

Mr and Mrs Dyson-Lynne
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Whiston Eaves Lane
Whiston
ST10 2JB

Mr A Stokes
Chief Executive Officer
Moorlands House
Stockwell Street
Leek
ST10 6HQ

Sent via email to:



7th May 2026

Dear Mr. Stokes,

Please find attached a supplementary formal submission and further legal grounds of challenge in respect of applications NMA/2026/0006 and NMA/2026/0007.

1. A significant issue has been identified concerning how the following permissions and decisions interact:

- the outline permission SMD/2016/0378
- the Inspector's appeal decision in SMD/2019/0646
- the subsequent approval SMD/2023/0532
- the current section 96A applications

The issue is not minor. The applications do not simply adjust wording or make small administrative corrections. They would change the operational control framework that previous decisions relied upon.

2. The amendments affect conditions relating to:

- highways mitigation
- traffic management
- routing controls
- sequencing of operations
- external materials
- design controls
- infrastructure safeguards

These were core regulatory controls, not peripheral matters. They formed part of the framework that made the development acceptable in planning terms.

3. The Inspector allowed the appeal SMD/2019/0646 only on the basis that these controls would remain in place. The Council had originally refused the scheme due to concerns about design, appearance, and materials. The Inspector's decision relied on the conditions to address those concerns. The later permission SMD/2023/0532 also relied on that same framework.

The applicant now seeks to delay, weaken, or alter those controls through section 96A. This creates a direct inconsistency with the basis on which the appeal was allowed and the subsequent permission granted.

4. Section 96A can only be used for non-material changes. However, the proposed amendments would:

- change how the control mechanisms operate
- change the timing and enforceability of safeguards
- change the basis on which the Inspector found the scheme acceptable
- create inconsistency between interdependent permissions
- move the implemented scheme further away from what was originally assessed and approved

This engages established case law (*Pilkington, Hillside*) and creates a clear risk that granting these amendments would fall outside the Council's lawful powers. The Council is now formally on notice of this risk.

5. Given the scale and legal significance of the issues, they cannot be treated as routine officer-level matters. The expectation is that both applications are determined by the Planning Applications Committee, with this supplementary submission clearly addressed in the officer's report and brought to Members' attention.

6. Please ensure that this submission is:

- acknowledged on receipt
- placed on the planning register
- made publicly available without delay
- recorded against both applications NMA/2026/0006 and NMA/2026/0007

Yours sincerely

Mr and Mrs Dyson-Lynne