



Appeal Decision

Hearing held on 13 and 14 November 2024

Site visit made on 12 and 14 November 2024

by A J Mageean BA (Hons), BPI, PhD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/B3438/W/24/3340461

Land at Oakamoor Road, Cheadle, Staffordshire, ST10 1SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Muller Property Group against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2022/0592, dated 17 November 2022 was refused by notice dated 6 November 2023
 - The development proposed is an application for outline planning permission for the erection of up to 48 no. dwellings.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 48 no. dwellings at Land at Oakamoor Road, Staffordshire, ST10 1SS in accordance with the terms of the application, Ref SMD/2022/0592, dated 17 November 2022, subject to the conditions set out in the attached schedule.

Applications for costs

2. Prior to the hearing, the appellant submitted an application for costs against Staffordshire Moorlands District Council. The Council submitted their response in writing during the hearing. The costs application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline form with all matters other than access reserved for subsequent approval.
4. The development description was changed by the Council after the submission of revised plans in which the housing numbers were reduced from 53 to 48 units, as set out in the decision notice. The application has been assessed on the basis of the revised proposal.
5. On 12 December 2024 a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevant policy changes. These comments have been taken into account in this decision. References to the Framework in this decision have also been updated as appropriate.

Main Issues

6. The main issues are:

- The effect of the proposal on the settings of heritage assets;
- The effect of the proposal on the landscape and visual character of the area; and
- Whether the proposals conflict with the provisions of the development plan and, if so, whether any conflict and harm arising would be outweighed by other material considerations.

Reasons

Heritage matters

Assessing heritage impacts

7. As a starting point, there was some debate between the appellant's heritage specialist, Ms Sather, and the heritage specialist representing interested parties, Ms Morris, about the correct approach to assessing the contribution of settings to the significance of heritage assets. This is of relevance as it impacts the level of significance thought to attach to the settings of the heritage assets assessed.
8. Whilst there is no single prescribed approach to undertaking such assessments, the Historic England *Good Practice Advice in Planning Note 3* (GPA3) sets out a stepped approach to the assessment of the settings of heritage assets which is widely recognised. Both specialists have followed this approach in reaching their conclusions.
9. Additionally, the appellant has assessed the effect of the proposals using a cultural heritage impact assessment (HIA) methodology based upon both the International Council on Monuments and Site (ICOMOS) *Guidance on Heritage Impact Assessments* and also the Institute for Environmental Management and Assessment (IEMA) guidance document *Principles of Cultural Heritage Impact Assessment in the UK*. This HIA method assesses the significance of the impact of the proposed works based on the value or sensitivity of the heritage asset and on the magnitude of the impact on that heritage asset. This was criticised by Ms Morris on the basis that it can be quite 'high level', with the suggestion that it is preferable to expand on this and provide clearer descriptors of impacts.
10. In this regard it is relevant to note that Historic England¹ further advises that '*technical analyses of this type should be seen primarily as material supporting a clearly expressed and non-technical narrative argument that sets out 'what matters and why' in terms of the heritage significance of the assets affected, together with the impact of the proposal upon them*'. It also sets out that, '*cases involving more significant assets, multiple assets, or changes considered likely to have a major effect on significance will require a more detailed approach to analysis*'.

¹ Statements of Heritage Significance: Analysing Significance in Heritage Assets Historic England Advice Note 12

11. In these regards, I note that the appeal decision referred to by Ms Morris² demonstrates the complications associated with adopting technical approaches to assessing impacts. As the present case does not involve multiple assets or major effects on significance, I have focused on the non-technical narrative arguments presented by the parties, with reference to the technical assessments to gain an appreciation of their respective positions.

Hales Hall

12. The Grade II* listed Hales Hall (the Hall), a small country house, is located to the northeast of the appeal site. It was built in 1712, taking its name from Sir Matthew Hale, Lord Chief Justice of England in the reign of Charles II, who built it for his granddaughter. It was built in the Queen Anne style, typical of that period. Its front elevation facing southwest retains typically ornate and decorative elements including stone quoins and plinth, large symmetrical sash windows, and a hipped tile roof set on a widely projecting moulded cornice with extravagant dentil course.
13. Whilst the Hall remains substantially in its original form, there has been internal remodelling and a number of 20th century interventions and additions, which detract from its architectural merit. However, I understand that it has retained much of its panelling and other detailing.
14. The dates associated with the development of the parkland around the Hall are less clear. Two lines of trees and a 'fishpond' appear on the Yates Map of 1775, suggesting that the parkland to the front of the Hall had been created by the late 18th Century. The fishpond subsequently became known as Hales Halls Pool (the Pool). An estate plan estimated to date from the late 18th Century suggests a raised platform in front of the Hall which would have provided the prospect of views over the lawns to the Pool, framed by yew trees. The estate plan also indicates a further pond area at the eastern end of the appeal site.
15. The Hall and wider estate have passed through a number of ownerships over the centuries. It was also left vacant for large periods of time, and portions of land sold off to settle various debts. Most recently the Hall and around 20 acres of surrounding land have been in use as a caravan and camping park. The former formal setting of the Hall remains partly evident today. Whilst a large number of the yew trees are present in lines extending to the Pool, this is patchy in places. Also, the presence of the area of naturalised vegetation to the east of the Pool, and the public car park, have eroded visual connections across the former estate.
16. The caravan and camping park present in the more formal garden areas closer to the Hall has eroded the relationship between the Hall and its historic setting, noting particularly the static caravans to the south of the Hall. Touring caravans occupy the area directly to the front of the Hall and are a distracting element, though their presence is not permanent. I understand that some of this use adjacent to Oakamoor Road to be unauthorised and under investigation. Therefore the extent of any harm to the immediate setting of the Hall is unclear.

² APP/H1705/W/22/332752

17. The significance of the Hall relates to its architectural interest, as a self-consciously designed classical building intended to be seen and appreciated as a work of architecture, with the Hall retaining many of its original features and representing a good example of the Queen Anne style of architecture from the 18th century.
18. The significance of the Hall and its setting also relate to its historic interest as an example of how the landed gentry exerted influence, with the construction of new country houses, with associated landscape improvements, in the 18th and 19th century. An appreciation of the setting of the Hall in terms of this wider estate has been eroded somewhat. Nonetheless, elements of the designed landscape and its rural context can be appreciated and therefore understood from some viewpoints, providing aesthetic and evidential value in support of the significance of this designated heritage asset.
19. The value of the Grade II* listing of the Hall is regarded variably by the parties, with the appellant and the Council referring to it as having a 'medium' level of significance overall, with reference to the ICOMOS HIA methodology. As set out in Appendix 5 of the appellant's Appeal Heritage Statement, this assessment is broadly based in relation to the built heritage category. This sets out that the 'very high' grading relates to sites of international importance; the 'high' grading refers to nationally designed structures with standing remains, and the 'medium' rating referring to designated buildings and historic (unlisted) buildings that can be shown to have exceptional qualities or historical associations. It appears that there is some ambiguity in the distinction between the high and medium grading.
20. In this context the fact that the Hall is listed Grade II*, with only 5.5% of the country's listed building stock falling into this category is of greater relevance. These buildings are described by Historic England as being '*particularly important buildings of more than special interest*'. The appellant refers to the detrimental changes to the building and its environs as undermining its significance. However, my view is that its qualities as a building of high status, reflected in both its elevated position and rich architectural detailing, have not been fully reflected in the appellant's assessment.
21. Turning to the significance of the appeal site to the setting of the Hall, the long northern boundary of the rectangular appeal site directly borders the southern yew avenue. It is suggested that views of the avenue of yew trees from Oakamoor Road, and therefore across the appeal site, would have been a design element, even if Hales Hall was not prominent from the Road. However, whilst a linear avenue of yew trees would have been a prominent feature, it is not clearly apparent that views of it from the Road would have been deliberately designed.
22. There is some intervisibility between the Hall and the Pool, particularly from the western end of the Pool, from where the upper levels of the Hall are framed by a mature landscape backdrop, with the Pool in the foreground. However, whilst the rising land of appeal site is seen in glimpsed views through the trees from this same position, there is no intervisibility between the appeal site and the Hall. In this regard the appeal site is not closely associated with the setting of the listed building.
23. Nonetheless, it is widely accepted that setting is not just about visual associations but can include historic relationships and other associations. In

