

LAND EAST OF FROGHALL ROAD, CHEADLE
SUBMISSIONS ON BEHALF OF THE APPELLANT

1. This is an appeal against the refusal of permission in respect of an application for residential development on land East of Froghall Road, Cheadle (“the site”). All matters are reserved save for the proposed access to the site. The application material is based on a scheme for up to 215 dwellings¹. The scheme will deliver a mix of market housing and up to 71 much needed affordable homes to the benefit of the district.
2. The application for planning permission was refused on 15th April 2024, contrary to the recommendation of the Council’s own professional Officer.
3. The Council’s professional Officer was plainly right to conclude that planning permission should be granted. Indeed, on the 23rd of January, this matter was taken back to Members, and the Council determined that defence of this appeal is “*untenable*”². The Council has therefore formally confirmed that it does not contest the appeal and has withdrawn its substantive evidence in defence of the same³.
4. The position of the LPA is highly material, given that the LPA is the body with the statutory function of determining applications in the first instance.
5. Further, the LPA was plainly right to so concede. This is, very clearly, a scheme for sustainable development within the meaning of the NPPF. It will deliver much needed market and affordable housing in a district where there is an acute and critical need to do so.
6. As confirmed in the recently published NPPF⁴ and numerous announcements from the incoming government, the delivery of a sufficient and rolling supply of housing is a

¹ The application was proposed and consulted upon on this basis. However, prior to determination, the Case Officer requested that the description of development be amended to remove the upper limit to the quantum of development. This precise quantum of development will, in the normal way, be determined at the reserved matters stage. However, the Appellant’s position remains that the scheme could deliver up to 215 dwellings.

² Email to Inspectorate from Council’s Solicitor of 24th January 2025, at 11.12am – confirmed by post on Council’s website.

³ Save for that it maintains that it can demonstrate a 3.51 year housing land supply – see further below.

⁴ E.G. paragraph 61 and paragraph 78 NPPF

national priority. The WMS “Building the Homes We Need”⁵ recognises that the country faces,

“...the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drive high rents; and too many are left without access to a safe and secure home” (emphasis added).

7. The provision an adequate supply of good quality housing to meet the needs of residents of the district is also a priority of the Council’s development plan (e.g. Strategic Objective 4). However, notwithstanding the stated priorities of the development plan, the “acute” housing crisis at the national level is mirrored in this district, where, as recognised by an Inspector earlier this month, the Council’s housing needs are also “acute”⁶. It has never been more important that sustainable sites such as the appeal sites are permitted to come forward to meet those critical needs.
8. First, the Council cannot demonstrate a five – year land supply, contrary to the minimum requirements of national policy. The Council says that it can only demonstrate a 3.51-year supply of housing, with a shortfall of some 686 homes. However, the Council does not have the necessary evidence as to deliverability (required by Annex 2 NPPF) in relation to 7 of the sites relied upon or to justify its small sites windfall allowance, and when the requirements of the NPPF are properly applied, the Appellant’s evidence is that the supply reduces to just 2.7 years, and the shortfall is some 1,062 homes⁷. However, whether assessed on the basis of a 2.7-year (Appellant) or a 3.51 year (LPA) supply, the shortfall is substantial, and on either basis, the Council’s supply falls woefully short of the minimum requirements of national policy.
9. The failures in respect of supply and delivery are persistent in this Authority. The Local Plan Inspector recognised that, at the time of examination of the Plan, there had been persistent under delivery in the district⁸. Following adoption, the Plan has not addressed that persistent under delivery, as the Council has been unable, on its own analysis, to

⁵ CD6.4

⁶ Oakamoor Road, Appeal Ref: APP/B3438/W/24/3340461

⁷ HLS SCG page 8

⁸ See e.g. paragraph 180, page 33, Local Plan Report CD5.2

demonstrate a five – year land supply in each of the three monitoring periods since Plan adoption⁹.

10. In addition, as the Inspector recognised in the Oakamoor appeal, there is “*no realistic prospect of a plan – led solution to the housing supply problem*”¹⁰.

