

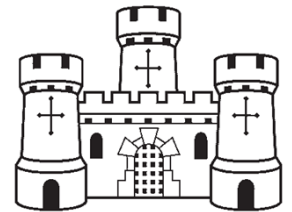
Public Document Pack

Date of meeting Tuesday, 6th January, 2026

Time 7.00 pm

Venue Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL

Contact Geoff Durham



**NEWCASTLE
UNDER LYME**

BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To consider the minutes of the previous meeting(s).
- 4 APPLICATION FOR MAJOR DEVELOPMENT - BALDWIN'S GATE FARM, NEWCASTLE ROAD, BALDWIN'S GATE. MR CHRIS O'HANLON, BELLWAY HOMES LIMITED. 25/00661/FUL** (Pages 7 - 14)
- 5 APPLICATION FOR MAJOR DEVELOPMENT - VEHICLE STORAGE LAND, LINLEY ROAD, TALKE. NEIL LAWSON, ARNOLD CLARK AUTOMOBILES. 25/00799/FUL** (Pages 15 - 22)
- 6 APPLICATION FOR MINOR DEVELOPMENT - FARCROFT, MANOR ROAD, BALDWIN'S GATE. MR G ADAMS. 25/00751/OUT** (Pages 23 - 38)
- 7 APPLICATION FOR MINOR DEVELOPMENT - 15, 17, 19, 29, 31, 35 And 37, NEWCASTLE UNDER LYME. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 25/00805/DEEM3** (Pages 39 - 46)
- 8 APPLICATION FOR MINOR DEVELOPMENT - LAND REAR OF 57 HIGH STREET, ALSAGERS BANK. MR MOHAMMED SALEEM. 25/00851/PIP** (Pages 47 - 56)
- 9 5 BOGGS COTTAGE, KEELE. 14/00036/207C3** (Pages 57 - 58)
- 10 URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

11 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraphs 1,2 and 3 in Part 1 of Schedule 12A of the Local Government Act 1972.

Members: Councillors Northcott (Chair), Crisp (Vice-Chair), Beeston, Burnett-Faulkner, Fear, Holland, Hutchison, Brown, Gorton, G Williams, J Williams and Dean

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Berrisford	S Tagg (Leader)
	Heesom	Dymond
	Johnson	Edgington-Plunkett
	S Jones	Fox-Hewitt
	Sweeney	Grocott
	J Tagg	D Jones

If you are unable to attend this meeting and wish to appoint a Substitute to attend on your place you need to identify a Substitute member from the list above who is able to attend on your behalf

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: IF THE FIRE ALARM SOUNDS, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

Agenda Item 3

Planning Committee - 04/11/25

PLANNING COMMITTEE

Tuesday, 4th November, 2025
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Paul Northcott (Chair)

Councillors:	Beeston	Holland	Gorton
	Burnett-Faulkner	Hutchison	G Williams
	Fear	Brown	J Williams

Apologies: Councillor(s) Crisp and Dean and Councillor Berrisford who had previously agreed to substitute for Councillor Crisp.

Officers:	Geoff Durham	Civic & Member Support Officer
	Craig Jordan	Service Director - Planning
	Rachel Killeen	Development Management
		Manager
	Charles Winnett	Senior Planning Officer
	Sarah Ball	Planning Officer
	Jacob Wood	Planning Officer

Prior to the commencement of business, the Chair reminded Members about the Planning training that had been arranged for 27 November at 6pm

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

2. **MINUTES OF PREVIOUS MEETING(S)**

Resolved: That the minutes of the meeting held on 7 October, 2025 be agreed as a correct record.

3. **APPLICATION FOR OTHER DEVELOPMENT - LAND SOUTH OF PEPPER STREET, KEELE. ROBERT AND SUE BIRCHALL. 25/00620/PIP**

Councillor Dave Jones had called in this application and had requested to speak remotely due to a family commitment. However, he was unable to join and Councillor Jacqueline Bown read out a statement on his behalf.

Resolved: That the application be permitted, subject to the undermentioned conditions:

- (i) Technical Details Consent required from the LPA
- (ii) Technical Details Consent submitted within 3 years of this permission

- (iii) Approved Plans
- (iv) Consent restricted to no less than 6 and no more than 9 Dwellings

[Watch the debate here](#)

4. APPLICATION FOR OTHER DEVELOPMENT - PUBLIC REALM AND CAR PARK TO EAST AND WEST OF KING STREET, INCLUDING FORMER GARAGE, KING STREET, KIDSGROVE. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 25/00570/DEEM3

Amended recommendation (additional condition) proposed by Councillor Burnett-Faulkner and seconded by Councillor Fear.

