



WHITE PEAK Planning

Local Planning Authority Statement of Case

Land at Oakamoor Road, Cheadle

Staffordshire Moorlands District Council

June 2024

Ref: 2024.004

Appeal Ref: APP/B3438/W/24/3340461

LPA Ref: SMD/2022/0592

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Authorised for and on behalf of White Peak Planning Ltd.

**Rob White
Director**

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Appendices

- Appendix 1 Copy of Staffordshire Moorlands Local Plan (2020) Relevant Policies
- Appendix 2 Historic Environment Record for Hales Hall Fishpond
- Appendix 3 Committee Report for Appeal Application SMD/2022/0592
- Appendix 4 Staffordshire Moorlands Conservation Officer's Statutory Consultation Response (30th August 2023)

1.0 Introduction

1.1 Planning application and Appeal

- 1.1.1 This Statement of Case has been prepared by White Peak Planning on behalf of Staffordshire Moorlands District Council in response to an appeal by Muller Property Group (MPG) against the refusal of an outline planning application SMD/2022/0592 at Land at Oakamoor Road, Cheadle (the 'site').

1.2 Appeal Application

- 1.2.1 The following application details are set out in the agreed Statement of Common Ground (SoCG): application reference number; date of registration; description of development; date of submission and determination.
- 1.2.2 The application was considered by the Council's Planning Applications Committee on 19th October 2023, where it was resolved that the application be refused. The Decision Notice was issued on 6th November 2023, setting out reasons for refusal as follows:

1. The proposed development would result in harm to the setting of the Grade II listed Hales Hall through loss of landscape that surrounds it and the impact on the setting of associated non-designated heritage asset Hales Hall Pool, which benefits from a high degree of public access. The application site contributes to local distinctiveness and provides a buffer between the historic landscape to the east and modern development to the west. The proposal therefore fails to conserve and enhance nearby heritage assets including their settings, diminishes the amenity value of Hales Hall Pool, and is in conflict with Local Plan policy DC2 The Historic Environment and paragraphs 200 and 203 of the National Planning Policy Framework 2023.*

2. The proposed development would have an adverse impact on landscape character and rural setting of Cheadle. The gateway into Cheadle along Oakamoor Road, that includes distant views of St Giles Church spire, would be significantly altered leading to harm to key views and sense of place. The proposal would lead to a prominent intrusion into the countryside and would not be sympathetic to local character. The proposal therefore conflicts with Local Plan policies DC1 & DC 3 Landscape and Settlement Setting and paragraph 130c and 174b of the National Planning Policy Framework.

- 1.2.3 An informative was attached to the decision that reflected the Planning Committee's concern about potential highway safety.

1.3 Description of Appeal Proposal

- 1.3.1 The application seeks outline planning permission for the erection of up to 48 dwellings, with all matters reserved except for access. The list of appeal application drawings is set out in the Statement of Common Ground.

1.4 Site and Local Area Description

- 1.4.1 In addition to the site description set out in the Statement of Common Ground, the following is noted.
- 1.4.2 The site lies to the north east of Cheadle; it adjoins the defined development boundary of Cheadle (as defined by the adopted Staffordshire Moorlands Local Plan 2014-2033). The site itself lies entirely within the open countryside. The land is currently used for agricultural purposes and is set to pasture.
- 1.4.3 The appeal site is broadly rectangular, comprising a relatively thin spur of land, which abuts the settlement edge and runs parallel with Oakamoor Road. There is only currently built development immediately to the west of the appeal site in the form a housing. To the north and east it is bounded by designated countryside; and to the south, by Oakamoor Road and then designated countryside beyond. Land immediately to the east forms a visitor car park and beyond that there is a caravan park within the grounds of Hales Hall.
- 1.4.4 The boundaries of the site largely comprise mature trees and hedgerows. The main trees along the northern boundary are not within the appeal site but on adjacent third-party land. There are mature hedgerows and trees located along the southern boundary of the site. Moving eastward along Oakamoor Road, the hedgerow thickens before thinning out to the field gate located on the easternmost corner of the site. The appeal site has vehicular and pedestrian access provided from the B5417 via Oakamoor Road through an existing field gate on the south east boundary of the site.
- 1.4.5 In the eastern part of the site, there is an area of woodland situated around a pond; all of which form part of the Cheadle Fish Ponds SBI, also known as 'Hales Hall Pool'. This is designated as a Local Nature Reserve (LNR) and Site of Biological Importance (SBI), as shown on the extract of the adopted Local Plan Policies Plan (Figure 1). The majority of this designation lies immediately to the north of the site. Public access to Hales Hall Pool is provided via a level circular route that appears to be well used. The Pond has its own visitor car park located just beyond the eastern boundary of the appeal site and accessed from Oakamoor Road, as noted in paragraph 1.4.3 above.
- 1.4.6 The appeal site is not within a Conservation Area and does not include any statutory designated heritage assets, however, it does neighbour heritage assets. The Grade II* listed Hales Hall, and its Grade II listed Stables and Coach House, lie to the northeast of the appeal site. There is also a medieval Ridge and Furrow to the east (MST 5425) now used as a caravan park. Located to the north of the appeal site is the former Hales Hall Fishpond (HER 01626/MST 1618) - now known as Hales Hall Pond – which is recorded as having been part of the Hales Hall parkland estate. Both the pond and the ridge and furrow feature are identified as sites in the Staffordshire Historic Environment Record. The Historic Environment Record for Hales Hall Fishpond is attached at Appendix 2.