11. The housing supply problem arises in the district as a result of the failure of the district’s planned allocations to come forward as anticipated (including in Cheadle)¹¹. Indeed, although the Plan’s annual housing requirement is 320 homes per annum, delivery over the plan period has only equated to 182 homes per annum, and in the last decade, delivery has never surpassed 242 homes in any year¹². The position is now such that, even assuming all the sites in the Council’s claimed deliverable supply came forward within the next five years, some 2,738 dwellings would need to be delivered in the last five years of the plan period to meet the minimum adopted plan requirement. This is equivalent of an average of some 548 homes pa¹³. When compared against historic delivery (averaging 182 homes pa, and never surpassing 242 homes pa), it is clear that the Council is on track to fail to deliver its minimum Plan requirement at the end of the Plan period.

12. The Local Plan expressly requires the Council to monitor annual development rates and manage supply to ensure that future provision will continue to adequately meet identified needs, and to review its plan to assess whether it needs updating to bring forward additional sites for development “*no later than 5 years from its adoption*” (that is, no later than September 2025) (Policies SS3 and SS4). Indeed, Main Modifications to the Plan requiring the Council to ensure that housing land supply was closely monitored and action taken where necessary were expressly required by the Local Plan Inspector for effectiveness and soundness, in view of his concerns as to challenges in respect of supply and delivery¹⁴. Nevertheless, it is patently clear that, notwithstanding the requirements of its own adopted plan, and notwithstanding the acute issues demonstrated by the Council’s own monitoring, a new Plan is not coming to the rescue any time soon. To date, the

⁹ See Ben Pycroft paragraph 1.8

¹⁰ See paragraph 95.

¹¹ Evidence Ben Pycroft pages 25 - 27

¹² See table 4.1 BP, page 24, and paragraph 4.4 (completions for 2023/24)

¹³ See Ben Pycroft paragraph 4.9

¹⁴ See LP Inspector Report CD5.2 page 43, paragraph 180

Council has failed to commence a Plan review, and even on the Council's ambitious LDS, a new plan would not be adopted until at least summer 2028¹⁵.

13. Further, it is of note that one of the reasons why the Council's adopted housing figure was selected was to address the "*significant worsening of affordability*" in the years leading up to adoption, arising, in part, from under-delivery of new homes in the district¹⁶.

However, notwithstanding the priority the Council's Plan places on the delivery of affordable homes, the failure of the Council's Plan to deliver has continued to have the most significant consequences for those residents in the district that are in need of an affordable home.

14. The affordable housing need figures set out in the affordable housing SCG are stark, and the position is sobering. The agreed position demonstrates that there has been a need to deliver 224 – 432 affordable homes per annum since the start of the Plan period in 2014. However, there has been a year-on-year failure to deliver the homes required, and over the entire decade there have been only 327 net affordable home additions. As at March 2024, there were some 813 households on the Housing Register, and an average waiting time to be housed of between 444¹⁷ - 707 days. Affordable housing need is continuing to grow, and there is an acute and critical need for schemes such as the appeal scheme to come forward – otherwise the position will indeed remain bleak for the very many residents of the district that cannot afford to access a home. To put the scale of the benefit of affordable housing delivery in context here, the delivery of 71 homes on the appeal site would be equivalent to 22% of the total net figure that has been delivered in an entire decade in the district.

15. For all those reasons, the Oakamoor Road Inspector was right to conclude that,

"98 ...In the context of the shortfall in housing delivery, it is apparent that the numbers of completed and open market and affordable housing units have fallen significantly below the annual requirement year on year. The position is now acute, with local people unable to access the homes they need..." (emphasis added).

¹⁵ See John Coxon paragraph 4.16

¹⁶ See paragraph 35 Inspector's Report, page 9, CD5.2

¹⁷ For a 1 bed home

For the same reasons, the Council’s own professional Officer, in recommending that permission should be granted for the appeal scheme, was plainly right to conclude that, even on the Council’s assessment of housing land supply, “*substantial weight*” should be attributed to the provision of market and affordable housing¹⁸.