Resolved: That the application be permitted, subject to the undermentioned conditions relating to the following matters:

- (i) Time limit condition
- (ii) Approved plans
- (iii) Approved materials
- (iv) Permitted construction site hours
- (v) Dust mitigation during demolition and construction
- (vi) Submission of a Construction Environmental Management Plan (CEMP)
- (vii) Cycle parking
- (viii) Highway surfacing and lighting
- (ix) Site access to be made redundant
- (x) Tree protection
- (xi) Storage of materials outside root protection areas
- (xii) Biodiversity Net Gain Habitat Monitoring Plan
- (xiii) Details of treatment of the site when use as a temporary car park ends.

[Watch the debate here](#)

5. APPLICATION FOR OTHER DEVELOPMENT - 24 MOORTHORNE CRESCENT, BRADWELL. DR YOUSEF ROSTAMI. 25/00667/FUL

Resolved: That the application be permitted, subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Materials

[Watch the debate here](#)

6. LAND AT DODDLESPool, BETLEY. 17/00186/207C2

- Resolved:**
- (i) That the information be received.
 - (ii) That an update report be brought to committee in two months' time

[Watch the debate here](#)

7. URGENT BUSINESS

There was no Urgent Business.

8. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

**Councillor Paul Northcott
Chair**

Meeting concluded at 8.01 pm

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BALDWIN'S GATE FARM, NEWCASTLE ROAD, BALDWIN'S GATE
MR CHRIS O'HANLON, BELLWAY HOMES LIMITED

25/00661/FUL

Full planning permission is sought for the variation of condition 6 of planning permission 21/01041/OUT for the construction of up to 200 dwellings set within a community parkland at Baldwin's Gate Farm, to amend the trigger for the provision of off-site highways works.

The site lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The 13-week period for the determination of this application expires on 18th December but an extension of time has been agreed to 9th January 2026.

RECOMMENDATION

PERMIT the application subject to conditions relating to the following matters: -

- 1. Variation of condition 6 to amend the trigger for the provision of off-site highways works**
- 2. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

The proposed variation would have no adverse impact on highway safety and there are no other relevant material considerations.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

The proposal is a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the variation of condition 6 of planning permission 21/01041/OUT for the construction of up to 200 dwellings set within a community parkland at Baldwin's Gate Farm, to amend the trigger for the provision of off-site highways works.

The site lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Condition 6 currently states as follows:

No greater than 50 dwellings hereby permitted shall be occupied until the access roundabout has been provided in accordance with Drawing No. T21558 001 Rev C, and no greater than 50 dwellings hereby permitted shall be served from the construction and first phase development access as shown on Drawing T21558.016.

The construction and first phase development access, as shown on Drawing T21558.016, shall be stopped-up to traffic on completion of the access roundabout, with the hedgerow and footway along the site frontage reinstated accordingly.

No greater than 50 dwellings hereby permitted shall be occupied until junction improvements have been undertaken for the following junctions:

- *A51 Stone Road / A53 Newcastle Road Priority Junction as shown on Drawing T21558 006 Rev A*
- *A51 Nantwich Road /A53 Newcastle Road (N) Priority Junction as shown on Drawing T21558 007.*

The applicant wishes to amend the wording as follows:

No greater than 100 dwellings hereby permitted shall be occupied until the access roundabout has been provided in accordance with Drawing No. T21558 001 Rev C, and no greater than 100 dwellings hereby permitted shall be served from the construction and first phase development access as shown on Drawing T21558.016.

The construction and first phase development access, as shown on Drawing T21558.016, shall be stopped-up to traffic on completion of the access roundabout, with the hedgerow and footway along the site frontage reinstated accordingly.

No greater than 100 dwellings hereby permitted shall be occupied until junction improvements have been undertaken for the following junctions:

- A51 Stone Road / A53 Newcastle Road Priority Junction as shown on Drawing T21558 006 Rev A
- A51 Nantwich Road /A53 Newcastle Road (N) Priority Junction as shown on Drawing T21558 007.

An application such as this can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Therefore, the sole issue in the determination of the application is whether the revised trigger for provision of the off-site junction improvements is appropriate in terms of impact on highway safety.

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is accompanied by a Technical Note that provides an update to the traffic capacity analysis for the two junctions referred to above. The intention of the assessment work is to determine whether the 50-dwelling threshold stated in Condition 6 can reasonably be extended before the mitigation works (signals) are necessary.

Traffic counts were undertaken at the A53/A51 junctions on 22nd October 2024 for the morning and evening peak periods (07:00-10:00 and 16:00-19:00, respectively). The assessment work demonstrates that the impact of 50 residential dwellings is negligible at both junctions, despite the baseline situation at the junction being at or beyond practical capacity. At 100 residential dwellings, the impact of the development is still low, with minimal increases in queueing and delay in both peak periods at both junctions. The Technical Note concludes that given that the impact of the development traffic at 100 dwellings could not be considered to be 'severe', Condition 6 could be amended to allow for the construction of 100 dwellings before the junction mitigation works are required.

The Highway Authority (HA) raises no objections to the amended wording of condition 6.

