

Planning proof of evidence

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On behalf of Staffordshire Moorlands District Council

Appeal by Bloor Homes

Planning inspectorate reference: APP/B3438/W/24/3351035

Local Planning Authority reference: SMD/2021/0610

Proposal: *Outline application for residential development with access considered (all other matters reserved)*

Location: Land East of Froghall Road, Cheadle, Staffordshire



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1. Executive summary

1.1. The appeal site lies outside of the Cheadle development boundary and it is agreed common ground that the development would be in conflict with the policies of the development plan that set out the district's Spatial Strategy. The appeal proposal conflicts with the key principles of the Spatial Strategy which guide how development should come forward within the district.

1.2. The appeal proposal is also in conflict with policies of the development plan that seek to protect and conserve landscape character and protect and enhance heritage assets, policies DC3 and DC2 respectively. The protection of landscape character and heritage assets is also a core theme within the Spatial Strategy as a whole. There is significant adverse landscape visual impact and less than substantial harm to a designated heritage asset.

1.3. The key elements of the landscape harm identified are as follows:

- The change in character on Froghall Road
- Impact on the gateway arrival into Cheadle
- Encroachment into the countryside as experienced from the east, the north and PROWs
- Closing of the gap between Cheadle and Broad Haye Farm, resulting in the farm no longer appearing isolated which is part of the landscape character
- Loss of the time depth created by the farm and its setting within this landscape

1.4. The key elements of heritage harm identified are as follows:

- The introduction of built form on agricultural land that was functionally associated with Grade II listed Broad Haye Farmhouse, and results in impacts upon the heritage asset's prominence within the landscape.

- Impact on views from the south-east towards the asset's principal façade, views along Hammersley Haye Road and the views from Froghall Road.
- The result is a low level of less than substantial harm to the significance of the Grade II Listed asset and this harm needs to be outweighed by any public benefits of the scheme.

1.5. The delivery of housing in an area of undersupply is a public benefit that is considered to outweigh the less than substantial harm to the significance of the designated heritage asset. The harm does however, still carry weight in the overall planning balance and great weight should be given to the asset's conservation, as per paragraph 212 of the National Planning Policy Framework (the Framework).

1.6. It is accepted that the Local Planning Authority (LPA) are unable to demonstrate a five year housing land supply and so paragraph 11dii of the Framework is relevant. Whilst policies in the development plan are 'out of date' they do carry weight in the making of this decision. Furthermore, the Spatial Strategy should remain a consideration in terms of the key principles that guide how development should come forward within the district.

1.7. Whilst the tilted balance is engaged, it is my view that due to the significant and demonstrable adverse impacts of the proposal, the planning balance weighs against the granting of permission, as per 11dii of the National Planning Policy Framework (the Framework), specifically with regard to the policies identified in footnote 9 of the Framework.

2. Author background

Mrs Josephine Gregory MTCP (Hons) MSc MRTPI

- 2.1. I hold a Masters degree in Town and Country Planning and a Masters degree in Urban Design, both from the University of Manchester. I have been a chartered member of the Royal Town Planning Institute (RTPI) since 2015.
- 2.2. I am a Partner at Urban Imprint Limited, an independent planning consultancy based in Macclesfield, Cheshire. I work for a range of public, private and third sector clients and undertake contract work for local authorities, including Staffordshire Moorlands District Council (SMDC). The majority of my experience has involved the submission of applications and appeals on behalf of housebuilders and the determination of residential applications on behalf of local planning authorities. This includes the determination of major residential developments on behalf of SMDC.
- 2.3. I am a trainer for the RTPI's masterclass programme teaching on the Planning for Non-Planners and Urban Design Analysis courses and present guest lectures at the University of Manchester. I am a judge for the RTPI North West Regional Awards.
- 2.4. On the 29th October 2024 I was commissioned by SMDC to represent the LPA at this appeal. I have visited the site three times, on the 7th November, 26th November and 10th December 2024. I am familiar with the locality and the planning context having handled major planning applications as a case officer in the district for the past three years.

Statement of truth

2.5. The evidence which I have prepared and provide for this appeal (reference APP/B3438/W/24/3351035) is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

3. Introduction

- 3.1. This Planning Proof of Evidence (proof) has been prepared on behalf of SMDC in response to an appeal submitted by Bloor Homes NW (the appellant) against the refusal of an outline application for residential development and access with all other matters reserved (SMD/2021/0610).
- 3.2. The appeal site is located within the administrative areas of SMDC and Staffordshire County Council (SCC). For the purposes of this application, SMDC are the Local Planning Authority (LPA). SCC have jurisdiction over 'county matters' including highways, education, flood risk and archaeology and therefore have been a statutory consultee during the determination of the application.
- 3.3. The Decision Notice (CD4.1) was issued on the 15th April 2024 following resolution of the Council's Planning Application Committee (the Committee) to refuse permission on the 28th March 2024. The Decision Notice sets out three reasons for refusal. The case officer handling the application recommended approval to the Committee subject to a section 106 agreement and planning conditions.
- 3.4. A detailed description of the site and its surroundings is contained within paragraphs 2.1 – 2.7 of the Officer's Report to Committee (CD4.2). A detailed description of the site is also contained within paragraph's 3.1-3.6 of the LPOE. One addition to these descriptions is that the site is located within the Churnet Valley as defined on the LPA's policies map (CD5.1).
- 3.5. The planning history of the site is contained within Section 3 of the Planning Statement of Common Ground (PSoCG) (CD13.1). None of the permissions detailed in the planning history were implemented and all have expired.