16. Up to 10 of the dwellings will come forward as self-build and custom homes. Here too, there is an identified need for additional provision, with the evidence demonstrating that the Council has failed in its statutory duty to grant sufficient permissions to meet the demand for self-build and custom housebuilding in its area¹⁹ in every base period since 2016, with other market signals demonstrating that this is likely to be a conservative position²⁰. By 30th October 2025, the Council needs to grant sufficient permissions for 75 plots, or it will fail in its statutory duty for the seventh consecutive year. The appeal proposals would address up to 91% of the need that arose in the last base period²¹, as well as 91% of local need arising in Cheadle specifically²². The library of appeal decisions referred to in the Appellant’s evidence demonstrates that this is a further benefit of the scheme to which substantial weight should be attributed.
17. Further, the proposed development will exceed policy requirements, with up to 50% of the proposed dwellings meeting Part M4 (2) standards for accessible and adaptable homes. Six 2 and 3 – bed bungalows will be provided as M4 (3) wheelchair adaptable homes. All homes will meet Nationally Described Space Standards. The proposed development will make a valuable contribution to meeting the needs of an ageing population and households in need of an accessible and adaptable home. This is a further significant benefit of the scheme²³.
18. The appeal site is located on the edge of Cheadle, adjacent to one of the strategic allocations in the Plan. Cheadle is a market town, one of the largest settlements in the district, a service centre for the local population, and is a focus for growth within the

¹⁸ See OR paragraph 8.4 at CD4.2

¹⁹ In accordance with s2A (2) Self – Build and Custom Build Housing Act (as amended)

²⁰ See statement of Mr. Moger, adopted and presented by Mr. Jones, at appendix 1 of John Coxon

²¹ Evidenced against the number of entries to the Self – Build Register, in accordance with the scheme of legislation (s.2A (6) (a)).

²² The Officer’s Report to Committee identified a need in Cheadle for 11 plots.

²³ John Coxon paras 10.3 6 – 10.41: Note Policy H1 (3) (d) does not set any specific % requirements for accessible and adaptable homes, and the Council’s viability evidence at the LP stage was based on 20% provision M 4 (2) homes. No provision was made for M4 (3) homes.

Council's spatial strategy²⁴. It has a wide range of services and facilities, which are agreed to be within walking distance of the appeal site²⁵. There are good public transport connections to the site, and the S106 obligation will contribute towards a beneficial package of sustainable transport enhancements, which will be further benefits of the scheme. Whilst the appeal site is located outside the settlement boundary, once delivered, the scheme will clearly function as part of Cheadle in the same way as the strategic allocation next door, with services and facilities being located at a similar distance from the site²⁶.

19. Directing growth to Cheadle is consistent with the Council's strategy for growth, its aspirations to boost housing land supply and affordable housing, and the settlement hierarchy. Cheadle is identified as a service centre and a key focus for growth in the development plan, both in respect of the contribution it should make to the district's housing requirement, but also because as a town it has suffered from underinvestment and a lack of housing opportunity. The Local Plan therefore identifies it "*as an area for significant growth in order to expand its role as a service centre and market town*"²⁷.
20. However, as against allocations for some 1,026 homes in Cheadle, only 94 homes have been delivered, and the Council's own housing monitor demonstrates that 4 of the 7 allocated sites will not begin to deliver at all in the next five-year period. It is therefore clear that the quantum of development required to be delivered in Cheadle will not now be achieved in the Plan period²⁸. Other opportunities to deliver growth at Cheadle are likely to be limited. As already noted, the settlement boundaries are tightly drawn. Further, as we will return to below, land to the west, north and south of Cheadle is significantly constrained by green belt, and land to the south and southwest is identified by the relevant character area assessment as being important to the landscape setting of the settlement²⁹. The appeal site offers a comparatively rare opportunity to deliver housing to Cheadle, and to assist in the delivery of the objectives of the spatial strategy.
21. As well as making a vital contribution to the meeting the Council's district wide housing needs by directing growth to a sustainable location and a settlement that sits right at the