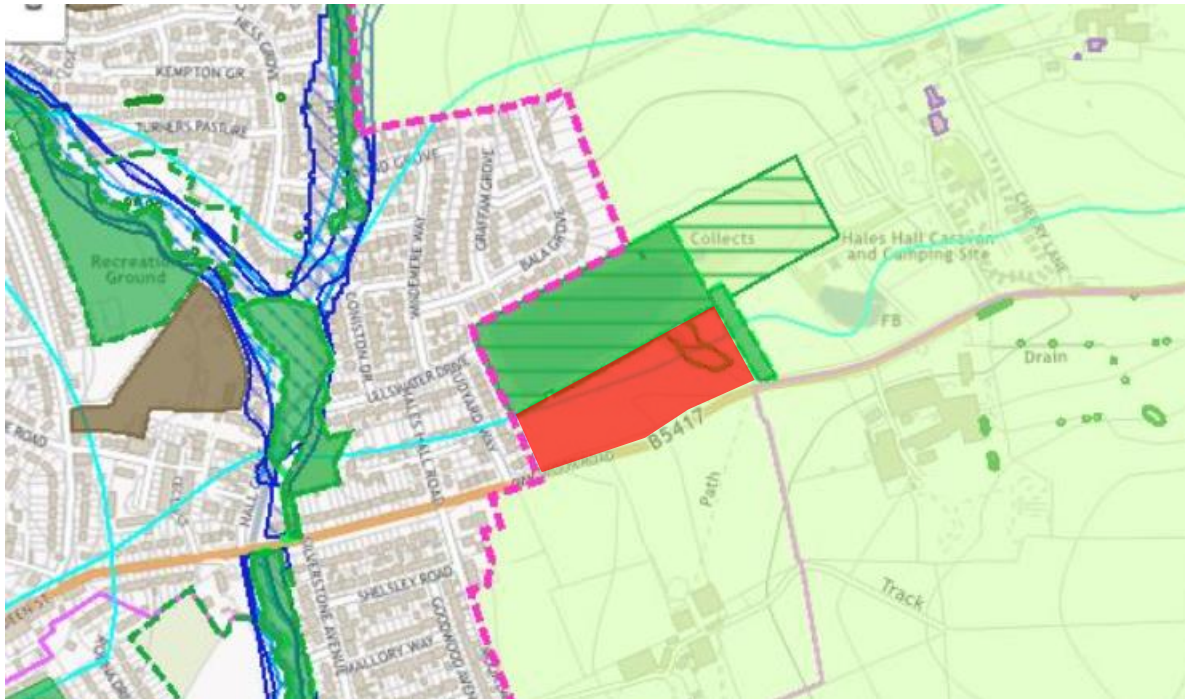


Figure 1: Extract from Staffordshire Moorlands Local Plan Policies Map (2020) Appeal site identified with red wash

1.5 Policy and Guidance

1.5.1 Relevant development plan policy and policy guidance are as follows:

Development Plan

1.5.2 Staffordshire Moorlands Local Plan (2020). Key policies for this appeal are included in full in Appendix 1:

- SS1 Development Principles
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting

1.5.3 Other relevant planning policies which relate to proposed conditions or general context

- SS2 Settlement Hierarchy

- SS3 Future Provision and Distribution of Development
- SS7 Cheadle Area Strategy
- SS10 Other Rural Areas Strategy
- SS12 Planning Obligations and Community Infrastructure Levy
- SD1 Sustainable Use of Resources
- SD4 Pollution and Water Quality
- SD5 Flood Risk
- H1 New Housing Development
- H3 Affordable Housing
- C1 Creating Sustainable Communities
- C2 Sport, Recreation and Open Space
- C3 Green Infrastructure
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

Supplementary Planning Documents

- The Staffordshire Moorlands Design Guide SPD (2018)
- The Staffordshire Moorlands Design Principles for development SPG (Appendix 2).
- Developer Contributions SPD (2023)

National Planning Policy and Guidance

National Planning Policy Framework (December 2023), in particular:

Chapter 2: Achieving Sustainable Development

Chapter 4: Decision Making

Chapter 5. Delivering a wide choice of high quality homes;

Chapter 12. Achieving well designed places; and

Chapter 15. Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

Planning Policy Guide (PPG), in particular:

Natural Environment – paragraphs 001, 006, 036, 037

Historic Environment – paragraphs 001, 006, 013, 040

Housing supply and delivery – paragraph 002, 017

1.6 Planning History

- 1.6.1 The planning history is set out in Section 3 of the Committee Report (Appendix 3).
- 1.6.2 A planning application (SMD/1983/0517) for residential development on the appeal site was refused in April 1986.

