

Appeal Statement on Behalf of Mr Mark Bullock

Land at Park Lane, Cheadle

April 2025

Project	Park Lane, Cheadle
Client	Mr Mark Bullock
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Project Team	Jim Malkin
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Document Produced by:

JMI Planning Limited
62 Carter Street
Uttoxeter
Staffs
ST14 8EU

Phone: 01889 566107
Email: enquiries@jmiplanning.com

www.jmiplanning.com

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1 Introduction

- 1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years combined experience in both the public and private sector.
- 1.2 The author of this appraisal, Jim Malkin, has worked as a Principal Planning Officer in local government, and more recently as a planning consultant in the private sector. He has extensive knowledge of the planning system, experience of the appeals process and has been involved in both the preparation of examination of developments in the greenbelt. He is a Chartered member of the Royal Town Planning Institute.
- 1.3 This statement accompanies an appeal against the decision of Staffordshire Moorlands District Council to refuse an application for a single detached bungalow at Park Lane, Cheadle.

2 The Appeal Site

- 2.1 The application site comprises a small area of field / paddock off Park Lane on the outskirts of Cheadle. The land appears as a typical infill site between properties on Nursery Close and those further up Park Lane.
- 2.2 The site is located on the periphery of the main town of Cheadle and is within easy walking distance of the High Street. The town is provided with a wide range of services including shops, public houses, restaurants, schools and employment opportunities. The site is served by a regular bus service linking the town to larger conurbations including Stoke on Trent.

- 2.3 The site is adjoined by residential properties to the north and south, with the town cemetery to the opposite side of Park Lane.
- 2.4 The site is located outside, but adjacent to the settlement boundary for Cheadle, it is also located within the greenbelt.
- 2.5 The site and its surroundings are shown on the following aerial photograph.



3 The Proposed Development

- 3.1 The application which is subject to this appeal was submitted in outline with all matters reserved with the exception of access and proposes the erection of a single, accessible, self-build, bungalow to be occupied by the appellant Mr Mark Bullock. The property would be constructed to Lifetime Homes standard and will be designed for occupation by Mr Bullock who is suffering from a number of emerging health conditions. The dwelling will be provided with associated parking provision and a

reasonably sized domestic curtilage. An area of orchard and wildflower planting will be provided on the northern portion of the site.

- 3.2 This submission is supported by an indicative layout which shows how built form could be provided on the site, whilst also confirming the access point from Park Lane.
- 3.3 As set out above, the proposal is submitted on the basis of a self-build dwelling for Mr Bullock, who currently lives in Lower Tean some 5 miles away, but who has both lived and worked in Cheadle and the immediate area all of his life.

4 Planning History

- 4.1 The application, which is the subject of this appeal was submitted in outline and proposed the erection of a self-build single dwelling. The application was considered by Staffordshire Moorlands District Council under application SMD/2024/0459 and was refused by the Council, following consideration at Planning Applications Committee on the 30th January 2025.

5 Reasons for Refusal

- 5.1 The application was refused for four reasons, as follows:

- 1. This site comprises agricultural land. It is greenfield and lies within the Green Belt. The Council's Green Belt Review (2015 to 2018), an evidence document in support of the Council's Local Plan (2020), ranked the site location as making a significant contribution to purpose (d) of the Green Belt as listed at NPPF paragraph 143 namely "to preserve the setting and special character of historic towns" and on this basis the site is found to contribute strongly. Thereby it is concluded that the*

site is not grey belt and represents inappropriate development in the Green Belt which is, by definition, harmful. The development would, in addition, compromise openness by replacing open field land with a housing development which would be urban in character. Openness and permanence are, the NPPF confirms, the essential characteristics of the Green Belt. The fundamental aim of Green belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore there would be significant conflict with at least two of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. The totality of the Green Belt harm is significant and Local Planning Authorities are required to give substantial weight to any harm to the Green Belt. It is not considered that the personal circumstances of the applicant in so far as they have been put forward, amount to the very special circumstances to clearly outweigh the harm to the Green Belt and other harm. It is for these reasons that the proposal is contrary to Policies SS1; SS2; SS10 and H1 of the Staffordshire Moorlands Local Plan and advice in the National Planning Policy Framework.