²⁴ See 6.12, 6.51 – 5 and Policy SS7 LP

²⁵ SCG13.1 Planning SCG paragraph 6.6

²⁶ Evidence Mr. Wooliscroft

²⁷ See Policy SS7 and paragraph 6.51 – 55 reasoned explanation

²⁸ JC table at page 42

²⁹ Appendix B Tim Jackson

top of the settlement hierarchy, the development will also assist in delivering much needed economic growth to Cheadle, including additional local spend, in accordance with the objectives of the Plan. During occupation of the dwellings, there will be an increase in resident expenditure of approximately £6.1m pa, a significant proportion of which will be spent in local shops, services and amenities, along with significant additional job opportunities³⁰. These are economic benefits to which significant weight should be attached³¹.

22. In assessing this scheme, the Council's professional Officer recognised that the locational credentials of the site were benefits of the scheme³². The Oakamoor Road Inspector came to similar conclusions in that that scheme too directed growth to Cheadle³³.
23. In short, and understood in its proper context, the appeal scheme is exactly the type of scheme that the district needs, and that the Council should always have welcomed with open arms. It is a high quality, beneficial development that will deliver a package of benefits in accordance with the priorities of the development plan, not least much needed market and affordable housing, where there is an acute and critical need to deliver the same, and all of this adjacent to and with walking distance of a market town that sits at the top of the Council's settlement hierarchy, and which is expressly noted to be not only a sustainable location for growth in principle, but a location that requires significant growth to sustain it.
24. The appeal site is located outside the settlement boundaries, and it is accepted that there is a conflict with policies SS2, SS10 and H1, and the development plan as a whole, on this basis. However, the settlement boundaries were drawn tightly on the basis that there was sufficient land identified in the urban areas and allocations to meet the housing needs identified in the Plan and to maintain a five – year land supply. It is abundantly clear on any basis, for the reasons set out above, that additional land is required to meet the Council's housing needs going forward. The policies are out of date, as the Council cannot demonstrate a five – year housing land supply. Restricting development to land within the settlement boundaries and allocated sites constrains, and will continue to

³⁰ Some 242 direct jobs, 129 indirect jobs, and 172 induced jobs – see HBF calculator at JC appendix 2 and paragraph 10.50 Proof

³¹ J. Coxon Proof paragraph 10.54

³² 8.8 OR, CD4.2

³³ See paragraph 97 Oakamoor appeal

constrain, the Council's ability to make sufficient provision for housing, contrary to the requirements of the NPPF³⁴.

25. In these circumstances, the Oakamoor Inspector was right to conclude that,

*“95 The evidence before me indicates that the Council's housing supply situation is worsening, with no realistic prospect of a plan – led solution to the housing supply problem. In these circumstances policies relating to the spatial strategy and the delivery of housing cannot carry full weight. Sites such as the appeal site, whilst falling outside the plan – making process, are required to support the delivery of housing in the district. Whilst the proposed development is in conflict with Policies H1, SS2 and SS10, in these circumstances **this conflict is afforded only limited weight**”* (emphasis added).

26. The same conclusions self – evidently apply in the present appeal, for the reasons set out above.

27. There are no other matters that justify a refusal of planning permission in this case, as the Council's own professional Officer recognised, and Members now accept.

28. First, notwithstanding the Council's Reason for Refusal, the LPA conceded at the earliest stage that there will be no harm to the Grade I listed Church of St Giles. There never was any evidence to suggest otherwise, the LPA's advisor at the application stage being satisfied at the point of determination as to the Appellant's assessment in respect of this asset.

29. It is accepted that there will be some harm to the Grade II listed Broad Hayes Farm. However, the proposal will be significantly set back from the asset, and appropriately softened by a substantial landscape buffer; the bulk of the historical landholding, which lies to the south of the asset will remain; the primary outlook of the asset will be unaffected; views of the farmhouse will not be interrupted or obstructed; and a legible separation between the farmhouse and settlement will be retained. Therefore, whilst there will be some harm caused, arising in consequence through changes to its setting, this

³⁴ EG paragraphs 61 and 78 NPPF

harm will be very minor and right at the lowermost end of the less than substantial spectrum³⁵.

30. Notwithstanding the considerable importance and weight that should be attributed to any harm to a heritage asset in the balance³⁶, the Council has always accepted that the public benefits of the provision of housing alone are sufficient to outweigh the less than substantial harm caused, and that the proposal complies with NPPF212 and 215 on this basis. It also follows that the proposal would be in accordance with Policy DC2 of the Local Plan, read as a whole. This is because paragraphs 1 and 2 of that policy reiterate the tests in the NPPF, with paragraph 2 expressly deferring to the tests set out in the NPPF to determine whether a proposal is acceptable. It is of note that both the Case Officer and the Planning SCG accept that the proposal accords with Policy DC2 as a whole³⁷.
31. Further, the Oakamoor Inspector took the same approach to policy DC2 and reached similar conclusions, concluding that minor less than substantial harm to a listed building in that case was outweighed by the benefits of the provision of additional housing, and therefore that the proposal was in accordance with policy DC2 as a whole (see paragraph 101). It is of note that, in that case: (a) the harm was minor within the less than substantial bracket (that is, a higher level of harm than assessed by Ms. Stoten here); (b) to a Grade II* listed asset – and the NPPF recognises that the more important the asset, the greater the weight attributed to its conservation should be; and (c) the number of houses to be delivered was far less than is the case in this proposal (up to 48 dwellings were proposed, compare to up to 215 here). Yet the Oakamoor Inspector found that the benefits of the provision of housing alone were sufficient to outweigh the harm caused.
32. A scheme that complies, in heritage terms, with both the development plan and national policy is plainly not a scheme that should be refused on heritage grounds.
33. As set out above, this is a district that is heavily constrained by greenbelt and environmental designations, including around Cheadle – see Appendix B Tim Jackson. It is therefore critical that appropriate sites that are unconstrained are permitted to come forward otherwise the Council’s development needs will not be met.

³⁵ Evidence Gail Stoten

³⁶ Reflecting the statutory presumption in S66 LBCAA

³⁷ See FN2 Planning SCG.

34. The scheme is proposed on a greenfield site. It is therefore inevitable that there will be some landscape and visual effects – the same would be true of any greenfield development, and the Council needs greenfield development to meet its housing needs going forward.
35. However, this is not a particularly sensitive landscape. There are no national or local designations that encompass the site, and it is a matter of agreement that the landscape is not a valued landscape within the meaning of the NPPF that should be protected for its own sake³⁸. The site falls within a character area that has been identified by the relevant Character Area Assessment as one which “*is not identified as an area that is particularly sensitive to change*”³⁹. The Character Area Assessment also considered Cheadle and its surroundings specifically. The site was not identified as part of the area of important landscape setting for Cheadle; it was not identified to form part of the identified areas of important remnant historic landscapes identified around Cheadle; and the site is not visible from the “*significant view*” identified for Cheadle⁴⁰. The Appellant’s Mr. Jackson’s value assessment, undertaken in accordance with the Landscape Institute’s Technical Guidance Note⁴¹ also demonstrates that the appeal site is located within a relatively common place landscape of no more than medium value. As set out above, given the large swathe of Green Belt that is located to the west of Cheadle, the site has the further unusual advantage of being particularly unconstrained⁴².
36. The NPPF requires development proposals to “recognise” the character and beauty of the countryside⁴³. However, as confirmed in the *Telford* case⁴⁴, this is distinct from the requirement of now defunct national policy that required the protection of the countryside for its own sake. A finding of harm will not necessarily bring a proposal into conflict with the NPPF in this respect, and what is required is a substantive assessment as to the acceptability of the scheme. This is reflected in the Council’s policy DC3, which considers whether a scheme is acceptable by assessment against 5 criteria. In the present case:

³⁸ 187 (a) NPPF

³⁹ See LSCASM (2008) CD9.4

⁴⁰ See Appendix B of Mr. Jackson, which shows the identified constraints

⁴¹ See page 9 – 13 Proof Tim Jackson

⁴² Appendix B

⁴³ NPPF187 (b). As above, the site does not fall in a valued landscape warranting “protection” in accordance with NPPF187 (a).