Both Maer & Aston Parish Council and Whitmore Parish Council, along with a number of residents have expressed concerns regarding the methodology of the Road Safety Audit (RSA) and Traffic Count (TC) carried out to inform both the original outline planning application for this development and the current application.

In relation to the original planning application, the Highway Authority had no concerns regarding the methodology of the RSA and TC and they accepted the findings of the Transport Assessment (TA). In refusing the application, the Council raised no objections on highway safety grounds and in allowing the subsequent appeal and imposing condition 6, the Inspector accepted the conclusions of the TA.

An updated traffic count has been carried out and on the basis of the submitted data, the HA has no objections to the revised trigger for provision of the off-site junction improvements. On this basis, it is considered that there would be no adverse impact on highway safety.

Notwithstanding the concerns raised by the Parish Councils and members of the public, given that there has been no material change in planning circumstances since the previous application was determined, it would be unreasonable for the Council to reach a different view now to that taken previously.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision: -

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP3: Spatial Principles of Movement and Access

Policy ASP6: Rural Area Spatial Policy

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

None relevant

[Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan](#)

None relevant

Other Material Considerations include:

[National Planning Policy Framework \(2024\)](#)

[Planning Practice Guidance \(2014 as updated\)](#)

[Draft Emerging Newcastle-under-Lyme Local Plan 2020-2040 \(at Main Modifications Stage\)](#)

Policy IN2: Transport and accessibility

Relevant Planning History

21/01041/OUT Construction of up to 200 dwellings set within a community parkland – Refused but allowed at appeal

24/00270/DEM - Demolition of buildings identified as pink as shown within the demolition layout – Approved

24/00313/REM - Erection of 200 dwellings, with associated car parking, public open space, attenuation basins, landscaping and associated works pursuant to outline permission 21/01041/OUT - Approved

Views of Consultees

The **Highway Authority** has no objections to the proposal.

Maer & Aston Parish Council does not oppose the proposed variation and views this extension as an ideal opportunity for all stakeholders to collaborate in developing a safer solution for the road junctions at Blackbrook. Any permission granted should be subject to specific conditions requiring the applicant to undertake both a new Road Safety Audit and a comprehensive Traffic Count. Importantly, the scope of these assessments must include the adjacent diversionary lanes to ensure that all relevant safety and traffic considerations are thoroughly addressed.

The Parish Council requests that a specific planning condition be imposed on the applicant, requiring the completion of a new Road Safety Audit. Of particular concern is the audit's omission of a site visit to either Wharmadine Lane or Hungersheath Lane. Furthermore, the original audit did not compare and rank the potential hazards of permitting right turns at the new traffic signals, with those associated with the proposed diversionary routes.

The Parish Council expresses significant concern that the newly submitted traffic count data, which accompanies this application, continues to repeat the same omissions identified in the original traffic count data for 21/01041/OUT.

By failing to include the adjacent diversionary lanes, Hungersheath Lane, Wharmadine Lane, and Woodside, which are all well-established 'rat runs', in the traffic assessments, the volume of peak traffic on the A51 is overstated, while the peak flows from the A53 are understated. This is important, as the diversion routes will mandate diverting vehicles into these lanes into the path of the rat run traffic.

Highways officers quote low right-turning figures at the western junction in support of the proposal for its proposed partial closure. However, no one has carried out a traffic count of the large volumes already using Hungersheath Lane, specifically to avoid the poor junction layout. This traffic should be encouraged to stay on the A Road network and turn right at a safer, more efficiently designed, signalized junction.

The Parish Council requests that a condition be imposed for a new, wider ranging traffic count, enabling a more informed approach to finding solutions for the affected junctions.

Despite the Parish Council raising serious concerns with the original proposal, the applicant has not amended the design. Instead, the current application continues to rely on the original design, albeit supported by new data. The proposal maintains the intention to prohibit right turns and to divert traffic along country lanes that are unsuitable for such volumes and types of vehicles.

Feedback from a recent public meeting made it abundantly clear that there is united opposition to the existing proposal. There was wholesale rejection of the inadequate and scant road safety audit and incredulity at the selection of Hungersheath Lane as a suitable diversion route, without even undertaking a count of the rat run traffic already using it.

Whitmore Parish Council has no objections. They support entirely the full response of Maer and Aston Parish Council regarding the 'offsite highway works' which concerns the restructuring of the layout of the double A51/A53 junction. They believe that the layout plan currently envisaged will result in a serious overload of the two minor roads "cut throughs" planned, leading to absolute traffic jam chaos at peak times, and needs to be thoroughly reviewed.