- 2. The proposal is found harmful to the character and appearance of the area and harmful to the visual amenity the location currently provides to recreational users of the public footpaths along Park Lane, footpath 46, and along footpath 47 which enjoys an elevated view from a short distance to the north east. The proposal is therefore found contrary to Staffordshire Moorlands Local Plan policies SS1; SS2; SS10, H1, DC1 and DC3 and to the NPPF.*
- 3. The proposal risks an unacceptable impact on the living conditions for existing residential neighbours including those of Nursery Close towards whom the proposal site is appreciably elevated relative to the Nursery Close bungalows presenting a significant risk that the development could be overbearing towards these existing bungalow dwellings. The proposal is therefore found contrary to Staffordshire Moorlands Local Plan policies SS1; SS2; SS10; H1 and DC1 and to the NPPF.*

4. *A submitted preliminary ecological survey has identified a range of ecological benefits in the site and its component habitats for wildlife including amphibians, reptiles, birds and mammals including protected species and priority species and that the field vegetation is species diverse and even so is likely to have been under-recorded due to the out-of-season survey timing. The proposed development would result in a diminution of ecological value and wildlife benefits inherent on the land and in the absence of any indication of how this could be avoided let alone made to result in a net gain to biodiversity the development is found contrary to Staffordshire Moorlands Local Plan policies SS1; SS2; SS10; H1; DC1; NE1 and NE2 and to the NPPF.*

6 Statement of Case

- 6.1 The Council refused the application on four grounds, firstly inappropriate development in the greenbelt, followed by concerns regarding landscape impact, neighbour amenity and protected species.
- 6.2 No concerns were raised in relation to highway safety, and it therefore follows that the Council consider the means of access to the site acceptable.

Planning Policy Context

- 6.3 The reasons for refusal set out a large number of policies that will be provided in full to the Inspector by the Council. This statement will consider the schemes compliance with the relevant policies in the following paragraphs which will consider the reasons for refusal in turn below.

Reason for Refusal 1 - Greenbelt Impacts

- 6.4 The revisions to the NPPF published in December 2024 significantly altered the policy position in relation to what constitutes inappropriate development in the

greenbelt, with specific reference now being made to ‘grey-belt’ land as defined by paragraphs 153 of the NPPF.

6.5 The NPPF in paragraph 153 now advises the following:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness ⁵⁵. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

6.6 Footnote 55 clarifies that this requirement and states that ***“Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.”***

6.7 The proposed dwelling sits on a piece of land that the appellant considers to be grey-belt.

6.8 The revised NPPF defines Grey belt as *“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*

6.9 Paragraph 143. States that *“Green Belt serves five purposes:*

a) to check the unrestricted sprawl of large built-up areas;

- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

As set out above to be considered grey belt land must not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143, as set out above. It is common ground between the parties, and it is specifically set out in the Councils committee report that the development of the site will not be at odds with criteria (a) or (b) of paragraph 143, there is disagreement however as to whether the scheme **strongly** contributes to preserving the special character of (the) historic town.

6.10 The site is not within a conservation area and there are no heritage assets within the visible vicinity of the application site, the land is adjoined by built form, and it does not fall within an area of special landscape character. It therefore clear that the area of land in question does not ‘*strongly contribute*’ to the special character of Cheadle, and its development for a single dwelling will not harm the setting and special character of the towns.

6.11 It is accepted that Cheadle is a historic towns but the policy makes it clear that it is important to understand whether the site itself makes a strong contribution to the setting of the town. The site is not seen in views or otherwise appreciable in the context of the town and therefore does not impact on the setting of the town. The site is enclosed by planting and screened owing to the topography of the site and the adjoining landscape, and also on the basis that only a bungalow is to be provided on the land. A series of viewpoint photographs from the adjacent highway and footpath network is provided at Appendix A which clearly show that the site does not interfere with the setting of the town.