Main issues

3.6. The main issues as identified within the note issued by the Inspector following the Case Management Conference (CMC) on the 2nd December 2024 are:

- Housing land supply / housing demand / housing delivery
- The effect of the proposal on the countryside, including with regard to landscape character
- The effect of the proposal on designated heritage assets

3.7. My evidence will centre on the above main issues focusing on whether the appeal scheme accords with the relevant development plan policies.

Statements of Common Ground

3.8. The PSoCG (CD13.1) was agreed with the appellant on the 7th January 2025 which confirms matters not disputed between the parties. I also rely on topic specific SoCGs that have been agreed pertaining to:

- Heritage (HSoCG) (CD13.2)
- Landscape (LSoCG) (CD13.3)
- Housing Land Supply (HLSSoCG) (CD13.6)
- Self-build Housing (SBSoCG) (CD13.7)
- Affordable Housing (AHSoCG) (CD13.5)

Proofs of evidence

3.9. This Proof sits alongside Proofs of Evidence prepared on the following topics:

- Housing Land Supply prepared by Mr Alasdair Cross (HLSPOE)
- Heritage prepared by Mr Mark Clifford (HPOE)
- Landscape prepared by Mr Stuart Ryder (LPOE)

4. Assessment against development plan policies

- 4.1. The list of development plan policies relevant to this appeal are confirmed within the LPA's Statement of Case (LPA SOC) and the PSoCG.
- 4.2. The section below identifies the development plan policies that can be considered to be most important for determining this application, with focus on the three main issues identified by the Inspector's post CMC note. Other development plan policies remain relevant to this appeal however, are only relevant in terms of the planning balance or they relate to the need for planning conditions or the section 106 obligation.

Spatial strategy and housing policies

- 4.3. There are four policies relevant to this appeal that relate specifically to housing supply and together shape the district's strategy for housing delivery. The first reason for refusal cites the appeal proposal's conflict with this strategy with reference to Policies SS2 – 'Settlement Hierarchy', SS3 – 'Future Provision and Distribution of Development', SS4 – 'Strategic Housing and Employment Land Supply' and Policy SS10 – 'Other Rural Areas Strategy'. These policies work together to direct growth towards the district's largest settlements and are the primary policy mechanisms for the allocation of sites for housing.
- 4.4. The Spatial Strategy for the district directs growth towards Cheadle as one of the three largest settlements in the district. The appeal proposal conflicts with the Spatial Strategy as it is not an allocated site, it is located outside of the development boundary of Cheadle and there is no *'essential need for it to be located within the open countryside'* (Policy SS10).

- 4.5. Policy SS7 – ‘Cheadle Area Strategy’ relates to the settlement of Cheadle and responds to the direction of growth towards the town by providing specific site allocations. The appeal site is not within the development boundary and so this policy is not relevant other than to mention for completeness as it is the conclusion to the Spatial Strategy by allocating sites for housing and employment use in Cheadle.
- 4.6. Due to a lack of housing land supply, the policies that set out the Spatial Strategy (SS2, SS3, SS4 and SS10) are out of date. These policies however, do still carry weight in the determination of this appeal, especially where they are consistent with policies in the Framework, specifically those referred to in footnote 9.
- 4.7. Policy SS10 - ‘Other Rural Areas Strategy’ relates to development proposals that lie outside of development boundaries within the countryside. This policy places great emphasis on enhancing and conserving the quality of the countryside (part 3) and seeks to give ‘priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape’ (part 3 bullet one). The policy cross-references policy H1, which reinforces these key principles for new housing development, in relation to development proposed outside of development boundaries. I consider that these principles are an integral part of ensuring that the objectives of the LPAs Spatial Strategy are effectively and sustainably delivered.
- 4.8. The Framework reinforces the importance of such principles and their role within Spatial Strategies. Paragraph 11dii, as amended in December 2024, states that in assessing whether the adverse impacts of granting permission would ‘significantly and demonstrably outweigh the benefits’ particular regard is to be had to key policies in the Framework. These key policies are

defined in footnote 9. This includes paragraph 135c which is of particular relevance to this appeal. Paragraph 135c states that policies and decisions should ensure that developments meet key principles relating to design and ensuring sensitivity to ‘local character and history, including the surrounding built environment and landscape setting’. A development proposal that by virtue of its siting would result in landscape visual harm and harm to a heritage asset and is therefore clearly conflict with paragraph 135c of the Framework. The prioritisation of this within the Framework reinforces the elements of the SMDC Spatial Strategy that seek the same development principles.

4.9. These core principles are further reflected within Policy H1 – ‘New Housing Development’. H1 contains aspects that relate to the supply of housing and reflects the restrictions within the spatial strategy policies discussed above. This policy accepts that new development outside of development boundaries may come forward and sets out criteria with which such proposals should accord in part 4 of the policy. Bullet ‘b’ of part 4 gives support for ‘limited infill residential development of an appropriate scale and character for the Spatial Strategy’. Whilst it is acknowledged that the appeal scheme does not constitute *‘limited infill residential development’*, the principles that are set out can be considered helpful in assessing how unallocated sites outside of development boundaries should come forward and these principles accord with paragraph 135c of the Framework. They offer a sensible approach to ensure the delivery of the Spatial Strategy in the district and therefore can be considered appropriate principles for all scales and locations of housing development. They include:

- Development of an *‘appropriate scale and character for the spatial strategy’*

- *'Development will adjoin the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses'* - While this part of the policy refers to a 'larger village' it can be applied to the small town of Cheadle because it focuses on the importance of housing sites having a good relationship with the existing development boundary and pattern of development, as sensible approach for sites of all sizes in all locations across the district.
- *'is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development'* – Whilst a smaller village is referenced, this bullet can also apply to this appeal scheme as the principle of avoiding ribbons of development that protrude into the countryside and avoiding sporadic patterns of new development has long been a key tenet of English planning system, and should be equally relevant to developments regardless of scale.
- *'in all cases, the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside'*.