Representations

Representations have been received from the occupiers of 25 properties. A summary of the comments made is as follows:

- The proposal for traffic mitigation measures at Blackbrook are wholly inadequate and require a wider view and impact assessments to be completed before this application can be approved.
- The original audit lasted just one hour and ignored key diversion routes
- There were no site visits to Wharmadine or Hungersheath Lanes even though they are expected to take additional traffic. This is a road safety concern as these lanes contain limited passing places, poor visibility and a narrow bridge
- There is a major safety concern around mandating laden HGVs into turning into an uphill road, as would be the case onto the A53 from Hungersheath Lane. This could lead to traffic disruption and congestion increasing the risk of collisions.
- Any diversion plan involving HGVs on uphill country lanes must be backed by a thorough Road Safety Audit and Traffic Count.
- The original audit missed a fatal accident and failed to compare risks of right turns v diversions.
- A full traffic survey on all diversion routes is required as they are already heavily used to avoid A53 congestion and without accurate counts, potential traffic risks are misrepresented.
- In the interest of public safety, a condition should be added requiring the developer to undertake a new traffic count to include all of the adjacent rat run lanes and intended diversion routes, and a full Stage 1 Road Safety Audit to encompass these lanes, before approval can be considered.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00661/FUL>

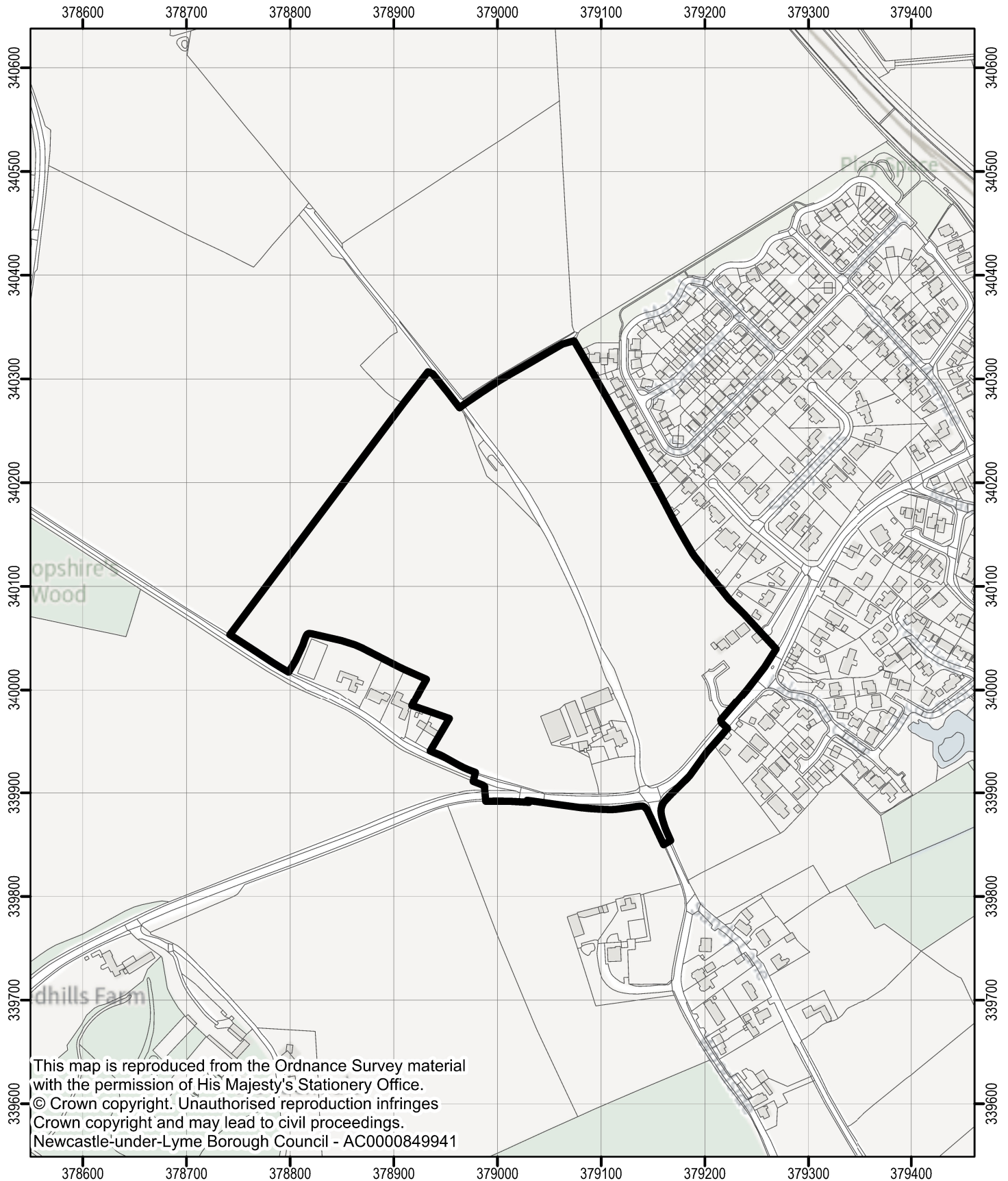
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

19 December 2025

25/00661/FUL
Baldwins Gate Farm
Newcastle Road
Baldwins Gate
Newcastle Under Lyme
Staffordshire
ST5 5ES



Newcastle Borough Council



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VEHICLE STORAGE LAND, LINLEY ROAD, TALKE
NEIL LAWSON, ARNOLD CLARK AUTOMOBILES

25/00799/FUL

Planning permission is sought for the variation of condition 2 (approved plans) of planning permission 24/00307/FUL (New HGV Service Centre Building).