6.12 The inspector will clearly see on their site visit that site is contained by existing built form, topography and vegetation and as such does not make a strong contribution to the character of the town. The Councils 'assessment' of the contribution to purpose (d) relies wholly on a previous study (SMDC Green Belt Review Study) which was carried out by Amec Foster Wheeler in 2015 to inform the Local Plan making process. The purposes of that review were to strategically review Green Belt purposes and to make a site-based assessment of land within Green Belt which might be considered for release from it.

6.13 This review considers a much wider parcel of land (S13 Land to the north west of Cheadle, southwest of the A522 in the Green Belt Review Appendix B: Parcel Assessment – image below) within which the site sits, the review states that parcel makes a 'contribution' towards preserving the setting and special character of Cheadle. This is the middle tier of contribution sitting above limited contribution and below significant contribution.

PARCEL S13: Land to the north west of Cheadle, south west of the A522



6.14 In concluding that the scheme does not comply with criteria (d) the Council does not provide any further evidence other than relying only on the work done in 2015. This work was completed a significant time ago and there have been incremental changes to the character of the site and its immediate surrounds since this date, most notably

work that has taken place to the property to the north, as well as maturing landscape planting over the past 10 years.

- 6.15 In addition, the appraisal considers a much more significant portion of land than is being proposed for development as part of this appeal. The Council have relied solely on this wider assessment to conclude that the development of a single dwelling on the land impacts on the '*setting and special character of Cheadle*'. The Council have not made a detailed assessment of the characteristics and contribution of the appeal site in isolation. It is our view that the appeal site makes the most limited contribution of the overall area in purpose (d) terms as it is on the lowest land on the parcel, with the land rising to the south and east elsewhere on the parcel. It is also the most obviously connected part of the site to the existing built form on Park Lane, this is clearly material in the assessment of how important the appeal site is to the setting of Cheadle.
- 6.16 The reason for refusal in our view overstates the conclusion of the Green Belt review. The viewpoints in Appendix A clearly show that the site does not make a strong contribution to the setting to the setting of Cheadle. The main features of the historic town cannot be seen from the appeal site, and there is no intervisibility, it is not in the foreground, nor does it dominate views towards the historic town.
- 6.17 There is no public access to the appeal site where visitors could appreciate the relationship of the site and the town centre, whilst the site does not exhibit any historic landscape character which would be significantly eroded by the proposed development.
- 6.18 On the basis of the preceding paragraphs and the viewpoints provided at Appendix A, it is our view that the site complies with the definition of grey belt in the revised NPPF (December, 2024) and therefore in accordance with paragraph 153, is excluded from substantial weight being given to the level of harm the development would cause to the Green Belt, including harm to its openness.

- 6.19 Paragraph 155 of the NPPF thereafter confirms that *“the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:*

The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan”.

- 6.20 A number of recent appeal decisions that relate to sites with very similar circumstances are also attached to support this application at Appendix B and they further prove that in general principal terms the development of the site is acceptable.
- 6.21 In addition to the above, the Council have fundamentally ignored the need and the very special circumstances in relation to the proposal which were put forward to support the scheme. The applicant has a pressing need for a fully accessible bungalow owing to his failing health, the details of which were fully set out in the initial planning submission. There are no properties of this style available in the area and we have approached a local agent regarding such homes, with their response attached at Appendix B.
- 6.22 The response confirms that there are no similar properties available in the local area, the scheme will therefore meet an identified need for Mr Bullock, whilst ensuring that such a property will remain on the market in perpetuity.
- 6.23 Owing to the very specific circumstances associated with the dwelling which at reserved matters stage will be designed and laid out to meet the specific needs of the applicant, it is a self-build dwelling, which as set out in the following paragraphs in this statement lends further support to the proposal.

- 6.24 Therefore, owing to the above, it follows that in principle the erection of a detached bungalow is acceptable in broad principle terms, thereby overcoming the first reason for refusal.

Reason for Refusal 2 – Character and Appearance of the Area

- 6.25 It is considered that the proposal will have at worst a neutral impact on the character and appearance of the area. In views from the north, south and west the property will be viewed in context of existing residential development as shown on the extract below.