4.10. The appeal proposal is in direct conflict with the principles set out within SS10 and H1. It is in conflict with the aims of the Spatial Strategy, since whilst it adjoins the development boundary in part it is not well related to the existing pattern of development. It extends the settlement out into the countryside and results in a prominent intrusion into the countryside resulting in a significant adverse impact on character and appearance. I consider that this conflict undermines the principles of the Spatial Strategy.

Landscape policies

4.11. Policies across the development plan make a clear commitment to the protection of the countryside and its landscape character, including the strategic and housing policies assessed in the preceding section. As noted this approach is consistent with the Framework paragraph 135c which is mentioned in footnote 9 of the Framework. Recognition and protection of landscape is a thread that runs throughout the Local Plan policies from those at the strategic level (SS1, H1) to overarching policies on design (DC1) and finally within the detailed policies that specifically refer to the protection of landscape setting and features (DC3, NE2).

4.12. This is understandable since Staffordshire Moorlands is a predominantly rural district that sits on the edge of the Peak District National Park. Furthermore, the Churnet Valley runs through the district and is identified for its special landscape quality.

4.13. The following bullets provide a summary of how the development plan policies relevant to this appeal seek to protect landscape when assessing proposals for new development.

- Protect and enhance the landscape character of the district, respond sensitively to the distinctive qualities of the surrounding landscape and not have a significant adverse impact on the character and appearance of the countryside (SS10, H1, DC3)
- Not to lead to a prominent intrusion into the countryside and be well related to the existing pattern of development and surrounding land uses (H1)
- Protect and reinforce the locally distinctive character and identity of the Staffordshire Moorlands, its individual towns and villages and their settings (SS10, DC3)
- To adjoin the boundary of a larger village (H1)

- To not create or extend ribbon development or lead to sporadic pattern of development (H1)
- To conserve or enhance biodiversity features within the landscape (DC3)

4.14. The appeal scheme by virtue of its location would fail to protect or enhance landscape character and conflicts with these policy objectives. It would further stretch the settlement of Cheadle into the countryside by 150m at its shortest measure (from beside dwelling number 204 Froghall Road) and 315m at its longest measure (from Broad Hayes Park, the park homes site adjacent to the appeal site). The appeal site is not a logical extension of the settlement and it does not 'round off' the existing settlement form. It protrudes as an extra limb out into the countryside, presenting a blunt edge to the north. The northern boundary of the site extends beyond an existing hedgerow into the north field and does not follow any existing defensible boundary. Furthermore, there is significant loss of existing hedgerow to accommodate the appeal proposal's access and roundabout. This is not a sensitive approach that responds to the existing landscape context and therefore will result in harm to the character and appearance of the countryside. Conflict can be demonstrated between the appeal scheme and policies SS10, H1 and DC3.

Heritage policies

4.15. Policy DC2 – 'The Historic Environment' sets out the LPA's commitment to conserve, and where possible enhance, heritage assets. This policy is in accordance with the Framework and predominantly focuses on the way in which applicants should seek to identify the significance of heritage assets and any resultant harm from development proposals.

- 4.16. The explanatory text that accompanies Policy DC2 (paragraphs 7.83 – 7.86) specifically mentions historic farmsteads being a feature of the Staffordshire Moorlands countryside. The text emphasises the important relationship between the historic environment and the landscape, stating *‘The historic environment also extends beyond individual assets to the historic character of the wider landscape’* (paragraph 7.83 Local Plan 2020 CD5.1). The importance of this relationship and the interconnection between heritage and landscape is also presented within Mr Clifford’s HPOE (paragraph 4.3, 4.13) and Mr Ryder’s LPOE (paragraph 5.35).
- 4.17. ‘Less than substantial harm’ to the significance of a designated heritage asset, Grade II listed Broad Haye Farmhouse, has been identified resulting from the appeal proposal. The development plan points to the Framework when assessing proposals that harm heritage assets. In accordance with paragraph 215 of the Framework, I consider this harm, when viewed in isolation from a strict heritage perspective, to be outweighed by the public benefit of the provision of new dwellings where there is an undersupply of housing.
- 4.18. If this reason for refusal were to be considered in isolation, the harm identified to the designated heritage asset is not sufficient to outweigh the public benefit of housing delivery where there is significant undersupply. The extent of the harm within the spectrum of ‘less than substantial’ is however of relevance when considering the heritage impact within the planning balance as ‘great weight’ should be given to the asset’s conservation as per paragraph 212 of the Framework.

5. The main issues

5.1. The following section provides an overview of the planning case in accordance with the main issues as identified within the Inspector's post CMC note.