this case the appeal site was owned by the Hall estate, and therefore had a functional relationship as part of the estate, until the 1965 auction. The degree to which the pond on the eastern side of the appeal site can be said to represent a remnant of the designed landscape is unclear. However, the appeal site does support an appreciation of the designed landscape associated with the Hall by being part of the green pastoral backdrop to the yew tree avenue.

Hales Hall Fish pond (the Pool)

24. The Pool is a deep elongated structure, contained by a dam at its western end. It is not scheduled, listed or locally listed, but is identified in the Staffordshire Historic Environment Record (HER). This notes the Pool as being post-medieval to Georgian, but having been in existence by at least the late 18th Century, and probably associated with a landscape park of Hales Hall. The evidence presented by Ms Morris suggests that such an elongated rectilinear pool, along with radiating avenues of trees, would have been the height of fashion in the early 18th Century, and that they did not exist after 1730. On this basis it is suggested that it was designed in conjunction with the Hall, though there is no clear evidence that this was the case.
25. It was also suggested by Ms Morris that the Pool is worthy of statutory protection, on the basis that it is rare enough and that it is comparable with other sites, both scheduled as ancient monuments and those protected as registered parks and gardens. Specifically, noting the detachment of the Pool from the Hall, it is suggested that footnote 75 of the Framework is relevant, in that this sets out that *'non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'*. In this regard the relevant Historic England³ guidance sets out that scheduling can *'be considered for any substantial or significant portion of garden earthworks or other archaeological remains which lie in parkland or farmland beyond the boundary of a current garden'*.
26. It is possible that these provisions may be relevant here. However, without more substantive evidence of its status and rarity, there is nothing before me to indicate with clarity that the Pool should be regarded as having any more than local value, equivalent to local listing.
27. In terms of its significance, the Pool has evidential and historic value as a designed water feature. It also has aesthetic value as an attractive and characterful site, readily accessible by its perimeter path which affords open views across the water, towards the Hall as well as glimpsed views of its rural hinterland. It is well framed by the mature yew trees which are reasonably regularly spaced along its northern and southern sides. Nonetheless, this setting has been altered in recent times, with the presence of the town readily apparent from the Bala Grove and Rudyard Way properties backing onto the Pool to the north and west.
28. Turning to the contribution of the appeal site to the significance of the pool, I have noted that the appeal site forms part of the rural green backdrop framing the Pool. It is seen in glimpsed views through the vegetation along the southern boundary of the Pool. The appeal site also provides a sense of

³ Register of Parks and Gardens Selection Guide: Rural Landscapes

natural containment for views to the south, as its land rises away from the Pool. However, the extent to which views of the Pool were designed to be seen across the appeal site from Oakamoor Road through the yew trees is questionable. Whilst there is an awareness of the yew trees from Oakamoor Road, the rising land of the appeal site and the lower level of the Pool do not suggest a strong connection here.

29. Summing up on the association of the appeal site with both heritage assets, it is fair to say that without the presence of the Pool the appeal site would fall outside the experience of the setting of the Hall. In this sense there is a significant degree of detachment from the listed building. However, in the context of the wider designed landscape, the appeal site supports an appreciation of the significance of both of these heritage assets in terms of their historic, aesthetic and evidential values.

Impact of the proposals

30. There was some discussion at the hearing about the assessment of development impacts in the context of this being an outline scheme with details of appearance, landscaping, layout and scale reserved for subsequent approval. The appellant provided a Parameters Plan setting out the developable area and also an Illustrative Masterplan. There are various site constraints, including the presence of mine shafts and the need to protect views of St Giles Church, as set out in the Design and Access Statement (DAS). Layout revisions have also been undertaken to accommodate the Council's concerns. It is therefore likely that the Illustrative Masterplan gives a reasonable indication of what could come forward on the site. The DAS does refer to the development comprising largely two storey dwellings, with taller buildings used strategically to aid the design. However, the appellant agreed to a condition to specify a maximum of two storey dwellings, should the scheme be acceptable in all other regards.
31. The proposed development of 48 dwellings would transform the general character of the appeal site, from an open pastoral field to predominantly residential use, with associated infrastructure and activity.
32. This development would be within the setting of the designed landscape of the Hall and the Pool. Starting with the effects on the Pool, noting that views through the mature vegetation to the rising land of the appeal site are present at various points along the Pool perimeter walk, built form here would be a visible presence which would erode the visual connection between the Pool and these currently rural vistas. This would be noticeable particularly during the winter months when foliage is less dense. Whilst such views may not in themselves be historically significant, they are part of the experience of the Pool, contributing to its aesthetic value.
33. This alteration to visual context would not go as far as removing the experience of the Pool from the wider landscape. However, built form along the long southern boundary of the Pool would undermine the current sense of the Pool being contained by the wider rural hinterland. More generally there would be a greater awareness of the spread of built form to the south of the Pool, tethering it more closely to suburban Cheadle. In these ways the development would cause moderate harm to the setting of this non-designated heritage asset by further eroding its value as a designed water feature.

34. I have noted the substantial degree of detachment of the appeal site from the Hall, both visually and in terms of association. However, as the development would result in some erosion of the relationship between the Hall's designed landscape setting and its rural backdrop, this would detract from the aesthetic value associated with the significance of the Hall's landscape setting. The resulting harm would be less than substantial and minor in magnitude.
35. I therefore find that the appeal proposals would conflict with Policy DC 2 of the Staffordshire Moorlands Local Plan (the Local Plan), which requires that heritage assets be conserved and enhanced in a manner appropriate to their significance, contributing positively to the character of the built and natural environment. Policy DC 2 also sets out that protection will be given to designated heritage assets and their settings and non-designated heritage assets as set out in the Framework.
36. Paragraph 202 of the Framework refers to heritage assets as an irreplaceable resource, which should be conserved in a manner appropriate to their significance. Paragraph 215 sets out that 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. Also, paragraph 216 advises that the effects of development on non-designated heritage assets should be taken into account, with a balanced judgement being required having regard to the scale of any harm or loss and the significance of the heritage asset.
37. The planning balance below will address the public benefits of the proposal and inform my overall conclusion against Policy DC 2 and the provisions of the Framework.

