage strategy for the proposed development may not resolve the existing surface and foul water flooding within Bishops Wood, it would be likely to give rise to a betterment in terms of surface water flooding and would not exacerbate foul water flooding. In this regard the proposed development would therefore comply with Core Policy 3 of the Core Strategy and the policies within the Framework in respect of flooding.

### **Housing land supply position**

117. The changes to the Framework and the standard method in December 2024 significantly increased the Council's housing requirement from 225 dwellings per annum(dpa) to 651 dpa. The effect of these changes is that the five-year housing land supply requirement for South Staffordshire increased from 1,113 to 3,418. On this basis the parties agree that the Council can demonstrate a 1.7 years supply of housing. The Housing Delivery Test indicates that the Council has performed well against the previous housing requirement, delivering 1,374 dwellings against a requirement for 653 dwellings.
118. The Council's position is that once the ELPR is adopted the housing requirement would be much closer to that within the current Core Strategy than that calculated by the standard method and it would then have a 5 year housing land supply. The ELPR is being examined under the transitional arrangements. The submission version assesses the housing requirement to be 227 dpa with an additional 640 dwellings towards the unmet needs of the Greater Birmingham and Black Country Housing Market Area, giving a requirement of 263 dpa.
119. The Council acknowledges that the ELPR is at an early stage and some of the policies in relation to housing, including the requirement, may change and as such it can be afforded little weight in the context of this appeal. At the time of the Inquiry

the ELPR examination was paused but has since resumed. At the present time there is no certainty that the housing requirement or the spatial strategy within the ELPR will be found sound. However, even if the housing requirement is increased, I consider that since the ELPR falls to be assessed under the previous standard method the housing requirement is likely to be closer to the figure within the ELPR than the housing requirement under the current standard method.

120. The Council nevertheless accepts that the housing requirement in the ELPR would meet less than 80% of local housing needs calculated using the current standard method, therefore under the revised plan-making system it will be expected to begin work on a new plan following the adoption of the ELPR in order to address the shortfall in housing need.

### **Other Matters**

121. The Appellant has submitted a Precautionary Working Method Statement for great crested newt and a wintering bird survey report.

122. The wintering bird surveys were undertaken by a competent ecologist and have been progressed in accordance with good practice survey guidelines. The wintering bird survey report concludes that no significant effects are likely to occur to wintering birds as a result of the proposed development, and based on the survey results the Council concurs with this assessment.

123. The Precautionary Working Method Statement for great crested newt includes appropriate measures to take prior to and during construction that will reduce the risk of impacts to great crested newt to a negligible level.

124. Following the submission of details of the drainage design to mitigate potential water quality impacts on the watercourse into which the site's drainage will discharge, the Council is satisfied water quality impacts on Belvide Reservoir SSSI and Big Rough SSSI can be ruled out. As set out above Natural England agrees with this position and no longer objects to the proposed development.

125. The proposed development would also deliver biodiversity net gain of at least 10%. I am therefore satisfied that the appeal scheme would not conflict with Core Policy CP3 or Policy EQ1 of the Core Strategy in so far as they seek to protect and enhance biodiversity.

### **Other Considerations**

126. South Staffordshire is a predominantly rural authority with no major towns. The appellant suggests that in the absence of any changes to the Green Belt boundary the ELPR would be unable to accommodate the required housing growth, including that arising from the duty to co-operate. It is not a matter for this appeal to assess the growth strategy within the ELPR, the need for and soundness of any changes to the Green Belt boundary is a matter for the ELPR examination. The ELPR proposes the release of Green Belt land predominantly within Tier 1 settlements, these are the areas best served by public transport in the district and generally benefit from transport links that offer sustainable commuting patterns into the neighbouring Black Country and Birmingham conurbation.

127. The proposed development would deliver much needed market and affordable housing in an area with a significant shortfall. I accord considerable weight to these benefits.

128. The appellant suggests that the contributions towards secondary education and health services would also be a benefit of the proposal. These financial contributions are necessary to mitigate the impact of the proposed development and have been calculated on a pro-rata basis. They therefore do not attract weight in favour of the proposed development.
129. The proposed development would deliver economic benefits during construction, including through employment opportunities, and in the longer term through the shop and indirectly the carpool and increased spending in the area. These economic benefits attract moderate weight.

