Planning Inspectorate

Appeal Decision

Site visit made on 8 April 2025

by J Moore BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2025

Appeal Ref: APP/B3438/W/25/3358635
Land Off Main Road, Hollington, Nr Stoke on Trent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr D and J Allen against the decision of Staffordshire Moorlands District Council.
- The application Ref is SMD/2023/0161.
- The development proposed is erection of 3no. affordable dwellings (Discounted Market Sales Housing).

Decision

1. The appeal is dismissed.

Application for costs

2. During the appeal, an application for costs was made by Mr D and J Allen against Staffordshire Moorlands District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application is for outline permission with all matters reserved except access. There is no indicative layout before me.

4. The appeal was made with a request to be decided via the hearing procedure and was started as such. The Council requested a procedural review. Following the submission of the Council's case, I determined that the appeal was more suited to the written representations procedure. To ensure fairness to all parties, the deadlines for various matters under the hearing procedure were maintained and/or extended, including the deadline for the submission of any planning obligations. Any third and/or interested parties who may have wished to attend any hearing were given a further opportunity to comment, with the appellants given a further opportunity to respond. The deadline for a planning obligation to be submitted was further extended at the request of the appellants. I am therefore satisfied that no party has been prejudiced by my approach.

5. The National Planning Policy Framework (the Framework) was revised in December 2024, with a further amendment in February 2025 which does not constitute a change to policy. The main parties have had an opportunity to consider the revised Framework within the appeal timetable.

Main Issues

6. Having regard to all of the evidence before me, the main issues are:

- whether the proposed discounted market sales housing would be in a suitable location and whether there is a need for it, with regard to national and local planning policies; and
- whether the planning obligation would make the proposed development acceptable in planning terms.

Reasons

Location and need

7. The appeal site comprises an L shaped field with a small number of residential properties to its western side, with Highgate Farm located towards the east and south, and further fields towards the north. The proposed affordable housing is in the form of discounted market sale housing (DMSH), whereby properties would be available to buy at a price that is at least 20% below market value, which would meet the Framework's definition of affordable housing.

8. Taken together, the spatial strategy policies of the Staffordshire Moorlands Local Plan, September 2020 (SMLP) seek to achieve a sustainable pattern of growth, with development focused on higher order settlements in accordance with a settlement hierarchy. Outside of settlement boundaries, Policy H1 allows housing developments (including limited infill development) provided development adjoins the boundary of a larger village. The village of Hollington is a small settlement, with no defined settlement boundary in the SMLP, and thus does not benefit from this exception for infill development. In policy terms, the appeal site is within the open countryside, whereby development is generally restricted.

9. SMLP Policy SS10 applies to other rural areas and allows rural exceptions housing in accordance with Policies H1 and H3. Policy H1 permits affordable housing which cannot be met elsewhere. Criterion 1 of Policy H3 concerns a requirement for sites of 10 or more dwellings to provide 33% affordable housing. The proposal is for three dwellings, and thus this criterion would not apply. Criterion 2 sets out that unless circumstances dictate otherwise and in agreement with the Council, 60% of all affordable dwellings provided on each site will be social / affordable rented housing with the remaining 40% being intermediate / starter homes. As the appeal scheme does not provide 60% social rent, it would not comply with criterion 2.

10. Criterion 3 of SMLP Policy H3 sets out that in or on the edge of villages, affordable housing schemes that are of an appropriate scale for the spatial strategy will be permitted on suitable rural exceptions sites which are well related to services and facilities and where a demonstrable need exists within the local area which cannot otherwise be met by means of provision in the plan. The appeal site would fall to be considered as a rural exception site in policy terms, and under Policy H3, both parts of criterion 3 would need to be satisfied.

11. Policy HSG1 of the Checkley Neighbourhood Plan 2024 (CNP) follows the spatial strategy of the SMLP, resisting development in rural locations outside settlement boundaries. CNP Policy HSG2 sets out that (among other things) residential development should include a balanced mix of house types, based on evidence of local need, including smaller houses suitable for first-time buyers or those wishing to downsize; and accommodation suitable for older or disabled persons or those requiring specialist care.