Landscape and visual

38. The landscape of the perimeter of Cheadle is generally agricultural with a mixture of arable and pastoral uses, as well as evidence of past industrial uses. Elements of the relevant National Landscape Character Area, NCA64 are evident, particularly in terms of its well wooded character, hedgerows and hedgerow trees, and historic parklands with woodland belts. It also reflects characteristics of the main local Landscape Character Type (LCT)⁴, Ancient Slope and Valley Farmlands, in terms of having small-scale, mainly ancient irregular fields bounded by trees and hedgerows, intimate wooded valleys and areas of parkland.
39. As a result, it is fair to say that the study area is well contained with views, even from elevated locations, quickly screened by the layering of vegetation, hedgerow and tree boundaries. Nonetheless, there are detracting elements, such as the settlement edge and the caravan park and associated features at Hales Hall.
40. During the hearing consideration was given to whether the area relating to the Pool, connected to the avenue of yew trees, could be considered a valued landscape, as set out in paragraph 187a) of the Framework. In this regard the fact that it is a local wildlife site, that it is well-visited by the public and that it is part of the landscape setting of Hales Hall are noted.

⁴ Landscape and Settlement Character Assessment, Staffordshire Moorlands District Council 2008.

41. Box 5.1 of GLVIA3⁵ identifies a range of factors that can help in identifying valued landscapes. These include aspects such as rarity, tranquillity, recreation value and conservation interest. With specific reference to the suggested rarity of the Pool as a landscape feature, I have noted that without more substantive evidence of its status it commands little more than local interest and significance.
42. In terms of the other factors, the qualities of the parkland landscape have been eroded by presence of the holiday and caravan park, and also the awareness of settlement edge close by. That said, I recognise the recreational value of the Pool, supported by the presence of the car park. However, overall, this area is not sufficiently distinctive or special to identify it as having the higher status of a 'valued landscape', in terms of the Framework paragraph 187 a). The appellants LVIA assessment of the landscape value of this area as being 'Moderate' appears soundly based.
43. The appeal site itself is a typical rectangular arable field with a pond and woodland area at its northeastern corner. This land rises steadily from the southwest to northeast, such that the eastern portion adjacent to the woodland/pond area is the most visually prominent. A development of 48 dwellings in this location would clearly change the character of this area and extend the settlement boundary. The appellant sets out that the visual impact of this change would be managed by the retention of the existing mature tree and scrub landscape boundaries to the north and south of the site. Also, the boundaries to the east and west would be reinforced, with further ecological enhancement to the northern boundary and in the northeastern portion of the site.
44. Table 1 of the appellant's Landscape and Visual Impact Assessment (LVIA) sets out a summary of both the landscape receptors and their sensitivity and also the landscape effects of the proposed development. During the hearing, the Council's representative agree that this was a reasonable summary. On the basis of the evidence before me, I have no reason to take a different view.
45. More specifically, the greatest level of impact would be to the Ancient Slope and Valley Farmlands LCT, assessed as slight-moderate adverse at year 1, diminishing to slight adverse by year 15. This assessment notes that the effect of the proposed development would be to extend the suburban character of Cheadle further northeast. In this sense it would erode the current separation between the town and the Hall and the architectural reclamation business opposite.
46. However, the remaining open field between the appeal site and the Hall would ensure that a gap was retained. Also, the retention of the pond and woodland area to the east of the appeal site, and the limited amount of tree and hedgerow loss, would ensure that mature landscape elements and boundaries would be maintained. This development would not therefore represent a significant change to the LCA overall, and the enhancement to perimeter landscaping proposed would assist with its assimilation.
47. Turning to visual effects, the Council's reasons for refusing the application refer to the effect of the development on the setting of Cheadle, making reference to the gateway along Oakamoor Road, including views of St Giles Church spire.

⁵ 3rd Edition Guidelines on Landscape and Visual Impact Assessment

- Specifically, Viewpoints 5 and 6 of the LVIA relate to views from the east of the appeal site, looking along Oakamoor Road towards Cheadle, in which the open field of the appeal site is seen with the town of Cheadle beyond. In Viewpoint 5 the Church spire appears prominent on the skyline in that it is framed by the roadside hedgerows.
48. The Figure 3 photograph in the Council's Statement appears to have been taken a little further east along Oakamoor Road when compared with Viewpoint 6. This view also illustrates the relationship the appeal site has with this approach to Cheadle, with the spire of St Giles in the distance appearing to be surrounded by open countryside. This contrasts with the view gained when travelling west towards Cheadle along Oakamoor Road, in which the town itself is also in view, with the Rudyard Way properties visible just beyond the appeal site, prior to the Church spire being seen.
 49. These views are experienced by road and pavement users and are assessed in the LVIA as low to medium sensitivity. I agree that in general terms this appears reasonable given their transient nature. However, noting the presence of the Church spire and the distinctiveness of Viewpoint 5, I consider this to be of medium sensitivity. I reach this view noting that the appellant's methodology, set out in Appendix 3.0 of their LVIA, refers to there being a medium level of visual sensitivity where *'some care is required to consider aspects of (a) view and how these might be protected if affected by the proposals'*. This compares with views of low-medium sensitivity where a view is of *'low susceptibility to change where proposals are able only to affect the view in a very limited way.'*
 50. In terms of the magnitude of change to Viewpoint 5, the presence of built form on what is currently open land would be readily apparent. In this regard I agree with the LVIA that the magnitude of the change would be medium, noting that the change would be noticeable, impacting on the character and quality of this view. In this sense part of the green backdrop framing the spire would be removed, with the urban edge of Cheadle brought forward in views from its current position at Rudyard Way.
 51. However the view itself would not be significantly altered or lost. It follows that, on the basis of sensitivity and magnitude of change, the visual affect would be moderate at year 1. Whilst the area available for planting along the roadside boundary would be limited, some reinforcement of the landscape boundary here would have the effect of reducing the visual effect to slight to moderate by year 15.
 52. The appellant's LVIA acknowledges the sensitivity of local viewpoints associated with views from the Pool towards the appeal site (Viewpoints 1, 2 and 3). These are assessed as having high sensitivity, with moderate to substantial visual effects at year 1, reducing to slight-moderate for Viewpoint 1 and moderate for Viewpoints 2 and 3 at year 15. This is a reasonable assessment of the visual impact of the scheme from the Pool, noting that dwellings would be visible on the rising land of the appeal site in glimpsed views and also the intention to retain and enhance vegetation along the northern boundary.
 53. The Council also suggest that the sensitivity of Viewpoint 4 has not been fully recognised. This view relates to the view from the local nature reserve car park. From here the high point of the appeal site provides an open view

towards Cheadle, with the Church spire clearly visible on the skyline, and the urban area of Cheadle visible on rising land to the north. This is assessed as being of medium sensitivity in the LVIA, noting that visual amenity is mainly a function of the activity associated with those experiencing the view and the extent to which they are likely to be focused on it. In this case the viewpoint is accessed primarily by those using the car park, with their attention most likely to be focused on their visit to the Pool. As such the appellants assessment is soundly based.