1.7 List of Documents

- 1.7.1 A list of documents to be referred to by the Council is set out below:
- Staffordshire Moorlands Local Plan (2020)
 - The Staffordshire Moorlands Design Guide SPD (2018)
 - National Planning Policy Framework (December 2023)
 - Proposed drawings (as listed in the Statement of Common Ground), Decision Notice and Committee Report Planning application SMD/2022/0592
 - Appellant Statement of Case (including Appendices)
 - Staffordshire Moorlands Statement of Case (including Appendices)
 - Agreed Statement of Common Ground
- 1.7.2 The application documents can be viewed on the planning application search pages of Staffordshire Moorlands District Council's website by typing in the planning application reference number (SMD/2022/0592).

1.8 Draft Schedule of Conditions

- 1.8.1 The Council's list of draft conditions is as set out in the Committee Report at Section 9. The relevant extract can be found at Appendix 3.

2.0 The Case for the Local Planning Authority

2.1 Introduction

2.1.1 The Local Planning Authority's case encompasses the following matters:

- i) Impact on heritage assets
- ii) Landscape and visual impact
- iii) Other Material considerations

2.1.2 We have also included representations from the Chair of the Staffordshire Moorlands Planning Committee, Councillor Peter Wilkinson. Cllr Wilkinson will be making these objections in person at the appeal hearing.

2.2 Chair's Representations

2.2.1 "This application is in conflict with all policies in the local plan as seen in the officer's report namely SS1, SS2, SS3, SS4, SS7, SS10, H1, DC1, DC3 and T1.

2.2.2 Therefore the officer's report has concluded that because there is a lack of a five year housing supply namely 3.71 years that the local plan is out of date and that the tilted balance is triggered and the application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

2.2.3 The government has introduced legislation which has removed the requirement for councils to maintain a rolling 5 year housing supply of deliverable land for housing where their plan is up to date (ie adopted in the last five years) which SMDC is (adopted in September 2020).

2.2.4 This removes speculative development, gives clarity and confidence to communities and helps councils to plan strategically for local infrastructure. This is a material consideration.

2.2.5 The adverse impacts are significant:-

- i) It will undermine the spatial strategy of the District because Cheadle is already meeting its housing needs.
- ii) The conservation officer (Committee Report paragraph 5.5, page 7) identifies proximity of listed buildings near by particularly that of Hales Hall (ii) and its setting which includes Hales Hall Pool. Views across the site from Oakamoor Road contribute to the sense of place and rural setting of the town as well as the setting of the Hall.
- iii) History protects the interior as well as the exterior of the building and its setting, which can cover land and buildings outside the property boundary.
- iv) According to the terms of the Planning (Listed buildings and conservation areas) Act 1990, a listed building specifically includes:-

- v) Any object or structure fixed to the listed building.
- vi) Any object or structure within the curtilage or property boundary of the listed building which, although not fixed to it, forms part of the land and has done so since before 1st July 1949. Therefore, there is an adverse impact on the listed building and its setting.
- vii) There is an adverse impact on a site of biological importance and net loss of biodiversity.
- viii) Adverse impact on Hales Hall pool local nature reserve.
- ix) Adverse impact on the historic avenue of yew trees on the boundary of the development site which have been in place since Hales Hall Pool was constructed in 1829.
- x) SUDS will impact on the hydrology of the site and negatively impact on the integrity of the dam wall supporting Hales Hall lake and therefore on the houses in Ness Grove.
- xi) Possible contamination of natural waterways due to the development, given that water flows freely from this field into the lake and then to Cecily Brook.
- xii) Oakamoor Road is used by Alton Towers traffic and the junctions in Cheadle are already at capacity without the addition of traffic from the Cecily Mill site being developed by Bellway Homes. The cumulative impact will negatively impact on residents.
- xiii) This road is one of the gateways into Cheadle.”

2.3 Impact on Heritage Assets

- 2.3.1 The detrimental impact of the appeal scheme on nearby heritage assets is the first reason for the refusal of planning permission. This was based on the scheme being in conflict with Local Plan Policy DC2 (Appendix 1) and corresponding paragraphs 200 and 203 of the NPPF (September 2023). The consistency of Policy DC2 with the NPPF allows for great weight to be attributed to it. This is separate from, but to be combined with, the great weight attributed by the NPPF to the conservation of designated heritage assets. The latter includes the impact on the settings of such assets being integral to any assessment of harm to their significance, as set out in NPPF paragraphs 205-208 of the current NPPF (December 2023).
- 2.3.2 For clarification, paragraphs 200 and 203 were carried forward into the current version of the NPPF as paragraphs 206 and 209 respectively. The current version of the NPPF is referenced throughout the remainder of this document unless otherwise specified.
- 2.3.3 Additionally, the importance of and great weight to be attached to the conservation of heritage assets and their settings is set out within primary legislation. This is helpfully summarised in Planning Practice Guidance on Heritage Assets (Paragraph 001 Reference ID: 18a-001-20190723 dated 23 07 2019) which makes it clear that “any decision where listed buildings and their settings and conservation areas are a factor must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see particular sections 16, 66 and