Main issue 1: Housing land supply / housing demand / housing delivery

5.2. The appeal proposal does not accord with the Spatial Strategy and the key principles for the delivery of housing, as set out within the SMDC Local Plan 2020. There is conflict with development plan policies SS2, SS3, SS4 and SS10 which together form the LPA's Spatial Strategy. I have also identified conflict with policy H1 which reinforces the Spatial Strategy by setting out key principles for how housing development is to come forward in the district. These key principles are also directly relevant to main issues 2 and 3.

5.3. Relevant here is, the assessment of the appeal site within the Strategic Housing Land Availability Assessment (SHLAA) (2015) (CD7.4-7) which informed the allocation of sites within the adopted Local Plan (2020). The appeal site part features in the SHLAA (site CH133 PDF page 129 of CD7.5) but was not submitted in its entirety - the submission included only the southern field that adjoins Hammersley Hayes Road. The submission did not include the portion of the northern field that is included within the appeal site boundary. The SHLAA concludes that the appeal site was not suitable for allocation. The reason given for its lack of suitability was that it represented *'a significant intrusion into open countryside which is not well related to existing urban form'*.

5.4. The SHLAA assessment of allocated sites CH001 (PDF page 73 of CD7.5) and CH132 (PDF page 128 of CD7.5) by comparison refer to the sites being *'well related to the existing settlement'*,

having *'well defined boundaries'*, a forming *'logical extension'* and resulting in *'minimal landscape impact'*.

5.5. The allocation of sites CH001 and CH132 within the Local Plan (2020) does not, in my opinion, alter the unsuitability of the appeal site and its relationship to the settlement. Whilst the appeal site adjoins CH132, this shared boundary is only 44m in length and this part of CH132 is too narrow to accommodate new dwellings - in the proposed layout (currently under determination) it simply includes a proposed footpath connection to Hammersley Hayes Road. The relationship between the appeal site and the allocated sites is minimal and does not improve the relationship of the appeal site to the existing settlement. Its development would remain a protrusion into the countryside.

5.6. I rely on the HLSPOE prepared by Mr Alasdair Cross on matters pertaining to housing land supply. Mr Cross confirms that the LPA's housing land supply position is 3.51 years resulting from a deficit of 687 units over five years. This is broadly in line with the position at the time of determination of the appeal application. There is disagreement between the main parties as to the LPA's five year housing land supply position. I have taken the lack of a five year housing land supply into account in my assessment.

Main issue 2: The effect of the proposal on the countryside, including with regard to landscape character

5.7. The appeal site is outside of the development boundary and is not well related to the existing pattern of development, it extends the settlement out into the countryside and results in a prominent intrusion into the countryside. Cumulatively these factors result in a significant adverse impact on the character and appearance of the countryside. I have therefore found

conflict with policy DC3 and with the strategic and housing policies that specifically seek to protect and enhance landscape character and setting elsewhere in the development plan, namely policies SS10 and H1.

5.8. In arriving at this conclusion, I rely on the LPOE (specifically RLC Tables 7 and 8 on PDF pages 43 and 44) prepared by Mr Stuart Ryder on matters pertaining to landscape and visual impact. He concludes that for the site itself the resulting significance of the landscape effect is Major/Moderate Adverse for the construction and at completion stages. The significance of landscape effect with the mitigation in place at Year 15 is assessed as Moderate, Adverse and Permanent.

5.9. Furthermore, Mr Ryder has assessed the positive landscape effects of the creation of a wildflower meadow (the inclusion and quality of which would be a matter for reserved matters) and the expansion of the existing public open space bring Minor, Beneficial and Permanent effects but do not reduce the assessed Moderate, Adverse and Permanent effect of the Site and its context.

5.10. In arriving at this conclusion, Mr Ryder cites the following key elements of note:

- The change in character on Froghall Road
- Impact on the gateway arrival into Cheadle
- Encroachment into the countryside as experienced from the east, north and PROWs
- Closing of the gap between Cheadle and Broad Haye Farm, this results in the farm no longer appearing isolated, as is part of the landscape character
- Loss of the time depth created by the farm and its setting within this landscape

5.11. Mr Ryder concludes: 'I consider there to be notable adverse effects to the character and appearance of the Site and its surrounding landscape context from this development. The proposals will appear incongruous within this open, rural landscape, adversely affecting views from public locations local to and distant from the Site', paragraph 8.18 of Mr Ryder's LPOE.

Main issue 3: The effect of the proposal on designated heritage assets

5.12. The appeal proposal will result in harm to a designated heritage asset, Broad Haye Farmhouse. I have therefore found conflict between the proposal and Policy DC2.

5.13. In arriving at this conclusion, I rely on the Heritage POE (HPOE) prepared by Mr Mark Clifford on matters pertaining to heritage impact. The significance of the designated asset is outlined within the HPOE section 4. As Mr Clifford outlines, the historic ancillary buildings around the farmhouse are curtilage listed, with the exception of those structures constructed after the 1st July 1948. Being Grade II listed the farmhouse and its curtilage are defined as being of 'special interest'.

5.14. Mr Clifford emphasises that by virtue of the asset being a farmhouse the significance of the asset 'is intrinsically linked to the surrounding agricultural landscape and setting makes a considerable contribution to the asset's significance' (paragraph 4.3 HPOE). Mr Clifford states that in his view 'that contribution consists of providing prominence to the asset in the landscape and the continuation of a largely unchanged agricultural context within which the asset is intrinsically linked' (paragraph 4.13 HPOE).