**Whether any harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.**

130. The proposed development represents inappropriate development within the Greenbelt and would also give rise to a loss of openness and harm to purposes c) and e) of the Green Belt. As such it would conflict with Core Policy 1 and Policy GB1 of the Core Strategy and the policies within the Framework in relation to the Greenbelt. The Framework provides that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that substantial weight should be given to any harm to the Green Belt. It also states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
131. The proposed development would also fail to comply with the spatial strategy as set out at Core Policy 1. The spatial strategy within the ELPR reflects that at Core Policy 1, namely focussing the majority of growth on the district's most sustainable settlements, and limiting Green Belt release to these Tier 1 settlements. This approach accords with the Framework in that it aligns growth with infrastructure growth and reduces the need to travel. I accord the failure to comply with the spatial strategy within the Core Strategy substantial weight.
132. The purpose of the Framework is to contribute to the achievement of sustainable development. Whilst the proposed development would provide for acceptable pedestrian routes within the village, due to the location of the site, the small size of the village and the uncertainty regarding the bus service once the subsidy ceases, the proposed development would fail to prioritise sustainable transport in accordance with the Framework. The proposed development would not be sustainably located. Occupants of the proposed development would need to travel out of the village for most services, including primary education above Year 4. For the majority of these journeys they would be reliant on the use of a private car. Whilst the proposed shop would assist with reducing some journeys, the bus service would not reduce the need to travel, and for the reasons given above I am not persuaded that it would remain viable once the subsidy ceases. I afford the unsustainable location of the proposed development significant weight.
133. I found above that the proposed development would be acceptable in terms of its effect on highway safety, and would make suitable provision for pedestrians. In addition, the proposed development would be safe from flooding and would not increase flood risk elsewhere. However, these matters are neutral and do not weigh in favour of the proposed development.

134. The delivery of market and affordable housing within an area where the Council is only able to demonstrate a 1.7 year housing land supply is a significant benefit of the proposal. However, as set out above, the Council has performed well against the Housing Delivery Test, and the current shortfall in housing land supply is largely a consequence of the changes to the standard method introduced by the Framework 2024. The ELPR is currently subject to examination and includes a housing requirement closer to that from previous years. Therefore, there is a reasonable expectation that the housing land supply position will be resolved within a reasonable timeframe. However, the housing requirement within the ELPR is not a ceiling and having regard to the housing requirement arising from the standard method, I afford the delivery of market and affordable housing significant weight in favour of the proposed development. The proposed development would also comply with the Golden Rules and this consideration also attracts significant weight in accordance with the Framework.
135. Other benefits arising from the proposed development include the provision of publicly accessible open space and a shop. These would benefit not only future residents, but also existing village residents, including those without access to a car. Moreover, such benefits would be unlikely to be delivered under the current spatial strategy which limits development within small villages such as Bishops Wood. I afford these benefits moderate weight. The proposal would also allow for a more diverse population within Bishops Wood and in doing so would add to the vitality of the village. Other benefits include improvements to pedestrian routes within the village, the delivery of Biodiversity Net Gain and the potential reduction in off-site surface water flooding. I also afford these matters moderate weight. The potential for economic benefits arising from the proposed development also attract moderate weight.
136. I conclude that these other considerations, do not clearly outweigh the harm to the Green Belt and the other harm that would arise from the proposed development.

### **Conclusion**

137. The proposed development would also give rise to heritage harm to the Church of St John. The public benefits of the proposal include the provision of market and affordable housing within an area with a significant housing shortfall, as well as the provision of public open space and a shop. I find that when weighed against the public benefits of the proposal the heritage harm is significantly outweighed.
138. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
139. I have found above that the proposed development would fail to comply with the overall spatial strategy at Core Policy 1 of the Core Strategy, as well as Core Policy 11 and Policy EV11 which seek to deliver sustainable transport and reduce the need to travel. The proposal would be inappropriate development within the Green Belt and would therefore also conflict with Policy GB1.
140. The proposed development would comply with Core Policy 4 and Policy EQ11 of the Core Strategy in that it would be acceptable in terms of highway safety and provision for pedestrians. It would also accord with Core Policy 3 and Policy EQ1 in so far as they seek to protect and enhance biodiversity and manage flood risk.

