



**STATEMENT OF THE LOCAL PLANNING AUTHORITY
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**Appeal by Gladmans Developments Ltd against the non-determination of
an application for outline planning permission for the construction of up to
150 dwellings at land south of Eccleshall Road, Loggerheads (Application
No. 24/00162/OUT)**

Planning Inspectorate Reference – APP/P3420/W/24/3354312
Local Planning Authority Reference – 24/00162/OUT

1.0 INTRODUCTION

1.1 This Statement of Case (“SoC”) relates to an appeal lodged by Gladmans Developments Limited (“the Appellants”) to the Planning Inspectorate (“PINS”) with a start date of 5th November 2024, under reference APP/P3420/W/24/3354312. The SoC sets out the case for Newcastle-under-Lyme Borough Council (“NBC” or “The Council”) in respect of the appeal.

1.2 The description of development is as follows:

“Outline planning application for the erection of up to 150 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.”

1.3 At a meeting of the Council’s Planning Committee on 3rd December 2024, it was resolved that had the Borough Council been able to determine the application, outline planning permission would have been refused for the following reasons:

1. The proposed development would have an adverse impact on the character and appearance of the open countryside and the rural setting and character of this part of Eccleshall Road. The development is therefore contrary to Policies CSP1 and CSP4 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy (2006-2026), Policies N17 and N21 of the Newcastle-under-Lyme Local Plan (2011), Policy LNPP1 of the Loggerheads Neighbourhood Plan and the aims and objectives of the National Planning Policy Framework (2023).
2. The proposed development would result in the loss of best and most versatile agricultural land contrary to the National Planning Policy Framework (2023).
3. Insufficient information has been provided to enable a full assessment of the impact of the development on dormice and bats and therefore, it cannot be concluded that the development would be acceptable in terms of its impact on protected species and their habitats. The development is therefore contrary to

Policy CSP4 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy (2006-2026), Policies N3 and N4 of the Newcastle-under-Lyme Local Plan (2011) and the aims and objectives of the National Planning Policy Framework (2023).

4. The adverse impacts of the development, namely the harm to the character and appearance of the countryside, the loss of best and most versatile agricultural land and the lack of sufficient information to demonstrate that there would be no adverse impact on protected species, significantly and demonstrably outweigh the benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2021).
- 1.4 This SoC provides a description of the site, its surroundings and the proposed development, relevant planning history, national and local planning policy context and relevant guidance, and the Council's case with regard to the putative reasons for refusal.
- 1.5 The Council will seek to agree details where possible within the Statements of Common Ground ("SoCG") prepared by the Council and the Appellant.
- 1.6 This SoC is prepared by the Council in accordance with the Inquiries Procedure Rules (SI 2000/1625) and having regard to the Inspectorate's 'Procedural guide: Planning appeals – England' (updated 13 June 2023) ("the Procedural Guide"), in particular section 11 Inquiries. It provides a succinct statement of the case that the Council will present at the Public Inquiry.

2.0 THE APPEAL SITE & PROPOSALS

- 2.1 The site ("the Site") comprises 9.11 hectares of agricultural land and is situated on the southern side of Eccleshall Road, outside the village envelope of Loggerheads, which is located to the east, and within the open countryside. It contains two medium-sized, regular shaped fields bounded by native hedgerows

to the north, east and west and riparian woodland following the course of Tadgedale Brook to the south. This area of stream side vegetation forms the Leighton Drumble Local Wildlife Site (LWS).

2.2 To the north of Eccleshall Road is the former Tadgedale Quarry site, which has an extant planning permission for the construction of 128 dwellings and is currently under construction and known as 'Shropshire Heights'.

2.3 The highest point of the site is the north-east corner where the land adjoins the current edge of Loggerheads. The topography then slopes down from the north side that is adjacent to Eccleshall Road to the lower south side next to Tadgedale Brook.

2.4 Within its 9.11ha of area, approximately 1.24ha of the site is Grade 2 'Very Good' quality agricultural land, 5.17ha is of Subgrade 3a, 'Good' quality agricultural land and 1.51ha is of Grade 3b 'Moderate' quality agricultural land.