5.15. The development of the appeal site would result in loss of part of this agricultural context. As this agricultural land is in part historically and functionally associated with the farmhouse its loss would result in a reduction in the appreciation and understanding of the asset (paragraph 5.3 HPOE).

5.16. The development will also bring built form closer to the heritage asset resulting in impacts upon the asset's prominence within the landscape. The proposed development would result in a low level of harm that sits on the lower end of the scale of less than substantial. As per paragraph 212 of the Framework great weight should be given to any harm to a designated heritage asset (regardless of the level of harm).

7. The Written Ministerial Statement July 2024

- 7.1. As I have prepared this proof of evidence, it has been important to consider how the national approach to the delivery of housing has changed within the past year. The Ministerial Statement (MS) (CD6.4) issued by the Secretary of State for Housing and Communities on the 30th July 2024, makes a series of statements that I consider important in the determination of this appeal.
- 7.2. The MS states that *'applications for sites not allocated in a plan must be considered where they relate to brownfield and grey belt land'*. The primary focus of the MS is to deliver housing on brownfield and grey belt land, one reason for this being that such sites tend to be well related to existing settlements.
- 7.3. Also of relevance to this appeal is the call from government for development to come forward according to a strategy as opposed to a piecemeal manner: *'The Government is clear that housing need in England cannot be met without planning for growth on a larger than local scale'*.
- 7.4. The LPA have a Spatial Strategy that is less than five years old and is the starting point for decision making, it should still hold some influence over how housing is delivered across the district - at the very least in terms of the principles that it has established as I have set out in chapter 4 of my Proof.
- 7.5. The government places great importance on the sustainability of sites by recognising how planning can contribute positively to the 'the broader needs of communities' through focusing on 'expanded or upgraded public service infrastructure', 'a vision-led approach to transport planning', and promoting 'healthy communities' etc. This recognition has been bolstered by the revisions made to the Framework in December 2024, in particular the new footnote 9.

- 7.6. The focus from government through the MS and revisions to the Framework is not to approach the delivery of 1.5million houses over the next five years through piecemeal speculative development but through local plans and robust strategies prepared by local authorities in conjunction with communities. Whilst great weight it placed on delivering housing needs, how and where it is delivered is just as important to the long term sustainability, success and functioning of settlements and communities.
- 7.7. I give the approach to housing delivery, using the plan led system, as outlined in Ministerial Statement weight within my overall planning balance.

8. The description of development

8.1. I do not agree, as requested in the Appellant's Statement of Case (paragraph 2.7), that the description of development should be amended to reinstate the number of dwellings proposed.

I agree with the case officer that there are *'concerns about the capacity of the site to accommodate this number'* (Committee Report CD4.2 paragraph 3.2). It was agreed with the appellant on the 19th February 2024 that the number of units would be removed from the description of development, a revised Parameter's Plan (CD2.12) was provided to reflect this change removing reference to the number of units.

8.2. My concerns stem from the Illustrative Masterplan (CD2.14) that was prepared in order to demonstrate the site's ability to accommodate 228 and then 215 dwellings. Firstly, and most notably, the illustrative layout does not take account of the mine shaft located in the southern part of the site. Page 15 of the Geo-environmental Desk Study Report (CD1.12) submitted with the application and dated June 2021 states that *'there are eleven (11 no) recorded mine shafts on or adjacent to site as shown above. No treatment details are held for any of these shafts.'* Page 14 of the same report shows the location of these known mine shafts, see extract of map below. The appellant has at no stage submitted an illustrative layout that accommodates the mine shaft that lies beneath the site.

