

Report to Planning Committee

3rd December 2024

Non-determination appeal in relation to 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)

PURPOSE

To advise Committee in relation to the recently received non-determination appeal and seek confirmation of the matters to form the Council's case in the appeal.

BACKGROUND

This application was submitted and made valid on the 20 March, with the 13-week target date being 19 June. Officers have worked proactively with the applicant seeking additional/amended information as requested by consultees and allowing further time for outstanding issues to be resolved. The applicant agreed to an extension of time for the determination of the application to 27 September. Due to some issues still remaining unresolved, Officers met with the applicant in October and advised that it was considered likely that the application would be recommended for refusal. Despite indicating at the meeting their intention to work with Officers to resolve as many of the outstanding issues as possible before determination of the application, an appeal against the non-determination of the application was lodged on 23 October 2024. A Public Inquiry is scheduled for February 2025.

There is a need for the Council to consider its position in response to the applicant's submission of a non-determination appeal and to set out what Members' consideration of the application would have been had they had an opportunity to determine the submission.

A detailed report has been appended for consideration.

On the basis of the merits of the case, it is considered that had a formal recommendation been made to the Planning Committee, it would have been one of refusal 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).

RECOMMENDATION

- A. That Members confirm that had the Borough Council been able to determine the application, outline planning permission would have been REFUSED for the above reasons.
- B. That delegated authority be given to the Service Director - Planning in consultation with the Chair of Planning Committee, to keep the third ground for refusal under review during the appeal process and to withdraw the ground if Staffordshire Wildlife Trust removes its objection.