

Proof of Evidence of John Coxon BSc (Hons) MPlan MRTPI

For Bloor Homes NW Ltd | 24-219

APP/B3438/W/24/3351035 – Land East of Froghall Road, Cheadle



Project: 24-219
Site Address: Land East of Froghall Road, Cheadle, Staffordshire
Client: Bloor Homes NW Ltd
Date: 07 January 2025

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Appendices

- EP1.** Tetlow King statement on the need for self-build housing
- EP2.** HBF Calculator – Economic benefits
- EP3.** Oakamoor Road, Cheadle committee report
- EP4.** Tenford Lane, Tean committee report



1. Introduction

Qualifications

- 1.1 I am John Francis Coxon. I am a Chartered Town Planner with 16 years' experience in private practice. I am a Director of Emery Planning, based in Macclesfield, Cheshire. I hold a bachelor's degree in Human Geography and a master's degree in town planning, and I am a member of the Royal Town Planning Institute (RTPI).
- 1.2 I am familiar with the site and the details of the case, including the policies of the development plan for Staffordshire Moorlands. I acted as the planning agent for the planning application, which was recommended for approval, and I spoke in support of the application at the planning committee meeting. Prior to the application, I participated in the examination of the Staffordshire Moorlands Local Plan which took place between 2018 and 2020.
- 1.3 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this Proof of Evidence are true and that the opinions expressed are correct.

Background

- 1.4 I have prepared this Proof of Evidence on behalf of the Appellant in support of its appeal against the refusal of outline planning permission for residential development on land east of Froghall Road, Cheadle, Staffordshire. My evidence specifically deals with the proposals' compliance with the development plan and other planning policies, and the overall planning balance taking into account other material considerations. I also provide a separate summary and set of appendices.
- 1.5 The appeal application was validated on 27th September 2021 and was give reference number SMD/2021/0610.
- 1.6 As originally submitted, the application sought outline planning permission for up to 228 dwellings. However, during the course of the consideration of the application the proposals were amended in response to comments from the LPA and statutory consultees, with the submitted development parameters and landscaping scheme amended and alterations to the proposed access arrangements in direct response to comments from the Local Highways Authority (LHA). In addition, the description of



development was amended to reflect the reductions in the developable area of the site, with the application seeking planning permission for up to 215 dwellings.

1.7 The application was taken to the Council's Planning Committee meeting of the 28 March 2024. **The officer's recommendation was to approve the application, subject to a Section 106 agreement (CD4.2).** However, the committee resolved to refuse the application, contrary to the officer's recommendation. The decision notice was issued on the 15th April 2024.

1.8 There are three reasons for refusal. Reason for refusal 1 states:

"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."

1.9 Reason for refusal 2 states:

"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."

1.10 Reason for refusal 3 states:



“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.”

- 1.11 In respect of reason for refusal 3, the Council has confirmed in its Statement of Case 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.”*

Structure of this Proof of Evidence

- 1.12 This Proof of Evidence is structured under following chapters:

2. The appeal site
3. The appeal proposal
4. Planning policy context
5. Compliance with the development plan
6. Inspector’s main issue 1: Housing land supply / housing demand / housing delivery
7. Inspector’s main issue 2: The effect of the proposal on the countryside, including with regard to landscape character
8. Inspector’s main issue 3: The effect of the proposal on the provision of protected open space
9. Other matters raised by the Rule 6 parties and third parties
10. The planning balance
11. Summary and conclusions



2. The appeal site

- 2.1 The site is located to the north of Cheadle, Staffordshire. It is greenfield and comprises two fields located east of Froghall Road (A521).
- 2.2 The adopted proposals map designates the site as open countryside, albeit it is located adjacent to the settlement boundary of Cheadle to the south. The below extract taken from the adopted proposals map shows the extent of the settlement boundary indicated with a purpose dashed line:

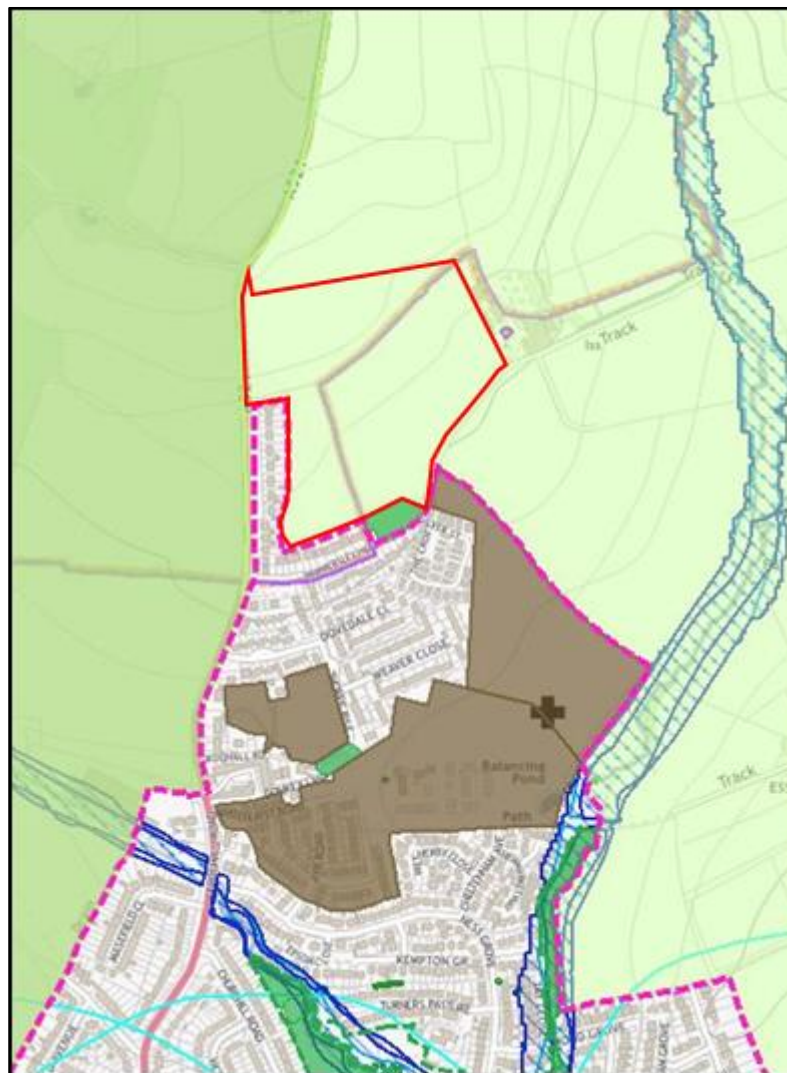


Figure 2.1. Proposals Map Extract

- 2.3 The site is bordered to the south by existing residential development off Hammersley Hayes Road, and the Cheadle North Strategic Development Area which benefits from planning permission for residential



development and a new primary school. That site is partly under construction. The Cheadle North Strategic Development Area is shaded brown on the proposals map extract in Figure 2.1 above. Located to the south of the site is an area of open space which is accessed off Hammersley Hayes Road. Broad Hayes Farm is located to the east of the site and the farmhouse is Grade II Listed.

- 2.4 Cheadle is a town which is identified in the top tier of the settlement hierarchy in the Staffordshire Moorlands Local Plan (Policy SS2). The site is a sustainable location for new development on the edge of Cheadle. It is located immediately to the north of an existing strategic allocation for housing (Cheadle North Strategic Development Area), which clearly has been found to comprise a sustainable location for development (otherwise it would not have been allocated by the Council).
- 2.5 The committee report (CD4.2) considers the sustainability of the location at paragraphs 7.24 – 7.29. Paragraph 7.29 concludes that the site is accessible by sustainable travel modes in line with Policy T1 and further measures to facilitate and encourage walking and public transport as a mode of travel can be achieved as part of the development. The sustainability of the location is also not a reason for refusal and there is no reference anywhere in the LPA’s Statement of Case to dispute in relation to accessibility. Nevertheless, the accessibility of the site, including its proximity to public transport and services, is addressed in the evidence of Mr Wooliscroft.



3. The appeal proposal

The application

- 3.1 The appeal proposal seeks outline planning permission for residential development. The application material is based on a scheme for up to 215 dwellings, including the following:
- 33% affordable housing
 - 10 self-build / custom plots
 - 6 bungalows provided as M4(3): wheelchair adaptable homes (optional requirement M4(3)(2)(a))
 - The provision of open space within the site including children's play facilities
 - A 10% biodiversity net gain through on site and/or off-site provision
- 3.2 The proposal is made in outline, with all matters reserved save for access. Access for the purpose of the appeal proposal relates to the proposed vehicular access point from Froghall Road only, and does not include footpath connections or the internal road layout. These matters can be reserved by a suitably worded condition.

Change to description of development

- 3.3 The application was proposed and consulted upon based on a description of development citing an upper quantum of development (up to 215 dwellings). However, prior to the consideration of the application by the Planning Committee, the LPA's case officer requested that the description of development be amended to remove reference to the upper limit to the quantum of development. The case officer stated that unless the description of development was amended to remove the number of dwellings, she was not comfortable in taking the application forward for consideration before members with a recommendation of approval. This is referenced at paragraph 7.101 of the committee report (CD4.2).
- 3.4 The appeal is supported by a suite of technical reports and plans which address all environmental and technical considerations in relation to the site and proposals. Whilst the upper limit for the proposed development was removed from the description of development, the Illustrative Masterplan was prepared on the basis of the site delivering up to 215 dwellings, and the supporting technical reports were all originally prepared on the basis the site delivering up to 228 dwellings as per the original application submission. Furthermore, the application has previously been consulted upon with the description of development stating an upper limit on the amount of development (i.e., up to 215 dwellings). The Appellant would therefore be content for the Inspector to specify the upper quantum of development in



the description of development, as the applicant had proposed, should planning permission be granted on appeal. Alternatively, a condition could be applied to limit the upper number of dwellings to align with the technical information which supports the application.

Refused plans

3.5 The refused scheme comprises the following plans as identified on the decision notice:

- Location Plan (020 020 P001 Rev G)
- Proposed site access plan (3277 F06 Rev G)
- Parameters Plan (020 020 P004 Rev N)

3.6 The Appellant proposes that the planning permission (if granted) would be subject to conditions requiring development to be in strict accordance with the location plan and site access plan, and in general accordance with the parameters plan.

Design and development parameters

3.7 The updated Design and Access Statement provides a detailed assessment of the application site, its context and the evolution of the proposed parameters plan and illustrative masterplan. The illustrative masterplan demonstrates how the site can accommodate up to 215 dwellings, alongside public open space and attractive pedestrian and cycle linkages, including links to the wider public right of way network. A green corridor would link the areas of green space proposed to the east, with Froghall Road to the west.

3.8 The updated masterplan and the Design and Access Statement demonstrate that an acceptable design can be achieved at the reserved matters stage. The LPA's officers did not allege any issues in relation to design in the committee report (CD4.2). Paragraph 7.102 of the committee report states:

“A condition to limit [the] height [of the buildings] is recommended. Other than that the DAS is considered to be an acceptable basis on which to formulate the detailed design and a condition to ensure that development is broadly in accordance with the principles contained therein is recommended.”

3.9 The only issue raised in relation to design by the LPA officers (other than the proposed restriction in relation to the height of the buildings) was in relation to the quantum of development proposed ('up to 215 dwellings'). Paragraph 7.101 of the committee report (CD4.2) states:

“Although it is not relevant at this outline stage to carry out a detailed analysis of the layout, it does look tight in part and when considered against the Councils Space



standards, existing landscape features and the need to provide sufficient amenity green space led officers to seek the removal of 'up to 215' units from the description."

- 3.10 Notwithstanding the amended description of development (discussed above), I consider that the application documents, including the illustrative layout, collectively demonstrate that up to 215 dwellings could be achieved. The illustrative layout has been prepared by a highly experienced urban designer (Mr Roger Lomas of E*Scape), having regard to relevant design standards including amenity distances. The LPA has never provided any specific criticism of the layout other than to say that it 'looks tight', and has never at any stage requested any detailed analysis from the Appellant in relation to any specific parts of the illustrative material. But nevertheless, there would be ample scope to achieve up to 215 dwellings even if there is a need to provide additional space between dwellings or green infrastructure to that shown on the illustrative plans. For example, the size of some dwellings could be reduced and a greater proportion of semi-detached and terraced properties provided, without altering the proposed development parameters or fundamentally changing the nature of the proposed development. These would all be matters to be considered at the reserved matters stage, noting that the Framework and Policy SS1 of the Local Plan require development to make effective use of land.
- 3.11 Furthermore, the number of dwellings (whether controlled by condition or the description of development) is proposed as an upper limit, and it is therefore clear that the final numbers will be subject to an acceptable design at reserved matters stage, which is entirely within the Council's control. The eventual number of dwellings will be subject to design, ecology and green infrastructure considerations, and it will be necessary for the design to comply with relevant design policies whilst achieving a biodiversity net gain. Considerations will also include the eventual housing mix and the number of smaller dwellings. This is normal for any outline application of this nature where an upper limit of development is specified.
- 3.12 In relation to the Council's proposed restriction in relation to the height of the buildings (as suggested in the committee report), it is only proposed for there to be a limited number of 2.5 storey dwellings as landmark elements to enhance design character, e.g., header buildings in squares and at junctions and/or within gateway locations to create announcements of arrival. The LPA has not presented any credible and substantive evidence to demonstrate that limiting the height of all dwellings to 2-storeys / 8m to ridge is necessary in terms of heritage, character and appearance considerations. Nevertheless, should the Inspector consider such a restriction is necessary based on the evidence then this can be controlled by condition.