- 72) as well as applying the relevant policies in the development plan and the National Planning Policy Framework.”
- 2.3.4 The combination of primary legislation, up-to-date Staffordshire Moorlands Local Plan Policy DC2 and the relevant paragraphs of the NPPF combine to attach very great weight to this issue.
- 2.3.5 The heritage assets impacted by the appeal proposal are described in the reason for refusal as designated and non-designated heritage assets. Hales Hall Pond has been assessed in the appellant’s Heritage Statement as part of the setting of Grade II* listed Hales Hall and its Grade II listed Stables and Coach House. It has also been assessed by the Council as a non-designated heritage asset recorded within the Historic Environment Record.
- 2.3.6 The appellant’s heritage adviser summarises the scheme’s heritage impacts at 8.4 of their report (Appellant Appeal Heritage Statement, April 2024) and rebuts the reason for refusal at section 9.0, page 41. The conclusion is no harm to the identified heritage assets. It is interesting to note that the appellant’s heritage assessment was undertaken many months after the application had been submitted, the assessment having been included with the revised scheme in September 2023, following original submission in December 2022.
- 2.3.7 The significance of the designated heritage assets Hales Hall and its Coach House and Stables has been assessed as medium by the appellant. The Council does not disagree with this finding. The Council does, however, disagree with the assessment of the impact of the appeal scheme on Grade II* Hales Hall by virtue of harm to its setting.
- 2.3.8 The Council’s Conservation Officer does not concur with the appellant, as set out in their original statutory consultation response (Appendix 4), and as summarised at section 5.5 of the November Committee Report (Appendix 3). Hales Hall is considered to be ‘boxed in’ by the appeal proposal with concerns raised over impact on its setting.
- 2.3.9 Using the NPPF Glossary definition of setting, it is considered that Hales Hall Pond makes a positive contribution to the significance of Hales Hall. The landscape of the pond reads very clearly as part of the parkland in which the hall was originally set. There are clear views of the roof and upper floor of the Hall from Hales Hall Pond, with land to the west of the Hall sweeping down towards the Pond; the Pond forming the furthest extent of the remaining parkland.
- 2.3.10 The lower lying land in front of the Hall, which is used as a caravan park, is not in view in this context and does not therefore detract from its setting: i.e., it cannot be argued that the existence of the caravan park has denuded the setting of Hales Hall to the point that it no longer holds value. Additionally, views from Oakamoor Road - looking north west across the appeal site towards Hales Hall Pond – are also not visually interrupted by the caravan park.
- 2.3.11 The tree and hedge cover along the southern boundary of Hales Hall Pond (the northern boundary of the appeal site) does have some visual gaps, giving views between the two sites, even with the trees in full leaf. Additionally, Hales Hall Pond is set lower down than the appeal site, giving scope for the loss of landscape within the appeal site to be more apparent.

- 2.3.12 As described in the paragraphs above, this provides scope for Hales Hall Pond, as part of the setting of Hales Hall, to be impacted by the appeal scheme both from the creation of a sense of physical enclosure of the former parkland and the visual intrusion of built development into its setting. In simple terms, standing within the Hales Hall Pool area, the appeal scheme would be apparent, and as such, would detract from the enjoyment of the listed building and its setting. Visitors to Hales Hall Pool, accessing it from Oakamoor Road, whether on foot or using the visitor car park, would be very aware of the built development within the appeal site notwithstanding the tree and hedge cover. Leaf cover would be less dense outside of the summer months and there would be views of dwellings within the site. This would create a sense of urban enclosure in place of the current rural parkland landscape.
- 2.3.13 Overall, this generates harm to a designated heritage asset of medium significance, albeit harm that is less than substantial. This harm renders the appeal scheme unacceptable in terms of its heritage impact and necessitates consideration as to whether the public benefits of the scheme outweigh this harm, as set out in paragraph 208 of the NPPF. These benefits are considered in paragraphs 2.4.10-2.4.20 of this statement but in summary the Council considers that the harm to Hales Hall and its setting outweighs these benefits.
- 2.3.14 The outline nature of the appeal scheme together with the change in levels across the appeal site and the higher level at which Hales Hall Pond sits, also means that the extent to which the proposed development will impact on the setting of Hales Hall can only be partially assessed. The volume and height of the dwellings is not known, i.e., the scale; and the layout is also not fixed.
- 2.3.15 Also, reflecting on the contribution that conservation of heritage assets can make to sustainable communities and local character and distinctiveness (paragraphs 203(b) and (c) of the NPPF), the enclosure effect generated by the appeal scheme will detract from the attractiveness of the countryside in this part of Cheadle, impact on its appeal to visitors and reduce the enjoyment of this local amenity by existing and future residents of Cheadle. The Pond has its own visitor car park and the circular walk around the Pond is in regular use.
- 2.3.16 Turning to Hales Hall Pond as a non-designated heritage asset in its own right. Both Policy DC2 and the NPPF paragraph 209 make provision for the assessment of the effect of development on the significance of a non-designated heritage asset. The weight carried by Policy DC2 in this regard must, therefore, be reflective of its consistency with the NPPF. It is recognised that less weight may be attached to impacts on non-designated assets but that this is a balanced judgement call.
- 2.3.17 The appellant's heritage statement (paragraph 8.4) assesses the significance of Hales Hall Pond, as a non-designated asset, as low and considers the impact of the appeal scheme to be neutral in this regard.
- 2.3.18 Planning Practice Guidance 'Historic Environment' allows for non-designated heritage assets to be defined at the decision making stage (paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019). Its inclusion on the Historic Environment Record, and evidence provided within the appellant's heritage statement that it was part of the original parkland setting for Hales Hall, are sufficient for its recognition in this regard.