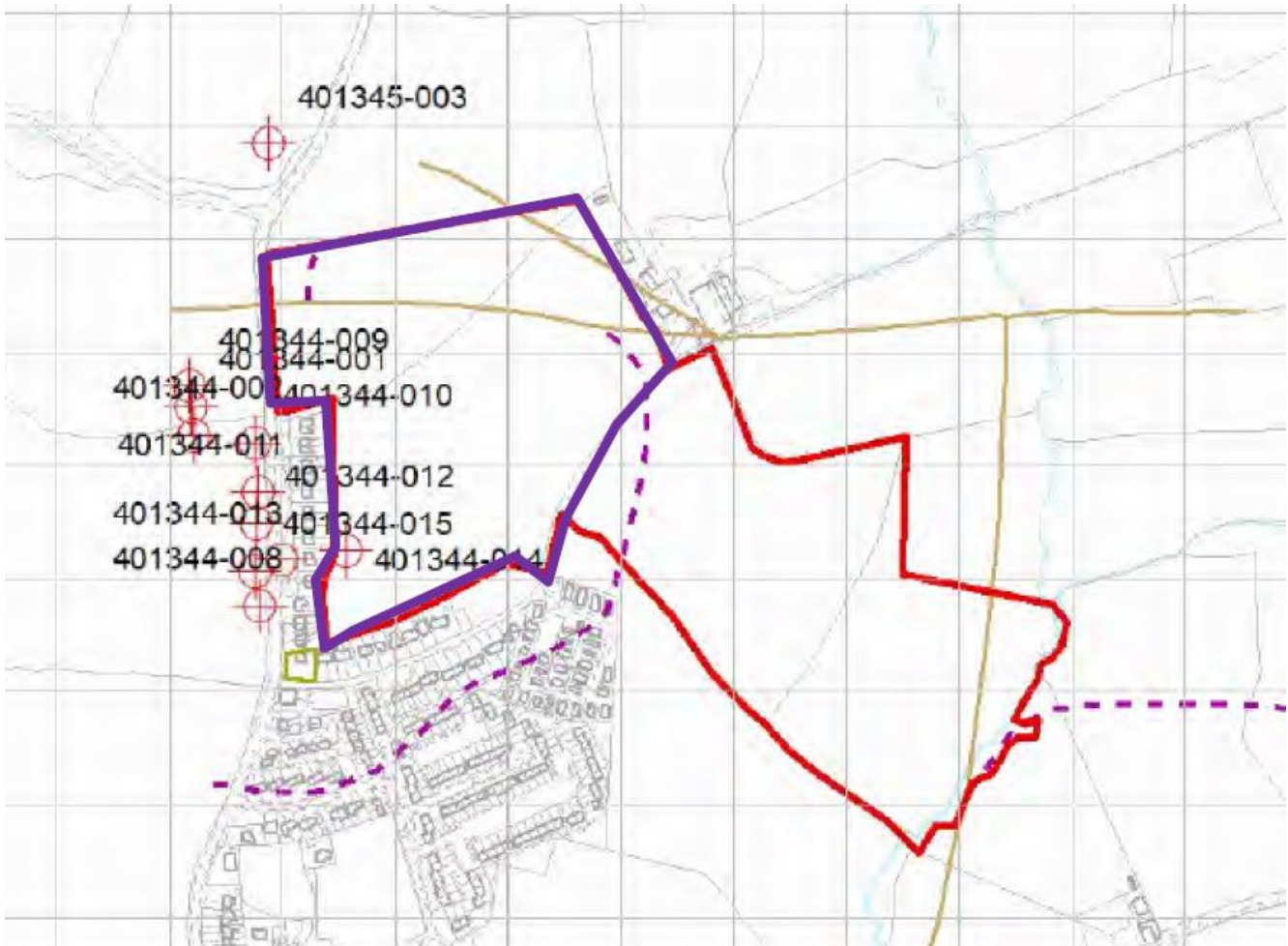


Figure 1 – Extract from map on page 14 of the Geo-environmental Desk Study Report (CD1.12) showing 11 mine shaft locations on and adjacent to the site

8.3. Secondly, the portion of open space to the north-east of the site was once proposed as functional recreational space, however, public access was removed in response to concerns raised by the Conservation Officer during the determination period for the application to further mitigate impacts on the heritage asset. Thirdly, the proposed open space 'Crescent Green' contains an attenuation pond that takes up a significant portion of that space reducing its effectiveness as recreational space.

- 8.4. It is my view that the final design solution for this site should determine the overall numbers, taking account of the constraints and opportunities through the detail reserved matters on the site as opposed to any 'upper limit' set out within the outline application. Based on an initial review of the Illustrative Masterplan (CD2.14) I have queries regarding amenity for example, with front and back relationships between dwellings at the centre of the indicative blocks. The Illustrative Layout does not confirm to me that as many as 215 dwellings could be accommodated appropriately on this site.
- 8.5. Therefore, the description of development should remain as currently drafted and, should this appeal be allowed, the precise number of units be determined via reserved matters and a thorough assessment of design, amenity and technical considerations.

9. The planning balance

9.1. The appeal proposal does not comply with the development plan due to conflict with policies relating to spatial strategy, housing development, heritage impact and landscape impact, as set out in the preceding sections of this Proof. In accordance with section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 it needs to be established whether there are any material considerations that indicate permission should be given despite this conflict with the development plan.

Defining terms

9.2. Deciding the weight to be given to relevant matters is a question of judgement for the decision maker. There is not a standard set of terms that are consistently used in order to make this assessment so I provide the terms and definition I will use below:

- Neutral weight – a matter that does not represent a benefit or disbenefit, for example, a technical matter that if not acceptable would result in refusal alone
- No weight – not relevant or not a planning matter
- Limited weight – a factor that may be subject to change or has minimal impact, can be positive or negative
- Moderate weight – a factor that has some impact, can be positive or negative
- Significant weight – a factor that has impact at a great scale, can be positive or negative

9.3. The above is a tool to aid in the understanding of how I have arrived at an overall planning balance but it is a guide rather than a precise quantitative system.

Determining the weight to be given to development plan policy conflict

- 9.4. It is accepted that the LPA cannot demonstrate a five-year housing land supply. The extent of this undersupply is a matter of disagreement between the LPA and the appellant. The LPA's position, as set out within the HLSPOE, is that 3.51 years of supply can be demonstrated. I have proceeded on that basis. Should the Inspector accept the appellant's position on the LPA's housing land supply position I do not consider that this would result in an alternative conclusion to the planning balance. Paragraph 11d (footnote 8) of the Framework refers to *'situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites'*. It does not specify that a greater shortfall should result in an alternative approach to the planning balance.
- 9.5. Paragraph 11d of the Framework applies and this will need to be taken into account when determining the weight to be given to the policies. It is clear from case law that development plan policies should not simply be disregarded in such instances simply because they are considered to be 'out of date'. It is a matter for the decision maker to consider how each policy conflicts and material considerations are to be weighted and balanced.
- 9.6. The table below sets out the development plan policies set out within the reasons for refusal and the weight attributed given that they are 'out of date' according to paragraph 11d of the Framework. In arriving at the judgements below I have considered the consistency of each policy with the Framework.