The site forms part of an existing vehicle storage area which is located on Linley Road Talke. The application site is located within the urban area of the Borough, as indicated on the Local Development Proposals Framework Map.

The 13-week period for the planning application expires on 28th January 2026.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:

- 1. Variation of condition 2 to refer to revised plans**
- 2. Any other conditions which are still relevant to the original decision**

Reason for Recommendation

The visual changes to the proposal are not considered to be harmful or significant and are therefore in compliance with policies CSP1 of the CSS, Saved policy E3 of the LP and paragraphs 131 and 135 of the NPPF.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission was granted in September 2024 (Ref. 24/00307/FUL) for a new HGV service centre building at an existing vehicle storage area which is located on Linley Road, Talke. This application now seeks to vary condition 2 of the permission which lists the approved drawings to allow for an increase in the building footprint which would create space for an additional workshop bay.

An application such as this can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application, it is not a complete re-consideration of the application.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The Newcastle-under-Lyme Borough Council Final Draft Local Plan (Regulation 19 version) and its supporting documents were submitted for public examination on the 20 December 2024. Following

examination hearings, the Council has consulted on several main modifications to the policies in the emerging Local Plan from the 05 November 2025 until the 17 December 2025. Main modifications are changes to policies and allocations that the Inspector considers necessary to make the Plan sound and / or legally compliant.

Policies, alongside the schedule of Main Modifications, in the emerging Local Plan are a material consideration in decision taking on planning applications. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 49 of the National Planning Policy Framework, as follows:-

“49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

As the Local Plan is at an advanced stage with a focused consultation on Main Modifications from the examination process then moderate to significant weight can be attributed to individual policies dependent on the extent of changes to the Local Plan.

The sole consideration in the determination of this application is whether the amended design would have an adverse impact on the character and appearance of the area.

Paragraph 131 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

Policy PSD7 (Design) of the emerging Local Plan requires that development proposals should accord with the National Design Code, National Design Guidance, and any adopted local design guide or code. Further to the above the policy requires that developments should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness and sense of place in terms of:

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features*
- d. Massing of development*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene, and the wider neighbourhood*

Policy SE10 of the emerging plan states that development proposals should protect and enhance the character, quality, beauty, and tranquillity of the Borough. Following the examination of the emerging local plan, minor amendments have been made to the policy and as such moderate weight should be applied to the policy.

The Urban Design Supplementary Planning Document indicates at Policy E3 that business development should be designed to contribute towards improving the character and quality of the area.

The application site is bounded by Linley Road to the south, industrial and commercial development to west and south-east and by residential development to the north-east. The site is clearly visible from Linley Road however it does benefit from a good amount of screening to the west, east and north in the form of an established tree line. No trees are proposed to be removed as part of the development.

The scheme as originally approved comprised a large warehouse style building measuring 25m x 35m with a dual pitched roof arrangement with an eaves height of 6m and a total ridge height of 7.2m. The revisions to the scheme would see the footprint of the building reduced to 28m x 29m, which would result in a slighter wider elevation facing onto Linley Road to the south. The overall height of the building would be increased by 0.6m.

The alterations to the footprint and height of the building would result in limited change to the overall site, and it is considered that the proposal would be a suitable addition to this existing commercial site and would not result in any adverse impact to the surrounding area.

Therefore, in light of the above the proposed development is not considered to raise any adverse implications in relation to the character or appearance of the wider landscape and would accord with the policies of the development plan and the NPPF.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to the decision on the planning application:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements

Other Material Considerations

National Planning Policy Framework (NPPF) (2024)

Planning Practice Guidance (NPPG) (2024)

Supplementary Planning Documents (SPDs)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Newcastle-under-Lyme Emerging Local Plan (2020-2040 at Main Modifications Stage)

Policy EMP1: Employment
Policy IN2: Transport and accessibility
Policy IN3: Access and Parking
Policy PSD7: Design
Policy SE10: Landscape
Policy SE12: Amenity

Relevant Planning History

16/00367/FUL - Formation of vehicle distribution and storage compound and erection of a building to be used as storage and vehicle preparation, with offices and facilities – permitted

17/00616/FUL - 6 bay vehicle preparation building and separate modular offices/canteen and welfare facilities building, all associated with approved motor vehicle storage/distribution centre – permitted

20/00145/FUL - Relocation of existing Adblue and Diesel tanks – permitted

24/00307/FUL - New HGV Service Centre (workshop) – permitted

24/00776/FUL - Variation of condition 2 of planning permission 24/00307/FUL – permitted

Views of Consultees

The **Highway Authority** raise no objections to the proposal.