12. The village of Hollington appears as a dispersed settlement. The village hall is about half a mile east of the appeal site. A public house (The Star Inn) is more distant, and the church farther still. The Star Inn did not appear to be open at my visit, and there is also a further public house (The Raddle Inn) located farther north. I saw no local convenience store where day to day needs could be satisfied. There is scant evidence before me on the nature of public transport within the area, and interested parties advise there is no bus service. The road network is generally undulating, without a footway and street lighting is inconsistent. I found that the centre of the larger village of Upper Tean was about 2.5 miles west of the appeal site, with almost all the route without street lighting or a footway. Such routes would not be inviting by foot or cycle, nor for those with children and pushchairs, nor in inclement weather. It is therefore highly likely that future occupiers would be heavily reliant on private vehicles to access services and facilities to meet their day to day and wider needs. Moreover, occupiers in need of affordable housing may not have the resources to access or maintain a private vehicle.

13. Consequently, the appeal site would not be well related to services and facilities that could meet the day to day needs of future occupiers, even if the area benefits from superfast broadband. My findings in this regard are generally consistent with those of previous appeal decisions for similar proposals at the site[1]. In locational terms therefore, the appeal site would not be in an accessible location and would fail to meet the first part of criterion 3 of SMLP Policy H3. Given this finding and in light of the policy wording, it would not be strictly necessary for me to consider the second part of criterion 3, which concerns evidence of affordable need.

14. The appellants rely on (among other things) the Council's Rural Housing Needs Survey 2012 (RHNS) and the Council's updated Strategic Housing Market Assessment 2017 (SHMA) as evidence of affordable need. These matters were also considered at the last dismissed appeal in August 2020, where (among other things) the Inspector applied full weight to these reports in the absence of anything else before that Inspector, such that it was found that there was an outstanding and unmet local need for affordable housing which outweighed its unsuitable location. Furthermore, it was found that there were extant permissions in the local area which did not include any affordable housing provision, such that it was clear that local need was not being met, and an under-delivery of housing was also taken into account.

15. However, I am not bound by previous decisions, and while I have carefully considered the RHNS and SHMA as submitted to the appeal, together with the evidence of the main parties, the last appeal was not determined in light of the current development plan, which sets out the policy approach in light of the SHMA. Ultimately, the SHMA informed the policy approach of the adopted SMLP, and it is not my role as an Inspector dealing with a s78 appeal to re-examine the adopted SMLP and its evidence base.

16. The supporting text to SMLP Policy H3 makes clear that the SHMA demonstrates a significant need for affordable housing in the district which exceeds the district's average annual development rate requirements. It also sets out that the policy therefore seeks to support the provision of affordable housing across the district through a range of measures and makes clear that the SHMA findings would suggest a 100% affordable housing requirement. However, this was considered

[1] Appeal Refs: APP/B3438/W/20/3253262 and APP/B3438/W/17/3167894

unrealistic as it would not allow a sustainable housing market to be maintained. In this context, the adopted SMLP seeks to ensure that affordable housing is sustainably located in accordance with a spatial strategy, and supports affordable housing development on rural exception sites, where evidence of local need is demonstrated, and where such housing would be well located to existing services and facilities. The tenure approach in SMLP Policy H3 was based on the SHMA analysis, which indicated that starter homes would make minimal impact in addressing affordable housing needs. The policy approach of the SMLP is in accordance with the Framework.

17. I appreciate that paragraph 6.19 of the SMLP makes clear that there is a relatively high need for affordable housing in the district (224 to 432 homes per year); and that the Council's performance on affordable housing delivery is about 468 units over the ten-year period from 2014/15 to 2023/24 as detailed in the Council's Annual Monitoring Report. In such circumstances, affordable housing needs across the district could likely increase. However, of itself, this does not form a justification to set aside the spatial strategy of the plan and the requirements of relevant policies. Such matters must be weighed in the planning balance.