Policy	Proposal compliance	Policy compliance with NPPF	Policy weighting
SS2 - Settlement Hierarchy	Significant conflict	Compliant	Moderate weight to elements that restrict development due to compliance with NPPF and being less than five years old
SS3 - Future Provision and Distribution of Development	Significant conflict	Compliant in terms of hierarchy and distribution	Limited weight
SS4 - Strategic Housing and Employment Land Supply	Significant conflict	Compliant	Moderate weight to elements that restrict development due to compliance with NPPF and being less than five years old
SS10 - Other Rural Areas Strategy	Significant conflict	Compliant	Moderate weight to elements that restrict development due to compliance with NPPF and being less than five years old Full weight to guiding development principles of the spatial strategy
H1 - New Housing Development	Significant conflict	Compliant	Moderate weight to elements that restrict development due to compliance with NPPF and being less than five years old Full weight to guiding development principles
DC2 – The Historic Environment	Significant conflict	Compliant	Full weight – especially given links to paragraph 135c of the Framework
DC3 – Landscape and settlement setting	Significant conflict	Compliant	Full weight – especially given links to paragraph 135c of the Framework

Table 1 – Assessment of development plan policies

9.7. Table 1 demonstrates clear conflict with development plan policies and that weight can be given to that conflict despite the policies being considered to be 'out of date'. In accordance with PCPA the next step is to assess the material considerations and ascertain whether they indicate that permission should be given despite the identified conflict with the development plan.

Assigning weight to the benefits of the proposal and material considerations

9.8. The key benefits of the proposal include the provision of market housing and affordable housing in addition to self-build and flexible accessible units – proposed to be included in a section 106 agreement. Economic benefits have been identified relating to the creation of jobs in the short to medium term and household expenditure over the longer term. Further benefits cited by the appellant include the delivery of biodiversity net gain, provision of green infrastructure and public open space and the sustainability of the site.

9.9. The above benefits are not disputed by the LPA, however, these are predominantly benefits that are intrinsically linked to the delivery of a housing site of this scale regardless of location or impact. This does not mean that these factors do not carry weight. They do not however, represent a series of benefits that are unique to the delivery of the appeal site. I consider each in turn below.

Delivery of market housing

9.10. There is a great need for housing to be delivered in the district and this is a public benefit that should be given significant weight in accordance with paragraph 61 of the Framework. I agree with the Case Officer (CD4.2 paragraph 3.2) who did not consider that the 228 or 215 dwellings previously proposed can be accommodated appropriately on site, however, the number of units

is likely to be over 150 at a conservative estimate. By way of comparison, the Local Plan's Spatial Strategy sought delivery of 80 units per year in Cheadle across multiple housing allocations.

9.11. Within the Secretary of State's Ministerial Statement (MS) of 30th July 2024, the government set out a commitment to delivery 1.5million dwellings over the next five years. The delivery of housing is a central priority of the new government and it should be given significant positive weight in decision making. This housing delivery is a public benefit that outweighs the less than substantial harm to the designated heritage asset – this is a matter of common ground between the LPA and appellant.

Delivery of affordable homes

9.12. The appeal proposal complies with Policy H3 – 'Affordable Housing' which requires that 33% of dwellings provided are affordable. The appellant has committed to this provision within the draft section 106 agreement. The exact number of affordable units to be provided would be determined by the final number of units delivered.

9.13. There is an identified need for affordable homes within the district and a clear direction from government within the July 2024 Ministerial Statement, to 'go further in building a greater share of genuinely affordable homes'. Whilst government have made it clear that they intend to tackle under delivery of new affordable housing through a range of changes to the planning system, its delivery as part of major housing developments should nevertheless be given significant positive weight in decision making.

Delivery of self-build plots and flexible accommodation

9.14. Policy H1 – ‘New Housing Development’ states that where there is demand for self-build plots, residential developments of ten dwellings or more are to make an appropriate contribution to that need. The policy also states that new dwellings should aim to provide adequate internal space and flexible accommodation capable of future adaptation in line with the Nationally Described Space Standards (NDSS) and Part M of the building regulations.

9.15. By way of a section 106 obligation, the appeal proposal is intended to include dwellings that comply with the Nationally Described Space Standards, self-build plots, Part M4(3) compliant bungalows and up to 50% of the proposed dwellings will be Part M4(2) compliant (Lifetime homes). This is a benefit of the scheme that can be given moderate positive weight.

Economic benefits

9.16. The appeal proposal would bring economic benefits related to the construction of the new dwellings and the additional households that would spend money locally. The figures provided by the SMDC Regeneration officer are based on 215 dwellings being delivered and suggest that during the construction phase 230 direct and 30 indirect jobs would be generated (CD4.2 PDF page 13). Household expenditure locally could be expected to be £2,018,420 per annum with an expected £39,497 per annum generated in council tax. Albeit these figures would change should fewer than 215 units be delivered. Moderate positive weight is given to these economic benefits.

Biodiversity net gain

9.17. The appeal proposal is not required to deliver a minimum of 10% biodiversity net gain as the application was submitted prior to February 2024. The appellant's Statement of Case confirms the intention to deliver a measurable biodiversity net gain but no figure or detail can be given at this time due to the outline nature of the proposal other than what can be secured via planning condition. This benefit can therefore only be given limited positive weight.