141. I therefore conclude that the proposed development would fail to comply with the development plan considered as a whole, and there are no material considerations, including the housing land supply position, that justify a decision other than in accordance with the development plan. I therefore dismiss the appeal.

*Lesley Coffey*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Thea Osmund-Smith                      Instructed by Shruti Trivedi (LLB Hons)

Anna Stein

She Called:

Anna Meer BA(Hons) CMILT

Daniel Ross BSc (Hons) ACIEEM

Scott Geoffrey Dawson BSc (Hons), MSc, MCIWEM, C.WEM

Gail Stoten BA(Hons) PG Cert Res MifA FSA

David Webster CMLI MA MSc BSc(Hons)

Megan Wilson BSc (Hons) MSc MRTPI CIHCM

### FOR THE LOCAL PLANNING AUTHORITY:

Freddie Humphreys                      instructed by Pardip Sharma, South Staffordshire Council

He Called

Imogen Hopkins BA(Hons), MA, MRTPI

Simon Hawe HNC (Civil Engineering), MCIHT

Matthew Wall BSc (Hons), MSc, ACIEEM

Ed Higgins BSc (Hons), MA

Adam Bushnell                      Staffordshire County Flood Team

### BISHOPS WOOD COMMUNITY ACTION GROUP

Chris Brown                      Co-Chair

Christopher Dean                      Co-Chair

Chris Pennick                      Secretary and Treasurer

Sarah Pennick                      Community Liaison and Events Co-ordinator

### INTERESTED PARTIES:

Graham Kelly

## DOCUMENTS SUBMITTED DURING THE INQUIRY

ID1	OPENING SUBMISSIONS ON BEHALF OF THE APPELLANT
ID2	OPENING SUBMISSIONS ON BEHALF OF THE LOCAL PLANNING AUTHORITY
ID3	OPENING SUBMISSIONS ON BEHALF OF BISHOPS WOOD COMMUNITY ACTION GROUP
ID4	S106 AGREEMENT DATED 22 JULY 2025
ID5	BISHOPS WOOD PETITION POSTCODES
ID6	PLANNING PERMISSION WHITE COTTAGE, IVETSEY BANK ROAD (24/00109/OUT)
ID7	ROUNDTABLE AGENDA
ID8	SOUTH STAFFORDSHIRE CIL COMPLIANCE STATEMENT
ID9	STAFFORDSHIRE COUNTY COUNCIL EDUCATION CIL COMPLIANCE STATEMENT
ID11	CONSULTATION LETTER TO NATURAL ENGLAND
ID12	BISHOPS WOOD - UPDATED CONDITIONS DATED 28 JULY 2025
ID13	878 BUS TIMETABLE
ID14	NOTE DATED 27 JULY 2025 CLARIFYING MATTERS IN MR WEBSTER'S PROOF OF EVIDENCE
ID15	EMERGING LOCAL PLAN REVIEW: HEARING SESSIONS WEEK 1 ACTIONS
ID16	CAR CLUB PROPOSAL
ID17	ACCESS TO WHITE COTTAGE
ID18	NOTE ON ATC DATA
ID19	CLOSING SUBMISSIONS ON BEHALF OF THE APPELLANT, INCLUDING REPLY TO OTHER PARTIES CLOSING SUBMISSIONS
ID20	CLOSING SUBMISSIONS ON BEHALF OF THE LOCAL PLANNING AUTHORITY
ID21	CLOSING SUBMISSIONS ON BEHALF OF BISHOPS WOOD COMMUNITY ACTION GROUP
ID22	COMPLETED S106 AGREEMENT DATED 6 AUGUST 2025
ID23	UPDATED LIST OF CONDITIONS DATED 7 AUGUST 2025
ID24	NATURAL ENGLAND RESPONSE DATED 11 AUGUST 2025