54. The LVIA sets out that the change to Viewpoint 4 would be moderate to substantial, with the possibility that views to the Church spire would be compromised. That said, the positioning of the central access spine of the proposed development, as set out on the Parameters Plan, suggests that a view through to this landmark may be possible.
55. Beyond these specific observations, the Council suggests that the LVIA's assessment of visual impacts generally underplays their significance. However, this is not backed up by informed analysis.
56. Relevant policy provisions include Local Plan Policy DC 1 which sets out design considerations, including the need for development *'to reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area'* and to *'promote a positive sense of place'*. More specifically, Policy DC 3 refers to the enhancement of the settings of settlements by *'resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or setting of a settlement or important views into and out of the settlement as set out in the Landscape and Settlement Character evidence'*. The supporting text to Policy DC 3 refers to the Landscape and Settlement Character Study. There is nothing before me to indicate that views associated with this development have been identified as important.
57. For the reasons set out above, whilst the development would visibly extend the settlement boundary in transient and therefore glimpsed views travelling west along Oakamoor Road, this would not in itself represent a prominent intrusion into the countryside. Views of the Church spire in its town setting would not change significantly. Therefore, whilst views on this approach would be altered, this would not in itself represent a significant adverse effect on the character of the settlement.
58. Further, the layout suggested in the Illustrative Masterplan is such that views west towards the Church spire could be opened up along the main route through the site, taking advantage of the vista demonstrated in Viewpoint 4.
59. To conclude on this issue, the proposed development would have some moderate adverse impacts on local landscape and visual character. As the visual envelope of the site is not extensive, the visual effects would be reasonably well contained. Whilst the effect on some visual receptors would be harmful initially, this would reduce longer term as a result of landscape mitigation measures.
60. In the context of the requirements of Local Plan Policy DC1, whilst the details of this outline scheme are limited, by maintaining and reinforcing boundary landscaping and opening up the views of the Church spire, this development could assist in reinforcing local character and distinctiveness. With regard to

Policy DC 3, whilst some harm has been identified, when assessed against these policy provisions, the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character or setting of a settlement. The requirements of Policy DC 1 and DC 3 would therefore be met.

61. Similarly, the scheme would in overall terms comply with the Framework paragraph 135c) which requires development to be sympathetic to local character and history, including landscape setting, while not preventing or discouraging appropriate innovation or change, and also Paragraph 187b) which requires decisions to enhance the local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

Housing land supply

62. The Framework paragraph 78 sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. In this case, as the Local Plan was adopted in September 2020 and is therefore less than 5 years old, the supply should be demonstrated against the housing requirement set out in adopted strategic policies.
63. The Council's statement makes reference to the provisions at paragraph 76 of the 2023 version of the Framework and suggests that this requirement should not apply if the development plan is both less than five years old and identifies sites that form a deliverable five year supply. However, these provisions were not relevant to the present case and, furthermore, were not carried forward into the current version of the Framework.
64. The Statement of Common Ground (SoCG) between the parties sets out that, against a base date of April 2023 there was a deliverable supply of 1,651 dwellings. When assessed against the adopted housing requirement of 320 dwelling per annum, and a 5% buffer, this equates to a 3.58 year supply, a shortfall against the required 5 year supply set out in the Framework, and a further drop from the 3.71 year supply referred to in the Officer Report. In these circumstances the presumption in favour of sustainable development set out in the Framework paragraph 11d) applies. I return to this point in the planning balance section below.
65. There was some debate between the parties about the nature of windfall provisions and whether or not this is supported by the Local Plan. In this regard paragraph 6.27 of the Local Plan notes that *'windfalls will provide flexibility in the supply and will also be capable of making up the slight under provision in the Leek and Biddulph Sub-Areas'*.
66. Policy H 1 expressly refers to development being supported *'within the development boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sitessubject to compliance with the Spatial Strategy and wider Local Plan policies'*. With reference to strategic housing and employment land supply, Policy SS 4 sets out that large windfall site allowances apply to Leek and Biddulph, but not Cheadle. However, noting the previous reference to under provision in Leek

and Biddulph, there is nothing to indicate that other suitable sites not specifically identified in the Local Plan cannot be brought forward.

Traffic and transport

67. Following an initial objection by the Highways Authority, this was withdrawn on the basis of further information regarding visibility splays, subject to conditions and further information being provided at reserved matters stage. The SoCG also sets out that highway safety matters are not an area of dispute between the main parties.
68. Whilst not a reason for refusing the application, the Council's decision notice included an informative referring to members of the committee having raised concerns regarding highway safety, *'particularly in relation to the proposed site access and its relationship with existing traffic entering Cheadle via Oakamoor Road'*. It notes that *'Oakamoor Road has a 60mph speed limit that reduces to 30 mph immediately east of the proposed site access. This, in conjunction with a bend in the road, raises concerns regarding highways safety for those entering and leaving the site from Oakamoor Road.'* Such concerns are also reflected in representations made by interested parties, who note that Oakamoor Road a route through to Alton Towers and is busy.
69. Further, the Council's appeal statement sets out concerns about highway safety in terms of traffic speeds along Oakamoor Road on the approach to Cheadle. It notes that on a site visit, vehicles were seen to *'not apply brakes until they are practically at the 30mph signs. This means that those vehicles will not actually achieve a speed of 30mph until well beyond the speed limit change. On this basis, those vehicles will continue to be moving at a considerable speed at the point of the proposed junction. The situation is exacerbated by the sweeping bends in the road that, whilst not requiring a reduction in speed, do restrict sight of the speed restriction until a relatively late point'*.
70. The appellant's evidence sets out that at the site access a visibility splay of 2.4m x 120m can be achieved to the west and a visibility splay of 2.4m x 95m can be achieved to the east. These measurements would both be in accordance with the design standards set out in the Design Manual for Roads and Bridges, based on the actual 85th percentile traffic speeds recorded on Oakamoor Road. These 85th percentile speeds were recorded as 40.0mph eastbound and 37.8mph westbound. The visibility splays were reviewed by the Highways Authority and were deemed appropriate and acceptable.
71. Nonetheless, in response to the concerns raised by the Council, the appellant commissioned a Stage 1 Road Safety Audit (RSA). This addressed the two specific 'problems' associated with the proposed access: that the poor visibility from the proposed access onto Oakamoor Road would create the risk of pull out type collisions, and that the lack of awareness of the proposed access for drivers on Oakamoor Road could lead to shunt type collisions.
72. To address these problems it was recommended that the vegetation obstructing visibility be removed. It was also recommended that a 'junction to the right' advanced warning sign with supportive SLOW road markings be provided on the approach to the junction. The traffic signage and road markings would be incorporated within a Section 278 agreement⁶ setting out

⁶ Under the Highways Act 1980

detailed design for the proposed junction. The requirement for visibility splays to remain unobstructed by vegetation within the adopted highway could be required by condition.

73. Therefore, based on the information before me, there is no evidence to indicate that the proposed development would have an unacceptable impact on highway safety.

Local services and infrastructure

74. Concerns were raised regarding the proposed development creating added pressure on local infrastructure and services. In terms of traffic congestion, the transport capacity of Cheadle has been assessed and is not in itself a reason for refusing the application. In this location, within 1km of the town centre, there is the opportunity to promote sustainable transport modes.
75. In terms of access to local services, Cheadle is at the top of the settlement hierarchy for the District, and is able to support a range of services. Further, should this application be successful, a series of contributions to mitigate the impact of the development have been requested by the Council. The appellant has prepared a section 106 agreement to bind contributions to any planning permission. This is considered further below.
76. Local interests also referred to concerns regarding retail provision locally, noting the closure of some shops recently. However, such matters are largely subject to market forces. Should this and other local developments be progressed, this is likely to create a more viable environment for retailers within this area.
77. In relation to drainage and flood risk, the SoCG refers to the comprehensive flood risk assessment and drainage strategy submitted as part of the application. This indicates that, subject to matters of detailed design, excess surface water could be managed effectively as part of the development. This has been reviewed by the lead local flood authority who raise no objection subject to a pre-commencement condition requiring that a fully detailed drainage design be submitted for approval.

Wildlife and ecology

78. The appellant's evidence sets out that a Preliminary Ecological Appraisal (PEA) survey was undertaken in September 2022. This, and other detailed ecological assessments, led to the Staffordshire Wildlife Trust confirming that they were satisfied with the proposals, subject to conditions securing habitat creation and the long-term management of the on-site woodland and pond.
79. The results of the survey detailed that the on-site waterbody should be subject to an eDNA⁷ survey due to the potential suitability to support great crested newts (GCN). However, further eDNA surveys of either the Pool, or a tarn/pond located around 95m to the east of the site, were not required as these waterbodies have known fish stock, with fish known to predate on GCN.
80. An Electro Fish Survey of the on-site pond was undertaken in October 2022. No fish were found to be present, though it was noted that it is highly likely that the pond dries annually and as such is unable to support a breeding population

⁷ Environmental DNA (eDNA) testing is a relatively new survey technique that can help determine the presence or absence of great crested newts in ponds.

of GCN. Nonetheless the Reptile and Amphibian Reasonable Avoidance Measures Method Statement submitted by the appellant sets out that habitat clearance works would be undertaken during the spring/summer season (March to mid-June), when GCN are more likely to enter into/be present within aquatic habitat for breeding, and to avoid the more sensitive hibernation period.

81. It further sets out instructions in the event that during construction works any protected species, or signs of protected species, including GCN, were to be identified. These include stopping all works immediately and informing an ecologist who would provide further guidance /instructions.
82. Therefore, based on the information submitted pursuant to this outline application, the proposed development would not have an unacceptable effect on wildlife and ecology.

Other effects on the local environment

83. Concerns were raised by interested parties about the effect of the development on the amenity value of the Pool area for residents and visitors. The change of use of the appeal site would generate greater activity and noise in the vicinity of the Pool, though the retention and enhancement of boundary vegetation would assist in maintaining a degree of separation and therefore mitigating such effects.

Planning obligations

84. The Unilateral Undertaking (UU), submitted pursuant to section 106 of the Town and Country Planning Act 1990, dated 11 December 2024, would provide for the Council's request for planning contributions in respect of the appeal, should it be successful.
85. The Staffordshire and Stoke-on-Trent Integrated Care Board (ICB) has calculated the need for a financial contribution of £31,200. This is based on 48 dwellings leading to an increased population of 115 people. This would be targeted at supporting the future adaptation, refurbishment and/or expansion of premises within the Moorlands and Rural Primary Care Network. It would accord with Policy SS 1 of the Local Plan which refers to the improvement in healthcare and the need for a healthy environment. Policy SS 7 specifically seeks additional health facilities in Cheadle. Paragraphs 4.37 to 4.41 of the Staffordshire Moorlands Developer Contributions Supplementary Planning Document (the SPD) also sets out the Council's policy support for requiring this contribution.
86. The School Organisation Team at Staffordshire County Council (the County Council) requested a financial contribution towards the establishment of a new one-form entry primary school. This is necessary due to the projected increase in demand for primary school places within Cheadle associated with new housing development, including the appeal proposal. The contribution has been calculated in line with the Staffordshire Education Infrastructure Contributions Policy, which is aligned with national guidelines. Policy SS 1 of the Local Plan emphasises the need for sustainable development that supports the provision of infrastructure, including education, necessary to accommodate growth. Policy C 1 specifically addresses the requirement for new developments to contribute to the provision of community infrastructure, including schools, to mitigate the impacts of additional housing. The SPD also includes education as

- a key area for contributions, ensuring that developments such as the appeal scheme contribute fairly to the necessary expansion of local school capacity.
87. The County Council's Sustainable Development Team have sought a contribution towards improving the pedestrian routes from the appeal site to Cheadle town centre. They note that there are already several dropped crossings along this route, but that the provision of tactile paving is necessary to enhance pedestrian safety and accessibility, particularly for individuals with visual impairment. This would assist with the safe integration of the development into existing community infrastructure.
88. Policy T 1 of the Local Plan emphasizes the importance of promoting sustainable transport modes, including walking, as part of a comprehensive approach to transportation infrastructure. This Policy supports improvements to pedestrian routes to ensure safe and accessible connectivity between residential areas and key local amenities, such as town centres. As noted, Policy SS 1 also requires developments to contribute to infrastructure that supports sustainable growth, including enhanced pedestrian facilities, as does the SPD.
89. The UU also includes the provision of an affordable housing scheme, with 33% of the units to be provided as affordable housing, comprising 60% affordable rent and 40% shared ownership. In this regard Policy H 3 of the Local Plan requires new residential developments to provide a minimum of 33% affordable housing on schemes of 11 units or more, subject to viability. The specified tenure split of 60% affordable rent and 40% shared ownership is aligned with the identified housing needs within the District, set out in the Local Plan.
90. The UU also provides for two open space, sport and recreation contributions. The first is a Sports Pitch contribution towards off-site playing pitches to be delivered within a 3km radius of the development, to be calculated on the basis of total number of bedrooms multiplied by £705.92. The second would apply only if the Reserved Matters stage application did not include on-site play. In the absence of suitable on-site provision then a play contribution would be required, calculated by the total number of bedrooms multiplied by £565.73.
91. Policy C 2 of the Local Plan emphasises the importance of providing accessible and high-quality open space, sport, and recreation facilities to meet the needs of the community. The policy supports both on-site provision and off-site contributions where on-site provision is not feasible or sufficient. Specifically, it requires developments to either include appropriate open space and play areas or to contribute to the enhancement of nearby facilities. Policy SS 12 further outlines the necessity for developments to contribute to the enhancement of existing community and recreational facilities. The SPD provides detailed guidance on securing developer contributions for open space, sport, and recreation facilities.
92. I am satisfied that all the above obligations are necessary to make the development acceptable in planning terms, that they are directly related to the development, and that they are fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the Framework paragraph 58. Therefore, I can take all the obligations in the UU into account as part of my decision.

Planning balance

93. The presumption in favour of sustainable development set out in paragraph 11d) of the Framework applies where there are no relevant policies, or the policies which are most important for determining the application are out of date (including where a 5 year housing land supply cannot be demonstrated). In these circumstances planning permissions should be granted unless one of two exceptions apply. The first, at paragraph 11 d) i., is that the application of the Framework policies that protect areas or assets of particular importance (such as designated heritage assets) provide a clear reason for refusing the proposal. The second exception, at paragraph 11 d) ii., refers to situation in which *'any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the 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.'*

Adverse impacts

94. The proposed development would be adjacent to, but outside, the settlement boundary for Cheadle. As such there would be conflict with Local Plan Policy H 1, which supports only limited infill development of unallocated sites outside development boundaries; Policy SS 2 which refers to future growth being focused on the three towns in the District, including Cheadle, as defined by the development boundary; and Policy SS 10 which refers to development in the rural area outside development boundaries being allowed only where there is an essential need for it to be located in the countryside.
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 land 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 of the plan making process, are required to support the delivery of housing in the district. Whilst the proposed development is in conflict with Policies H 1, SS 2 and SS 10, in these circumstances this conflict is afforded only limited weight.
96. I have found that there would be minor less than substantial harm to the setting of Hales Hall, and that there would be moderate harm to the setting of the Pool as a non-designated heritage asset. The development would also cause some moderate adverse impacts on local landscape and visual character. Consequently, it is necessary to consider the benefits of the proposed development.

Benefits

97. The site is located around 1km east of the centre of Cheadle and is therefore within walking distance of one of the largest settlements in the District, with the Local Plan setting out Cheadle's role as a significant service centre for the local population. This housing scheme would therefore be sustainably located.
98. The proposal would deliver up to 48 homes, 67% of which would be open market homes and 33% of which would be affordable homes. In terms of affordable housing, this level of provision would comply with the requirements

of Local Plan Policy H 3. In the context of the shortfall in housing delivery, it is apparent that the numbers of completed 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. At the hearing the Council's representative agreed that the delivery of both open market and affordable housing would represent benefits which can be afforded significant weight.

99. There would be economic and social benefits in terms of jobs created during construction and the additional local expenditure generated. These benefits may not be targeted specifically at Cheadle, rather they would be more broadly spread across the District. Nonetheless, the boost to the local population would likely enhance the towns attractiveness as a location for investment in shops and services, in turn enhancing the long-term sustainability and vitality of Cheadle. These benefits would accrue from any residential proposal and therefore should be afforded moderate weight.
100. The proposal would enhance the biodiversity and ecology of the site, subject to details being submitted at the reserved matters stage. It would also largely maintain and enhance existing vegetation, include green buffers along the site boundaries and also open space and recreation facilities, generating environmental benefits of moderate weight.

The overall balance

101. Starting with the heritage balance as set out in Framework paragraph 215, it is necessary to weigh the minor less than substantial harm to the significance of the setting of the Hall against public benefits. All the above benefits can be regarded as public. Those relating to housing delivery alone are significant and sufficient enough to outweigh the minor harm to significance, notwithstanding the considerable importance and weight I have given to heritage harm. While great weight should be afforded to the conservation of the setting of the Hall, there is clear and convincing justification for the harm to this designated heritage asset. Therefore, as a consequence of this balanced assessment, the proposed development would accord with Local Plan Policy DC 2. It would also accord with the Framework paragraphs 212 and 215.
102. With regard to the moderate adverse effect on the setting of the Pool as a non-designated heritage asset, this would be greatly outweighed by the benefits of the proposal. Therefore, as a consequence of this balanced assessment, there would be no conflict with Local Policy DC 2 or the Framework paragraph 216.
103. Based on my findings in relation to the heritage balance, the Framework paragraph 11 d) i. provisions would not apply in this case. Turning to the second exception at paragraph 11 d) ii., the minor harm to the setting of the designated heritage asset and the moderate adverse effect to the setting of the non-designated heritage asset should be considered as the wording in 11 d) ii. refers to 'any adverse impacts'. Also, alongside these adverse impacts is the moderate adverse effect on local landscape and visual character.
104. When considered particularly against the significant weight to be afforded to the delivery of both open market and affordable homes, the adverse impacts I have identified would not significantly and demonstrably outweigh the above benefits when assessed against the policies in the Framework taken as a whole.

Therefore, the presumption in favour of sustainable development applies in line with the Framework paragraph 11. In conclusion, while there would be conflict with Local Plan Policies H 1, SS 2 and SS 10, for the reasons given these policies do not attract full weight. The proposed development would accord with Policies DC 1, DC 2 and DC 3. The proposal would therefore accord with the development plan as a whole. This indicates that planning permission should be granted.

Conditions

105. Condition 1 sets out the time limit for the implementation of the development and is necessary for clarity and compliance. Conditions 2 and 3 are necessary as they set out the standard requirements for approval of reserved matters. Condition 4 is required to provide clarity on the approved plans. Conditions 5, 6, 7 and 8 are necessary to clearly define the parameters for and expectations of the reserved matters application(s).
106. Conditions 9 and 10 are necessary to protect existing trees and hedgerows in the interests of protecting the character and appearance of the area. Condition 11 relating to hard and soft landscaping is similarly required to protect the character and appearance of the area.
107. Conditions 13, 14 and 15 are necessary to conserve and enhance biodiversity and ecology, including protected species, as is condition 21 relating to details of artificial lighting. The provision of the site access required by condition 16 is necessary in the interests of highway safety. Conditions 12, 17, 18 and 19 are required to ensure that drainage and flood risk matters are appropriately managed, and conditions 23 and 24 are required to address any land contamination matters.
108. Condition 20 relating to a Construction Environmental Management Plan is necessary in the interests of protecting the local environment and amenity, as is condition 22 relating to noise protection. Similarly condition 25 is necessary to ensure that air quality is managed in the interests of protecting the local environment. Conditions 26 and 27 are required to ensure that the coal mining legacy of the site is understood and adequately mitigated. Finally, condition 28 is necessary to ensure that the archaeological interest of the site is appropriately managed.

Conclusion

109. For the reasons given, having had regard to all other matters raised, I conclude that the appeal should be allowed.

AJ Mageean

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Manley KC	
Michael Robson	Cerda Planning
Kathryn Sather	Kathryn Sather Associates
Michael Anthony	Mode Transport

FOR THE LOCAL PLANNING AUTHORITY:

Chris Turner	White Peak Planning
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INTERESTED PARTIES:

Cllr Peter Wilkinson	District Councillor and Chair of Planning Applications Committee, Staffordshire Moorlands District Council
Melanie Lloyd Morris	Bala and Rudyard Action Group
Greg New	Bala and Rudyard Action Group
Martin Gray	Cheadle Angling Club (statement read by Greg New)
Jenny Weston	Bala and Rudyard Action Group
Damian Snow	Local resident
Mr Linguard	Local resident
Cllr Phil Routledge	District Councillor

DOCUMENTS SUMITTED AT THE HEARING

1. Local Planning Authority Costs Rebuttal.
2. Statement of Case for Local Planning Authority: Erratum to Heritage Section.
3. Appeal decision APP/H1705/W/22/332752
4. Statement by Greg New, Bala and Rudyard Angling Group.
5. Statement by Martin Gray, Cheadle Angling Group.
6. Statement by Cllr Elizabeth Whitehouse.
7. Signed Unilateral Undertaking pursuant to section 106 of the Town and Country Planning Act 1990.

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.
3. Details of the Layout, Scale, Appearance and Landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (MPF.ORB.LP.01 S3-A)

Parameter Plan (MPG.ORB.PP.01 S3-B)

Preliminary Site Access Drawing (J32-6898-PS-001 Rev E) contained within Highways Technical Note (TN03 v1.3) September 2023

Preliminary Site Access Drawing (J32-6898-PS-003 Rev D) contained within Highways Technical Note (TN03 v1.3) September 2023

Details of Reserved Matters

5. The reserved matters application(s) shall be based on the Nationally Described Space Standards.
6. The mix of units at reserved matters shall reflect the Council's Strategic Housing Market Assessment.
7. The development shall be carried out in strict accordance with the approved details.
8. No dwellings hereby approved shall be greater than two storeys in height.

Trees and landscape / visual impact

9. The reserved matters application shall be accompanied and informed by an updated tree protection plan and arboricultural method statement based on the submitted Arboricultural Impact Assessment and Method Statement dated September 2022 (Ref: AIA/ORB/08/22) and the submitted Arboricultural Impact Assessment Technical Note dated September 2023 (Ref: AIA/KRN/08/22/TN). The updated report will include details of engineering measures necessary for the layout proposed and the development shall subsequently be carried out strictly in accordance with the updated report.
10. No trees, shrubs or hedgerows shall be removed unless otherwise approved by the Local Planning Authority. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the Local Planning Authority

and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting wild birds.

11. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include the following: types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and specifications of all retaining structures (where applicable) and detailed timings and phasing for the carrying out of the submitted details.

Notwithstanding the above, the approved soft landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 20 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted. All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

12. Applications for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation ponds and all other water bodies on site.

The submitted information shall include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments where applicable.

The development shall be carried out in strict accordance with the approved details and the attenuation ponds and/ or other water bodies shall be constructed and operational prior to any of the dwellings/ units hereby approved.