- 6.26 From the east and the cemetery views are restricted by existing vegetation and where glimpses are available the property will sit acceptably within the row of linear development on Park Lane.
- 6.27 It is also important to note that the scheme proposes a bungalow, and this can be controlled by a suitably worded planning condition, thereby further reducing impacts on the wider character and appearance of the area.
- 6.28 The viewpoints provided in relation to the greenbelt impacts of the scheme at appendix A are also critical to the consideration of the second reason for refusal and show clearly that there is no wider landscape harm from the proposal. As set out

above the Council make no reference to the particular landscape character other than to state that the site is undeveloped and possesses ‘rural qualities’ with particular weight is given to the very strong mature boundary hedge adjacent the bungalows creating a defining edge to the town development boundary. This however fails to appreciate that there is significant development further north along Park Lane which has landscape impacts, this shows that the ‘line on a plan’ development boundary does not mean the end of residential buildings along the lane.

- 6.29 Whilst it is appreciated that in greenbelt of terms the site may not constitute an infill site in Green Belt terms, it is clear that it functions as one visually in streetscene and landscape impact terms.
- 6.30 The sites visibility from the adjacent footpath network is shown in the viewpoints provided at appendix A to this statement. These show clearly that the proposal is closely related to existing residential development and a significant balance of the wider field would not be developed including that which is at a higher level. From longer views it is clear that the landscape has the capacity to ‘take’ a single bungalow, viewed against the backdrop of existing development, without harming landscape character.
- 6.31 Given the Council’s very significant housing shortage (to be considered under other matters), it is clear that the Council will have to rely on development of land to the fringes of its larger settlements. It is simply untenable to think that sufficient houses will be built in the district without some expansion at the fringes of towns exactly as is proposed as part of this application.
- 6.32 The proposal does not impact on any protected or valued landscapes that are offered any specific protections with the NPPF, or in the Staffordshire Moorlands

Local Plan. The micro scale of the development is such that the impacts from wider landscape receptors will be entirely negligible.

Reason for Refusal 3 – Neighbour Amenity

- 6.33 The sole requirement of an outline application is that it demonstrates that it is possible that a development could be delivered on site which would have acceptable impacts, including on residential amenity. It is clear that the submitted indicative layout shows that adequate separation distances necessary to meet standards in the Councils planning guidance can be achieved. The Council do not state that they consider it impossible that an acceptable impact on amenity could be achieved, nor do they conclude that the application has failed to demonstrate that an acceptable impact can be achieved. No such conclusion is even implied in the Councils assessment.
- 6.34 This reason for refusal is based on the Councils assumption that it presents ‘*a significant risk that the development could be overbearing*’. Refusing an application on the basis of a ‘risk’ of harm is thoroughly unreasonable. The site area is clear and the indicative scheme is clear in its layout. Layout, scale and appearance are reserved matters, however the indicative scheme shows one possible location of a dwelling and on the basis that the application seeks a bungalow on the site, it is perfectly possible to consider the scale of any building on the site and determine whether or not it would cause harm.
- 6.35 If the Council genuinely believed that it was not possible to consider the outline scheme separately from one or all of the reserved matters, they are directed by article 5.(2) of the Development Management Procedure Order 2015 as follows:

Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the authority must within the period of 1 month beginning with the date of receipt of the

application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

- 6.36 If the Council was of the view that the application could not be determined without knowing the scale, layout and/or appearance of the dwelling, they should have informed the agent and requested the necessary further information. Furthermore, arguably, the scale of the dwelling could be specifically restricted by condition on any outline permission, if the LPA felt it necessary to do so.
- 6.37 The scheme complies with all necessary separation distances and that it is clear that the site can accommodate a single storey dwelling, without creating harm to neighbours.
- 6.38 On the substantive matter of residential amenity, it appears to me that this reason for refusal is without merit and that the application demonstrates that a dwelling can be located on the site without harm to residential amenity.