18. The SMLP policies before me are silent on the responsibility for the provision of evidence of local need, and the nature of evidence sought does not appear to be specified. Nonetheless, it is clear that the policy requires evidence of local need. In the absence of any evidence to suggest otherwise, it seems to me that the onus is on an applicant to demonstrate a local need by evidence. The appellants advise that applicants for three applications within the area did not provide their own housing needs survey. However, all three sites appear to be schemes of 10 or more dwellings, such that evidence of affordable need would not be necessary to meet the requirements of Policy H3.

19. The 2012 RHNS is of some age and identified a need for about 77 affordable homes within the Checkley Parish, which includes not only Hollington, but also the villages of Upper Tean, Lower Tean and Checkley. The Council's evidence sets out how the need for 77 affordable homes was calculated, which comprised 29 households in housing need, 35 households on the Moorlands Home Choice (the housing register) and 13 households looking to return to the parish. While 9 households sought low-cost ownership, the Council contends that this covers shared ownership and would be less than 9 households, as respondents put more than one answer to the tenure question; and the RNHS does not provide evidence of any households seeking DMSH.

20. With the passage of further time since the RHNS and in light of the current policies of the development plan, it seems to me that more up-to-date evidence of local need and affordable housing delivery is highly relevant in my consideration of the appeal. The appellants have not provided evidence of local need in support of their application, nor to the appeal. However, the Council's appeal submissions indicate that at March 2023, 'Home Options' identified 34 households registered with a Checkley address in need of social rent, and these figures are not disputed by the appellants. Therefore, there is clearly a need for affordable housing in the local area. The appellant suggests that DMSH serves those just outside of eligibility criteria for other forms of social housing. In this regard, I accept that there could be further households in need of DMSH within the local area. However, the fact of the matter is that there is no evidence before me to demonstrate this.

21. The Council's evidence details a 'pipeline' of housing supply within Checkley Parish. The appellants contest the affordable supply on the grounds that only one is at an advanced stage of build; the planning status of the sites; and that even if permission is granted it does not lead to a developer investing in the land. However, the appellant does not contend that the sites are not deliverable in the terms referenced within the glossary of the Framework.

22. I note that the Council's 'pipeline' supply comprises major schemes. Two are outline schemes with reserved matters granted and a full planning permission subject to a s106 agreement. These sites have a total of 187 units, each providing a number of affordable units, totalling 47. On the Council's figures, the Council's identified local need would appear to be met and exceeded. A further application for full permission at Uttoxeter Road is not yet determined, and therefore the 10 potential affordable units proposed for the scheme do not form part of a secured permitted supply.

23. The evidence indicates that reserved matters for the Phase 1 site at Tenford Lane were approved in February 2023 and the site is now under construction. The Phase 2 site at Tenford Lane benefits from Committee approval in December 2024 for full permission, subject to the completion of a s106 agreement which is not yet completed/signed. This scheme would include 16 affordable units. The absence of a signed s106 agreement does not render the scheme as speculative as the appellant suggests. However, without an actual permission, the site would not meet the test of deliverability in the Framework, and therefore the 16 affordable units would not contribute to the deliverable supply. The site at Daisy Bank Farm is disputed on the grounds that it has not yet commenced, and that there is no evidence of conditions discharge. However, reserved matters were granted in January 2024 and the Framework states that sites with detailed permission should be considered as deliverable until the permission expires.

24. Drawing all the above together, the deliverable supply of affordable units would be 31 units, less than the Council's identified affordable need of 34 units. Consequently, there is a small shortfall in terms of unmet need for affordable housing within the Parish of Checkley, albeit with further sites awaiting permission. However, I also note that the Council advises that 13 affordable units at Tenford Lane (Phase 1) have been cascaded to DMSH, and this is not disputed by the appellants. This would therefore provide a supply of DMSH to meet any existing need for such affordable housing provision. Furthermore, all of the deliverable and potential further sites in the Council's pipeline are within Upper Tean. This is a larger settlement than the other three villages in the parish, with a greater range of services and facilities that would meet the day to day needs of future households in affordable need. Such sites are therefore in a more accessible location than the appeal site and would accord with the spatial strategy of the SMLP.

