



Statement of case

Staffordshire Moorlands District Council

Relating to an appeal against the refusal of application
SMD/2021/0610 - *Outline application for residential development with
access considered (all other matters reserved)*

Land East of Froghall Road, Cheadle, ST10 2DN

PINs ref: APP/B3438/W/24/3351035

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1. Introduction and background to the appeal

- 1.1. This statement of case has been prepared on behalf of Staffordshire Moorlands District Council (the LPA) in response to an appeal submitted by Bloor Homes NW (the appellant). The appeal is against the refusal of an outline application (LPA ref: SMD/2021/0610) on the 15th April 2024, following resolution of the Council's Planning Application Committee (the Committee) on 28th March 2024.
- 1.2. A detailed description of the site and its surroundings is contained within paragraphs 2.1 – 2.7 of the Officer's Report to Committee (the Officer's Report). The limited planning history of the site is contained within section 4 of the Officer's Report. It is understood that none of these permissions detailed in the planning history were implemented and have as a result expired.
- 1.3. The description of development is as follows:

Outline application for residential development with access considered (all other matters reserved)
- 1.4. A detailed description of the proposed development is contained within section 3 of the Officer's Report. This provides a detailed account of the amendments made over the course of the determination period resulting in the proposal that was subsequently refused by the Committee and is the subject of this appeal.

2. Reasons for refusal

2.1. The Decision Notice, issued on the 15th April 2024, contains three reasons for refusal, as follows:

Reason 1:

2.2. *This site is situated outside the Development boundary of Cheadle. It is a greenfield site and lies within the open countryside. Spatial polices in the Local Plan seek to provide the housing requirement for Cheadle on allocated and windfall sites within the Development boundary. Furthermore the strategy for the rural areas of the District, such as this, allows only for development which has an essential need to be located in the countryside. No evidence of such essential need is put forward. For these reasons the proposal conflicts with Polices SS2, SS3, SS4, SS10 and H1 of the adopted Staffordshire Moorlands Local Plan.*

Reason 2:

2.3. *In the Councils Landscape and Settlement Character Assessment the site lies within the landscape character type of Ancient Slope and Valley Farmland. Replacing open fields with a suburban housing estate could not be said to respect or respond to key characteristics of this landscape character type. Although the plans show that some existing landscape features will be retained, the proposed roundabout will necessitate the loss of the whole frontage hedge. Furthermore there is no existing landscape feature defining the northern boundary. The landscape is relatively open and on rising ground and the site is visible not only from Froghall Road to the west but also from the south, in particular from Hammersley Hayes Road (also the route of Public Footpath Cheadle 40) and in longer views from Public Footpaths Cheadle 38 and 39. In these latter views Broad Hayes Farm is seen in isolation from the urban area of Cheadle. The proposed development would encroach into the landscape setting of this isolated farmhouse, noting that isolated properties are one of the key characteristics of this landscape character type. Overall the proposal will not respect or enhance local landscape character and will result in a prominent visual intrusion into the countryside. As such there is conflict with Policy DC3 of the adopted Staffordshire Moorlands Local Plan and the NPPF which says that planning decisions should contribute and enhance the natural and local environment by amongst other matters recognising the intrinsic character and beauty of the countryside.*

Reason 3:

2.4. *The proposal would result in a harmful encroachment of development into the open agricultural setting of Broad Hayes Farmhouse, a Grade II Listed building and loss of its sense of isolation, all key elements of how the asset is experienced and of its significance. In addition there would be harm to the visibility of St Giles Church, Grade 1 Listed in Cheadle. For these reasons the proposal is contrary to Policy DC2 of the adopted Staffordshire Moorlands Local Plan and the NPPF which seeks to conserve and enhance heritage assets.*

2.5. The Decision Notice contained two informatives, as follows:

1. *The proposal is not considered to be a sustainable development and does not comply with the provisions of the National Planning Policy Framework.*
2. *In debating the application Members expressed concern regarding highway safety in respect of the proposed roundabout and traffic speeds on Froghall Road and the fact that in their view the proposal will lead to increased levels of traffic congestion in the town centre including at key junctions.*

2.6. In response to these informatives it should be noted that the LPA intend to demonstrate that the appeal site is not a sustainable form of development but do not intend to bring any highways evidence.