4. Planning policy context

Development plan context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires planning applications to be considered in accordance with the plan unless material considerations indicate otherwise.

Staffordshire Moorlands Local Plan

4.2 The development plan for the appeal proposals comprises the Staffordshire Moorlands Local Plan, adopted September 2020.

4.3 Section 35(1)(b) of the Development Management Procedure Order (DMPO) requires that where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision.

4.4 Reason for refusal 1 alleges conflict with the following development plan policies:

- 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 H1 New Housing Development

4.5 Reason for refusal 2 alleges conflict with the following development plan policy:

- Policy DC2 The Historic Environment

4.6 Reason for refusal 3 alleges conflict with the following development plan policy:

- Policy DC3 Landscape and Settlement Setting

4.7 The decision notice does not identify any other development plan policies which are relevant to the decision and, having regard to Section 35(1)(b) of the DMPO, it must be assumed that the proposal complies with all other policies in the development plan.

4.8 The other policies which I consider to be relevant, but where no conflict is alleged, are as follows:



- Policy SS1 Development Principles
- Policy SS7 Cheadle Area Strategy
- 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 H3 Affordable Housing
- Policy DC1 Design Considerations
- Policy C1 Creating Sustainable Communities
- Policy C2 Sport, Recreation and Open Space
- Policy C3 Green Infrastructure
- Policy NE1 Biodiversity and Geological Resources
- Policy NE2 Trees, Woodland and Hedgerows
- Policy T1 Development and Sustainable Transport
- Policy T2 Other Sustainable Transport Measures

Other material considerations

2024 National Planning Policy Framework (the Framework) (CD6.2)

4.9 The Framework was originally published in 2012. It was updated in July 2018, February 2019, July 2021, September 2023, December 2023 and most recently in December 2024. The Framework is a material consideration in the determination of planning applications.

National Planning Practice Guidance (the PPG)

4.10 The PPG was originally published in March 2014 and has since been updated.

Written Ministerial Statement (WMS) 30 July 2024 (CD6.4)

4.11 The Government published a WMS on 30 July 2024 alongside its consultation on changes to the Framework. The WMS has the effect of Government policy and is therefore a material consideration in planning decisions (*Cala Homes (South) Ltd v Secretary of State [2011] EWCA Civ 639*) (CD12.26).

4.12 The WMS states: **“There is no time to waste. It is time to get on with building 1.5 million homes”**.



4.13 I consider that the WMS should, as a statement of Government policy that is highly relevant to the delivery of housing, be given significant weight in the determination of this appeal.

Letter from the Deputy Prime Minister to local authorities: “Playing your part in building the homes we need” (CD6.6)

4.14 Following the WMS, the Deputy Prime Minister wrote to local authorities in a letter dated 30th July 2024. The letter outlines a number of changes the government will make to achieve the delivery of additional housing.

Chancellors Statement 8 July 2024 (CD6.5)

4.15 The Chancellor’s first statement set out how the new Government is going to achieve its manifesto pledge to deliver economic growth. As a statement from the Government this is capable of being a material consideration. The Chancellor stated that “*Growth... is now our national mission.*”

Emerging development plan

4.16 The Council has not yet commenced a review of the adopted Local Plan. The Council’s Local Development Scheme (CD5.6) sets out the following timetable for a future review:

- Review of Adopted Local Plan: 2025
- Options consultation (Reg 18): Autumn 2025
- Preferred Options Local Plan consultation (Reg 19): Autumn 2026
- Publication of Local Plan (Reg 19): Summer 2027
- Submission of Local Plan (Reg 22): Autumn 2027
- Examination (Reg's 23,24,25): Examination Winter 2027
- Adoption (Reg 26): Summer 2028

4.17 The above timescales are extremely ambitious in the context of the current plan making system, given that work on the new Local Plan is yet to commence, and the current Local Plan was submitted for examination in June 2018 and was not then adopted until September 2020.

4.18 The previous Government has consulted on changes to the plan making system between July and October 2023. However, at the time of writing this Proof of Evidence, the final details of the new Local Plan system are still yet to emerge. The new Local Plan will also have to take into account national planning policy at the time that it is produced.



4.19 Given that there is currently no draft of the new Local Plan, and taking into account the clear uncertainties over timescales, process and the impending revisions to the Framework, I consider that the intention to undertake a future review can only be afforded very limited weight.

Supplementary planning guidance / documents

4.20 The Council adopted a Developer Contributions SPD on 18 October 2023. The SPD sets out the Council's approach to planning obligations and the types of contributions that will be required.

4.21 The Council adopted the Staffordshire Moorlands Design Guide SPD on 21 February 2018. The document states that it identifies overarching principles for achieving good design.



5. Compliance with the development plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 Reason for refusal 1 (RFR1) relates to the site's location outside of the development boundary of Cheadle, and alleges conflict with Local Plan Policies SS2, SS3 SS4, SS10 and H1. I address reason for refusal 1 in this section of my evidence. I address compliance with the landscape and heritage policies in the development plan in Sections 7 and 8 of this Proof of Evidence (dealing with main issues 2 and 3 respectively), with reference to the evidence of Mr Jackson and Ms Stoten, before returning to those issues in Section 10 (the planning balance).
- 5.3 The site is identified on the adopted proposals map as being located outside of the defined settlement boundary for Cheadle, and is designated as open countryside.
- 5.4 Policy SS2 provides the settlement hierarchy, with Cheadle identified in the top tier as a 'town' alongside Leek and Biddulph. Policy SS2 states:

"these are the largest settlements comprising of Leek, Biddulph and Cheadle which accommodate half of the District's population and the majority of the District's services and facilities. The spatial strategy seeks to focus future growth in these settlements and to strengthen their role as service centres. These settlements will be defined by a Development Boundary."

- 5.5 Cheadle is therefore clearly identified as a sustainable location for accommodating new development. Although the proposed development would function as part of Cheadle and meet the needs of that top tier settlement, technically the site falls within the 'other rural areas' due it being located beyond the existing settlement boundary. Under the heading 'other rural areas', the policy states:

"this comprises the open countryside where development is normally unacceptable".

- 5.6 Part 5 of Policy H1 sets out the forms of development that will be appropriate in the open countryside, such as affordable housing exception sites consistent with Policy H3, and rural workers dwellings.
- 5.7 Policy SS10 states:
- "The other rural areas comprise the countryside and the green belt outside of the development boundaries of the towns and larger villages and the open countryside surrounding the smaller villages."
- 5.8 The policy continues to state:



“These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The Council and its partners will achieve this through the following actions:

1. Meet housing requirements and specific needs by:

- Restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H 1;”

5.9 The policy then lists other exceptions such as the conversion of rural buildings and affordable housing exception sites.

5.10 As the site is designated as open countryside, and the application does not meet any of the categories of development that are acceptable within the open countryside as listed in Policies H1 and SS10 of the Local Plan, the proposed development conflicts with those policies and consequently the development plan as a whole.

5.11 Reason for refusal 1 also alleges conflict with Policies SS3 and SS4. Policy SS3 relates to the overall housing requirement and its distribution. The policy sets out an overall housing requirement of at least 6,080 dwellings (net) during the period 2014 to 2033. Paragraph 6.22 of the supporting text is clear that this figure is a minimum, stating:

“The requirement for 6,080 dwellings is a target and should not be seen as an absolute ceiling as there needs to be flexibility to ensure there is a continuous 5 year supply of deliverable land at all times in accordance with the NPPF.”

5.12 Policy SS3 continues to state that sufficient deliverable land will be identified to provide at least 5 years of development at all times. It also states that the Council will monitor the annual development rate and manage supply to ensure that future provision will continue to adequately meet identified needs and reflect development potential. The Council cannot demonstrate a five-year housing land supply, and therefore a proposal which would contribute to addressing this shortfall would not be inconsistent with the policy.

5.13 Policy SS3 also sets out the distribution of development in table 6.1. Paragraph 6.25 of the supporting text states:

“The distribution of development reflects the development approach and will guide the provision of housing and employment for the whole of the plan period. The use of proportional distributions will enable the Council to monitor overall development in each of the towns and the rural areas to ensure that it is realising the spatial strategy and to make adjustments to net requirements in the event of evidence of changes in



the housing market or as a result of any changes to the overall requirements for the District arising from any future review of housing requirements or development rates.”

5.14 Policy SS3 is therefore intended to ensure that delivery rates are on track, which they are not in terms of:

- five year supply (an express policy requirement);
- delivery of the overall housing requirement; and,
- delivery of the amount of housing distributed to Cheadle (a top tier settlement).

5.15 Neither the reason for refusal nor the LPA’s statement of case alleges that the proposal would significantly distort the distribution of development such that there is any tangible land use planning harm. Indeed, additional development is required in Cheadle if the planned distribution of development (1,495 dwellings according to Table 6.3 of the Local Plan, including 1,026 dwellings on new allocated sites in Policy SS4) is to be provided in Cheadle by 2033, given that only 488 dwellings have been delivered in the first 10 years of the plan (2014-2024)¹. The Mobberley Strategic Development Area (allocated to deliver 430 dwellings during the plan period) is yet to deliver a single dwelling, is not even the subject of a planning application and is not anticipated to deliver a single dwelling by 2028 (see Section 4 of Mr Pycroft’s evidence). The appeal site adjoins Cheadle, would function as part of the settlement and its delivery for housing would contribute to the achievement of the spatial strategy. But even if the rural area is considered, there have only been 633 completions during the period 2014-2024, when the rural area is identified to deliver 25% of the housing requirement (1,495 dwellings in total²) by 2033. In that context, it is not clear why the LPA alleges any conflict with Policy SS3.

5.16 Policy SS4 relates to the supply of housing and employment land. It states that in order to meet the housing requirements identified in Policy SS3, sufficient land will be identified to accommodate at least 3,763 additional dwellings. It continues to identify that Cheadle will accommodate 25% of the district’s housing requirement (1,158 dwellings net) and that this will be made up through 1,026 dwellings on new allocations and 110 dwellings on small windfall sites. The policy includes the following in relation to housing land supply:

“The release of land for housing and employment across the District will be managed in order to deliver the level and distribution of development set out above. The Council has published a Housing Implementation Strategy (HIS) document which sets out how the five year housing land supply will be maintained in accordance with the trajectory. The adequacy of supply (in terms of five year supply of housing and in meeting planned housing delivery targets over the full plan period) will be assessed and monitored through reviews of the Strategic Housing and Economic Land Availability Assessment

¹ AMR 2023-24 (CD5.4), Table 6.2

² Local Plan (CD5.1), Table 6.3



(SHELAA) and progress will be reported in the Annual Monitoring Report. The Council will closely monitor allocations, residential windfall sites and affordable housing to ensure that they are meeting expected delivery levels. The Council will review the Local Plan to assess whether it needs updating to bring forward additional sites for development no later than 5 years from its adoption.” (my emphasis)

5.17 Paragraph 6.30 of the supporting text also states:

“The Housing Trajectory (Appendix 1) indicates how the Council expects future provision to come forward. The purpose of the Housing Trajectory is to highlight the robustness and soundness of the overall housing strategy in the Local Plan and how it is likely to perform in relation to the housing requirements. However, many of the factors influencing the delivery of housing are beyond the control of the local planning authority or the development industry. The role of monitoring through the Annual Monitoring Report will be important in assessing the actual performance in terms of delivery of this and other parts of the development strategy and highlighting ‘trigger points’ for measures to adjust the delivery of housing.” (my emphasis)

5.18 Given the significant shortfall in delivery to date against the housing trajectory and the absence of a five-year housing land supply (see the evidence of Mr Pycroft), it is clear that the plan should be reviewed and updated to bring forward additional sites for development, to ‘adjust’ the delivery of housing. However, a review of the plan has not commenced and any new plan is several years away from adoption (at best). In that context it is not clear how the proposal (which would contribute to remedying the shortfalls in housing land supply and delivery in Cheadle) conflicts with Policy SS4.

5.19 As far as I am aware, based on the reasons for refusal and the Council’s Statement of Case, the LPA does not allege conflict with any other policies in the development plan.

5.20 Nevertheless, there is conflict with Policies SS2, SS10 and H1 on the basis that the site is located outside of the settlement boundary. However, the LPA is not able to demonstrate a five-year housing land supply and, therefore, the tilted balance is engaged in accordance with paragraph 11(d) of the Framework. This states:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
- ii. 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.”

5.21 Footnote 8 of the Framework clarifies that the most important policies will be considered out-of-date in circumstances where the LPA cannot demonstrate a five year supply.:

“This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78)”

5.22 In relation to housing land supply, I rely on the evidence of Mr Pycroft. The Council’s position is that it can demonstrate a supply of 3.51 years³. Mr Pycroft considers that the supply is only 2.70 years. Under either scenario, paragraph 11(d) of the Framework applies and the titled balance is engaged.