25. The appellants draw my attention to two planning permissions for market housing granted by the Council near to the centre of the village (near the village hall), one for two units and one for 9 units. The detailed circumstances which led to these permissions are not before me, but from the description provided, the site for 9 units appears to include the demolition of offices and workshop buildings, such that it is likely to be previously developed land, unlike the proposal before me.

26. Drawing all of the above together, I conclude that the proposed DMSH would not be in a suitable location and there is no robust evidence to demonstrate a need for

it. Even though DMSH meets the definition of affordable housing in the Framework, a proposal for 100% DMSH would not comply with the tenure split in terms of the policies of the development plan. Although there is a small shortfall in the supply of deliverable affordable housing in the parish area, there is evidence that some 13 units are available within the local area for DMSH. Consequently, I find that the tenure of the proposed development does not outweigh the unsuitability of the location of the proposal in the circumstances of this case. For these reasons, the proposal conflicts with SMLP Policies H1, H3, SS1 and SS10 and CNP Policy HSG1, whose objectives I have set out above.

Planning Obligation

27. The appeal site is a rural exception site, where national and local policy requires that the affordable housing provision is secured in perpetuity. The Council's Developer Contributions Supplementary Planning Document 2023 (SPD) sets out the definition of local need with regard to such sites. I am satisfied that a planning obligation to secure the proposed DMSH in perpetuity is necessary to make the development acceptable in planning terms, if I were to allow the appeal.

28. A planning obligation in the form of a unilateral undertaking (UU) is before me. However, I am not satisfied that the UU makes effective provisions. For example, the definition of 'suitable offer' for the affordable housing units does not conform to the definition of local need in accordance with the SPD. The period of residency within Checkley Parish is limited to six months, compared to the period of at least five years sought in the SPD; and the requirement for a connection of family association with the parish is not defined in the terms of the SPD which details a strong connection by birth or upbringing or a previous period of residence. While the UU provides for persons in employment in the parish, it does not include the SPD criterion for persons who need to support their family currently living in the parish or are themselves in need of family support. Neither party has provided any substantive evidence to explain why the UU does not conform to the SPD in this regard.

29. I therefore conclude that the planning obligation before me would not make the development acceptable in planning terms. It conflicts with SMLP Policies SS10 and H1, and the SPD, which seek to ensure that rural exception sites provide affordable housing to meet local need in perpetuity in accordance with defined criteria.

Other Matters

30. Interested parties raise concerns that the appeal scheme could set a precedent. No specific sites are put forward. A generalised concern of this nature does not affect my consideration of the appeal. Each application and appeal must be determined on its individual merits.

Planning Balance and Conclusion

31. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the SMLP, with the associated conflict reflecting harm to the spatial strategy of the SMLP. The policies with which the proposal conflicts are in strong conformity with the Framework, and I therefore attach substantial weight to this conflict. For these reasons, the proposed development conflicts with the

development plan as a whole and should be refused unless material considerations indicate otherwise.

32. The Council is unable to demonstrate a five-year supply of deliverable sites for housing, with the supply given to be 3.58 years. There are no relevant policies within the Framework to protect areas or assets of particular importance that would suggest a strong reason to refuse the development. In these circumstances, the Framework sets out that permission should be granted unless 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

33. The CNP was made in 2024, less than five years ago, and Policy HSG1 allocates a site for housing at Fole Dairy for residential development. In such circumstances, paragraph 14 of the Framework makes clear that the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

34. The proposal would support the government's objective to significantly boost the supply of land for homes. As a small site it could be developed quickly. Temporary economic benefits would arise during the construction phase, with permanent benefits thereafter from additional household expenditure. These benefits would be limited by the scale of the development. The Framework recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, this benefit would be limited by the scale of the development proposed. In the absence of an effective mechanism within the UU to secure the proposed affordable housing in the terms set out within the SPD, I attach very limited weight to this potential benefit. Even if the UU were satisfactory, it would be of limited weight.

35. Drawing all of the above together, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations and providing affordable homes, individually or in combination. As a result, the presumption in favour of sustainable development does not apply.

36. For the reasons given above, I conclude that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR