

Town and Country Planning Act, 1990
Section 78

**Statement by Staffordshire Moorlands District Council
in respect of the appeal by
Mr Jim Malkin of JMI Planning
on behalf of Mr Mark Bullock against the refusal of an outline planning
application for erection of a self-build single dwelling
including details of means of access**

1. Introduction

- 1.1 This statement is made by Staffordshire Moorlands District Council in response to the appeal by Mr Jim Malkin of JMI Planning on behalf of Mr Mark Bullock against the refusal of an outline planning application for erection of a self-build single dwelling including details of means of access. The location is land at Park Lane, Cheadle.
- 1.2 The outline planning application SMD/2024/0459 was received 4th October 2024 and accepted as valid on the 18th October 2024. It was refused by notice issued 30th January 2025 following a decision of the Council's Planning Applications Committee meeting on the 23rd January 2025. This followed an earlier meeting on the 12th December 2024 when the committee had also resolved to refuse the application. However that decision had coincided with the publication earlier on the same day of the December 2024 NPPF. Before the decision was issued an addendum report published as item 1a was considered by the Committee at its 23rd January 2025 meeting alongside the 23rd December report which was re-published as item 1b. Copy of the main report and decision notice have been separately provided.
- 1.3 Full background and details of the original application SMD/2024/0459 subject of this appeal and the LPA's assessment can be found in the Council's Committee Report. The January 2025 Addendum Report and relevant minute omitted from the LPA's Questionnaire return will be separately provided. It is not proposed in this statement to repeat the contents of the committee report and addendum and the main focus will be to respond to the appellant's submissions and re-emphasise and where necessary clarify or expand on the LPA's reasons for refusal. It is respectfully requested that the Inspector take into consideration the officer reports to committee as an integral part of the LPA's case in this appeal.

- 1.4 One procedural matter: the application site red edge as determined by the Council was that shown in the location plan included within drawing 2023-157-001 revision P8. In the appellant statement at paragraph 2.5 the site is marked up on an air photo as being appreciably larger. This is perhaps only of consequence in the event the appeal is allowed in which case the LPA would wish to be assured that only the above referenced plan P8 site red edge would figure in the decision.
- 1.5 There were four reasons for refusal set out in the decision notice which in summary were based on:
- i) Green Belt – that the site location is making a strong contribution to purpose (d) of the Green Belt “to preserve the setting and special character of historic towns” and that on this basis the site location is not grey belt. The scheme represents inappropriate development in the Green Belt which is, by definition, harmful and attracts substantial weight in the planning balance. It was not considered that the personal circumstances of the applicant amounted to very special circumstances to clearly outweigh the harm to the Green Belt and other harm.
 - ii) Harm to the character and appearance of the area and to the visual amenity the location currently provides to recreational users of the nearby public footpaths.
 - iii) The elevated land level of the proposal site relative to neighbours on Nursery Close thereby presenting a significant risk that the development could be overbearing towards these existing bungalow dwellings.
 - iv) Ecology – loss of ecological value being unavoidable with no net gain to biodiversity.

2 Main Issues

- 2.1 The Council considers that the main issues in this case are:
- (a) Whether or not the land should be considered as grey belt;
 - (b) If grey belt, whether or not all the applicable requirements of paragraph 155 are met;
 - (c) If not grey belt, whether or not any of the exceptions at paragraph 154 would otherwise make the development not inappropriate in the Green Belt;
 - (d) Effect on the character and appearance of the area;
 - (e) Neighbour amenity and ecology.
- 2.2 Since the Council's decision but before the appeal submission date of 9th May 2025 the Government published new guidance on the 27th February 2025 with regard to grey belt including: ‘the considerations involved in assessing the contribution Green Belt land makes to Green Belt purposes, where relevant to identifying grey belt land’.

- 2.3 In the following section (3) of this statement the LPA will first consider the Green Belt / grey belt assessment.

3. Green Belt / grey belt considerations

- 3.1 Government provides a definition for grey belt in the glossary to the NPPF:
For the purposes of plan-making and decision-making, 'grey belt' is defined 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.
- 3.2 In this case the LPA considers that the development site location does contribute strongly to purpose (d) in paragraph 143 and for this reason should not be considered grey belt. In reaching this view the Council relied on an earlier Green Belt study (2015 – 2017) which had included the location of this proposal as being within a discrete area compartment to which the highest ranking category of contribution to purpose (d) had been ascribed. A relevant extract of the assessment has been supplied with the LPA Questionnaire: 'Appendix C – settlement and site appraisals – Cheadle Appraisal Matrix. The parcel in question is numbered CH165 and is assessed in the end column. The accompany text reads:
Development in this location would create an unacceptable intrusion into open countryside on rising land. Despite enclosure by Park Lane to the east, in part by Nursery Lane to the south, woodland to the north and in part by a property to the north. There has been incremental development along Park Lane, but this is largely contained visually by falling topography. Identified in the LCA as an important landscape setting to Cheadle.
- 3.3 'LCA' refers to the Council's Landscape and Settlement Character Assessment from which a relevant plan extract has also been supplied.
- 3.4 It must be borne in mind that the Council's 2015 Green Belt study was produced to address locations in the Green Belt which had been put forward (not necessarily by the Council) for possible inclusion as new development sites in the then emerging Local Plan. This is why in the Appendix C plan also supplied, the parcel in question (towards bottom left / south west – Fig.1 below)) is coloured in the key as a 'potential' site. It will be noted that (minus a small indent in the northerly corner) this land parcel corresponds with the appellant's land ownership as shaded yellow in figure 2 below.

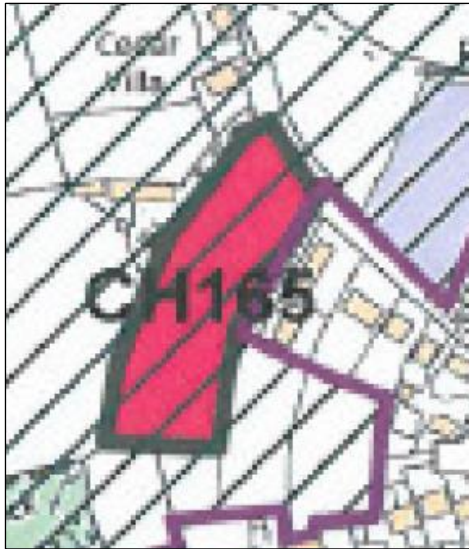


Fig.1 – CH165



Fig. 2

- 3.5 In fig. 3 below the land equating to CH165 has been highlighted (for the purposes of this statement). The 'dotted' area of which it is part is recorded in the key as "Important landscape to the setting of the settlement. Also identified (in red) for later reference are the town's two most significant churches, the Grade II Listed Anglican Parish Church of St Giles (just right of centre) dated 1837 and the Grade I Roman Catholic Church of St Giles (right hand edge) by A W N Pugin and dated 1841.



Fig.3

- 3.6 Turning to the PPG of 27th February 2025 the LPA would aver that the area assessed for the purposes of this application and appeal is suitably 'granular' (PPG paragraph 004 ID 64-004-20250225). At the same time the LPA would also say that the compartment's importance stems from its very integral association with a slightly larger arc of land within the immediate enclosing topography. The LPA's concern with the development site is how it would intrude into and disrupt the encircling setting and its relationship and contribution to the town setting in this quarter.

- 3.7 With regard to purpose D the PPG gives illustrative examples of points 'likely' to feature. The site and compartment CH165 as a whole is 'free of existing development'. Notwithstanding the guidance the abutting area within the Development boundary and outside of the Green Belt could hardly be expected to be 'free' of development. In similar vein it could hardly be expected necessarily that no development at all might feature within the setting. The sporadic presence of older long established properties as here to the north west must be accepted as part of the 'grain' of the area.
- 3.8 The LPA's view is that this is a 'highly special' location in the town's setting such that its contribution is 'considerable' and rightfully warrants the attribution of making a 'strong contribution'. Key to this is the experiential relationship – the sense and feeling of being in solitude away from the town despite its very close proximity. The current extent of the town ends at Nursery Close with a very defined raised edge which stands proud of the bungalow rooftops and has a very well developed rural hedgerow (see for example figs.4 and 6 below). New development that spills over this boundary would take away that valuable visual end-stop and open up a whole new area beyond to a sense of appearing developed and intruded into.
- 3.9 The experiential significance of the location is greatly augmented here by the public rights of way which lead out past the site from Park Lane and one which overlooks from higher ground immediately to the north. The public rights of way path routes are marked in the location plan at 10.2 of the Council's committee report. Of especial note is the proximity of the town cemetery with its formally laid paths. Though the appeal site is somewhat screened by trees in direct view, this part of the town setting is experienced in adjoining walks that take in the footpaths. These appear well used. With these experiential qualities of the location the guidance indicates that the contribution is above moderate category and further supports the Council's attribution of 'considerable'.