5.23 Local Plan Policies SS2, SS3, SS4, SS10 and H1 relate to the housing requirement, housing delivery and settlement boundaries. Therefore, in accordance with paragraph 11 and footnote 8 of the Framework, these policies must be considered to be out-of-date. I discuss the weight to be attached to the conflict with the development plan in Section 10 of this Proof of Evidence, taking account of the shortfall in five-year supply, and other related considerations. In summary, a critical part of the strategy of the plan is to bring forward development on allocated sites to meet the housing requirement and (as an express requirement of Policies SS3 and SS4) maintain a five-year supply. However, the allocations are not delivering, and the settlement boundaries are therefore constraining the ability of the LPA to meet its development needs. Therefore, only limited weight should be ascribed to the conflict with policies that restrict development beyond the existing settlement boundaries.

5.24 It is therefore necessary to consider the benefits of the proposed development, and whether any adverse impacts of the development would significantly and demonstrably outweigh these benefits. In section 10 of this Proof of Evidence (the planning balance), I address the benefits of the proposed development, before considering other factors and whether there is any harm that would significantly and demonstrably outweigh those benefits.

³ Housing Land Supply SoCG (CD13.6)



6. Main issue 1

Housing land supply / housing demand / housing delivery

Five year housing land supply

- 6.1 The issue of five-year housing land supply is addressed in the evidence of Mr Pycroft. The Council considers it can demonstrate a supply of 3.51 years. This represents a significant and serious shortfall against the requirements of national policy and the Local Plan to be able to demonstrate a 5-year housing land supply. Mr Pycroft concludes that the Council can only demonstrate a deliverable supply of 2.70 years, and the position is even worse than that claimed by the Council.
- 6.2 On the Council's position, the shortfall against the minimum requirement of national policy to demonstrate a five-year supply is 686 dwellings (more than 2 years' worth of the adopted housing requirement). Mr Pycroft considers that the shortfall is 1,086 dwellings (more than 3 years' worth of the adopted requirement). But even on the Council's position, the shortfall is very significant.
- 6.3 There is also no evidence to suggest that the shortfall can be addressed anytime soon. In addition to its very significant extent, delivery rates continue to be well below the annual requirement, there is no action plan demonstrating a swift solution within the confines of the existing development plan, and the review of the development plan is yet to even commence and is, at best, several years from adoption. Therefore, the only realistic solution is through the release of greenfield sites on the edge of existing settlements, outside of the existing settlement boundaries, such as the appeal scheme.
- 6.4 I address the implications of the five-year housing land supply position under main issue 2 (Section 6 of this Proof of Evidence), and in relation to the planning balance in Section 10 of this Proof of Evidence. In summary, I consider that substantial weight should be given to the benefit of delivering housing on the appeal site, and its contribution to addressing the shortfall. Furthermore, I consider that the conflict with the development plan associated with developing a site beyond the existing settlement boundaries should be given limited weight.



Housing delivery and meeting Local Plan housing requirement

6.5 Mr Pycroft's evidence also demonstrates that the delivery of housing has been very substantially below the housing requirement in the adopted Local Plan. In particular:

- Housing delivery between 1st April 2014 and 31st March 2023 has been significantly below the adopted annual housing requirement of 320 dwellings per annum. This has resulted in a shortfall at 31st March 2023 of 1,189 dwellings, increasing by a further 87 dwellings to 31st March 2024 following another year of under-delivery.
- The annual average requirement of 320 dwellings per annum has not been achieved in any of the 10 years of the plan period to 31st March 2024.

6.6 Mr Pycroft's also indicates that, in the absence of urgent remedial action, the Local Plan housing requirement is unlikely to be met during the plan period given the very significant uplift in delivery that would be required in the final years of the plan period. In particular:

- At 1st April 2023, 4,389 dwellings need to be delivered in 10 years to 31st March 2033 for the minimum housing requirement of 6,080 dwellings to be met (i.e. $6,080 - 1,691 = 4,389$). This would be an average of 439 dwellings per annum, which is significantly greater than the average housing completions per year over the plan period from 1st April 2014 to 31st March 2023 of 182 dwellings per annum.
- The Council's 5YHLS position statement only provides a housing trajectory to 31st March 2028. However, this claims that 1,651 dwellings are deliverable to 31st March 2028. Even on the Council's figures, this would mean that 2,738 dwellings would need to be delivered in the last 5 years of the plan period between 1st April 2028 and 31st March 2033 for the minimum housing requirement to be met (i.e. $4,389 - 1,651 = 2,738$ dwellings). This would mean an average of 548 dwellings per annum were required in the last 5 years of the plan period.

6.7 There is no evidence of any effective remedial action being proposed by the LPA that would result in the housing land supply shortfall being addressed. Therefore, the only realistic way of addressing the shortfall in the short to medium term is through the application of the presumption in favour of sustainable development in the Framework, and the granting of planning permission on sites outside of the existing settlement boundaries (such as the appeal site).

6.8 Turning to the basis of the current housing requirement, the adopted Local Plan was prepared and examined under the 2012 Framework, with the housing requirement based on an objectively assessed need (OAN) which was underpinned by the alignment of housing and economic growth. The Local Plan plans to meet the OAN in full, with Policy SS3 setting out the overall development strategy for the borough and seeking to deliver a minimum of 6,080 homes over the plan period (which itself is not a ceiling). The



basis for the housing requirement is explained in paragraphs 6.18 to 6.21 of the Local Plan (CD5.1). Paragraph 6.20 of the plan states:

“The proposed level of provision will enable the Council to:

- fully meet demographic housing needs
- help support an increase of over 800 full time equivalent (FTE) jobs across the plan period
- help address the affordable housing need.”

6.9 Paragraph 33 of the Local Plan Inspector’s report (CD5.2) states:

“The most recent comprehensive assessment of housing needs (the SHMA Update) indicated an OAN range of 235 to 330 dwellings per annum (dpa). The Council has opted for a housing requirement based on a figure towards the top of the range to align with projected economic growth (320dpa).”

6.10 Paragraphs 36-38 of the Inspector’s report state:

“36. The PPG requires plan-makers to assess likely economic growth based on past trends and/or economic forecasts. The SHMA Update considered that basing OAN on demographic-led scenarios would lead to a declining workforce. Unsustainable commuting patterns can result where the labour force is projected to be less than forecast job growth.

37. On the basis that it is undesirable to plan for decline, the Council applied growth forecasts within a range from zero (stabilisation) to over 3000 new jobs (past trends). Even applying the stabilisation scenario would result in an OAN of 282 dpa to 2031 or 274 dpa to 2033. Oxford Economics forecasts suggest a need for between 279 and 302 dpa. Experian forecasts suggest a higher need of between 333 and 357 dpa. Past trends result in much higher dwelling needs of 420 to 446 dpa which would require more than 10,000 additional migrants moving into the District.

38. Both the Oxford Economics and Experian forecasts are credible estimates of job growth. However, taking into account that the projected growth in the manufacturing sectors appears optimistic, the Council has opted for a Combined Job Growth Scenario i.e. between the two forecasts, suggesting a need for up to 329 dpa to 2031, falling to 319 dpa to 2033. These figures include higher headship rates for the younger age groups.”

6.11 The adopted housing requirement also reflects an uplift to support additional affordable housing. Paragraph 6.19 of the Local Plan states:

“[the OAN] range also reflects an uplift to support additional affordable housing of which there is a relatively high need in the District (224 to 432 homes per year).”



6.12 Therefore, it is clear that the housing requirement of 6,080 dwellings over the period 2014 to 2033 is necessary to align housing growth with the economic strategy, and that there would be significant adverse social and economic consequences if the strategies did not align, including pressures on the housing market, the ability to sustain the economic strategy, increases in unsustainable levels of in-commuting and the delivery of affordable housing.

6.13 Mr Pycroft's evidence also considers the implications of the Government's updated standard method for calculating local housing need. The following points can be noted:

- The updated standard method results in a local housing need for Staffordshire Moorlands of 454 dwellings per annum. This is the figure the 5YHLS will be measured against when the adopted strategic policies become five years old (i.e. in September 2025).
- Against the local housing need and a 5% buffer, the Council's deliverable supply figure (at 1st April 2023) of 1,607 dwellings would equate to 3.37 years and Mr Pycroft's deliverable supply figure (at 1st April 2023) of 1,242 dwellings would equate to 2.6 years.

6.14 Therefore, the new standard method is higher than the current adopted housing requirement, and Council will still not have a five-year supply once the new plan becomes five years old. In fact, the position will be worse. The very substantial shortfall will persist into the foreseeable future.

6.15 In addition, Mr Pycroft's evidence considers the implications of the new standard method for the next plan period (notwithstanding that the Council has not yet even commenced a review of the failed current plan). Mr Pycroft states at paragraph 4.12 of his evidence:

"Paragraph 22 of the Framework also explains that strategic policies should look over a minimum 15 year period from adoption. The local housing need over a 15 year period would require a minimum of 6,810 dwellings to be delivered (i.e. $454 \times 15 = 6,810$). The Council's current Local Plan only allocates 2,574 dwellings on the 20 sites listed in policy H 2. In addition to this, the Council's 5YHLS position statement identifies a further 899 dwellings on non-allocated sites with planning permission. Therefore, over 3,000 dwellings would need to be identified on sites (and through windfall allowances) to meet the local housing need over a 15 year period (i.e. $6,810 - 2,574 - 899 = 3,337$ dwellings)."

6.16 Therefore, on any reasonable assessment it is clear that very significant new sources of housing land supply will be needed as part of any future plan review. This will almost certainly necessitate the allocation of greenfield sites on the edge of sustainable settlements, and in particular the three tier 1 settlements (Cheadle, Biddulph and Leek).

6.17 As such, the failure to maintain a five-year housing land supply (by a very significant margin) and the failure to deliver the housing trajectory within the plan are very significant material considerations for this appeal.



They are relevant to the weight to be attached to the benefits of delivering housing, as well as the weight to be attached to conflict with the adopted development plan.

Affordable housing

6.18 The delivery of affordable housing is a core objective of the Local Plan, and it is referenced multiple times in the vision (Chapter 4), the aims and objectives (Chapter 5), the spatial strategy and strategic policies (chapter 6) and the development management policies (Chapter 7). The relevant references in the plan are set out in Section 4 of Mr Robert's Proof of Evidence.

6.19 Mr Robert's evidence also addresses the need and supply of affordable housing in Staffordshire Moorlands. In summary:

- Market signals indicate a worsening trend in affordability across Staffordshire Moorlands against the backdrop of severe shortfalls in affordable housing provision, and urgent action must be taken to deliver more affordable homes.
- There is a pressing need for affordable housing in the district. The 2017 SHMA identified a need for between 224 and 432 affordable homes per annum over the seventeen year period between 2014/15 and 2030/31.
- Affordable housing in Staffordshire Moorlands has suffered from a longstanding and significant level of under-delivery:
 - In the period between 2014/15 and 2023/24 a total of 1,703 dwellings were delivered in Staffordshire Moorlands, equivalent to 170 per annum. Of these, 459 gross dwellings were affordable tenures, equivalent to 46 per annum. This equates to 27% gross affordable housing delivery.
 - After accounting for the effect of the Right to Buy on average between 2014/15 and 2023/24, the Council has added just 327 affordable dwellings in total or 33 per annum, net of Right to Buy sales, equivalent to 19% of the total average number of net housing completions.
 - This level of net affordable housing delivery has resulted in a shortfall to date of 3,993 affordable dwellings against the needs identified in the 2017 SHMA (432 dwellings per annum) for the period 2014/15 to 2023/24, or an average annual shortfall of 399 affordable homes over the period.
- In addition to the persistent shortfall in affordable housing delivery against objectively assessed needs other indicators further point to an affordability crisis in Staffordshire Moorlands. Set out below are the key findings in respect of affordability across the borough:
 - FOI data confirms that on 31 March 2024 there were 813 households on the Council's Housing Register.



- FOI data also confirms that during 2023/24 the Council accommodated 70 households in temporary accommodation, of whom 51 were housed outside of the District.
- In the 12 months between 1 April 2023 and 31 March 2024, the Council accepted 83 households in need of homelessness prevention duty, and a further 113 households in need of relief duty from the Council.
- The ratio of median house prices to median incomes in Staffordshire Moorlands now stands at 6.16, a 19% increase since the start of the Local Plan period in 2014 where it stood at 5.16.
- The ratio of lower quartile house price to incomes in Staffordshire Moorlands in 2023 stood at 6.53, a 3% increase since the start of the Local Plan period in 2014 when it stood at 6.37.

6.20 Mr Roberts' evidence states that there is an acute need for affordable housing in Staffordshire Moorlands and one which the Council and decision takers need to do as much as possible to address as required to do so, proactively, by the Framework.

6.21 The proposal would contribute to meeting the very significant need for affordable housing by delivering 33% of the proposed dwellings as affordable homes. For a scheme of up to 215 dwellings, this would equate to up to 71 affordable homes.

6.22 Mr Roberts considers that the delivery of affordable housing on the appeal site, to meet the needs of real households in need of an affordable home, should be afforded substantial positive weight in the determination on this appeal. On the basis of his evidence, I agree.

Self-build housing

6.23 The proposal would deliver 10 of the dwellings as serviced plots for self-build and custom housebuilding. This would be secured by the Section 106 agreement.

6.24 The need for self-build housing in Staffordshire Moorlands is addressed in the statement, prepared by Mr Andy Moger of Tetlow King, which I provide at Appendix **EP1**. In summary:

- The 2015 Self-Build and Custom Housebuilding Act (as amended) places a statutory duty on the council to have met demand arising from each Base Period of its Register within three years of the end of each Base Period.
- The Framework requires the needs of those wishing to commission or build their own home to be assessed and reflected in policy and the PPG is clear that to undertake a robust assessment of demand the register is supplemented with secondary data sources to understand and consider future needs for this type of housing.



- At a national level there is a clear desire by central Government to significantly boost the supply of Self-Build and Custom Housebuilding through both the Framework and the PPG. The evidence shows that there is a substantial unmet demand for Self-Build and Custom Housebuilding plots within Staffordshire Moorlands.
- The adopted Development Plan contains provision for self-build and custom housebuilding but this has proved ineffective in addressing unmet needs and therefore appears highly unlikely to secure a sufficient number of serviced plots to meet the existing shortfall for Base Periods 1, 2, 3, 4, 5 and 6. That is before one even begins to consider the pending shortfall for Base Period 7.
- Secondary data sources indicate that demand is likely to be substantively higher than the Council's self-build register suggests.
- A number of decisions have found that substantial weight has been afforded to the provision of serviced plots for self-build and custom housebuilding by Inspectors and the Secretary of State and that helping to address statutory duty failure can outweigh policy conflicts, and (where applicable) can also form part of the demonstration of the existence of Very Special Circumstances in the Green Belt.
- The appeal proposals would address 91% of the current unmet Base Period 7 demand for 11 plots that must be addressed by 30 October 2025. Furthermore, the Committee report identified a need for 11 plots in Cheadle itself with the appeal proposals also equivalent to addressing 91% of this local identified housing need.

6.25 Mr Moger considers that the delivery of self-build housing on the appeal site, to meet an identified need and to contribute to the Council meeting its statutory requirement, should be afforded substantial positive weight in the determination on this appeal. Based on the evidence presented within the technical note, I agree with that assessment.

Conclusions in relation to Main Issue 1

6.26 I conclude as follows on main issue 1:

- The housing requirement of 6,080 dwellings over the period 2014 to 2033 was considered necessary to align housing growth with the economic strategy, and that there would be significant adverse social and economic consequences if the strategies did not align, including pressures on the housing market, the ability to sustain the economic strategy, increases in unsustainable levels of in-commuting and the failure to meet affordable housing needs.
- The Council cannot demonstrate a five-year housing land supply, the shortfall is significant and serious, and it will continue to persist unless new sites come forward. There has been a failure to comply with the minimum requirements of national policy and the adopted development plan, both of which require a five-year supply to be maintained. Indeed, the maintenance of a five year supply is a fundamental element of the strategic policies within the Local Plan.



- The delivery of housing has been very substantially below the housing requirement in the adopted Local Plan, and furthermore that the Local Plan housing requirement is unlikely to be met during the plan period.
- The delivery of affordable housing, including in Cheadle, is a core objective of the Local Plan. However, levels of affordable housing delivery have been persistently low, and there are very significant levels of unmet affordable housing need in Staffordshire Moorlands and Cheadle.
- There is an identified need for self-build housing, and the Council is failing to meet its statutory duty in relation to the provision of self-build housing.

6.27 I address the implications of the housing land supply / delivery, affordable housing need and self-build need in relation to the weight to be attached to the delivery of housing in Section 10 of this Proof of Evidence.



7. Main Issue 2

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

7.1 Reason for refusal 2 alleges that the proposed development would not respect or enhance local landscape character, and would result in a prominent visual intrusion into the countryside. It also alleges that, as a result, there is conflict with Local Plan Policy DC3.

7.2 Policy DC3 states:

“The Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:

1. Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence;

2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character evidence;

3. Supporting developments which conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds;

4. Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape;

5. Ensuring that development does not adversely affect the wider setting of the Peak District National Park.”

7.3 Having regard to part 1 of Policy DC3, it can be noted that the reason for refusal does not allege that there would be a significant adverse impact on the character or the setting of the settlement, or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence.

7.4 Landscape and visual matters are addressed in the evidence of Mr Jackson. In relation to Policy DC3, Mr Jackson considers that the proposed development would not lead to a ‘prominent intrusion’ into the countryside, and would also not result in a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence.



7.5 Mr Jackson concludes that the proposals would result in only limited and localised adverse landscape and visual effects, and would deliver other medium and longer term landscape and green infrastructure benefits. The proposed development would establish an appropriate development and landscape solution and it will not cause significant and demonstrable harm in landscape or visual terms. Mr Jackson concludes that, on landscape and visual grounds, that there are no justifiable or valid reasons to withhold planning permission for this proposed development.



8. Main Issue 3

The effect of the proposal on designated heritage assets

8.1 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that when making any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the special interest in the building, as opposed to keeping it unchanged.

8.2 Paragraph 212 of the Framework states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

8.3 Caselaw has established that the requirement to give “*great weight*” to the asset’s conservation does not mean that the weight to be given to the desirability of preserving it or its setting is uniform. That will depend on the extent of the assessed harm and the heritage value of the asset in question⁴.

8.4 Paragraph 213 of the Framework states:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

8.5 Paragraph 215 of the Framework states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

8.6 Policy DC2 of the Local Plan relates to the historic environment and sets out a number of provisions, including the following:

⁴ Palmer v Herefordshire Council [2017] 1 WLR 411



1. The Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance. This will take into account the desirability of maintaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.
2. Protection will be given to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF.
3. All applications likely to affect heritage assets will require the submission of a heritage statement, including a qualitative visual assessment where appropriate.

8.7 In relation to the impacts of the proposal upon the historic environment, I rely upon the evidence of Ms Stoten. She concludes that the appeal scheme would result in very minor at the lowermost end of the less than substantial harm spectrum to the heritage significance of Grade II Listed Broad Haye Farmhouse through change to its setting.

8.8 It is therefore necessary to apply the test in paragraph 215 of the Framework, i.e., the benefits of the proposed development must outweigh the harm to the to the significance of the designated heritage asset, whilst ascribing great weight to the heritage asset's conservation in accordance with paragraph 212 of the Framework, and applying the statutory duty required by Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.9 I address the public benefits of the proposed development in Section 10 of this Proof of Evidence. In summary, the proposal would provide much needed market and affordable housing, at a time when the Council cannot demonstrate a five-year housing land supply and is not meeting the identified need for affordable housing. The proposal would also provide custom / self-build housing, adaptable housing for older persons and persons with disabilities, economic benefits, a biodiversity net gain, highways benefits and the provision of open space for new and existing residents. Cumulatively, these are very significant public benefits, which in my opinion outweigh the very minor level of less than substantial harm (at the lowermost end of the less than substantial harm spectrum) that would be caused to the significance of the Grade II Farmhouse through the changes to its setting, notwithstanding that I have attached great weight to the heritage asset's conservation.

8.10 The Council has confirmed in its Statement of Case that it agrees that the test in paragraph 215 of the Framework is met, and the public benefits of the proposal outweigh the harm to the heritage asset (despite the LPA alleging a higher level of harm to the designated heritage asset). This means that the proposal must accord with Policy DC2 of the Local Plan, which states that protection will be given to designated heritage assets and their settings and non-designated heritage assets as set out in the Framework. As such, the LPA concedes that Reason for Refusal 3 is not capable of being a standalone reason for refusal; rather,



the LPA now contends that the harm is to be considered in the overall planning balance in the context of paragraph 11(d)(ii) of the Framework.

8.11 I address the harm to the designated heritage asset in the planning balance in Section 10 of this Proof of Evidence.



9. Other matters raised by R6 parties and third parties

Highways and transportation

- 9.1 Highways and transportation matters, including matters raised by Kingsley Parish Council (points 3 and 5 of its Statement of Case: ‘inadequate road infrastructure’ and ‘highway safety’) and third parties, are addressed in the evidence of Mr Wooliscroft.

Loss of agricultural land

- 9.2 The Kingsley Parish Council Statement of Case alleges that the site comprises ‘prime agricultural land’. In response, the application was supported by an Agricultural Land Classification and Soil Resources report prepared by Reading Agricultural Consultants dated July 2021 (CD2.7). The assessment concludes that the whole site is Grade 4 agricultural land. The site therefore does not comprise ‘best and most versatile agricultural land’ according to the Framework’s definition, and the loss of the existing use is not inconsistent with the development plan (including part 1 of Policy SD1, which identifies a preference for the use of lower quality over higher quality agricultural land), or national policy in respect of agricultural land. This conclusion is consistent with the conclusions of the officer’s committee report (CD4.2, paragraphs 7.81 – 7.83).
- 9.3 Issues concerning conflict with the Local Plan and open countryside policy (the other aspects of point 1 of the Kingsley Parish Council Statement of Case) are addressed in Sections 5, 10 and 11 of this Proof of Evidence.

Quantum of development in Cheadle

- 9.4 The Kingsley Parish Council Statement of Case (point 2) alleges that the proposed development would significantly exceed the level of housing allocated to Cheadle and Kingsley in the Local Plan, and is unnecessary to meet any perceived / identified need.
- 9.5 In response, with reference to my evidence set out under Sections 5 & 6 above:
- The amount of development apportioned to Cheadle in Policies SS3 and SS4 is not a maximum.
 - Kingsley Parish is not apportioned a specific amount of housing in the Local Plan, or a Neighbourhood Plan housing requirement in Table 6.9 of Policy SS4. But even if it had of been, both policies SS3 and SS4 make clear that the figures set out in Table 6.9 are minimums. Policy SS4 states:



“In order to assist in meeting the development requirements for the Local Plan, Neighbourhood Plans should maximise opportunities for housing growth in sustainable locations. The following table sets out the housing requirements for parishes preparing a Neighbourhood Plan. These requirements are a minimum and may be subject to review as part of the District's overall review of plan delivery against its housing requirement.”

- The Council cannot demonstrate a five-year housing land supply by a considerable margin (see the evidence of Mr Pycroft).
- The delivery of housing has been very substantially below the housing requirement in the adopted Local Plan, and the Local Plan housing requirement is unlikely to be met during the plan period.
- Having regard to the new standard method for calculating local housing need, very significant new sources of housing land supply will be needed as part of any future plan review. This will almost certainly necessitate the allocation of greenfield sites on the edge of sustainable settlements, and in particular the three tier 1 settlements (Cheadle, Biddulph and Leek).
- The site adjoins Cheadle, would function as part of the settlement and would contribute to the achievement of the spatial strategy in terms of meeting Cheadle’s development needs. The site is approximately 1km from the edge of Kingsley Holt, and more than 1.5km from Kingsley.
- Additional development is required in Cheadle if the planned distribution of development (1,495 dwellings according to Table 6.3 of the Local Plan, including 1,026 dwellings on new allocated sites in Policy SS4) is to be provided in Cheadle by 2033, given that only 488 dwellings have been delivered in the first 10 years of the plan (2014-2024)⁵, and the Mobberley Strategic Development Area (allocated to deliver 430 dwellings during the plan period) is yet to deliver a single dwelling, is not even the subject of a planning application and is not anticipated to deliver a single dwelling by 2028 (see Section 4 of Mr Pycroft’s evidence).
- Even if the rural area is considered, there have only been 633 completions during the period 2014-2024, when the rural area is identified to deliver 25% of the housing requirement (1,495 dwellings in total⁶) by 2033.
- Neither the reason for refusal nor the LPA’s statement of case alleges that the proposal would significantly distort the distribution of development such that there is any tangible land use planning harm.

9.6 As such, the proposal does not comprise ‘unnecessary development’ (as described by the Parish Council), and there is no basis for dismissing the appeal due to issues raised in Point 2 of the Parish Council’s Statement of Case.

⁵ AMR 2023-24 (CD5.4), Table 6.2

⁶ Local Plan (CD5.1), Table 6.3



Local infrastructure capacity

9.7 The Kingsley Parish Council Statement of Case alleges that education and medical facilities will be unable to cope with the proposed development. I address education and medical facilities in turn below.

Education

- 9.8 In respect of primary school provision, the Staffordshire County Council's Schools Organisation Team (SOT) consider that the level of housing growth proposed for Cheadle in the Council's Local Plan will necessitate a new primary school to be delivered. Policy DCS1 (Cheadle North Strategic Development Area allocation policy) specifically requires the delivery of a new primary school as part of that proposed development (adjacent to the appeal site). The SOT's consultation response to the planning application (CD3.25) states that a fair, transparent and consistent approach must be taken across large developments proposed in the Cheadle area.
- 9.9 Based on 215 houses, the proposed financial contribution is £1,815,890 (this has increased from £1,571,921.98 as set out in the committee report, due to increases in build costs which underpin the County Council's formula for calculating contributions). This contribution would go towards delivering the proposed new primary school at the Cheadle North Strategic Development Area, where the land and contributions have been secured towards its delivery through the Persimmon development (Pottery Gardens). It is agreed with the LPA and the County Council that this contribution meets the CIL tests, and that the impacts of the proposed development can be satisfactorily mitigated.
- 9.10 During the application, the Appellant proposed an additional contribution of approximately £1,000,000 towards the new primary school on the Cheadle North Strategic Development Area. This was offered to ensure that the school could be funded in its entirety. However, the LPA's position was that the additional contribution is not necessary to make the development acceptable in planning terms, and as such it would not meet the CIL tests, and it cannot be given any weight in the determination of this appeal. This is consistent with the advice of the LPA's case officer to the planning committee. The contributions must be necessary to make the development acceptable in planning terms, and fairly and reasonably related in scale and kind to the development. The LPA and the County Council are clearly satisfied that the new school will be delivered without any additional contribution given that it has secured (and continues to secure) contributions towards its delivery, and they concluded that the Appellant's offer to provide additional funding for the new school would not meet the tests set out in the CIL Regulations and paragraph 58 of the Framework. Therefore, the additional contribution does not form part of the appeal proposals.
- 9.11 In respect of secondary education, the SOT advised in its consultation response to the planning application that high school provision at Cheadle Academy is projected to have sufficient space to accommodate the



likely demand from pupils generated by the proposed development, together with other committed development and the Local Plan allocations. Therefore, no contribution is required for secondary education.

- 9.12 Subject to the proposed contribution towards primary education of £1,815,890, the proposal complies with Local Plan Policy C1.
- 9.13 The Kingsley Parish Council Statement of Case cites other proposed developments in the area, namely the Pottery Gardens development and the Oakamoor Road / Churchill Road development. The Pottery Gardens development is the Persimmon development of the Cheadle North Strategic Development Area, an allocated site which is already committed and under construction, and is providing land for the new school on site. The Oakamoor Road proposal for up to 48 dwellings is currently subject to an appeal (PINS ref: APP/B3438/W/24/3340461). If the appeal is allowed, it can be assumed that the proposal will include measures to mitigate the impacts of that development.

Health

- 9.14 The Staffordshire and Stoke on Trent Integrated Care Board has sought a contribution of £192,762 to support the development of primary care services in the area to mitigate the impact from the development on local healthcare services (see consultation response at CD3.35). The consultation response identifies where the proposed contribution would be spent:

“The total sum (£192,762) would be targeted towards supporting the future adaptation/expansion of premises within the Moorlands Rural PCN as appropriate and would be informed by strategic estates plans, which will enable the ICB to work towards the aim of tackling inequalities in outcomes, experience, and access for patients.”

- 9.15 With the proposed contribution, there would be no adverse impacts on local infrastructure as a result of the proposed development.
- 9.16 Subject to the proposed contribution, the proposal complies with Local Plan Policy SS1.

Air quality

- 9.17 An Air Quality Assessment (AQA) was submitted in support of the application. As noted within the committee report (CD4.2, Section 6, subheading ‘Environmental Health Officer’), the Council’s Environmental Health Officer accepts the conclusions of the AQA and does not object to the application, subject to a Section 106 contribution to improve air quality monitoring within Cheadle (the consultation response is provided at CD3.29). The Appellant is of the view that the contribution is not strictly necessary,



given that the submitted (and accepted) Air Quality Assessment does not indicate that any receptors are predicted to witness air pollutant concentrations close to the Air Quality Assessment Levels (AQALs), and also the off-site highway improvement measures which have already been put forward as part of the planning application, which would result in associated beneficial air quality effects (see CD2.26, Sections 6 and 7.4). Nevertheless, the Appellant does not object to the proposed contribution, subject to the Council demonstrating that it is necessary.

- 9.18 With regard to construction dust, the impacts would be negligible, subject to a construction management plan (to be secured by condition). With regard to operational effects, the impact of the additional road traffic would have negligible effects on the local Air Quality subject to the implementation of the proposed off-site highways works.
- 9.19 The proposal therefore complies with Local Plan Policy SD4.

Contaminated land

- 9.20 The application was accompanied by a Desk Study Report (DSR) by Betts Geo dated June 2021 (CD1.12). The Council's Environmental Health Officer (EHO) considers that the DSR is an acceptable assessment of the potential contamination risks associated with the site (CD3.29). The EHO, the Coal Authority and the Environment Agency raise no objection to the application, subject to the imposition of conditions (see consultation responses at CD3.29, CD3.5 and CD3.8 respectively).
- 9.21 Subject to conditions, the proposal complies with Local Plan Policy SD4.

Flood risk & drainage

- 9.22 The application was supported by a Flood Risk Assessment (FRA), which was amended during the application determination period in response to comments from the Local Lead Flood Authority (LLFA) (see LLFA comments at CD3.17 and amended FRA at CD2.22). The LLFA is satisfied with the FRA and does not object to the proposal, provided that the development proceeds in accordance with the approved drainage strategy and that a condition also be imposed to secure a surface water management plan for the construction period (see consultation response at CD3.21). No objection has been received from Severn Trent Water subject to a condition in relation to drainage.
- 9.23 Subject to conditions, the proposal complies with Local Plan Policy SD5.

Ecology & biodiversity

- 9.24 The application was supported by a Preliminary Ecological Appraisal (PEA) by Tyler Grange (CD1.11).



- 9.25 The statutory requirement for a 10% biodiversity net gain (BNG) does not apply to this proposal. Nevertheless, applicant proposes a BNG of 10%. Subject to the details of the reserved matters scheme, this may require some BNG units to be delivered off-site. This can be secured by condition.
- 9.26 Staffordshire Wildlife Trust (SWT) reviewed the application on behalf of the Council. A copy of their consultation response is provided at CD3.38. SWT accept the conclusions of the PEA and advise that a BNG can be achieved. They recommend conditions to secure a Construction and Ecological Plan to ensure that any potential effects on protected/notable species are avoided or adequately mitigated.
- 9.27 Subject to conditions, the proposal complies with Local Plan Policy NE1.

Residential amenity

- 9.28 Subject to the details to be secured at the reserved matters stage, the proposed development would not have an unacceptable impact on the residential amenity or overlooking of any neighbouring properties. Paragraph 7.88 of the officer's committee report (CD4.2) states:

“There are existing houses bordering the site to the west, south and east whose amenity is a material consideration. However this is an outline application seeking the principle of developing the site. There is no reason to believe that a scheme could not be devised that protected residential amenity and had regard to the Council's space standards. These would be matters to consider in detail at the reserved matters stage”

- 9.29 A Noise Assessment was provided with the application (CD1.10). The Council's EHO does not object subject to a condition to secure noise mitigation in the properties adjacent to the Froghall Road. A copy of the EHO's consultation response is provided at CD3.29.
- 9.30 Subject to conditions, the proposal complies with Local Plan Policies DC1 and SD4.

Open space

- 9.31 The illustrative plans demonstrate that the proposed development would provide in excess of the necessary level of open space provision required for a development of 215 dwellings. The Section 106 agreement would also provide the necessary contributions towards off-site outdoor sports provision.
- 9.32 I note that the consultation response dated 29/11/2024 from the Council's Service Commissioning (Leisure & Parks) team sets out a number of criticisms of the open space provision as shown illustratively in the application documents. I respond as follows:



- In relation to the alleged 'reduction in the amount of green space' from the earlier proposals, the plans demonstrate that sufficient open space would be provided to meet the policy requirements for this type of development.
- In relation to the location of the proposed on-site play area and the suggestion that this should be to the north-east of the proposed development, the south of the site would be central to the new proposed development and existing housing around Hammersley Hayes Road (as acknowledged in the officer's committee report at paragraph 7.108 (CD4.2)). This is an entirely appropriate location for the on-site play facilities. Its location was discussed and agreed with the Council's case officer during the application determination period.
- In relation to the potential conflict between the on-site play area and any attenuation ponds, the plans are illustrative. The details of the scheme, including the layout of the open space and attenuation features, and any safety measures relating to those attenuation features, would be considered at the reserved matters stage.
- In relation to the existing play facilities to the south, the proposal would be policy compliant without any need to upgrade the existing play facilities to the south. Furthermore, as the consultation response confirms, the existing facilities are owned by Staffordshire Moorlands District Council with management / maintenance arrangements in place through an agreement with a third party. It is for Staffordshire Moorlands District Council to enforce the existing maintenance agreements if they are not being adhered to.

9.33 All other matters raised in the response relating to the detailed design of the future open space could be dealt with at the reserved matters stage, and/or through the discharge of conditions / Section 106 obligation.

9.34 The issue of open space provision is discussed in the committee report (CD4.2). This concludes at paragraph 7.111:

“With conditions imposed as discussed above and a Section 106 agreement in place, no issue is raised in terms of public open space or active and healthy lifestyles and no conflict with relevant parts of Policy C2.”

9.35 I agree with the officer's conclusion. The illustrative material demonstrates that an acceptable scheme can be delivered at the reserved matters stage, with the details of provision and future management to be secured by conditions and the Section 106 agreement.

Other matters

The appeal proposals would not result in any issues that would warrant refusal in relation to climate change, public rights of way (save for disagreement over the impacts on views under main issue 2), archaeology, trees & hedgerows, subject to the imposition of appropriately worded conditions where necessary.



10. The planning balance

10.1 In accordance with Section 38(6), the appeal proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. As discussed in Section 5 of my evidence, as the site is designated as open countryside, and the application does not meet any of the categories of development that are acceptable within the open countryside as listed in Policies H1 and SS10 of the Local Plan, the proposed development conflicts within those policies and consequently the development plan as a whole. However, I consider that there are material considerations which indicate that the appeal should be allowed. National planning policy as set out in the Framework is an important material consideration in this case.

10.2 As discussed in Sections 5 and 6 of my evidence, the LPA is not able to demonstrate a five-year housing land supply. Therefore, the tilted balance is engaged in accordance with paragraph 11(d) of the Framework. This states:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or

ii. 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 combination⁹.”

10.3 Footnote 9 of the Framework states:

“The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.”

10.4 The Council confirms at paragraph 4.15 of its statement of case that paragraph 11(d)(i) of the Framework is not engaged, specifically because the Council agrees that the less than substantial harm to the significance of the heritage asset is outweighed by the public benefit of providing dwellings where there is a lack of supply (and therefore the proposal does not conflict with paragraph 215 of the Framework (formerly paragraph 208)). As such, the relevant test is that set out in paragraph 11(d)(ii) of the Framework.



In that context, I firstly address the benefits of the proposed development, before considering other factors and whether there is any harm that would significantly and demonstrably outweigh those benefits.

Benefits

Delivery of market housing

- 10.5 The site would deliver up to 225 dwellings in a sustainable location. The site is controlled by Bloor Homes, an established national housebuilder with a track record of delivery. Assuming that planning permission is granted through this appeal, Bloor Homes intend to immediately start preparing a reserved matters application, with a view to submission within 3-6 months of a decision. Subject to the LPA determining a reserved matters application promptly, Bloor Homes' intention would then be to immediately discharge conditions with a view to commencing development in early 2026.
- 10.6 Paragraph 61 of the Framework sets out the Government's objective of "*significantly boosting the supply of homes*". It is well established that the delivery of homes, at a time of a national housing crisis, can be given significant weight, even in cases where a Council can demonstrate a five year housing land supply.
- 10.7 There have been a number of appeal decisions where the Secretary of State and Inspectors have given significant weight to the delivery of housing on unallocated sites even though the Council can demonstrate a five year housing land supply. For example, the Secretary of State allowed an appeal for a mixed-use development including up to 189 dwellings in Nantwich on 15 July 2020 (CD12.1). The site was designated as open countryside, and the Secretary of State found that that the proposed development conflicted with the development plan, and furthermore that the Council could demonstrate a five year housing land supply. However, the appeal was allowed, with the Secretary of State identifying that significant weight should be afforded to the provision of market housing in a sustainable location. Paragraph 28 of the decision letter states:

"For the reasons given in IR414 and IR420 the Secretary of State agrees with the Inspector that the delivery of significant numbers of market housing in a sustainable location is a significant benefit. Whilst the Secretary of State has concluded that the Council can demonstrate a 5 YHLS, he has taken into account that nationally it is a government policy imperative to boost the supply of housing, as set out at paragraph 59 of the Framework⁷, and he considers that this benefit should be afforded significant weight." (my emphasis)

- 10.8 In this case, the Council cannot demonstrate a five-year housing land supply, by very a considerable margin. The Council's best case is that the supply is 3.51 years. Mr Pycroft considers the supply is 2.70

⁷ Now paragraph 61



years. On the Council's position, the shortfall against the minimum requirement of national policy to demonstrate a five-year supply is 686 dwellings (more than 2 years' worth of the adopted housing requirement). Mr Pycroft considers that the shortfall is 1,086 dwellings (more than 3 years' worth of the adopted requirement). Either way, there is a very significant and serious shortfall.