Naturespace have no objections to the proposal.

Lead Local Flood Authority have no objection to the application at this stage subject to a pre commencement condition requiring that a full detailed drainage design (including management and maintenance plan) is submitted for review.

The **Environmental Health Division** note that the conditions recommended on the original permission are still relevant and should be applied to any new decision notice.

No comments have been received from **Kidsgrove Town Council** or the **Woodland Trust** by the given deadline and therefore it must be assumed that they have no comments to make.

Representations

None received.

Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00799/FUL>

Background Papers

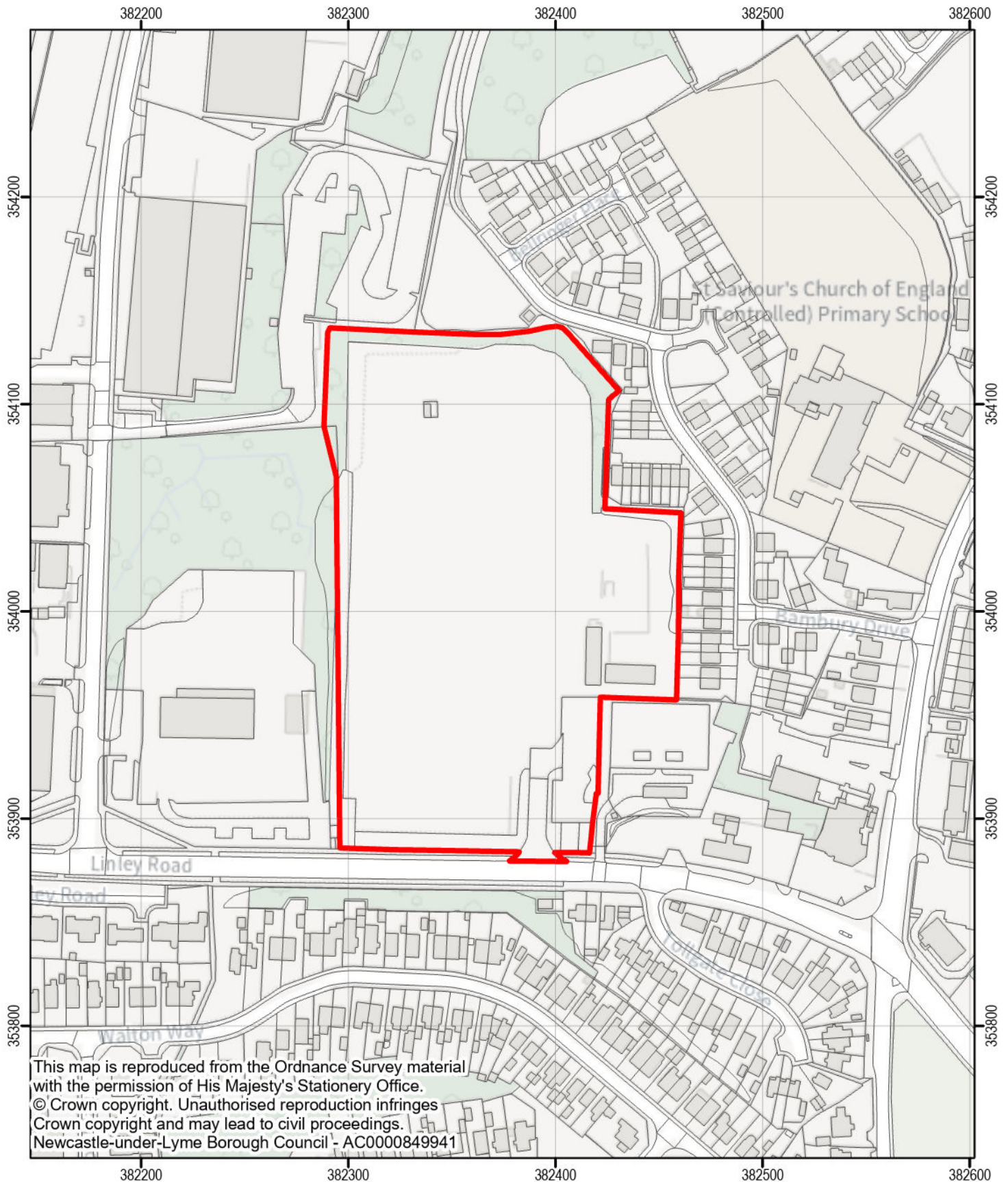
Planning files referred to
Planning Documents referred to

Date report prepared

18th December 2025

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25/00799/FUL
Vehicle Storage Land
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Newcastle Borough Council

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FARCROFT, MANOR ROAD, BALDWIN'S GATE
MR G ADAMS

25/00751/OUT

The application seeks outline planning permission with all matters reserved except for details of the main site access, for the construction of 3 self-build dwellings at land adjacent to the property known as 'Farcroft' on Manor Road. The application site is located within the open countryside and falls within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee on the grounds that the development is in an unsustainable location for new housing.