⁴⁴ [2016] EWHC 3073 (admin), para. 47: CD12.43

- (1) The proposal would not affect any important view identified in the Landscape and Settlement Character evidence. Accordingly, there is no conflict with this part of DC3 (1).
- (2) There will not be a “*significant adverse impact on the character or setting of the settlement*”.

As the Inspector found in the Oakamoor decision, moderate adverse impacts on local landscape and visual character, within a visual envelope that is relatively localised, are not effects that can be described as “*significant*”, and therefore do not bring the proposal into conflict with policy DC3 of the Plan⁴⁵.

In the present case, the Appellant’s evidence demonstrates that even at the scale of the site and its immediate context, there will be no more than moderate/minor landscape effects at Year15. These localised and moderate landscape effects are not “*significant*” effects.

Visual effects on public receptors will also be localised, confined to the roads and PROWs in proximity to the site, and a short stretch of right of way (Cheadle 38/39 – VP9/10). At the application stage, the Council’s advisor accepted the Appellant’s assessment that, upon the maturation of the landscaping scheme, there would be no more than moderate/minor effects for all public viewpoints, save for in respect of VP9 and 10, where his assessment was half a notch higher than the Appellant’s, and still (on the Council’s advisor’s assessment) did not exceed moderate⁴⁶. Again, these moderate visual effects are not “*significant*” effects, and so there is no conflict with this part of DC3 (1).

- (3) The proposal will not result in a “*prominent intrusion*” into the countryside and will not therefore conflict with this part of Policy DC3 (1).

⁴⁵ Paragraph 59 – 60 Oakamoor, noting that in that case some higher-level visual effects were also identified – see paragraph 54.

⁴⁶ Moderate (Council landscape officer) vs Moderate/Minor (Appellant): Y15. Whilst some higher level effects were recorded for residential receptors, it is common ground with the Council that there would be no harm to residential amenity, and this has never been a reason for refusal for the scheme.

As set out above, the visual envelope is relatively contained and further, the majority of effects on public viewpoints at Y15 were agreed with the Council’s landscape advisor at the application stage to be minor or below⁴⁷. He also agreed that even immediately adjacent to the site, effects at Y15 would not exceed minor/moderate⁴⁸. Whilst his judgment that there would be a slightly higher level of effect on Cheadle 38/39, even this would no higher than moderate at Y15 (and half a notch higher than the Appellant’s assessment of moderate/minor).

These are, in truth, on any analysis, remarkably limited visual effects – both in their extent and scale – for a scheme of this type. The level of assessed visual effects reflects the fact that the appeal scheme will sit alongside existing residential development on its southern and western edges, and where visible will be seen alongside and in the context of this and other existing residential development, including the Cheadle North Strategic Development site. Whilst the appeal scheme will extend the settlement edge slightly further to the north, it will remain closely associated with and well related to that existing adjoining development. An enhanced landscape structure, and a good proportion of open space and habitats will ensure that a sense of separation is maintained with Broad Hayes Farm, and that the development proposal will deliver an enhanced settlement edge to Cheadle in this location. The scheme will not lead to a “prominent intrusion” into the countryside, and there will be no conflict with this part of Policy DC3 (1).

- (4) The scheme respects local landscape character and there will be no harm “*to the setting of the settlement as identified in the Landscape and Settlement Character evidence*” – as set out above, the appeal site is not identified as part of the important landscape setting to the settlement and there is therefore no conflict with DC3 (2).
- (5) The scheme will preserve and enhance biodiversity. There was no objection from the Council’s officers in this respect, no reason for refusal on the basis of biodiversity matters, and the scheme can in fact deliver 10% BNG, in excess of the policy and

⁴⁷ VP3 (Cheadle 40) – minor: VP06 and 07 (Cheadle 31) – minor/negligible: VP08 (Cheadle 39) – minor: VP 05 (Froghall Rd) – minor: VP11 (Bank Top Rd) – negligible: Rd users on Leek Rd – minor/negligible.