Ecology and biodiversity

13. The proposed development shall be implemented in accordance with the species protection and mitigation measures and recommendations as set out in the Preliminary Ecological Appraisal dated September 2022, Ecology Technical Note dated 4 August 2023, section 2 of the Reptile and Amphibian Reasonable Avoidance Measures Method Statement dated November 2022, the Biodiversity Net Gain Report, October 2023 and Biodiversity Metric 4.0 Calculation Tool in addition to any subsequent or updated surveys.

The reserved matters application shall be accompanied by an Ecological Management and Monitoring Plan. The Plan should provide detail on proposed habitat creation, management and the intended monitoring of habitat and species gains, shall address mitigation and enhancement and

should include the following (although this list should not be regarded as exhaustive):

- a) Purpose and conservation objectives of the proposed enhancements;
- b) Detailed designs and/or working methods to achieve stated objectives;
- c) Extent and location of proposed works on appropriate plans and scale maps;
- d) Type and source of material used where appropriate e.g. native species of local provenance;
- e) Creation and enhancements of semi natural habitats linked to Staffordshire and UK Biodiversity Action Plan priorities prioritising the enhancement and creation of hedgerows and associated buffer strip (up to 2m from hedgerows);
- f) Provision for linear wildlife corridors and stepping stone habitats linked into the surrounding landscape and Local Wildlife Site (LWS) promoting habitat connectivity;
- g) Assess diverse and priority habitats against Local Wildlife Criteria for potential designation or addition to the existing site of biological importance, also known as 'Hales Hall Pool';
- h) Timetable for the implementation of works demonstrating that works are aligned with the proposed phases of the development. This should include a ten year plan detailing implementation, monitoring and remediation and habitat maintenance measures;
- i) Creation of bird nesting features for bats, house martin and house sparrow within new buildings;
- j) Creation of grassland areas to include soil preparation, seeding or creation using green hay, initial and long term maintenance including cutting regimes and protection from disturbance;
- k) A lighting design plan and technical specifications to minimise light spill into surrounding hedgerows and the adjacent countryside. Lighting must demonstrate acceptable impacts on foraging or commuting bats that may use adjacent hedgerows and allow birds species to exhibit undisturbed behaviour patterns;
- l) Garden planting to benefit pollinating insects including climbing species to create green infrastructure;
- m) A full breeding bird survey; and
- n) Persons responsible for implementing the proposed works.

No development shall take place (including ground works or vegetation clearance) until a programme of the works proposed in the Biodiversity Net Gain Report is submitted and approved in writing by the local planning authority. The works shall thereafter take place fully in accordance with the agreed programme.

14. No development including site clearance shall take until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This must include:

- a) Risk assessments of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures during construction to avoid or reduce impacts during construction (may be provided by method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity;
- e) Suitable methodology for the removal of Japanese Rose before any work is undertaken on the hedgerows;

- f) Details of lighting used during construction to minimise impacts on wildlife;
- g) Details of open excavations or pipes to be sealed at night. Ramps / planking to be installed to permit wildlife to escape being trapped in structures during construction;
- h) Details of the role and responsibilities of an ecological clerk of works or similar competent person;
- i) Details of disposal of waste material on site;
- j) Details of the use of protective fences, exclusion barriers and warning signs; and
- k) The submitted details shall identify a buffer zone measuring a minimum of 10 metres from all key habitats and provide details of amphibian-friendly road and drainage design.

The Construction Environmental Management plan shall be implemented and adhered to throughout the construction period strictly in accordance with approved details.

15. The development hereby permitted shall be implemented in accordance with the on-site scheme of mitigation and enhancement measures as set out in the Biodiversity Net Gain Report, October 2023.

Highways

16. No dwelling shall be occupied until such time that a vehicular access onto Oakmoor Road (B5417) including new footways and visibility splays have been fully constructed, in accordance with the Highways Technical Note (TN03 v1.3) dated September 2023 submitted in support of the application. Thereafter, the site access shall be maintained throughout the life of the development and the visibility splay kept free from any impediment over a height of 600mm.

Flood risk

17. No development shall begin until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The design must be in accordance with the drainage strategy outlined in the approved Flood Risk Assessment and Drainage Management Strategy Document (HYD759_OAKAMoor.ROAD _FRA&DMS, Revision 2, 4th August 2023) and shall further demonstrate:

- a) Surface water drainage system(s) designed in accordance with the non-technical standards for sustainable drainage systems (DEFRA, March 2015);
- b) Evidence of infiltration testing in accordance with BRE digest 365 to confirm whether full or partial discharges of surface water can be made to ground via infiltration methods;
- c) Evidence limiting all offsite discharges to a maximum rate of 5 l/s;
- d) Provision of attenuation storage to achieve the limited discharge;
- e) Recycling features (water butts) and source control features (rain gardens, bioretention areas, tree pits and permeable paving) to control runoff at source;
- f) Attenuation provided by means of an attenuation basin and additional storage tanks;

- g) All SuDS features in public areas to allow access for management and maintenance. SuDS features shall not be located within private gardens;
- h) SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria;
- i) Mitigation indices to exceed pollution indices for all sources of runoff. All SuDS measures to be demonstrated on the drainage plan;
- j) Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements;
- k) That the total impermeable area of the site shall be increased by a factor of 10% to model the impact of urban creep over the lifetime of the development. The design shall include a drawing showing the contributing impermeable areas of the development layout;
- l) Calculations demonstrating the performance of the designed system and attenuation storage for a range of return periods and storm durations (15 minutes to 7 days), to include as a minimum the 1-year, 30-year and 100-year return periods including an allowance for climate change (40%). FEH Rainfall data shall be used in the hydraulic modelling;
- m) That the drainage plan shall include the finished floor levels of properties which are to be set at 150mm above surrounding ground levels. As a minimum, and where level access is required, the LLFA require all ground levels to slope away from access and egress points to prevent surface water ingress;
- n) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system;
- o) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development; and,
- p) Inclusion of the name and contact details of the body(-ies) responsible.

The development shall thereafter proceed in accordance with the approved details.

18. The developer is to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.

19. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Environmental Health

20. No phase of the development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:

- a) The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to

- 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- b) The method and duration of any pile driving operations (including expected starting date and completion date);
 - c) The hours of pile driving, which shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
 - d) The arrangements for prior notification to the occupiers of potentially affected properties;
 - e) The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
 - f) A scheme for the management and suppression of dust and mud from construction activities, incorporating a vehicle wheel washing facility as well as all of the mitigation measures outlined in table 19 of the Air Quality Assessment Oakamoor Road, Cheadle Reference: 6811r2 submitted in support of this application;
 - g) A scheme for recycling/disposal of waste resulting from the construction works;
 - h) The routing of HGV's and details relating to construction access;
 - i) The parking of vehicles of site operatives and visitors;
 - j) The loading and unloading of plant and materials;
 - k) The storage of plant and materials used in constructing the development;
 - l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - m) Details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works;
 - n) Details of how any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment; and,
 - o) The details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

21. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing.
22. Development shall not commence until a site specific scheme for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority.

The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and the ProPG - Planning and Noise: New Residential Development. It should be designed to achieve noise levels of less than 30dB LAeq in bedrooms (night time), 35dB LAeq in bedrooms (daytime), less than 40 dB LAeq in living areas and 50dB LAeq in outside living areas.

A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval.