- 2.3.19 In essence, the same reasons set out in paragraphs 1.2.11- 1.2.14 explain why the appeal scheme would harm the historic landscape of Hales Hall Pond in conflict with Policy DC2 and paragraphs 200 and 203 of the NPPF (September 2023; paragraphs 206 and 209 of the current NPPF). In considering the impact of the appeal proposal on the Pond itself the following factors increase the harm to the Pond: the proximity of the Pond to the appeal site; its intervisibility with the Pond; and the Pond being lower lying.

2.4 Landscape and visual impact

- 2.4.1 The second reason for refusal of planning permission was for the adverse impact of the appeal scheme on the landscape character and rural setting of Cheadle. The decision notice (reference SMD/2022/0592) further states that the appeal scheme would harm key views from Cheadle to St Giles Church spire and the sense of place. For these reasons the scheme would be in conflict with Local Plan Policies DC1 and DC3 and paragraphs 130c and 174b of the NPPF.

Over-arching Comment

- 2.4.2 The LVIA does not describe the development that it seeks to assess, other than in the broadbrush terms of the outline application description. The Design and Access Statement refers to the building of *“predominantly 2 storey with taller buildings potentially utilised in strategic location”* (page 31). However, there are no constraints in the parameters plan in terms of height or number of storeys.
- 2.4.3 Whilst the detail of the design is a matter to be dealt with at reserved matters stage, the assessment of visual impact goes to the acceptability of the principle of development. Thus, the ability to properly assess the proposal is compromised by the lack of detail attributed to the scheme or carried into the appellant's LVIA.
- 2.4.4 Policy DC1 (2) requires that new development should *“be designed to respect the site and its surroundings and promote a positive sense”* through a series of design components. Without the detail to substantiate an assessment, the Council cannot fully assess whether the proposal accords with this policy.

Policy background

- 2.4.5 Policy SS1 expects development to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands by delivering an 'attractive' and 'well-designed environment'; and maintaining 'the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings'.
- 2.4.6 As mentioned, Policy DC 1 (2) requires development to respect the site and its surroundings. Policy DC 3 resists development that *“would lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the setting of a settlement”*.

Viewpoint 4: Hales Hall Pond Car Park

- 2.4.7 The appellant has concluded that the sensitivity of Viewpoint 4, located at the Hales Hall Pond Car Park, is moderate. The LPA considers that this viewpoint should be classified as High sensitivity due to its function as a recreational area where the visual quality is highly valued. This recreational use enhances the landscape's value, necessitating a more substantial consideration of visual impact.

- 2.4.8 Policy support for this position is found in Local Plan policies DC1 and DC3, along with National Planning Policy Framework (NPPF) paragraphs 135(c) and 180(a), which underline the importance of preserving the character and setting of the countryside and recreational amenities.

Error in Viewpoint 8 Location

- 2.4.9 The appellant's assessment of Viewpoint 8 was undertaken from the Public Right of Way (PROW) to the north of the Pond (PROW Cheadle 48). However, this contrasts with the location of the No. 8 marker shown in Figure 1 (Viewpoint / Receptor Location Plan) which is placed near Hales Hall, southwest of the No. 7 viewpoint marker.



Fig 2: Photographs taken at approximately the position of 'Viewpoint 8' as marked on the Appellant's LVIA Figure 1

- 2.4.10 The LPA highlights that this error has led to a significant misjudgement of the visual impact from the Figure 1 Viewpoint 8. Upon correction of the location to nearer

Hales Hall, it is considered that the sensitivity at this viewpoint to be Medium-High, with a Large change to the view at Year 1, resulting in a Substantial visual effect for Year 1 and Moderate-Substantial visual effect by Year 15.

General Understatement of Impact in Viewpoints

- 2.4.11 The appellant's assessment consistently reports a lower visual impact across several viewpoints, specifically Viewpoints 1, 2, 3, 4, 5, 6, 9, and 10, as summarised in the Table of Visual Effects and detailed in Appendix 1 of the LVIA.
- 2.4.12 This evaluation substantially underestimates the visual impacts at both Year 1 and Year 15 for these viewpoints.