2.5 The Appellant seeks outline planning permission for the construction of up to 150 dwellings with all matters except for access reserved for subsequent approval. The proposed vehicular access would be via a single priority-controlled junction from Eccleshall Road. Pedestrian/cycle link access on to Eccleshall Road would be situated in the north-eastern corner of the site and 4.31ha of informal and formal open space is proposed including a Locally Equipped Area for Play.

3.0 RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history for the Site.

4.0 THE DEVELOPMENT PLAN

4.1 The Development Plan for the Borough consists of:

- Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (CSS) (adopted October 2009)
- Newcastle-under-Lyme Local Plan 2011 (LP) (adopted October 2003). The Secretary of State's Direction in respect of Saved Local Plan Policies is dated 28 September 2007
- The Loggerheads Neighbourhood Plan (made on 15 February 2019).

4.2 The following policies of the CSS were taken into account in the determination of the application:

Policy SP1: Spatial Principles of Targeted Regeneration

Policy SP3: Spatial Principles of Movement and Access

Policy ASP6: Rural Area Spatial Policy

Policy CSP1: Design Quality

Policy CSP3: Sustainability and Climate Change

Policy CSP4: Natural Assets

Policy CSP5: Open Space/Sport/Recreation

Policy CSP6: Affordable Housing

Policy CSP10: Planning Obligations

4.3 The LP policies which the Council considered in determining the planning application are as follows:

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures

Policy N4: Development and Nature Conservation – Use of Local Species

Policy N17: Landscape Character - General Considerations

Policy N21: Areas of Landscape Restoration

Policy T16: Development – General Parking Requirements

Policy C4: Open Space in New Housing Areas

Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

4.4 The NDP policies which the Council considered in determining the planning application were as follows:

Policy LNPG1: New Housing Growth

Policy LNPG2: Housing Mix

Policy LNPP1: Urban Design and Environment

Policy LNPP2: Local Character and Heritage

Policy LNPS1: Community Infrastructure

Policy LNPT1: Sustainable Transport

4.5 The Final Draft Local Plan (Regulation 19) has now finished its consultation period and the LPA are now considering the representations received before submitting the final draft plan. The Local Plan sets the vision and framework for how the Borough will grow up to 2040. The final draft Local Plan includes a number of draft allocations, including a different area of land adjacent to Loggerheads for residential development (LW53). However, the appeal site is not allocated. It is possible that the Local Plan will have been submitted to the Secretary of State before the Inquiry begins. Given that the Local Plan is not yet adopted and that there are objections to housing allocations within it, then the Plan should be afforded either limited or moderate weight in decision taking, depending on whether the Plan has been submitted by the time the appeal is determined (in line with paragraph 48 of the National Planning Policy Framework).

5.0 OTHER MATERIAL CONSIDERATIONS

5.1 Other material considerations will include:

- National Planning Policy Framework (2023)
- Planning Practice Guidance
- Developer Contributions SPD (September 2007)
- Affordable Housing SPD (2009)
- Space Around Dwellings SPG (July 2004)

- Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)
- Newcastle-under-Lyme Open Space Strategy – adopted March 2017
- Written Ministerial Statement of 30 July 2024

6.0 DETERMINATION OF THE PLANNING APPLICATION

- 6.1 This application was submitted and made valid on the 20 March, with the 13-week target date being 19 June. Officers worked proactively with the appellant seeking additional/amended information as requested by consultees and allowing further time for outstanding issues to be resolved. The appellant agreed to an extension of time for the determination of the application to 27th September.
- 6.2 On 26th September, Officers met with the appellant to discuss the then current position with the application. At that time Staffordshire Wildlife Trust maintained an objection to the application. A further meeting was held on 2nd October following a site visit by the case officer and the appellant was advised that it was likely that the application would be recommended for refusal. Despite indicating at the meeting their intention to work with Officers to resolve outstanding issues as far as possible before determination of the application, an appeal against the non-determination of the application was lodged on 23 October 2024.
- 6.3 On 6th November, the Council instructed Stuart Ryder of Ryder Landscape Consultants to provide advice on landscape and visual impact.
- 6.4 On 27th November, the Council's Planning Development Manager, Rachel Killeen, prepared a report to Committee.
- 6.5 At the meeting of the Council's Planning Committee on 3rd December 2024, it was resolved that had the Borough Council been able to determine the application, outline planning permission would have been refused. The Committee report and Committee minute are appended to this Statement of Case.