10.9 In addition to the publication of the new Framework, which includes a number of new measures to boost significantly the supply of housing (including the re-instatement of the need to maintain a five-year supply at all times, the re-instatement of the 5% buffer and a new standard method for calculating local housing need), recent statements from the new Government place great focus on the delivery of housing, and has made it clear that addressing the housing crisis is an absolute priority. These are discussed below.

The Written Ministerial Statement (WMS): "Building the homes we need"

10.10 The Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government issued a WMS entitled "*Building the homes we need*" on 30 July 2024 (CD6.4). The WMS is highly relevant to this appeal as it elevates the importance of delivering housing and the weight to be given to the benefits associated with that delivery. The WMS states:

"We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home"

10.11 The WMS outlines the Government's clear intention and commitment to making changes to the housing and planning system to:

"improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years"

10.12 Under the sub-heading "Delivering More Affordable Homes", the WMS sets out the Government's commitment to improving affordability alongside the proposals to increase supply. Many of these changes have now been implemented through the revised Framework.

10.13 The WMS concludes by stating:

"There is no time to waste. It is time to get on with building 1.5 million homes".

10.14 A major step change in delivery will be needed to meet this ambitious commitment.

Letter from the Deputy Prime Minister to local authorities: "Playing your part in building the homes we need"

10.15 Following the WMS, the Deputy Prime Minister wrote to local authorities on 30th July 2024 (CD6.6). The letter outlined the Government's proposed changes to achieve the delivery of additional housing (now



implemented through the December 2024 Framework). The letter also confirms Government's commitment to building 1.5 million new homes over the next five years.

Housing delivery in Cheadle

10.16 Paragraph 6.12 of the Local Plan states:

"The three towns of Leek, Biddulph and Cheadle are the largest settlements in the District accommodating 50% of the District's population and the majority of the District's services and facilities. The spatial strategy seeks to focus future growth in these settlements and to strengthen their role as significant service centres."

10.17 Paragraphs 6.51 – 6.55 of the Local Plan discuss the strategy for Cheadle. Paragraph 6.51 states:

"Cheadle is the smallest of the District's market towns and has suffered from under-investment in its infrastructure and town centre and a lack of housing opportunities. The Spatial Strategy identifies the town as an area for significant growth in order to expand its role as a service centre and market town."

10.18 Policy SS7 (Cheadle Area Strategy) states that the Council and its partners will seek to expand the role of Cheadle as a significant service centre and a market town. It states that this will be achieved through a number of actions, including:

"1. Expand the housing market area and community provision by:

- Increasing the range of available and affordable house types and higher market housing, including for first time buyers and families;
- The development of specific housing sites through new site allocations in the Local Plan. This will include two strategic housing clusters to the north and south of the town, namely:
 - Cheadle North Strategic Development Area - housing and school development will be supported in line with policy DSC 1
 - Mobberley Farm - housing development will be supported in line with policy DSC 3"

10.19 Cheadle is therefore a key focus of development in the plan, and a key part of the spatial strategy is to deliver a significant proportion of the housing requirement at Cheadle.

10.20 As set out in Table 4.2 of Mr Pycroft's evidence, of the 1,026 dwellings allocated on new sites in Cheadle to meet the housing requirement to 2033, only 94 dwellings have been delivered.

10.21 Furthermore, as set out in Table 4.3 of Mr Pycroft's evidence, of the 1,026 dwellings allocated on new sites in Cheadle, the following sites are not deliverable on the Council's own evidence:



Reference(s)	Address	No. of dwellings allocated	Status at 1 st April 2023
CH004	Land to the rear of Froghall Road	45	Not deliverable at 1st April 2023
CH015	Stoddards Depot, Leek Road	32	Not deliverable at 1st April 2023
CH020	Land north of the Green, Cheadle	42	Not deliverable at 1st April 2023
CH085A, CH085B, CH085C, CH085D, CH128	Mobberley Strategic Development Area	430	Not deliverable at 1st April 2023

Table 10.1: Allocated sites in Cheadle which are not deliverable at 1st April 2023

10.22 This means that these sites will not deliver any dwellings in the five-year period to 2028. In those circumstances it is inconceivable that the Mobberley Strategic Development Area will come close to delivering 430 dwellings over the plan period. It is therefore clear that the quantum of development anticipated to be delivered in Cheadle is unlikely to be achieved during the plan period.

10.23 The delivery of the appeal site would contribute to meeting identified needs in Cheadle, and it would also contribute to the achievement of the spatial strategy for Cheadle in respect of housing delivery. Whilst the site is located outside the settlement boundary for Cheadle (and therefore technically forms part of the ‘other rural areas’ in the development plan), the site clearly would function as part of Cheadle once developed. Furthermore, in circumstances where the plan is failing to maintain supply - which is a core objective of both the LP and national policy, and failing to deliver, through its allocations, at a top tier settlement - it is a significant benefit to direct development to land adjacent to a top tier settlement. I consider that this adds further to the positive weight to be attached to the delivery of market housing on the appeal site.

The delivery of housing in a sustainable location

10.24 Cheadle is a highly sustainable location for growth. As I have identified elsewhere within the Proof of Evidence, Cheadle forms part of the top tier of the settlement hierarchy, and a key part of the spatial strategy involves delivering significant new housing development in Cheadle.

10.25 The accessibility of the site is addressed in Section 5 of Mr Wooliscroft’s Proof of Evidence. The site comprises an accessible and sustainable location for delivering new housing. Indeed, the site is adjacent



to a strategic allocation in the development plan (the Cheadle North Strategic Development Area), demonstrating the suitability of the location for accommodating growth.

10.26 The officer's committee report (CD4.2) states at paragraph 7.29:

“To conclude, the site is accessible by sustainable travel modes in line with Policy T1 and further measures to facilitate and encourage walking and public transport as a mode of travel can be achieved as part of the development. The LHA are now satisfied with the proposal in terms of sustainable travel. With conditions in place to secure the footpaths and cycle paths and a Section 106 Agreement to secure the Travel Plan and financial contributions towards improved local bus services and pedestrian routes to the town centre there is compliance with Policies T1, T2 and the NPPF.”

10.27 Therefore, the site comprises an accessible location on the edge of a tier 1 settlement which is identified to accommodate significant growth. It is an entirely logical location to provide new housing in the context of the significant housing land supply shortfall.

Conclusions on the delivery of market housing

10.28 Drawing the above evidence together, and with reference to my evidence in relation to housing delivery:

- There is a national and local housing crisis.
- Nationally it is a government policy imperative to boost the supply of housing, such that the Secretary of State has given significant weight to the delivery of housing even in circumstances where a Council can demonstrate a five-year housing land supply.
- The Government's recent statements in relation to housing and planning only increase the weight that needs to be attached to the delivery of housing.
- The Local Plan policies require a five-year housing land supply to be maintained.
- The Council cannot demonstrate a five-year housing land supply by a very considerable margin. On any assessment the shortfall is significant and serious.
- The delivery of housing has been very substantially below the housing requirement in the adopted Local Plan, and the Local Plan housing requirement is unlikely to be met during the plan period.
- The delivery of housing in Cheadle would contribute to the achievement of policy objectives in respect of Cheadle, and the achievement of a key part of the spatial strategy.
- The site comprises an accessible location on the edge of a tier 1 settlement which is identified to accommodate significant growth. It is an entirely logical location to provide new housing in the context of the significant housing land supply shortfall.



10.29 I therefore consider that the delivery of market housing in a sustainable location should be given substantial positive weight in the planning balance.

Provision of affordable housing

10.30 The proposal would contribute to meeting the very significant need for affordable housing by delivering 33% of the proposed dwellings as affordable homes. For a scheme of up to 215 dwellings, this would equate to up to 71 affordable homes.

10.31 The delivery of affordable housing is addressed in the evidence of Mr Roberts. I have summarised his conclusions in Section 6 of this evidence (Main Issue 1). There are very significant levels of unmet need in Staffordshire Moorlands and Cheadle.

10.32 Mr Roberts considers that the delivery of affordable housing on the appeal site, to meet the needs of real households in need of an affordable home, should be afforded substantial positive weight in the determination on this appeal. I agree.

Provision of self-build and custom homes

10.33 The proposal would deliver 10 of the dwellings as serviced plots for self-build and custom housebuilding. This would be secured by the Section 106 agreement.

10.34 The delivery of self-build and custom housing is addressed in the statement by Mr Moger of Tetlow King, which is attached at Appendix **EP1** of this Proof of Evidence. I have summarised his conclusions in Section 6 of this evidence (Main Issue 1). There is a need for self-build and custom housing in the district, and the Council is failing to meet its statutory duty.

10.35 Mr Moger considers that the delivery of self-build housing on the appeal site, to meet an identified need and to contribute to the Council meeting its statutory requirement, should be afforded substantial positive weight in the determination on this appeal. Based on the evidence presented within the technical note, I agree with that assessment.



Provision of housing for older persons and persons with disabilities

10.36 The Council's SHMA Update 2017 identifies that the district is expected to see an increase in the over 60 age groups and a sharp increase in the over 70 age groups by 2031. This is shown in the table below:

Population mid-year	2015	2017	2019	2021	2023	2025	2027	2029	2031
60/65 - 74	16,740	17,061	17,071	17,116	16,564	16,634	17,050	17,649	18,086
75 - 84	7,317	7,688	8,369	8,990	10,096	10,750	11,033	11,058	11,008
85+	2,706	2,924	3,087	3,337	3,653	3,958	4,308	4,820	5,314

Table 10.2 – Increase in older persons in Staffordshire Moorlands 2015-2031

10.37 This will mean that there will be an increased demand for specialist housing and adaptations to enable people to remain in their own homes. Such housing can include bungalows and housing that is adaptable to a household's changing requirements.

10.38 Policy H1(3)(d) states:

"All new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space standard and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations. This will be determined on a site-by-site basis subject to considerations such as viability and design."

10.39 Therefore, the provision is to be negotiated on a site-by-site basis. In terms of the Optional Technical Standards M4(2), the Council's viability testing was based on the M4(2) standard being incorporated into 20% of the dwellings. No provision is made for M4(3): wheelchair accessible / adaptable homes, presumably because it was not considered viable, noting that the viability assessment identified that the majority of allocations in the plan were found to not be viable even without the provision of any element of M4(3) standard homes.

10.40 Up to 50% of the proposed dwellings would meet Part M4(2): accessible and adaptable standard homes, and 6 no. 2- and 3-bedroom bungalows will be provided as M4(3): wheelchair adaptable homes (optional requirement M4(3)(2)(a)). Furthermore, all dwellings would meet the Nationally Described Space Standards (NDSS). This can be controlled by condition.

10.41 The proposed development would therefore make a valuable contribution towards meeting the needs of an ageing population and households with disabilities in Cheadle, particularly in relation to the provision



of 6 bungalows as M4(3): wheelchair adaptable homes. This is a benefit of development to which I consider that significant positive weight should be attached.

Economic benefits

10.42 Paragraph 85 of the Framework states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

10.43 Notwithstanding the existing clear support in national policy for economic growth, the new Government has made delivering a huge upturn in economic growth is central to its strategy, and has made it clear that it is essential to improving the prosperity of the country and the living standards of working people. In the Chancellor’s first speech of 8 July 2024 (CD6.5), she stated that the planning system must be reformed to deliver economic growth:

“Alongside investment must come reform.

Because the question is not whether we want growth, but how strong is our resolve – how prepared are we to make hard choices and face down the vested interests;

How willing, even, to risk short-term political pain to fix Britain’s foundations.

The story of the last fourteen years has been a refusal to confront the tough and responsible decisions that are demanded.

This government will be different.

And there is no time to waste.

Nowhere is decisive reform needed more urgently than in the case of our planning system.

Planning reform has become a byword for political timidity in the face of vested interests and a graveyard of economic ambition.

Our antiquated planning system leaves too many important projects getting tied up in years and years of red tape before shovels ever get into the ground.” (my emphasis)

10.44 The Chancellor went on to state:

“And we must acknowledge that trade offs always exist: any development may have environmental consequences, place pressure on services, and rouse voices of local opposition.



But we will not succumb to a status quo which responds to the existence of trade-offs by always saying no, and relegates the national interest below other priorities.

We will make those tough decisions, to realise that mandate.

Be in no doubt – we are going to get Britain building again.

We are going to get Britain’s economy growing again.

And there is no time to waste.” (my emphasis)

10.45 The Chancellor’s statement delivers a stark message of the need to deliver economic growth in every part of the country, and the need to ensure that achieving such growth does not fall victim to ‘vested interests and a graveyard of economic ambition’.

10.46 The urgent need to deliver economic growth was emphasised further in the WMS of 30 July 2024 (CD6.4), which states:

“Our manifesto was clear: sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people. Our approach to delivering this growth will focus on three pillars; stability, investment and reform. But this growth must also be generated for everyone, everywhere across the country – and so nowhere is decisive reform needed more urgently than in housing.” (my emphasis)

10.47 The Government is also reforming the way it intervenes in planning applications to ensure that economic growth is a central element of decision making. This was noted in the Chancellor’s speech of 8 July 2024 (CD6.5), which states:

“...if we are to put growth at the centre of our planning system, that means changes not only to the system itself, but to the way that ministers use our powers for direct intervention.