Fig 3: "The gateway into Cheadle along Oakamoor Road, that includes distant views of St Giles Church spire" (the second Reason for Refusal)

- 2.4.13 The Planning Committee were shown the photograph above of the approach to Cheadle from the east (similar in viewpoint to View 6 of the LVIA). It clearly illustrates the relationship that the appeal site has with this important gateway approach view, with the spire of St Giles in the distance surrounded by open countryside.
- 2.4.14 In terms of Policy DC1(2), whilst the lack of detail makes it difficult to judge the acceptability of the appeal scheme, the visual identity of this site and the nearby surrounding area – including the viewpoints listed – will change dramatically, adversely and permanently as a result of the proposed development. This will, in turn, have a negative impact on the sense of place, contrary to DC1(2).

- 2.4.15 Policy DC3 specifically addresses Landscape and Settlement Setting. It sets out the Council's policy aim to protect and, where possible, enhance local landscape and the setting of settlements, then provides five criteria by which to achieve this.
- 2.4.16 With the continued note regarding the lack of detail, it would seem very difficult for the appeal scheme to adhere to the first criterion of DC3. This makes it clear that the Council will resist development proposals that would lead to a prominent intrusion into the countryside, which the appeal scheme manifestly will do, as the extract from the Policy Map, below, illustrates.

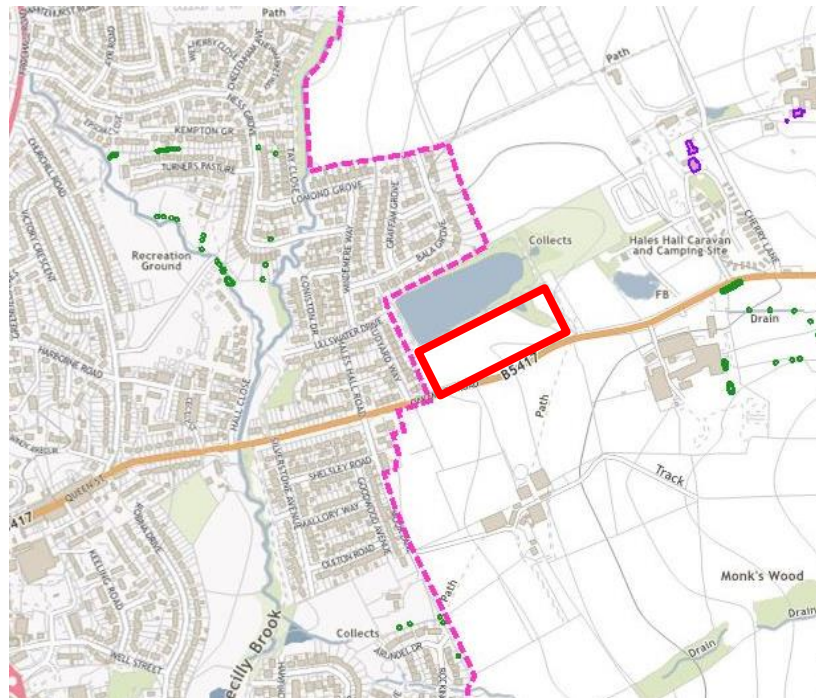


Fig 4: Appeal site (approximate boundary) shown in relation to the Cheadle Development Boundary (extract from the Local Plan Policies Map with only the Development Boundary layer visible)

- 2.4.17 Again, the appeal proposal will adversely and irreversibly intrude into the open countryside, thus failing Policy DC3.
- 2.4.18 Paragraph 135 c) of the NPPF similarly requires development to be “*sympathetic to local character and landscape setting*”. Whilst the design and landscape details are matters to be reserved, intrusion into the open countryside by this scale and nature of proposal is unlikely to be sympathetic. Indeed, the level of impacts on the neighbouring receptors, such as the viewpoints from around Hales Hall Pond, compound the insensitivity of the appeal scheme.

2.5 Other Material considerations

Five Year Housing Land Supply

- 2.5.1 It is agreed by all parties that SMDC does not have a Five Year Housing Land Supply (HLS). Despite the Local Plan identifying sufficient supply at the time of preparing the Plan, the slow build-out rate of permissions now means that the Council has lagged behind in delivery and now has less than four years of supply.