7.0 THE COUNCIL'S CASE

Planning Policy Context

- 7.1 The site comprises greenfield land that is located beyond the defined village envelope for Loggerheads.
- 7.2 The basket of policies from the development plan most important for determining this application are considered to be those concerning the delivery of housing development within Newcastle-Under-Lyme, and rural areas. They are LP Policy H1, CSS Policies SP1, SP3 and ASP6 and NDP Policy LNGP1.
- 7.3 Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.
- 7.4 Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.
- 7.5 CSS Policy SP3 seeks to maximise the accessibility of new residential development by walking, cycling and public transport.
- 7.6 CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, to meet identified local requirements, in particular, the need for affordable housing. Loggerheads is one of those key Rural Service Centres.

- 7.7 Policy LNPG1 of LNP states that new housing development will be supported within the village envelope of Loggerheads Village, as defined in the Neighbourhood Plan.
- 7.8 The proposal seeks to locate housing outside of the areas where housing development is to be directed by these policies and therefore is in conflict with the development plan.
- 7.9 CSS Policies SP1 and ASP6 and Local Plan Policy H1 are concerned with meeting housing requirements and the Council accepts that these policies do not reflect an up-to-date assessment of housing needs, and as such are out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based. The LNP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6 and is more than five years old. It is accepted therefore that the LNP does not comply with the relevant measures outlined within Paragraph 14 of the Framework.
- 7.10 Nevertheless, the Council is able to demonstrate a housing land supply of 5.26 years, following publication of its Annual 2023-28 Five Year Housing Land Supply Position Statement (“the HLS PS”). It furthermore is required to only demonstrate a housing land supply of 4 years, paragraph 226 of the NPPF applying because the emerging local plan has reached regulation 19 stage, and it includes a policy map and allocations to meet housing need. Therefore, the Council is currently able to demonstrate an appropriate supply of specific, deliverable housing sites.

That housing land supply position has been tested in an appeal inquiry that remains undetermined, concerning nearby land at Mucklestone Wood Lane. It is understood that the Appellant intends to instruct the same housing land supply witness as was instructed in that appeal.

- 7.11 The Council’s position is that HLS can be addressed in a topic specific SoCG, and any outstanding disagreement resolved by written representations. Notwithstanding this, if required to do so, the Council will call a HLS witness.

- 7.12 Notwithstanding its five year housing land supply position, it is considered that the test in paragraph 11(d) has to be applied to the appeal given the lack of up to date policies in relation to the provision of housing. Therefore, the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, is required.
- 7.13 The Council will not seek to resist this appeal based upon the principle of development but will set out that harm arising from reliance on the private car should be added into the planning balance.

Landscape Impact

- 7.14 The proposed development will result in the introduction of new built form into an area of currently undeveloped agricultural land on the edge of the village of Loggerheads.
- 7.15 The appeal site comprises an open, valley landscape. It is part of the rural gateway into the village and displays the intrinsic qualities of the countryside, contributing to a scenic landscape to the south of Eccleshall Road.
- 7.16 It contrasts with the Shropshire Heights development to the north which is set well back from the edge of Eccleshall Road and benefits from mature trees to its frontage. Shropshire Heights, given its planning history and narrow 'point' of contact with Loggerheads, currently appears more as an annex to the village than a development that is strongly joined to it.
- 7.17 The appellant at para. 4.3.2 of their Statement of Case, states that the appeal site is not subject to any statutory or non-statutory designations for landscape character or quality. The Council disagrees and will demonstrate that it is an area protected for character and quality.