Fig.4

- 3.10 Figure 4 above is a view into the field of the appeal site from the overlooking public footpath as it leads out from the cemetery. Figure 5 below is a view from the same spot turned 90 degrees looking towards the cemetery with the spire of St Giles RC visible.



Fig. 5



Fig. 6

- 3.11 Figure 7 below is a view taken whilst standing within the application site looking east across the roof ridge of Willowdale and its link-attached garage. Both the tower of St Giles (Anglican) and the spire of St Giles RC are in full view. Figure 8 is a similar view in reverse taken whilst standing on the church yard paths of St Giles (Anglican) just off the south west corner. The LPA considers that it is

incorrect to say, as the appeal agent does at 6.10 of his statement, “that there are no heritage assets within the visible vicinity of the application site”. Not only are these respectively Grade I and Grade II Listed Buildings but the Cheadle Conservation Area boundary encompasses the part of the Anglican Church yard from where fig. 8 has been taken.



Fig.7

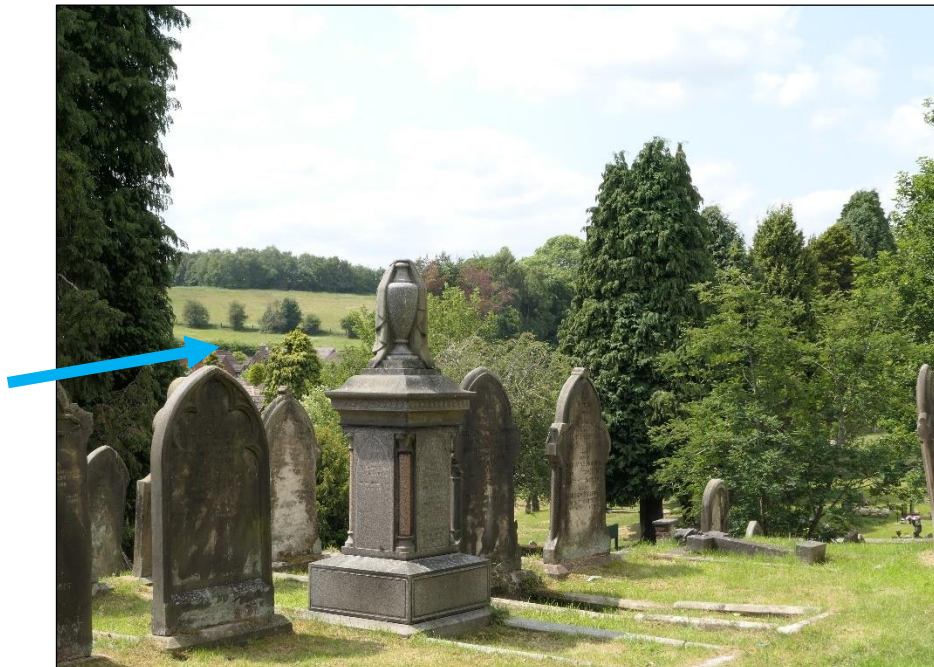


Fig. 8

- 3.12 The blue arrow in fig. 8 points to the prominent boundary hedge of the application site and just right of the nearer pale conifer is part of the roof ridge of Willowdale in Nursery Close.

- 3.13 The LPA must also draw the Inspector's attention to the field boundary pattern south west of Park Lane where the field of the appeal land, and some adjoining fields, display the classic subtle S curve shape of strip farming from the medieval period. By reference to the 19thC OS maps these field patterns were more extensive around the town outskirts. Many now have been subsumed under development but the appeal land is a surviving example and visible intact record of an earlier farming system.

Green Belt / grey belt conclusion

- 3.14 From the above taken together and considered in the round the LPA remains of the view that the appeal site is part of an area that does contribute strongly to purpose (d) in relation to Cheadle. Moreover, the degree to which the development of even a single dwelling at the appeal site would disrupt and undermine the contribution, taking into account the strong end-stop to development with the current Local Plan development boundary and taking into account how the field visibly relates as a site free of development consistent with its adjacent open countryside surroundings to north and west and taking into account the degree of public access in which the area qualities can be appreciated and enjoyed in close relationship with core historic elements of the town the LPA respectfully submits that grey belt is not applicable and the proposal is inappropriate development in this Green Belt location.