- 2.5.2 As such, paragraph 11 (d) of the NPPF is engaged – ‘the tilted balance’ – whereby planning permission should be granted unless:
- i. *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 2.5.3 Paragraph 12 of the NPPF makes it clear that the presumption in favour of sustainable development at paragraph 11 does not over-ride an up-to-date development plan, and where an application conflicts with policies in such a plan, those applications should normally be refused. Whilst the housing policies of the Local Plan are out of date, the policies relating to heritage assets and impact on landscape are consistent with the NPPF and therefore carry much weight. The Council considers that the appeal scheme conflicts with these policies.
- 2.5.4 We discuss how the appeal proposal sits with paragraphs 11(d) (i) and (ii) under ‘Planning Balance’, below.
- Highway Safety**
- 2.5.5 As noted in the introduction, the Planning Committee felt strongly about the potential highway safety implications which led them to include an informative in the decision notice on this matter. They were advised against giving this as a reason for refusal on the basis that the Local Highway Authority had not objected to the application.
- 2.5.6 The main area for concern relates to vehicles approaching Cheadle from the east travelling at 60mph until the speed limit reduces to 30mph, which is not until the point at which the appeal proposal will be accessed. Therefore, Committee Members considered that a new access to up to 48 new houses at this point could provide a risk to highway safety.
- 2.5.7 From our visit to the site, we have witnessed vehicles travel at what could be assumed to be the national speed limit of 60mph (or close to it) and not apply brakes until they are practically at the 30mph signs. This means that those vehicles will not actually achieve a speed of 30mph until well beyond the speed limit change. On this basis, those vehicles will continue to be moving at a considerable speed at the point of the proposed junction. The situation is exacerbated by the sweeping bends in the road that, whilst not requiring a reduction in speed, do restrict sight of the speed restriction until a relatively late point.
- 2.5.8 In the illustration below, the vehicle was around 10 metres from the 30mph signs when it was photographed without having applied its brakes. The second photograph shows the brake lights, but by then the vehicle had passed the 30mph signs, so likely to have been considerably over that limit.



Fig. 5: Example of late application of brakes on approach to Cheadle

- 2.5.9 A possible solution would be to move the 30mph signs further east, perhaps 100m before the proposed junction, with related traffic measures to encourage and/or enforce the speed reduction, such as a camera. However, the Highways Authority has noted that the relocation of the sign and the reduction of speed on this stretch of Oakamoor Road would require a Traffic Regulation Order and there was no guarantee such an Order would be successful (ref. paragraph 6.52 of the Committee Report).

Scheme benefits (public benefits)

- 2.5.10 The appellant outlines the public benefits of the appeal scheme in paragraphs 8.30-8.50 of their Statement of Case. These are considered here, together with the weight attributable to each of them.

Provision of Open Market Housing

- 2.5.11 The Council agrees that the provision up to 48 dwellings, of which 67% would be market housing, is a scheme benefit in the context of the Council's latest published 5 Year Housing Land Supply (HLS) position (Statement of Five Year Housing Land Supply (as at 1st April 2023)).
- 2.5.12 The Council has a deficit 5 year HLS of 654 dwellings. The appeal scheme would, however, only counter 7.3% of this overall deficit – and the same proportion when only the market homes are considered - in comparison with the irreversible and adverse harm to the landscape character of Cheadle and its heritage assets.

The appellant relies on historic trends to argue that the Council's land supply position is worsening but does not offer any hard evidence in respect of future projections.

Provision of Affordable Housing

- 2.5.13 Provision of affordable housing is a scheme benefit in that it will contribute to an identified need within the district. It is noted that the appeal scheme is policy compliant in this regard but does not seek to provide any additional public benefit by going over and above the 33% requirement.

Capital investment and construction benefits

- 2.5.14 The appellant provides a generic estimate of capital investment and construction benefits potentially arising from the appeal scheme; indicating a benefit to the

‘whole economy’. There is no evidence of specific or tangible economic benefits arising from the appeal proposal. In this regard, very little weight can be attributed to this benefit.

Direct and indirect employment benefits

- 2.5.15 Again, the appellant provides a nationwide estimate of the number of jobs supported by development. There is no indication given with regard to jobs created or the employment of local people which will arise as a direct result of the appeal scheme. Consequently, this benefit carries little weight.

Social and community impact benefits

- 2.5.16 The appellant has provided a generic figure for UK household weekly spending and has suggested that this will all be potentially all be spent locally. This is likely to be an over-estimate of local spending, as many households will spend money on household goods outside of their immediate locality each week ,for example, due to travelling outside of the locality for work
- 2.5.17 It is also unlikely that first occupation spending will all be spent within the locality: for example, the higher order nature of items purchased means that there will be some degree of ‘online ordering from companies based outside of the locality.
- 2.5.18 This benefit carries little weight.

Ecology and Green Infrastructure

- 2.5.19 The appeal scheme seeks to avoid harm to existing trees and hedgerows either on or adjacent to the appeal site. Potential new landscaping is indicated on the parameters plan on the west and eastern boundaries. Essentially, the area of the appeal site that lies within the Local Nature Reserve designation will be retained and there may be scope for public access to this area. These details, however, remain to be agreed at the Reserved Matters stage. Overall, therefore, this benefit carries very modest weight.

2.6 Planning Balance

- 2.6.1 As set out in the SoCG, the Council agrees that the provision of up to 48 dwellings, with up to 16 of these being affordable, is a scheme benefit: this holds some weight. The remaining benefits, as proposed by the appellant, carry limited weight.
- 2.6.2 It is the Council’s case that the appeal proposal will harm the setting of a listed building, thus being caught by paragraph 11(d)(i).
- 2.6.3 Further, addressing paragraph 11 (d) (ii), there are considerable adverse impacts arising from the scheme that outweigh the benefits derived from the new homes. These disbenefits include:
- i) Adverse impact on the setting of Hales Hall Grade II* listed building, particularly by virtue of the enclosure of the Hales Hall Pond on the southern side. By virtue of paragraph 205 of the NPPF, this is to be afforded very great weight.