- 7.18 The Council will demonstrate that the impacts of this development of 150 houses have been underestimated. The appeal scheme will harm this valley landscape generally, in views from publicly accessible locations from both sides. It is likely that considerable remodelling of the slope will be required to create platforms for the housing which will remove appreciation of the valley form.
- 7.19 Highway works will necessitate changes to Eccleshall Road, including hedgerow and tree removal for the creation of visibility splays and footway/cycleway access, and works to the carriageway, such as the proposed island for pedestrian crossing. Given the level changes, it is likely that the accesses will require considerable engineering.
- 7.20 The Council will call a landscape witness, who will give evidence that defines the sensitivity and degree of impact rural landscape character of the site and the surrounding area and that demonstrates that the proposed incursion of the proposed development into the open countryside will have an unacceptable adverse impact upon that character.

Ecology

- 7.21 The Appellant claims that new surveys will confirm the absence of dormice at the site and resolve outstanding questions around bat foraging habitat (statement of case, paragraph 4.5.2). The Council agree that ecology matters should be considered and addressed in a topic specific SoCG.
- 7.22 Regarding Biodiversity Net Gain (BNG), the Appellant has set out that there will be a shortfall in on-site BNG and that either an off-site solution or biodiversity units will be used to meet the legislative requirement for 10%.
- 7.23 No details have been provided of particular off-site mitigation, or the habitat bank to which an off-site contribution will be made. These details are needed so that the Council can ensure the suitability of the proposed solution. At present no weight can be given to these unspecified proposals. The proposals fall at present to be considered non compliant with 10% BNG requirements.

- 7.24 The Council agrees with the Appellant that ecology may be capable of resolution through a topic specific SoCG, and agreement upon conditions and planning obligations. If necessary, the Council will call an ecology witness.

Agricultural Land Quality

- 7.25 The development will result in a loss of approximately 7.9ha of Best and Most Versatile Agricultural Land (BMVAL) which equates to approximately 87% of the total site area. The Council will set out in evidence that planning policies and decisions are required to take account of the economic and other benefits of the best and most versatile agricultural land; and that the loss of BMVAL will conflict with paragraph 180 of the Framework.
- 7.26 The appeal site comprises just under 50% of the total land ownership. The appellant claims (in the Best and Most Versatile Agricultural Land Note dated June 2024) that the remaining land (the two fields to the west) will continue to be let out on an annual basis (para 1.4.1). The Council disagrees with that assertion and is exploring instructing an agricultural consultant to give evidence to the contrary. The Council will say that a smaller area inevitably reduces the size of herd that can graze upon the land and the size of the residual area is relatively small. It is doubtful that a tenant farmer would be interested in renting that area, especially given the topography, for a cattle herd. No evidence has been provided that the current tenant or any other individual would be prepared to take a tenancy of a much-reduced area.
- 7.27 The loss of BMVAL is harmful and must carry weight.

Planning Balance

- 7.28 With reference to paragraph 6.1.6 of the appellant's Statement of Case, the following points are accepted by the Council as benefits of the scheme:

- Up to 150 dwellings in a sustainable location making a meaningful housing contribution towards provision in the borough;
- 25% affordable housing on-site to address an identified affordable housing need;
- Biodiversity net gain habitat creation to provide ecological enhancement and net gains for biodiversity.

7.29 In their evidence the Council will explain the weight that it considers should be attributed to these benefits.

7.30 The Council will demonstrate that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal and therefore, that this is an unsustainable form of development. On this basis, the Inspector will be invited to dismiss the appeal.

8.0 DRAFT CONDITIONS

8.1 If the Inspector were minded to allow the appeal, a series of conditions would be required. The Council will seek to work with the Appellant to find common ground on a schedule of drafted conditions and will submit these to the Inspector.

Documents to which the Council may refer will include:

1. The report to Committee and the minute of the meeting
2. Newcastle under Lyme Local Plan to 2011
3. Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026
4. Loggerheads Neighbourhood Development Plan
5. National Planning Policy Framework (2023)
6. Planning Practice Guidance
7. Any other relevant reports, documents, statistics published by the Council before or during the appeal process
8. Relevant case law and appeal decisions

9. Relevant decisions of the Secretary of State which may arise during the appeal process
10. Relevant evidence base documents to inform the preparation of the emerging Local Plan
11. Annual Monitoring Reports
12. Any other relevant documentation or Government guidance that is published during the appeal process.