The Deputy Prime Minister has said that when she intervenes in the economic planning system, the benefit of development will be a central consideration and that she will not hesitate to review an application where the potential gain for the regional and national economies warrant it.” (our emphasis)

10.48 The message is very clear. The Government’s policy is to positively drive economic growth, and to ensure that it reaches all communities, without delay. This underpins the Government’s entire economic strategy. Therefore, this must be a key consideration when determining the weight to attach to the economic benefits in planning decisions, just as the Secretary of State will make it a central consideration when she intervenes in planning applications.

10.49 The proposed development would result in a number of economic benefits. During the build period, construction related jobs and indirect jobs would be created. This would benefit local contractors and suppliers. The proposed development would provide homes for the district’s workforce, and once



occupied the residents of the proposed scheme would spend money within Cheadle town centre and other parts of the district.

10.50 Emery Planning is an Associate member of the House Builders Federation (HBF), and it is possible to quantify the estimated economic benefits of the proposed development via the HBF Housing Calculator (as updated in September 2024). Based on 215 dwellings, the benefits can be summarised as follows:

- During the construction phase, the proposed development would result in 242 person-years of direct employment, and a further 301 person-years indirect and induced employment (further jobs supported in the wider economy in house building supply chains and by spending amongst direct and supply chain employees on goods and services).
- During occupation of the dwellings, there would be an increase in resident expenditure of approximately £6.1m per annum, a significant proportion of which would be spent in local shops, services and amenities.

10.51 A copy of the HBF calculator results is provided at Appendix **EP2**.

10.52 The Council's Regeneration Officer commented on the planning application and provided some additional figures. The basis for the Council's figures (as set out in the committee report), or the calculator used, is not entirely clear. Nevertheless, it is indicated that the proposal would create a significant number of jobs during the construction stage (230 direct jobs) and local household spending during the operational phase within the district of £2,018,420 per year, based on 34% of household expenditure being spent at district level or below (see CD3.33).

10.53 It is also relevant that paragraph 6.51 of the Local Plan states that Cheadle has suffered from under-investment in its infrastructure and town centre and a lack of housing opportunities, and that Policy SS7 refers to supporting town centre uses in Cheadle. The development of the appeal site would clearly contribute to meeting those objectives by increasing local spending in Cheadle and helping to sustain services and facilities, at a time when high streets have never faced greater pressures.

10.54 In light of national policy and the Government's unequivocal statements in respect of economic growth, I consider that the economic benefits of the proposed development should attract significant positive weight in the planning balance.

Biodiversity Net Gain

10.55 The application was supported by a Preliminary Ecological Appraisal by Tyler Grange. The assessment concludes that a measurable BNG can be achieved, even taking a precautionary approach assuming a worst-case scenario for habitat condition post-development. This can be controlled by condition.



10.56 Through off-site measures and/or providing a detailed landscape scheme with ambitious targets for habitat condition, a 10% BNG would be achieved. This would be in excess of the policy and legal requirements for this application (as the application was submitted before 12 February 2024, for this development the requirement is simply to achieve a net gain e.g., a net gain of 0.1% would suffice).

10.57 I consider that the provision of a measurable 10% BNG, in excess of the policy requirement, is a benefit of development which should be afforded significant positive weight.

Highways benefits

10.58 The proposal would deliver a range of off-site pedestrian infrastructure improvements which will enhance pedestrian accessibility and safety for all existing and proposed users within Cheadle. These are described in detail within Section 5.10 of Mr Wooliscroft's evidence. In summary, these are:

- A contribution of £50,000 for footway crossing improvements and a further £50,000 for the conversion of the existing zebra crossing to a signalised crossing on Leek Road.
- The provision of these footway improvements on the A521 Froghall Road and the A522 Leek Road will provide linkages between the Appeal Site and the local amenities located in the vicinity of the Appeal Site.
- A contribution of £700 per dwelling to subsidise local bus services.

10.59 Mr Wooliscroft identifies that these improvements will benefit all existing, and future, users of the road and footway network in Cheadle (including the new residents of the Cheadle North Strategic Development Area).

10.60 It can also be noted that the proposed contributions would deliver policy objectives for Cheadle set out in the development plan. Part 4 of Policy SS7 (Cheadle Area Strategy) sets out an 'action' for Cheadle of improving environmental quality and accessibility, including rough the following measures relating to highways:

- "Addressing traffic related issues in the town centre and along the A521 and A522 by working with partners to develop and implement transport improvements and by safeguarding the route of a potential future link road;
- Improving pedestrian and cycle links across the town and into the countryside, including the implementation of the Green Infrastructure Strategy;
- Improving public transport links between the town and other main settlements;" (my emphasis)

10.61 The proposed highways improvements would help to deliver these important policy objectives, for the benefit of all residents. In such circumstances, I consider that the proposed highway improvements



represent a benefit of the appeal proposal which should be given significant positive weight in the planning balance.

Provision of open space and green infrastructure

10.62 The appeal proposal would deliver high-quality, managed open space within the development. The proposal would include a children’s play area which could be used by new and existing residents, as well as a network of amenity greenspace and green infrastructure throughout the site.

10.63 Detailed matters relating to layout would be addressed at the reserved matters stage, at which point the Council can ensure that the design of the open space would complement the existing play facilities provided on the adjacent land to the south. As discussed in Section 9 of this evidence, the existing play area to the south is owned by Staffordshire Moorlands District Council with management / maintenance arrangements in place through an agreement with a third party. It is for the Council to ensure that those facilities are maintained to the requisite standard. Nevertheless, the proposed development will provide additional high quality facilities, with future management secured through a robust and enforceable Section 106 agreement.

10.64 The provision of open space which can be used by proposed and existing residents is a benefit of the scheme. I consider that it should be attached moderate positive weight.

Adverse impacts

Conflict with the development plan

10.65 I have discussed the conflict with the development plan in Section 5 of this Proof of Evidence. Whilst there is conflict with the development plan in terms of the policies that restrict development of housing on land designated as open countryside beyond the existing settlement boundaries, there is a five-year housing land supply shortfall. These policies are out-of-date in accordance with paragraph 11 and footnote 8 of the Framework.

10.66 The Courts have made clear that the weight to be afforded to an out-of-date policy in the context of a housing land supply shortfall is a matter for the decision maker on the merits of the particular case, having regard to factors such as the extent of the shortfall, and the prospect of development coming forward soon to make up that shortfall. The Crane Judgment (CD12.27) sets out at paragraphs 70 & 71:

“The decision-maker is left to judge, in the particular circumstances of the case before him, how much weight should be given to conflict with a plan whose policies for the supply of housing are out of date. This is not a matter of law; it is a matter of planning judgment.



However, the weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, or could it be, fixed in the case law of the Planning Court. It will vary according to the circumstances, including, for example, the extent to which the policies actually fall short of providing for the required five-year supply, and the prospect of development soon coming forward to make up the shortfall.”

10.67 In addition to the Crane Judgment, similar principles arise from the Phides Estates judgment of March 2015 (see CD12.28, paragraphs 71 and 74), and the Woodcock Holdings Judgment of May 2015 (see CD12.29: paragraphs 87, 105, 108 & 115 of the judgement). The Richborough / Suffolk Coastal Supreme Court Judgment (CD12.30) also provides a very clear steer on the implications of not having a 5-year supply:

- In the event of a shortfall in the 5 year supply “the pressure for new land may mean in turn that other competing policies will need to be given less weight in accordance with the tilted balance”, and “restrictive policies in the development plan (specific or not) are relevant, but their weight will need to be judged against the needs for development of different kinds (and housing in particular), subject where applicable to the ‘tilted balance’” (see paragraphs 55, 56).
- The rigid enforcement of restrictive policies may prevent a planning authority from meeting its requirement to provide a five-year supply. If a planning authority that was in default of the requirement of a five-years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated (see paragraphs 79, 83, 84 of the judgement).

10.68 Turning to this case:

- Policies SS2, SS10 and H1 of the Local Plan serve to restrict the supply of housing land outside of the settlement boundaries. The policies provide a blanket restriction to any residential development (aside from limited forms of development that would be accepted in a rural area, such as rural workers dwellings or affordable housing exception sites).
- Even on the Council’s best case, the deliverable housing land supply is only 3.51 years. The Appellant considers that the supply is only 2.70 years. However, even on the Council’s best case of 3.51 years, the extent of the shortfall is significant and serious.
- As Mr Pycroft’s evidence demonstrates, the delivery of housing has been very substantially below the housing requirement in the adopted Local Plan, and furthermore that the Local Plan housing requirement is unlikely to be met during the plan period.
- The Government’s revised standard method for assessing Local Housing Need suggests that the need for housing in Staffordshire Moorlands district will not be reducing anytime soon; rather, on an annual basis the revised standard method provides a significantly higher figure than the adopted housing requirement.



- Policy SS4 states that the Council will review the Local Plan to assess whether it needs updating to bring forward additional sites for development no later than 5 years from its adoption. However, as discussed in Section 4 of this evidence, the review of the plan is yet to even commence.
- There is, therefore, no evidence to suggest that the shortfall can be addressed, other than by granting planning permission for greenfield sites on the edge of existing settlements, outside of the existing settlement boundaries, such as the appeal scheme.

10.69 As Lindblom J pointed out in the Crane Judgment, in many cases the weight to be attached to policies relevant to the supply of housing will normally be less, often considerably less, than the weight due to policies which provide fully for the requisite supply, but this will vary according to the circumstances (see CD12.27, paragraph 71). My view is that it will normally be less because that is likely to be the necessary means to address the shortfall, and thus achieve other objectives within the plan which national planning policy gives great weight to, for example meeting identified development needs. Such an approach accords with the Richborough / Suffolk Coastal Supreme Court Judgment (see CD12.30).

10.70 Having regard to the housing land supply shortfall, and the lack of any tangible prospect of addressing the shortfall in the near future, I consider that the weight to be given to conflict with open countryside policy should only be given limited weight in the tilted planning balance. Additional land needs to come forward now to address the shortfall, in accordance with the presumption in favour of sustainable development.

10.71 The Council's approach in the officer's committee report (CD4.2) was to treat the policies as out-of-date, and to apply the tilted planning balance in paragraph 11(d) of the Framework. There is no suggestion in the committee report that the conflict with the policies which seek to restrict development outside of the settlement boundaries, namely policies SS2, SS10 and H1, should then be ascribed significant weight in that planning balance. I note that a similar approach has been taken by the case officers on other recent applications taken to committee in the district, including in the Oakamoor Road, Cheadle committee report (see Appendix **EP3**)⁸ and the Tenford Lane, Tean committee report (see Appendix **EP4**)⁹. In those committee reports it is stated that the "*the development plan policies relevant to housing supply are considered out of date*" (see Appendix **EP4**, paragraph 6.7) and that the Framework is a "*strong material*

⁸ As with the current appeal proposal, the Oakamoor Road, Cheadle application was also refused, contrary to the recommendation of the Council's professional officers, and it is currently subject to an appeal (PINS ref: APP/B3438/W/24/3340461). A hearing was held on 13 November 2024. At the time of writing, the appeal is yet to be determined.

⁹ Following a deferral at planning committee in October 2024 due to an objection from the LLFA, the planning committee resolved to approve the Tenford Lane, Tean application (LPA ref: SMD/2023/0423), subject to a Section 106 agreement, on 12 December 2024.



consideration” (see Appendix EP4, paragraph 7.2). That is entirely logical given the considerations I have set out above.

10.72 In the letter from the Council dated 4 December 2024 clarifying elements of its Statement of Case (CD14.2), the Council stated the following in relation to reason for refusal 1:

“The LPA consider that the landscape visual harm and the Spatial Strategy for the delivery of new development are intrinsically linked. Bearing in mind the Spatial Strategy was adopted recently, in 2020. As an example, policies SS10 'Other Rural Areas Strategy' and H1 'New Housing Development' are clear in their assertion that new development should 'respond sensitively to the distinctive qualities of the surrounding landscape' (SS10) and 'not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside' (H1). These policies articulate the importance of the protection of landscape character and visual amenity in this district specifically and as a key driver for the choices regarding the location and spatial distribution of appropriate housing sites. This is a thread that runs throughout the development plan, including within supporting Supplementary Planning Documents, and is supported by the Framework.”

10.73 Reason for refusal 1 is very clear that the conflict with Policies SS2, SS3, SS4, SS10 and H1 is due to the site comprising greenfield land beyond the existing settlement boundary, with the proposal not falling under any of the exceptions for development in the countryside. Reason for refusal 2, which relates to landscape matters, does not allege any conflict with policies H1 and SS10. There is also no such case set out in the LPA's statement of case. Nevertheless, and notwithstanding the Appellant's position in relation to landscape character (as addressed in the evidence of Mr Jackson), I respond as follows:

- The part of Policy H1 referred to by the Council specifically relates to the types of development supported under parts 4(a) and 4(b) of the policy, i.e., windfall development within the development boundaries of the towns and larger villages, and 'limited infill' development outside of the boundaries. It is not relevant to this proposal.
- Policy SS10 must also be read properly in its context, given that it is clearly predicated on only providing for very limited exceptions, i.e., 'development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside' (see the second paragraph of the policy). To the extent Policy SS10 is consistent with Policy DC3, Mr Jackson's evidence demonstrates that the appeal proposal complies with Policy DC3.
- To the extent that Policies H1 and SS10 are relevant, they do not constitute a blanket protection of the open countryside for its own sake. If they did so, that would be inconsistent with the approach in the Framework, noting that paragraph 187(b) of the Framework refers to *“recognising the intrinsic character and beauty of the countryside”*.