Reason for Refusal 4 – Protected Species

- 6.39 The scheme is accompanied by Ecological Surveys completed by Fauna Forest Ecology; these show that the proposal will not result in harm to any European Protected Species and confirms that no additional survey work in relation to such species is required.
- 6.40 It is accepted that the reports refer to the potential for flora on the site, and the applicant has no problems completing the additional survey work, which can influence a re-planting / biodiversity scheme which the appellant intends to the complete on the remaining land on the site, and this additional work can be secured via a suitably worded condition.

- 6.41 It is therefore clear that the proposal will not, subject to appropriate mitigation which can be secured via condition, impact adversely on protected species or their habitats.

Other Matters

- 6.42 Of critical importance to the determination of this appeal is the Councils catastrophic five-year land supply position. Staffordshire Moorlands District Council have a long-standing failure to provide an appropriate level of land supply. The Council in the recent appeal at '*land to the east of Froghall Road, Cheadle*' (APP/B3438/W/24/3351035) agreed that their land supply position was 2.95 years, a significant and demonstrable undersupply.
- 6.43 Therefore in line with paragraph 11, footnote 8 of the NPPF policies that restrict the delivery of new housing are deemed out of date, and support is given to a new residential development providing that it is deemed sustainable as defined by the NPPF.
- 6.44 In this instance it is clear that the development is located in a sustainable in close proximity to the town centre and sustainable transport options allowing future occupiers to access necessary facilities without the need for a private motor car. This is particularly important to Mr Bullock who will, over time lose the ability to drive owing to his medical conditions.
- 6.45 The Council in the determination of this application chose to ignore its dire housing supply position as a material consideration. It is the appellants view that it is a significant factor in the decision-making process. The Councils report to its committee makes no mention of the land supply position, or any other benefit of the scheme in the planning balance. It is our view that the lack of any acknowledgement of the district wide under supply of housing land and the lack of any weighting of the

benefit of additional housing in the planning balance, seriously undermines the decision.

- 6.46 The appeal scheme which will make a small but nonetheless much needed contribution towards the supply of housing, is a benefit that outweighs the harm by virtue of inappropriateness and any other harm attributed to the development by the Council.
- 6.47 The provision of a fully accessible bungalow on the site to meet the needs of Mr Bullock will also have significant social benefits in terms of the provision of a type of housing currently unavailable in the town; the NPPF in paragraph 8 prescribes significant weight to social benefits of development. The scheme will also have economic benefits during the construction period and provide employment for local contractors and tradesmen.
- 6.48 In addition to the lack of an appropriate level of housing land supply, the Council also has a duty under Section 2A(2) of the Self-Build and Custom Housebuilding Act 2015 (as amended) to ensure that there are sufficient self-build and custom build plots to meet the demand for self-build and custom housebuilding in its area over a specific period of time. The applicant is seeking a self-build plot to build an accessible retirement bungalow to meet Mr Bullocks need owing to failing health and age, and owing to a shortfall in such plots, they have in the end, had to consider the application site owing to the shortfall in available plots with the District. This matter was again considered in the aforementioned appeal at Land East of Froghall Road, Cheadle, Staffordshire, where the Council accepted in a statement that of common ground with the appellant accepted that there has been a shortfall in permissions for self-build and custom housing.
- 6.49 The lack of available self-build plots, as well as the Councils catastrophic land supply position weighs heavily in support of the proposal.

7 Conclusions

- 7.1 The appeal site lies in a highly sustainable location within walking distance of the centre of Cheadle which has a wide range of facilities and amenities as well as public transport links.
- 7.2 The site constitutes grey belt as defined by the NPPF and the development of the site does not result in '*strong*' harm to the setting of the historic town. On the basis the land constitutes grey belt the provision of a single bungalow on the land, in an area with a significant undersupply of housing is considered acceptable in principle terms.
- 7.3 The scheme is in outline only and a finished development of an appropriate scale, siting and design can be secured to ensure the proposal has a neutral landscape impact, whilst also not impacting adversely on the amenity of neighbours, can be secured at reserved matters stage.
- 7.4 The provision of additional surveys in relation to flora on the site, as well as biodiversity enhancement on the land to the west can be secured via a suitably worded condition(s) and do not warrant the refusal of the application.
- 7.5 As such it is respectfully requested that the appeal is allowed, and planning permission granted for the development.