Green infrastructure and open space

9.18. The Proposed Parameter's Plan (CD2.12) indicates some green infrastructure provision primarily through retention of the existing hedgerow and trees that run across the site, 10m landscape buffer to the north of the site and around the development edge to the east, an area of public open space that adjoins the existing open space off Hammersley Hayes Road and a 100m buffer that creates a stand off from the listed farmhouse at Broad Haye Farm. The information available is limited due to the outline nature of the appeal proposal but even so I consider what is provided to be minimal.

9.19. The largest open space provided, labelled 'Broad Haye Green', has no public access. As previously noted, this was an amendment made during the determination period of the application. The main public space to be provided according to the Proposed Parameter's Plan Rev N, is labelled 'Crescent Green' and contains an attenuation pond that takes up a significant portion of that space. The attenuation pond does not have any recreational value and its location beside a play area seems far from ideal.

9.20. Overall, the provision of green infrastructure and open space can only be attributed limited positive weight in the making of this decision.

Accessibility of the site

9.21. The appellant has placed emphasis on the appeal site being ‘highly accessible’ (paragraph 6.12 of the revised Planning, Affordable Housing and Sustainability Statement CD2.9) and references the sustainability of the site throughout the appeal documents. This is not a reason for refusal however, the revised Framework emphasises within paragraph 110 the importance of access to ‘a genuine choice of transport modes’. I question whether the site can be described as ‘highly’ accessible, this view is shared by the Local Highways Authority in their initial comments dated 19th October 2021. I have therefore given the accessibility/sustainability of the site limited positive weight in the planning balance.

Section 106 agreement and contributions

9.22. The appeal proposal is accompanied by a Section 106 agreement. The contributions meet the tests of the Framework or the CIL Regulations and are intended to mitigate the effects of the development as outlined by the policies of the development plan and the Developer Contributions Supplementary Planning Document. With the exception of the provision of affordable housing, self-build units and specialised accommodation which I have weighted separately, the matters outlined within the s106 carry neutral weight in the determination of this appeal.

9.23. In advance of the planning committee meeting in which this proposal was determined, the applicant, now appellant, offered an additional payment towards the delivery of the new primary school in Cheadle. This was intended to fill an identified funding gap of the same amount. This additional funding does not comply with the tests of the Framework or the CIL Regulations. It is not clear whether this money is being offered again as part of the appeal

proposal. However, it is not a material consideration in the determination of this appeal and will carry no weight in my assessment of the planning balance.

Summary of weight attributed to policy conflict and material considerations

Factor	Weight attributed
Conflict with the housing strategy as set out within Policies SS2, SS4, SS10, H1	Moderate negative weight
Conflict with key principles that guide development as set out within policies SS1, SS10 and H1, the Framework 135c and the Written Ministerial Statement	Significant negative weight
Conflict with policy DC2 resulting from less than substantial harm to a designated heritage asset	Limited negative weight due to the less than substantial harm identified being outweighed by the public benefits of housing provision
Conflict with policy DC3	Significant negative weight
Delivery of housing in an area where there is undersupply	Significant positive weight
Delivery of affordable homes	Significant positive weight
Delivery of self-build plots and flexible accommodation	Moderate positive weight
Economic benefits	Moderate positive weight
Biodiversity net gain	Limited positive weight
Provision of green infrastructure and open space	Limited positive weight
Accessibility / sustainability	Limited positive weight
Section 106 contributions	Neutral weight

Table 2 - Summary of weighting attributed

The overall planning balance

9.24. Due to a lack of five-year housing land supply, paragraph 11d of the Framework is engaged and applies to the determination of this appeal. Development plan policies are 'out of date', however, they still carry weight in this decision.

9.25. The delivery of new housing (including affordable housing) is considered to be a significant public benefit and consequently I afford it significant positive weight. This delivery conflicts with the wider spatial strategy as outlined in the local plan and I consider that the aspects of the Spatial Strategy that set out the key principles for the delivery of housing carry significant negative weight in the making of this decision.

9.26. The importance of these principles has been emphasised within the revised version of the Framework within Footnote 9 which directs the reader to paragraph 135c. The importance of Spatial Strategies and plan-led decision making is emphasised within the Written Ministerial Statement, explored in chapter 7 of this proof. The Spatial Strategy collectively has a clear emphasis on enhancing and conserving the countryside and protection of local character and identity. Landscape and heritage (the focus of the LPAs reasons for refusal 2 and 3) form a key part of these factors.

9.27. I have also given limited negative weight to the less than substantial harm to a designated heritage asset albeit this is outweighed by the public benefits identified in line with paragraph 215 of the Framework and as agreed within the statement of common ground. This harm may be at the 'low' end of the spectrum, but it is harm, nonetheless. The Framework is clear that 'great weight' should be given to the conservation of designated heritage assets when

considering the impact of a proposed development on its significance (paragraph 212). I have therefore given the harm to the designated heritage asset limited negative weight.

9.28. The adverse impacts identified are primarily the resultant landscape and visual harm of the proposed development. This harm is significant and long lasting. The development plan seeks to protect and enhance the landscape character of the district and this is a strong theme throughout multiple policies. I have afforded this significant negative weight, and I do not consider that the benefits of the proposal outweigh this harm.

9.29. In my assessment of the appeal proposal I have found that there are adverse impacts that would 'significantly and demonstrably outweigh the benefits' (paragraph 11dii of the Framework) of granting permission and it is therefore my view that the appeal should be dismissed.



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