



Planning Inspectorate

APPEAL REF: APP/B3438/W/24/3351035

Outline application for residential development with access considered
(all other matters reserved)

Land east of Froghall Road, Cheadle, Staffordshire

Case Management Conference held online at 10.00 on Monday 2 December 2024

Summary Note

1. The on-line case management conference (CMC) was led by Andrew Parkin, the appointed Inspector. An agenda and a pre-conference note had been circulated to the Council and the appellant previously. Due to the late application for Rule 6 status by Kingsley Parish Council, which was granted by the Planning Inspectorate, they were not sent the Pre-CMC note and agenda.
2. The purpose of the conference was to discuss the ongoing management of the appeal and the presentation of related evidence so that the forthcoming Inquiry could be conducted in an efficient and effective manner. There was no discussion of the merits of the respective cases during the conference and no evidence was heard.

Confirmation of Advocates

3. Amongst the attendees, Sarah Reid KC was present as Counsel for the appellant. Ms Jessica Allen was present as Counsel for the Council for the CMC only; Howard Leithead would be Counsel for the Council at the Inquiry. Cllr James Aberley was present for Kingsley Parish Council.

Main Issues and Other Matters

4. In the Pre-CMC Note the Inspector identified the likely main issues as:
 - Housing land supply / housing demand / housing delivery;
 - The effect of the proposal on the countryside, including with regard to landscape character; and,
 - The effect of the proposal on designated heritage assets.
5. On behalf of the appellant, Ms Reid raised concerns that it was not clear from the Council's Statement of Case what its position was in relation to the effects of the proposal on the setting of the Grade II listed Broad Haye Farmhouse; on

the Landscape and Visual Assessment (LVA) and on its first reason for refusal. Ms Reid noted this would be needed to inform the appellant's Proofs of Evidence and in relation to how the evidence would be heard at the Inquiry.

6. Following some discussions the Council agreed to clarify its position in these regards, in response to specific questions that would be put to them by the appellant. In light of the resulting position, the parties would then set out how they considered the evidence should be heard by Friday 6 December 2024. However, despite the exchanges of correspondence, these matters were not resolved between the parties with regard to heritage matters.
7. From the evidence the Inspector is satisfied the effect of the proposal on the significance of designated heritage assets, including the Grade II listed Broad Haye Farmhouse, will be a main issue at the Inquiry. As was the case with regard to landscape matters, work on a statement of common ground (SOCG) would serve to clarify the concerns of the Council further in this regard, which should be sufficient to inform the appellant's Proof of Evidence.
8. The Inspector considers the three previously identified main issues remain appropriate for the Inquiry.

*Housing demand / supply / delivery,
including the presumption in favour of sustainable development*

9. There is no dispute between the Council and the appellant that the Council does not have a five year housing land supply. There is some disagreement with regard to the extent of the shortfall, and the parties are working on an SOCG to clarify this matter. Evidence will be needed to support the position of the respective parties in this regard.

*The effect of the proposal on the countryside, including with regard
to landscape character*

10. Evidence will be needed with regard to the effects of the proposal on the countryside, including with regard to landscape character. A SOCG is to be produced between the Council and the appellant.

The effect of the proposal on designated heritage assets.

11. Evidence will be needed with regard to the effects of the proposal on nearby designated heritage assets and a SOCG is to be produced between the Council and the appellant.
12. Furthermore, Kingsley Parish Council, interested parties and other consultees raised a number of additional issues:

Accessibility and Carbon Emissions

13. Evidence will be needed to show how future residents are expected to travel to work and to meet their day to day needs, including with regard to consequential carbon emissions.

Highway Safety / Capacity and Air Quality

14. Evidence to show how the cumulative effects of the proposal, other approved developments nearby, and other large trip generators in the area have been considered will be needed. There should be consistency in terms of the data used.

Local Infrastructure Capacity

15. Evidence to show what the effects of the proposal would be on local infrastructure capacity, particularly with regard to Schools, Health facilities and Recreation facilities. Evidence to show how any measures proposed to address these effects would also need to be provided.

Contaminated land

16. Evidence to show how the effects of the area's coal mining heritage and landfill sites in the area have been considered and will be addressed, will be needed.

Flood Risk, Biodiversity and the Living conditions of nearby occupiers with particular regard to overlooking

17. Evidence to respond to points raised by interested parties concerning the effects of the proposal on flood risk and drainage, biological diversity in the area, and with regard to the overlooking of nearby occupiers will also be needed.
18. Whether any of the matters raised by interested parties are dealt with as main issues in the eventual Decision will depend on the evidence as it emerges in due course. However, as a reminder, the evidence of the appellant will need to address these matters, and the Inspector may have questions in relation to them.

Conditions

19. The Inspector requested an agreed set of conditions be included in the main SOCG, with the Council taking the lead on their preparation. Conditions requested by statutory consultees should generally be included verbatim, with any variation explained.
20. As set out in the Framework, planning conditions should meet the six tests, should be kept to a minimum and conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

Planning Obligation

21. A draft legal agreement had been circulated between the Council and appellant and an early draft version was expected to be available to the Inspector within the next few weeks. Government guidance on Planning Obligations was also commended to the parties. The Inspector requested an early draft of the obligation, followed by a final draft, including a CIL Compliance Statement

prepared by the Council, just before the Inquiry opens. A short time will be allowed after the Inquiry for submission of a signed version.