3. Relevant plans and policies

Development plan policies

3.1. The Officer's Report (section 5) and the appellant's Statement of Case (section 5) both contain reference to the full list of policies relevant to this appeal. As there is some variation between these lists and for clarity, the LPA consider the following policies to be of relevance to this appeal, arranged by topic:

3.2. Principle of development:

- Policy SS1 Development Principles
- Policy SS2 Settlement Hierarchy
- Policy SS3 Future Provision and Distribution of Development
- Policy SS4 Strategic Housing and Employment Land Supply
- Policy SS10 Other Rural Areas Strategy
- Policy C1 Creating Sustainable Communities
- Policy H1 New Housing Development

3.3. Landscape impact:

- Policy DC3 Landscape and Settlement Setting
- Policy C3 Green Infrastructure
- Policy NE2 Trees, Woodland and Hedgerows
- Policy SS11 Churnet Valley Strategy
- Policy DC4 Local Green Space

3.4. Heritage impact:

- Policy DC2 The Historic Environment

3.5. Other matters:

- Policy SS12 Planning Obligations and Community Infrastructure Levy
- Policy SD1 Sustainable Use of Resources
- Policy SD3 Sustainability Measures in Development
- Policy SD4 Pollution and water quality
- Policy SD5 Flood Risk
- Policy H2 Housing Applications
- Policy H3 Affordable Housing
- Policy DC1 Design Considerations
- Policy NE1 Biodiversity and Geological Resources
- Policy C2 Sport recreation and open space
- Policy T1 Development and Sustainable Transport
- Policy T2 Other Sustainable Transport Measures

- 3.6. Whilst the above policies may be relevant to this appeal not all are directly relevant to the LPA's case as they do not relate to the reasons for refusal. Some do however, relate to the overall planning balance or to the need for the imposition of conditions or planning obligations and so have been included.

Material considerations

- 3.7. There are a number of documents and guidance that are material considerations that should be taken into account in the determination of this appeal:
- The National Planning Policy Framework (NPPF), as published in December 2023
 - Staffordshire Moorlands District Council Design Guide February 2018
 - Staffordshire Moorlands Landscape and Settlement Character Assessment 2008
 - Developer Contributions Supplementary Planning Document Adopted October 2023
 - The National Planning Practice Guidance (NPPG)
 - A draft version of the NPPF was published for consultation between the 30th July 2024 and the 24th September 2024. The consultation has now closed and feedback is currently being analysed by the Ministry of Housing, Communities and Local Government. The draft NPPF carries very limited weight as the draft is subject to change.
 - The Written Ministerial Statement published on the 30th July 2024 has very limited weight in decision making.

4. The case for the LPA

The LPA's case is set out below in relation to the three reasons for refusal.

Reason 1 – Principle of the proposed development

- 4.1. Policy SS 2 of the adopted development plan directs development to those locations or settlements where it is deemed most sustainable. Cheadle is identified as a service centre and market town within policy SS7 and is identified as being one of three top tier settlements within policy SS2. The adopted Development Boundaries define towns, rural area larger villages, rural area smaller villages and other rural areas and collectively contribute to the spatial representation of the district's over-arching development strategy as set out in policies SS3 and SS4 of the local plan.
- 4.2. The location of the proposed development is a greenfield site which lies outside the Development Boundary of Cheadle, within the open countryside and adjacent to the Green Belt (which borders Froghall Road). In such locations, Policy SS10 sets out the parameters against which applications for development are considered in order to establish their acceptability in principle. In respect of development for housing, new-build housing on greenfield land within the countryside will only be supported where it has 'an essential need to be located within the countryside in accordance with policy H1'. There is no indication that this development has an essential need to be located in the countryside and the proposed development does not satisfy any of the criterion contained within policy H1 relating to residential development outside of defined development boundaries.
- 4.3. On this basis the application proposes development for housing at a location that is in conflict with the Council's adopted spatial strategy without meeting any of the supporting exception criteria, and is therefore contrary to policies H1, SS2 and SS10 of the Staffordshire Moorlands Local Plan.

Reason 2 – Harm to landscape character

- 4.4. The appeal site does not relate well to the existing settlement of Cheadle and will result in adverse harm to the landscape character as defined within the Landscape and Settlement Character Assessment (LSCA) 2008. It does not form a logical extension to the settlement of Cheadle and forms a prominent intrusion into the countryside. The LPA consider that the appeal development will have a significant adverse impact on the character and appearance of the countryside.
- 4.5. The topography of the site and its surroundings result in longer distance views of the site, particularly from the north, east and south east. This undulation and the presence of long distance views are a key characteristic of the 'Ancient Slope and Valley Farmlands' landscape character area (LSCA). There are a number of receptors present within the immediate and surrounding landscape that allow views of the site (Public Rights of Way (PROW) Cheadle 38, Cheadle 39, Cheadle 40 and Kingsley 94).
- 4.6. Whilst a Landscape Visual Impact Assessment (LVIA) has been provided by the appellant at the application stage, the findings are disputed by the LPA. Additional viewpoints exist and the LVIA submitted did not sufficiently address the cultural heritage and significance of isolated farms in the landscape around the site.