Paragraph 154 exceptions

- 3.15 The LPA's reading of the appeal case (noting for example appellant paragraph 6.29) is that no reliance is attempted under any of the exceptions given at NPPF paragraph 154 and the LPA does not consider any to be applicable. For example consideration was given to 'infilling' at paragraphs 7.3 and 7.4 of the LPA Decision Report (12th Dec 2024).

Very Special Circumstances

- 3.16 Though not set out in detail in the appeal the LPA was provided at application stage with some background to the applicant's health needs and the matter was first addressed at rpt para 7.4. Further information was then supplied following publication and was referenced in the late up-dates report as follows.

By e-mail dated 4th December the agent forwarded three letters from medical professionals dated 05.05.2023 (Consultant); 21.05.2024 (clinic) and 10.08.2024 (Consultant). These show (third letter) that reference in the agent's covering letter to a named condition is not a confirmed diagnosis but is recorded as a possibility. [It is understood this may have later been confirmed.]

None of the submitted information makes reference to any present or future accommodation needs. The recommendations are dietary and to maintain exercise with review at 6 months. None of the information leads to any change in the officer recommendation that no 'very special circumstances' in planning terms have been evidenced.

3.17 As the LPA noted at the time (rpt para 7.7): “Individual personal circumstances are not normally an appropriate material planning consideration and however regrettably, infirmity and declining health are unfortunately very common situations for a large proportion of the population... The proposal here may be personally desirable to the applicant, but this is not a sufficient basis to outweigh the harm to the Green Belt – and any other harms.”

3.18 Appendix C with the appeal is a letter from an estate agent about availability or otherwise of accessible bungalows. Cheadle has a population of around 19,000. It is respectfully submitted that the general impacts of aging and accompanying not un-common conditions leading to gradual additional impairment are not so unusual or of a severity that the very special circumstances to outweigh Green Belt protection should be applied.

4 Character and Appearance

4.1 The LPA relies here on the forgoing section 3 description of the area, supplied photos and the earlier decision report (par 7.8) to stand by its refusal reason 2.

5 Neighbour amenity

5.1 The Council’s concern stems from the elevated gradient of the appeal site. The red edge dictates that the dwelling could only really be in the upper south westerly third. Whilst space about dwellings distances for facing windows can likely be met the potential for the structure to be over-bearing remains. Nursery Close is appreciably lower. If the site levels are to be set down a whole other aspect of concern would arise in terms of further landscape harm through loss of landscape ground form.

6. Ecology

6.1 The LPA notes appeal paragraphs 6.40 and 6.41 and, that if confirmed as a ‘self-build’ development, BNG requirements will not apply.

6.4 Local Plan Policy DC1 says that in particular new development should: (6) promote the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate. LP policy NE1(6) expects “all development where possible seeks to deliver a net gain in biodiversity proportionate to the size and scale of the development”.

6.5 The main issue for the LPA is that the site surveys were done in February and unlikely to have captured the full details. The matter is as discussed at 7.12 and 7.13 in the LPA decision report. In the event the appeal is allowed the LPA can on balance accept the matter be addressed through conditions.

7. Other matters

- 7.1 The Council's lack of housing supply is acknowledged. With reference to NPPF paragraph 11 (d) (ii) it remains the LPA's view that notwithstanding the housing shortfall, the adverse impacts of this proposal, as set out by the LPA in its original decision and further supported in this appeal statement in terms of Green Belt and Landscape Character, would significantly and demonstrably outweigh the benefits of this proposed single dwelling when assessed against the policies in the framework (NPPF) taken as a whole.

8. Conclusion

- 8.1 In this brief statement which, as noted at the beginning, the LPA requests be read in conjunction with the delegated decision report and January 2024 addendum report previously supplied / to follow, the aim has been to respond to the appellant case by re-assertion of the refusal reasons as appropriate.
- 8.2 The adverse impacts identified in terms of Green Belt and landscape are not outweighed by this single dwelling's contribution to housing supply and any self-build status notwithstanding a current housing undersupply in the District. The Council also does not find sufficient case is presented to establish that there are any very special circumstances such as any matters deriving from the appellant's personal circumstances including health.
- 8.3 Based on the reasoning and contents of the delegated officer report and the additional responses in this statement the inspector is respectfully asked to dismiss the appeal.

Staffordshire Moorlands District Council

11.06.2025