Core Documents

22. An agreed list of Core Documents should be held on a website hosted by the Council. Parties should work together to ensure that the Core Documents are in an accessible format for members of the public. It would be helpful for this to be done well in advance of the deadline for Proofs, so that they can be properly cross-referenced.
23. The Inspector requested that one set of paper copies of the plans considered by the Council in refusing planning permission, together with the Landscape and Visual Assessment and the Built Heritage Statement, are provided for the Inquiry. The Inspector also requested a set of paper copies of all the Proofs of Evidence and SOCGs, although any appendices and the remainder of the Core Documents should remain electronic.
24. Any Appeal Decisions and/or legal authorities on which any of the parties intend to rely will each need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry case, together with the propositions on which they are seeking to rely, with the relevant paragraphs flagged up.
25. The appellant kindly offered to provide two laptops to facilitate the viewing of the Core Documents by members of the public whilst the Inquiry was sitting.
26. Documents submitted during the Inquiry would be recorded as Inquiry Documents on a separate list, overseen by the Inspector. Any new documents produced at the Inquiry will need to be sent electronically to the Inspector via the Case Officer and cross-copied to other parties.

Inquiry Venue

27. The Council advised that the Inquiry would be taking place at the Council's offices in Leek, and for the most part in the Council Chamber, where streaming facilities exist; given the level of local interest, streaming of the Inquiry would take place.
28. However, on the morning of Wednesday 29 January, the Council Chamber would be in other use and so the Inquiry would move to a different room at the Council's offices, which does not have streaming facilities. Details for how the Inquiry programme will address this will be provided in due course.
29. The Council agreed to identify a single point of contact for interested parties attending the Inquiry.

Inquiry Running Order

30. The Inquiry is currently scheduled to sit for up to six days. It will commence at 10.00 on Tuesday 28 January 2025 and will sit for three consecutive days that week with the same approach the following week. The aim will be to finish each day around 17.00, with a lunch hour and short morning and afternoon breaks as needed.

31. In terms of running order, following the Inspector's opening comments on the first day of the Inquiry, and the opening statements from the appellant, the Council and the Rule 6 Party, any interested parties present who wish to speak will be given the opportunity.
32. Given the level of local interest it would be helpful if interested parties could provide a spokesperson or two, to save Inquiry time and avoid repetition. Cllr Aberley offered to help facilitate this and it would also be helpful if the Council could draw this to the attention of interested parties.
33. The subsequent programme is subject to change, but for the moment the intention is for evidence to be heard as follows:

Roundtable on R6 / interested party matters not covered as main issues:

- Accessibility and Carbon Emissions;
- Local Infrastructure Capacity;
- Contaminated Land;
- Flood Risk;
- Biodiversity;
- Living conditions of nearby occupiers (overlooking)

Roundtable on identified main issues:

- Housing Land Supply / Demand / Delivery
- Countryside effects, including landscape character
- Designated Heritage Assets

Formal Evidence

- Highway Safety / Capacity including Air Quality
- Planning

34. Lastly in terms of evidence will be the Planning witness for each party, with the evidence to be cross-examined - Council first, then R6 party, then appellant. On conclusion of that, the Inspector would lead the usual round table session on Conditions and the provisions of the Planning Obligation.
35. For the closing submissions the Council will go first and then the R6 party and finally the appellant (with copies of closings to be submitted in writing). They should aim to be no longer than 30 minutes duration and should simply set out the respective cases as they stand at the end of the Inquiry, fully cross-referenced.
36. An accompanied site visit will be undertaken at some stage, most likely at the end, but the details will be determined once the Inquiry has opened.

Whenever it takes place, its purpose is to enable the Inspector to see the site and its surroundings and parties may point out physical features.

Timetable for submission of documents

37. Given the expected publication of the latest version of the National Planning Policy Framework before the end of the year; the lack of certainty regarding aspects of the Council's case; and, the Christmas and New Year holidays, both the Council and appellant requested an extension to the deadline for submitting Proofs of Evidence and other documents.
38. The timetable for the submission of documents was consequently revised from that contained in the appeal start letter. All Proofs are to be submitted no later than **7 January 2025**.
39. The agreed SOCG(s), including agreed planning conditions, should be submitted at the same time (**7 January 2025**).
40. An early draft planning obligation was being prepared and is to be submitted no later than **31 December 2024**, with a final draft by **16 January 2025** to be accompanied by the CIL Compliance Statement prepared by the Council.
41. The Council is to make sure a copy of the notification letter / notices setting out details of the Inquiry, and a list of those notified is sent to the Planning Inspectorate no later than **7 January 2025**.
42. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and the Inspectorate does not encourage the provision of such. However, where exceptionally they are necessary to save Inquiry time, copies should be provided no later than **16 January 2025**. It is important that any rebuttal proofs do not introduce new issues.
43. The advocates are to work collaboratively on their time estimates for each stage of their respective cases. A draft programme will be issued following receipt of final timings in due course.

Costs

44. None of the parties indicated that they were currently intending to make a costs application, although the situation was to be kept under review.

Any other procedural matters

45. No other procedural matters were raised.

Andrew Parkin
INSPECTOR

10 December 2024