- ii) In its own right, Hales Hall Pond is a Non-Designated Heritage Asset that will be adversely impacted by the proposed housing to its southern boundary. Currently, the Pond has built form along two edges (north and west), and views through Hales Hall to the east. The openness of the southern side allows a sense of expanse and being part of the countryside, whereas if this was to be enclosed the character of the entire Pond area, including circular walk, will demonstrably change with this adverse impact.
- iii) There is considerable amenity value associated with the Hales Hall Pond. It has its own visitor car park and the circular walk around the pond is in regular use. It is unlikely that the Pond will be as attractive to visitors once the openness to its southern aspect has been removed, resulting in a loss of amenity, particularly to the residents of Cheadle.
- iv) Whilst it does not form a reason for refusal, there is also a considerable question mark on the site's highway safety, given the speeds that vehicles travel into Cheadle along this stretch of Oakamoor Road.

2.6.4 On the basis of these adverse impacts “significantly and demonstrably” outweighing the benefits, the appeal scheme clearly meets the threshold of paragraph 11(d)(ii) and the presumption in favour does not apply. The Council respectfully requests that this appeal be dismissed.

3.0 Summary and Conclusions

3.1 Summary

- 3.1.1 The appeal relates to the refusal of planning application SMD/2022/0592, following consideration by the Staffordshire Moorlands Planning Committee in October 2023. The application was made in outline with some matters reserved for up to 48 dwellings.
- 3.1.2 The appeal site lies to the east of Cheadle, adjoining the settlement boundary, in open countryside. It is currently in agricultural use. The site is a broadly rectangular site, bounded by residential properties to the west, the Hales Hall Pond to the north, the associated car park to the east and Oakamoor Road to the south with open countryside beyond.
- 3.1.3 The planning application was refused on grounds relating to its impacts on local heritage assets and the landscape. The specific reasons for refusal included detrimental impacts to the setting of Grade II* listed Hales Hall and the non-designated Hales Hall Pond, as well as an adverse impact on the landscape character and rural setting of Cheadle, which contradicts local planning policies.
- 3.1.4 We have expressed our concern over the lack of details that are to be determined in this application, given the sensitivity of the location both in landscape and heritage terms. Only details of access and a parameters plan are to be determined at this stage. These provide no certainty in respect of various aspects of design, not least layout and height of the residential dwellings, nor the full extent that new landscape will introduced into the site. As a result, the visual and heritage impacts cannot be properly assessed with certainty.
- 3.1.5 The proposed development will be detrimental to the setting of Hales Hall, a Grade II* listed building, and its associated landscape, and Hales Hall Pond, which is forms part of the Hales Hall setting and is a non-designated heritage asset in its own right. The diminishing of the visual connection and the physical setting of Hales Hall and the pond contravenes Local Plan Policy DC2 (The Historic Environment) as well as specific guidelines in the NPPF, particularly paragraphs 200 and 203 of the NPPF at the time the Decision Notice was issued (and now paragraphs 206 and 209 of the current NPPF) which provide for the conservation and enhancement of designated and non-designated heritage assets and their settings.
- 3.1.6 In terms of landscape and visual impacts, the development would clearly erode the rural setting and character of the area. Such changes conflict with Local Plan Policies DC1 (Design Considerations) and DC3 (Landscape and Settlement Setting), which aim to protect and enhance the intrinsic character and visual quality of landscapes. These policies align with NPPF paragraphs 135c and 180b, which stress the importance of maintaining landscape integrity and preventing unsympathetic developments that could detract from the area's intrinsic character and environmental quality.
- 3.1.7 Despite the acknowledged need for housing across Staffordshire Moorlands and the application of the tilted balance, the adverse impacts of the proposed development, particularly regarding heritage and landscape, significantly and

demonstrably outweigh the benefits. Other impacts include potential risks to highway safety, ecological disturbance, and visual intrusion, all of which weigh against the appeal proposal.

3.2 Conclusions

- 3.2.1 The refusal of the outline planning application by the Staffordshire Moorlands Planning Committee was grounded on the failure to meet policies contained within the Local Plan and the NPPF.
- 3.2.2 It has been demonstrated that the appeal contravenes policies DC1 (Design Considerations), DC2 (The Historic Environment), and DC3 (Landscape and Settlement Setting). These policies aim to preserve the intrinsic character of the local landscape and provide strict guidelines on development within rural and historical settings.
- 3.2.3 The refusal is further supported by NPPF guidance, particularly paragraphs 135c and 180b, which emphasise the importance of protecting and enhancing valued landscapes and the setting of heritage assets, confirming the need for any development to be sensitive to its surroundings.
- 3.2.4 These Local Plan policies are 'in date', are in alignment with the NPPF and, thus, carry considerable weight.
- 3.2.5 As such, the Council respectfully urges this appeal to be dismissed.