23. Development shall not commence until:

- a) a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.
- b) If the site risk assessment (a) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.
- c) Following completion of measures identified in the approved remediation scheme (b) and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- d) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

24. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validity evidence submitted to and approved in writing by the Local Planning Authority.

25. Prior to the commencement of the development an updated air quality assessment, including the calculation of pollution damage costs, shall be carried out to determine the air-quality impact in the vicinity of the proposed development and wider road network. The pollution damage costs shall be based upon the impact of the development following the adoption of mitigation measures agreed with the Local Planning Authority.

The methodology for the assessment and damage cost calculation shall have regard to Air Quality Appraisal: Damage Cost Guidance, published by defra and the Good Practice Air Quality Planning Guidance, and shall be agreed in writing with the Local Planning Authority before commencement of the assessment.

Where necessary, a scheme for protecting future and existing residential occupiers in the vicinity from the effects of nitrogen dioxide and airborne

particulate matter arising from the development and mitigation measures to alleviate the impact of the scheme equivalent to the calculated damage costs, shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building[s] hereby approved, and thereafter maintained for the lifetime of the development.

26. As part of the reserved matters application a scheme of intrusive site investigations should be carried out on site in accordance with Section 9 of the Phase I Desk Study and Coal Mining Risk Assessment (22214/1, August 2022) to establish the risks posed to the development by past coal mining activity, and to identify any remediation works and/or mitigation measures needed to address land instability arising from coal mining legacy in order to ensure that the site can be made safe and stable for the development proposed. This should include the submission of a layout plan which identifies the location of the two on-site mine entries together with the calculated zones of influence and the definition of suitable 'no-build' exclusion zone.
27. Prior to commencement of development any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, identified by site investigations, must have been implemented on site in full.

Archaeology

28. Archaeology:

- a) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.
- b) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- c) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Any subsequent archaeological mitigation must be the focus of a separate written scheme of investigation produced after the evaluation stage and following detailed discussions with the Local Planning Authority's archaeological advisor.



Costs Decision

Hearing held on 13 and 14 November 2024

Site visit made on 12 and 14 November 2024

by A J Mageean BA(Hons), BPI, PhD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Costs application in relation to Appeal Ref: APP/B3438/W/24/3340461 Land at Oakamoor Road, Cheadle, Staffordshire, ST10 1SS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Muller Property Group for a full award of costs against Staffordshire Moorlands District Council.
 - The appeal was against the refusal of an application for outline planning permission for the erection of up to 48 no. dwellings.
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Decision

1. The application for the award of costs is partially allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant contends that the Council has behaved unreasonably on substantive grounds by failing to substantiate its reasons for refusing the application. This is in relation to both the heritage and the landscape reasons cited in the Council's decision notice. The claim also relates to further reference to highway safety concerns set out in the Council's statement of case (SoC).
4. In relation to highway safety matters, the concerns of the highway authority had been addressed prior to the consideration of the application by the Planning Committee. Nonetheless, the decision was subject to an 'informative' on the decision notice which set out the concerns of the Committee about the position of the site access and its relationship with existing traffic coming into Cheadle. The Council's SoC further elaborates on such concerns, referring to on-site observations of current traffic speeds in relation to the proposed point of access, with photographic evidence seeking to illustrate this. The point about the site access being hidden, and concern about vehicle speeds in relation to it, was also reiterated by the Council's representative during the hearing.
5. Therefore, whilst the Council's representative confirmed to the appellant prior to the hearing that the Council were not pursuing a highways reason for

refusal, the Council's position on this matter was ambiguous both prior to and during the hearing. In these circumstances it is understandable that the appellant should seek to defend their position further, both by commissioning a Stage 1 Safety Audit, and also by having their highways expert in attendance at the hearing in order to address any further points arising.

6. In this regard I agree that the Council's position on highways matters was unclear, and that the safety concerns raised were unsupported by clear evidence. The position taken by the appellant was therefore unreasonable. This led to the appellant incurring unnecessary and wasted expense in the appeal process by further evidencing and addressing highway safety matters.
7. Turning to heritage matters, the appellant's position is that the Council's SoC does not present substantive evidence in relation to heritage matters, but rather it presents 'unevidenced assertion'. In this regard the Council's SoC refers back to the Committee report and also the original conservation officer response in support of their position. In basic terms this sets out concerns about the effect of the proposed development of the settings of both the Grade II listed Hall and also the Pool as a non-designated heritage asset. Whilst less than substantial harm is identified, the Committee report sets out that this would be outweighed by public benefits.
8. The Council's assessment is not set out formally in terms of the Historic England methodology referred to in Planning Note 3¹, and is somewhat disjointed in its presentation. However, with regard to the contents of both the Committee report and the SoC, there is sufficient explanation of the settings of both of the heritage assets, noting the historic and continuing relationship between the Hall and the Pool. It is also possible to appreciate the concerns regarding the nature of impacts on their significance, in terms of the physical enclosure of the former parkland. Therefore, the Council's position can be reasonably understood, albeit in basic terms. Typographical errors do not significantly undermine this understanding.
9. I am therefore satisfied that there was evidence to support this reason for refusal and to avoid vague, generalised or inaccurate assertions about the impact of the proposals.
10. In relation to landscape and visual matters, the appellant criticises the position taken by the Council in relation to the suggested landscape and visual impacts of the scheme. The Council's reason for refusing the application refers to the adverse impact on the rural setting of Cheadle, noting the effect of the development in the context of views of St Giles Church spire, and also that it would be a prominent intrusion. The nature of these concerns are set out in the Committee report, and with reference to the consultation response from the Arboricultural Officer.
11. Whilst noting some landscape and visual harm, I have disagreed with the Council on the degree to which the proposed development would conflict with policy requirements. I have also disagreed with part of the appellant's LVIA² in terms of the effects on Viewpoint 5. It is therefore evident that there is a degree of subjectivity in such assessments. Whilst the Council has not produced expert evidence at appeal stage to further explore their concerns in

¹ The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

² Landscape and Visual Impact Assessment

relation to the harm identified, my view is that their position was adequately articulated.

12. The appellant also refers to the Council's suggestion that the impacts of the proposed development cannot be fully assessed given its outline nature, noting that this was not the Council's position at the time of the Committee report. On this point the Council raises concerns about the lack of detail presented, given the sensitivity of the location in both landscape and heritage terms.
13. As I have noted in my decision, the Illustrative Masterplan along with the Parameters Plan do give a reasonable indication of what could come forward, given the various constraints on the development of the site. Nonetheless, there was the opportunity during the hearing to consider the merits of the Council's concerns. During this discussion it was agreed that a condition restricting future reserved matters applications to two storey dwellings would be reasonable, given the site sensitivities. I therefore do not consider it to be unreasonable in principle for the Council to have raised such concerns. Overall, my view is that the Council has not acted unreasonably by maintaining their position on the landscape and visual reason for refusing the application.
14. More generally, the appellant criticises the different position taken by the Council in relation to the effects of the proposed development, suggesting that harms have been exaggerated and benefits underplayed. Whilst this may well be the case, the importance of the planning balance is acknowledged by the Council. Further, in taking a different position to the appellant, the Council's approach is not unreasonable in itself. I also note that in being required to set out their position in relation to the planning balance, the appellant has not incurred unnecessary or wasted expense.

Costs Order

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Staffordshire Moorlands District Council shall pay to Muller Property Group, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in challenging the Council's position in relation to highway safety matters; such costs to be assessed in the Senior Courts Costs Office if not agreed.
16. The applicant is now invited to submit to Staffordshire Moorlands District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A J Mageean

INSPECTOR