The 5-week period for the determination of this application expired on 5th of December 2025 but an extension of time has been agreed to 9th January 2026.

RECOMMENDATION

Permit, subject to conditions relating to the following matters: -

- 1. All details save for access to be submitted under a reserved matters application**
- 2. Time limit**
- 3. Approved plans**
- 4. Limit on construction hours**
- 5. Unexpected contamination**
- 6. Works to be completed in accordance with ecological appraisal**
- 7. Limit to self-build properties**
- 8. District License Scheme for newts**

Reason for Recommendation

The development of this site is considered to be within a sustainable location, with particular reference to recent appeal decisions on sites found nearby. The scheme would not significantly impact the appearance of the area and it has been demonstrated that the proposed development would not impact highway safety, ecology or residential amenity. Subject to conditions, the development represents a sustainable form of development and should be supported.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

Following the submission of additional information the scheme is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

The application seeks outline planning permission with all matters reserved except for details of the main site access, for the construction of 3 self-build dwellings at land adjacent to the property known as 'Farcroft' on Manor Road. The application site is located within the open countryside and falls within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

The Newcastle-under-Lyme Borough Council Final Draft Local Plan (Regulation 19 version) and its supporting documents were submitted for public examination on the 20 December 2024. Following the examination hearings, the Council has consulted on main modifications to the policies in the emerging Local Plan from the 05 November 2025 until the 17 December 2025.

Policies, alongside the schedule of Main Modifications, in the emerging Local Plan are a material consideration in decision taking on planning applications. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 49 of the National Planning Policy Framework, as follows:-

“49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

As the Local Plan is at an advanced stage with a focused consultation on Main Modifications from the examination process then moderate to significant weight can be attributed to individual policies dependent on the extent of changes to the Local Plan. These policies and their weight shall be addressed in turn, in the relevant sections of this report.

As the proposal is seeking permission for self-build dwellings, the development is exempt from needing to demonstrate a 10% Biodiversity Net Gain. There are no trees to be removed from the site as part of the proposal. The main issues for consideration are therefore as follows;

- Is the site a sustainable location for housing development?
- Visual impacts of the proposal,
- Residential amenity,
- Highway safety,
- Ecology, and
- Planning balance.

Is the site a sustainable location for housing development?

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”

Paragraph 12 of the NPPF states that “Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it

can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy SP3 of the CSS seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

Policy HG1 of the CHCMAW Neighbourhood Plan states that new housing development will be supported in sustainable locations. These are;

- Within the village envelope of Baldwin's Gate
- As a replacement dwelling, or limited infill housing or within a built frontage of existing dwellings; or
- In isolated locations in the countryside only where circumstances set out in paragraph 79 of the NPPF apply.

It also goes on to state that to be in a sustainable location, development must;

- Be supported by adequate infrastructure, or provide necessary infrastructure improvements as part of the development
- Not involve the loss of best and most versatile agricultural land;
- Avoid encroaching onto or impacting on sensitive landscape and habitats;
- Not involve the loss of any important community facility

The CHCMAW Neighbourhood Plan was made on the 21st January 2020 and so the plan is more than five years old. Also, the Plan does not contain policies and allocations to meet its identified housing requirement. As a result, it does not comply with the relevant measures outlined within Paragraph 14 and so it cannot be concluded that the adverse impact of allowing development that conflicts with the neighbourhood plan is, in itself, likely to significantly and demonstrably outweigh the benefits.

As noted previously, the Council's Draft Local Plan has now reached the main modifications stage of the examination process. The policies from the emerging plan most relevant in determining this application are considered to be Policies PSD1, PSD2, PSD3 and PSD4.

Policy PSD1 (Overall Development Strategy) sets out the overall development strategy for the Borough, including housing targets. Within the policy it details at point 4 that the council will encourage efficient use of land through windfall development there the development, amongst other points *"is physically well-related to existing settlement, infrastructure and sustainable transport modes"*. This criterion is not subject to any modifications and so can be afforded significant weight.

Policy PSD2 (Settlement Hierarchy) establishes the settlement hierarchy within the Borough. The application site would be classified as *"Other settlement and rural areas"*. The nearby settlement of Baldwin's Gate is classed as a rural service centre within the emerging plan. Again this policy is not subject to any modifications and so carries significant weight. Policy PSD3 details outlines that Baldwin's Gate is expected to accommodate in the order of 250 new

homes. However, the site is located within the Open Countryside and in such an area Policy PSD3 states that *“other settlements and rural areas of the settlement hierarchy will be expected to accommodate development in line with the policy approach set out within the local plan, but is not a focus of growth for this policy.”* Whilst there are modifications set out within PSD3, these criteria have not been modified and so can be afforded significant weight.