- 4.7. By virtue of the appeal site's location and the characteristics set out above, its development would result in a prominent intrusion into the open countryside and have a significant adverse impact on the character and appearance of the countryside. It would be visible in longer distance views from numerous publicly accessible locations in the surrounding area. As a result, the proposal is in direct conflict with policy DC3 as it will not '*respect and enhance local landscape character*' nor '*reinforce and enhance the setting of the settlement*'.

Reason 3 – Harm to designated heritage assets

- 4.8. The appeal site is located within the setting of a Grade II listed farmhouse at Broad Haye Farm. The farmhouse is located less than 10m from the appeal site boundary to the east. The farmhouse is visually prominent due to its height, mass and raised position resulting in it being a landmark in the landscape. The position of the farmhouse in isolation surrounded by arable farmland makes an important contribution to the character of the landscape and to its significance as a heritage asset.
- 4.9. The third reason for refusal includes reference to 'harm to the visibility of St Giles Church'. St Giles Church is a Grade I listed building located in the centre of Cheadle. Due to its position in the town and local topography its spire is visible within the wider town and landscape. However, the LPA will not be defending this element of the third reason for refusal.
- 4.10. Harm to the significance of a designated heritage asset, Broad Haye Farm House, has been identified. That harm has been found to be less than substantial. The Framework (paragraph 208) requires that where there is less than substantial harm to a designated heritage asset, that harm is to be weighed against any public benefits of the proposed scheme. When considering this balance, great weight should be given to the asset's conservation.
- 4.11. The LPA conclude that 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. That said, this harm will still form part of the planning balance.

Planning balance

- 4.12. The appellant's Statement of Case acknowledges the conflict with development plan policies on housing strategy, landscape character and heritage assets and NPPF policies on the two latter matters.
- 4.13. In terms of conflict with the Spatial Strategy as set out within the development plan, Staffordshire Moorlands District Council is currently unable to demonstrate a sufficient five year housing land supply. As of April 2023, the LPA demonstrated a 3.58 year supply. As a result of this undersupply, paragraph 11d of the Framework applies to decision making, the 'tilted balance'. As the application was validated on the 27th September 2021, the transitional arrangements set out in paragraph 79 apply to this case, and therefore paragraph 11d is still applicable.
- 4.14. Paragraph 11d states that where the LPA cannot demonstrate a five year supply the policies that are most important for determining the application are considered to be out-of-date. This results in a presumption in favour of granting permission unless 11di or 11dii are applicable.

- 4.15. Paragraph 11di seeks to protect areas or assets of particular importance in line with the policies of the NPPF and in accordance with footnote 7. Footnote 7 lists the areas or assets that apply and refers specifically to designated heritage assets. As there is a designated heritage asset (Broad Haye Farmhouse) directly adjacent to the appeal site this footnote is of relevance however, it is common ground that whilst there is less than substantial harm to the significance of the heritage asset, in this case this harm is outweighed by the public benefit of providing dwellings where there is a lack of supply. Therefore, paragraph 11di is not engaged.
- 4.16. Paragraph 11dii states 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'*.
- 4.17. It is the LPA's position that there is harm to landscape character resulting in adverse impact that significantly and demonstrably outweighs the benefits of the proposal. Whilst the harm to the significance of the grade II listed farm house is outweighed by public benefits, there is harm nonetheless and this should be considered in the planning balance.
- 4.18. Therefore, the tilted balance in favour of new housing, whilst also considering the wider benefits of the proposal, are not sufficient to overcome this identified harm and the principle of the proposal is unacceptable due to landscape and heritage impact. The adverse impacts significantly and demonstrably outweigh the benefits and therefore the LPA consider that the appeal should be dismissed.

Other matters

- 4.19. The LPA do not agree that the description of development should be amended to include a specific ceiling to the number of dwellings proposed. As the Officer's Report confirms in paragraph 3.2, the reference to a number of dwellings was removed due to 'concerns about the capacity of the site to accommodate this number'. Those concerns remain. The LPA consider that 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.



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