- The spatial strategy of the plan seeks to address a wide range of issues and objectives, not least of which is to meet the identified development needs (including the housing requirement) and to focus development on the three towns of Cheadle, Leek and Biddulph.
- The Local Plan allocated a number of greenfield sites which the plan’s evidence base (the Landscape, Local Green Space and Heritage Impact Study, CD5.7) identified were of ‘medium’ and ‘high’ landscape sensitivity. These included:
 - ADD01 Ball Haye Green/ Land at Horsecroft Farm, Leek (Policy DSL1 - Land east of Horsecroft Farm, Leek): high landscape sensitivity
 - LE066/LE128a&b/LE140/LE142a/LE142b Land at The Mount, Leek (Policy DSL2 - Land at the Mount, Leek): parcels range from medium to high landscape sensitivity (LE066, LE142a&b: high, LE128a&b, LE140: medium)
 - BD117 Mill Hayes Road (Policy DSB3 - Tunstall Road Strategic Development Area): low landscape sensitivity in part, increasing to high sensitivity in part
 - CH001 Thorpe Rise (south) & CH132 Hammersley Hayes Road (Policy DSC1 - Cheadle North Strategic Development Area): medium landscape sensitivity
 - CH085a to c Mobberley Farm (Policy DSC3 - Mobberley Strategic Development Area): medium landscape sensitivity
 - WE003 Stonehouse Farm (Policy DSR4 - Land off Ash Bank Road, Werrington): medium landscape sensitivity
- Notwithstanding the above, Mr Jackson’s evidence clearly demonstrates that the proposal:
 - would not lead to a prominent intrusion into the countryside;
 - would not have a significant adverse impact on its character and appearance; and,
 - would respect and respond sensitively to the distinctive qualities of the surrounding landscape.

10.74 There will inevitably be a degree of harm associated with developing virtually any greenfield site on the edge of a settlement, such as is necessary to address the housing land supply shortfall. Such sites are often close to residential receptors and public footpaths. Furthermore, as **Appendix B** of Mr Jackson’s evidence illustrates, there are numerous constraints around Cheadle which constrain future options for growth, including Green Belt to the west and land that is identified as important to the landscape setting of Cheadle to the south-east.

10.75 Therefore, a site on the edge of Cheadle, outside of the Green Belt and adjacent to an existing allocation, is an entirely logical location to meet the identified housing land supply shortfall. In landscape terms, Mr Jackson's evidence demonstrates that the effects of the proposed development are limited and localised.



10.76 In addition, whilst it is accepted that the proposal does not comply with the development plan as a whole due to the conflict with the open countryside / settlement boundary policies, there are some important points to note from the development plan in relation to this proposal, in a situation where the Council cannot demonstrate a five-year supply. The Local Plan policies themselves are very clear on the requirement to maintain a five-year housing land supply. Policy SS3 states:

“Provision will be made for at least 6080 additional dwellings (net of demolitions) to be completed in Staffordshire Moorlands during the period 2014 to 2033 - an annual average of 320 homes per year. Sufficient deliverable land will be identified to provide at least 5 years of development at all times.

The Council will monitor the annual development rate and manage supply to ensure that future provision will continue to adequately meet identified needs and reflect development potential.” (my emphasis)

10.77 Policy SS4 states:

“The release of land for housing and employment across the District will be managed in order to deliver the level and distribution of development set out above. The adequacy of supply (in terms of five year supply of housing and in meeting planned housing delivery targets over the full plan period) will be assessed and monitored through reviews of the Strategic Housing and Economic Land Availability Assessment (SHELAA) and progress will be reported in the Annual Monitoring Report. The Council will closely monitor allocations, residential windfall sites and affordable housing to ensure that they are meeting expected delivery levels. The Council will review the Local Plan to assess whether it needs updating to bring forward additional sites for development no later than 5 years from its adoption.” (my emphasis)

10.78 Furthermore, Cheadle is identified in the top tier of the settlement hierarchy in Policy SS2. Policy SS2 states that the spatial strategy seeks to focus future growth in these settlements and to strengthen their role as service centres. The proposed development, which seeks to contribute to addressing the identified shortfall in Cheadle, is entirely consistent with this key element of the spatial strategy.

10.79 Therefore, whilst the policies seek to restrict development of open countryside, they are also unequivocal on the need to maintain a five-year supply, and for development to be focused on the three main settlements, including Cheadle. It would be illogical to give significant weight to the conflict with the spatial strategy when the proposal strongly accords with key elements of it, given the need to address the housing land supply shortfall.

10.80 Taking the above considerations into account, the identified conflict with the development plan should be given limited weight in the overall planning balance.



Landscape character

- 10.81 In relation to the impact upon landscape character, I rely upon the evidence of Mr Jackson. He concludes that the proposed development addresses and responds positively to the relevant policy context and any effects upon landscape character and features or visual amenity are at most moderate, localised and not unacceptable in these terms. He also concludes that the proposal complies with Policy DC3 of the Local Plan.
- 10.82 As Mr Jackson notes in his evidence, in circumstances where greenfield sites are required for new homes it is inevitable that some degree of adverse effect and harm will arise in landscape and visual terms. Mr Jackson concludes that, in this instance, the site does have the capacity and is capable of assimilating new residential development, whilst mitigating and minimising the degree of harm to an acceptable level.
- 10.83 Therefore, the landscape and visual effects of the proposed development are not significant and should be afforded limited weight, particularly in the context of the need to release land outside of the existing settlement boundaries to address the housing land supply shortfall.

Designated heritage assets

- 10.84 In relation to the impacts of the proposal upon the historic environment, I rely upon the evidence of Ms Stoten. She concludes that the appeal scheme would result in very minor at the lowermost end of the less than substantial harm spectrum to the heritage significance of Grade II Listed Broad Haye Farmhouse through change to its setting.
- 10.85 In accordance with paragraphs 212 and 213 of the Framework, great weight should be given to the asset's conservation, and in accordance with paragraph 215 of the Framework the identified harm to the to the significance of the designated heritage asset must be weighed against the public benefits of the scheme. The Council has confirmed in its Statement of Case that the test is met, and the public benefits of the proposal outweigh the harm to the heritage asset (even on a slightly higher level of harm as alleged by the LPA). The harm must still also be weighed in the overall planning balance, albeit firmly in the context of the LPA accepting that the paragraph 215 test is passed (and as such, the proposal also complies with Local Plan Policy DC2).
- 10.86 Contrary to reason for refusal 3, there would be no harm to the setting of the Grade I listed St Giles Church. This does not attract any negative weight in the planning balance.



Footnote 9 considerations

10.87 Paragraph 11(d) of the revised Framework requires particular regard to be had to key policies in the Framework for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 9 clarifies that the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12. Addressing these matters in turn:

- **Affordable housing (paragraph 66):** The proposal would provide for the LPA's requested mix of affordable housing.
- **Sequential test (paragraph 91):** This is not applicable to the proposed development.
- **Accessibility (paragraphs 84, 110 and 115):** The proposal does not comprise isolated homes in the countryside for the purpose of paragraph 84 of the Framework. As addressed in the evidence of Mr Wooliscroft (see Section 5 of his evidence), and as accepted by the LHA in its consultation response and the LPA in the officer's committee report, the site comprises an accessible location. It is adjacent to an existing allocation in the development plan (with comparable walking and cycling distances to local services). Mr Wooliscroft's evidence demonstrates that the proposal is entirely consistent with paragraphs 110 and 115 of the Framework.
- **Making effective use of land (paragraph 129):** The proposal is made in outline only. However, the proposed parameters and illustrative material demonstrate that a well designed scheme can be delivered which makes effective and efficient use of land, having regard to the sites location, its characteristics and the wider area. The proposal is consistent with paragraph 129 of the Framework.
- **Design (paragraphs 135 & 139):** Again, the proposal is made in outline only. The proposed parameters, Design and Access Statement and illustrative material demonstrate that an acceptable design can be achieved at the reserved matters stage, and this was accepted by the LPA in the officer's committee report. The LPA would retain control over the eventual design through the reserved matters.

Other matters

10.88 I have addressed various other matters raised by third parties in Section 9 of this Proof of Evidence, including residential amenity, flood risk and local infrastructure capacity. Subject to mitigation and the application of conditions where necessary, there would be no unacceptable negative impacts of the proposed development, and therefore these matters do not attract any weight (positive or negative) in the planning balance.



Planning balance: conclusion

10.89 Taking all of the above into account, I do not consider that the adverse impacts would significantly and demonstrably outweigh the very substantial benefits of the appeal proposal. The Council's case officer came to the same conclusion in recommending the application for approval. Therefore, in accordance with paragraph 11(d) of the Framework, I consider that the appeal should be allowed. I summarise the planning balance in Section 11 below.



11. Summary and conclusions

11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires planning applications to be considered in accordance with the plan unless material considerations indicate otherwise. The Framework is an important material consideration.

11.2 The proposals are contrary to Policies H1, SS2 and SS10 of the Local Plan, due to the site being located outside of the development boundary for Cheadle and within the open countryside. However, having regard to paragraph 11(d) of the Framework, the tilted balance is engaged by virtue of the inability of the council to demonstrate a five-year supply of housing land. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3 In summary, the benefits of the development are as follows:

- The delivery of much needed new housing in a sustainable location, in an authority which has significantly under-delivered on housing requirement, and where now a significant shortfall in five-year housing land supply exists. I attach **substantial positive weight** to this benefit.
- Delivery of 33% affordable housing to meet acute levels of unmet need. I attach **substantial positive weight** to this benefit.
- Delivery of self-build plots. I attach **substantial positive weight** to this benefit.
- The provision of housing for older persons and persons with disabilities. I attach **significant positive weight** to this benefit.
- Economic benefits in the form of direct and indirect employment opportunities during construction and throughout the lifetime of the development through increased household spending in the local area. I attach **significant positive weight** to this benefit.
- Delivery of a measurable 10% biodiversity net gain, in excess of the policy requirement. I attach **significant positive weight** to this benefit.
- A range of off-site pedestrian infrastructure improvements which would enhance pedestrian accessibility and safety for all existing and proposed users within Cheadle. I attach **significant positive weight** to this benefit.
- The provision of open space and green infrastructure on site which can be used by both new and existing residents. I attach **moderate positive weight** to this benefit.

11.4 Furthermore, whilst the site is not allocated for development, the Local Plan is clear on the need to maintain a five-year supply, and for development to be focused on the three main towns in Staffordshire Moorlands, including Cheadle. Approximately half of Cheadle is constrained by the Green Belt, and a



further large proportion is identified as making an important contribution to the town's setting (see Appendix 2 of Mr Jackson's evidence). Therefore, a site on the edge of Cheadle, outside of the Green Belt and adjacent to an existing allocation that is delivering, is a logical location to meet the identified housing land supply shortfall.

- 11.5 Turning to the adverse impacts, Ms Stoten concludes that the appeal scheme would result in very minor at the lowermost end of the less than substantial harm spectrum to the heritage significance of Grade II Listed Broad Haye Farmhouse through change to its setting. Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that when making any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Framework requires that great weight should be given to the asset's conservation, and in that context I attach **great weight** to the identified harm, notwithstanding that the harm is at the lowermost end of the spectrum.
- 11.6 However, it is important to note that the LPA accepts that the less than substantial harm identified in this case is outweighed by the public benefits of the proposed development, such that paragraph 215 of the Framework is satisfied (and therefore also Local Plan Policy DC2), despite the LPA attributing a higher level of harm to the significance of the heritage asset than Ms Stoten.
- 11.7 In terms of the conflict with the development plan policies that restrict the development of sites beyond the settlement boundaries, I consider that this should only be afforded **limited weight** given the shortfall in housing land supply and the inevitable need to bring forward sites beyond the existing settlement boundaries.
- 11.8 In relation to landscape character, there will also inevitably be a degree of harm associated with developing virtually any greenfield site on the edge of a settlement, such as is necessary to address the housing land supply shortfall. Mr Jackson concludes that the proposed development would not lead to a 'prominent intrusion' into the countryside, and would also not result in a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence. Mr Jackson considers that the proposals would result in only limited and localised adverse landscape and visual effects, and would not cause significant and demonstrable harm in landscape or visual terms. Mr Jackson also concludes that the proposal complies with Policy DC3 and the Framework in terms of its landscape and visual impacts. I therefore consider that the limited and localised landscape and visual effects should only be given **limited weight**.
- 11.9 Taking all of the above into account, I do not consider that the adverse impacts would significantly and demonstrably outweigh the very substantial benefits of the appeal proposal. The Council's case officer



came to the same conclusion in recommending the application for approval. Therefore, in accordance with paragraph 11(d) of the Framework, I consider that the appeal should be allowed.



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