⁴⁸ VP2 (Cheadle 40) – moderate/ minor: Road users Froghall Rd (VP04 and 04A) – moderate/minor.

legal requirements for the scheme⁴⁹. Not only is there no policy conflict, but this is a further significant positive benefit in favour of the scheme⁵⁰.

(6) The requirements of DC3 (4) can be secured at the reserved matters stage, and the proposal will not affect the setting of the national park so there is no conflict with policy DC 3 (5).

37. In short, this is a scheme that recognises the character and appearance of the countryside in accordance with the requirements of the NPPF, and which can be integrated into the local context without undue harm to the character of the local landscape or visual amenity of the surrounding PROW network, and is in accordance with Policy DC3 read as a whole. Any harm occasioned is towards the bottom of the scale and does not justify a reason for refusal applying local and national policy, as the LPA now itself accepts through its recognition that defence of the appeal would be “*untenable*”.

38. There are no other outstanding objections from the LPA. The suite of documentation presented on behalf of the Appellant at the application stage demonstrates that all technical matters that are of concern to third parties have been carefully considered and resolved, including in relation to infrastructure capacity, air quality, contaminated land, flood risk and drainage, and residential amenity. These are dealt with in section 9 of Mr. Coxon’s proof of evidence. There are no objections from any other statutory consultee. This includes the Highway Authority. It is well established that the decision maker should give the views of statutory consultees “*great*” or “*considerable*” weight, and that a departure from those views requires “*cogent and compelling reasons*”⁵¹. Here, there is none. Mr. Wooliscroft’s evidence demonstrates that there would be no unacceptable impact on highway safety, and that the residual cumulative impacts on the highway network would not be severe (in accordance with NPPF116).

39. Drawing all this together, it is clear that permission should be granted in this case. The scheme will deliver up to 215 homes, including up to 71 affordable homes, in circumstances where there is an acute, critical and urgent need to deliver the same. The

⁴⁹ See suggested condition

⁵⁰ 10.56 John Coxon

⁵¹ See *Shadwell Estates v Breckland and Pigeon (Thetford) Ltd* [2013] EWHC 12 (Admin) para 72 (CD 12.39); *Visao Ltd v SSCHLG and Chiltern* [2019] EWHC 2276 (Admin) para 65 (CD 12.41); *R (on the application of Swainsthorpe PC) v Norfolk CC and S Norfolk DC* [2021] EWHC 1014 (Admin) para 70 (CD12.40).

site is in a sustainable location, adjacent to a market town and strategic allocation that sits at the top of the settlement hierarchy, that is expressly earmarked as suitable for growth, and indeed requiring of growth, in the Council’s development Plan, but which has failed to deliver the homes required. The site is outside the settlement boundaries, but, in the words of the Oakamoor Inspector, such sites are now “*required*” to meet the “*acute*” housing needs of the Authority. As in the Oakamoor appeal, the heritage impacts also fall towards the bottom of the scale, are outweighed by the public benefits, and accord with the NPPF and policy DC2 of the Plan. As in the Oakamoor appeal the landscape and visual effects of the scheme will be highly localised and will be no more than moderate and not significant. The proposed development will be successfully integrated into its receiving environment by a high-quality landscape led scheme, and will be in accordance with the NPPF and Policy DC3 of the Local Plan.

40. The professional Officer was right to recommend approval, and Members were right to conclude, albeit belatedly, that it would be “*untenable*” to contest the appeal. The tilted balance applies in this case and it is clear that the adverse impacts of the scheme do not come close to significantly and demonstrably outweighing the benefits of the scheme, when assessed against the policies of the NPPF as a whole. This is a sustainable scheme within the terms of the NPPF, and it will be respectfully requested that permission is granted accordingly.

28th January 2024

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