Policy PSD4 (Development Boundaries and the Open Countryside) sets that settlement boundaries are defined on the Policies Map and that open countryside is land outside of these defined settlement boundaries. It is noted that this application site would fall within the open countryside. The policy goes on to state at criterion 3 types of development that would be supported (a-k). Criterion i is the only one subject to modification in terms of reference to Rural Exception sites, which does not apply to this application. The other types of development as listed within the policy include essential rural workers dwellings; agricultural/operational need; development associated with the conservation and enhancement of a heritage asset; proposals for self-build and custom dwellings and exceptional circumstances for isolated homes. These elements of the proposal which this application would be assessed against can be afforded significant weight.

Paragraph 11 of the NPPF states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- (Para 11(d))

It has been accepted in previous planning appeals that the housing policies contained in the adopted Core Spatial Strategy and saved policies from the Newcastle-under-Lyme Local Plan 2003 are out of date. The emerging Local Plan includes policies relevant to the consideration of housing but the emerging status of the Plan, alongside the Council not being able to demonstrate a five year supply of deliverable homes, has an impact on the weight that can be attributed to the aforementioned policies

In the absence of a required housing land supply, the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged. Therefore an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

In sustainability terms, the application site is within reasonable cycling distance of local facilities within Baldwins Gate, located approximately 700m to the east, which equates to a 15-20 minute walk. However, given the rural nature of the site it is likely that occupants of the properties would be reliant on the use of the private motor car to access a number of higher-level services and facilities.

There have been a number of refusals for housing on this site, the most recent of which (22/00836/OUT) was dismissed at appeal on the grounds that the site fell within the open countryside and was therefore contrary to local policy with respect to sustainability.

Unlike the position at the time of that appeal, the Council is now unable to demonstrate a 5 year housing supply. In addition, there have been several recent appeal decisions for sites

nearby - Maerfield Gate Farm, Croft Farm and Manor Road, where Inspectors have considered sites further away from the centre of Baldwin's Gate to be sustainable locations for new residential development.

In relation to the appeal decision for the site on Manor Road, the Inspector noted the previous refusals at Farcroft but concluded that those appeal decisions were not in themselves reason to refuse permission at that site. The Inspector went on further to note that they considered that the adverse impacts in terms of the sustainability of the location are significantly and demonstrably outweighed by the totality of the benefits when assessed against the policies in the Framework taken as a whole.

Given the conclusions of the Inspector for the Manor Road appeal which is approximately 750m further to the north and therefore further away from the services and facilities of Baldwins Gate than Farcroft, it is not considered that a refusal on sustainability grounds could be sustained.

To conclude, the above site would contribute to meeting the housing need for the borough over the emerging plan period in a sustainable and accessible location which would help to boost the supply of homes in the borough. The proposal would also make a contribution to the number of self build plots within the borough.

The consideration of whether any adverse impacts exist that would outweigh the benefits of the proposed scheme shall be considered later in this report.

Visual impacts of the proposal

Paragraph 131 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 135 of the Framework lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy R5 goes on to state that "buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line". R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

Policy PSD7 of the emerging Local Plan requires that development proposals should accord with the National Design Code, National Design Guidance, and any adopted local design guide or code. Further to the above, the policy requires that developments should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness and sense of place in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features

- d. Massing of development
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene, and the wider neighbourhood

Policy SE10 of the emerging plan requires that development proposals should protect and enhance the character, quality, beauty, and tranquillity of the Borough. The policy then sets out further guidance on how proposals should be assessed in respect of their impact on landscapes. Minor amendments have been made to the policy to strengthen its requirements following the local plan examination period. Therefore, moderate weight should be applied to this policy given the volume of changes proposed.

Policy DC2 of the CHCMAW Neighbourhood Plan states that development proposals must, amongst other things, complement the local landscape in terms of urban and built form, maintain and enhance the character and appearance of the landscape and reflect local character in terms of height, scale and massing.

The site is designated as being a Landscape Maintenance Area and Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The proposed development is for outline planning permission with all matters reserved saved for access however an indicative layout plan has been submitted to demonstrate how the proposal may be arranged on site.

There are a number of scattered dwellings close to the application site which have an informal layout and are of varying scales and character. The nature and character of the surrounding area is largely rural and the site is not seen in context with the wider settlement boundary of Baldwins Gate.

In terms of landscape impacts, the topography of the site slopes gently towards the west, and the proposed properties would therefore be situated on a higher land level than Manor Road. The topography of the site, in combination with the open nature of the surrounding area would mean that the new properties would result in a clear change to the character of the application site. The visual change to the site would be most perceivable from the south and east of the site, however existing trees and hedges would help to soften some of the impacts of the development which could be further mitigated by a comprehensive landscaping plan.

It is important to note that the new buildings would fill in the areas surrounding the two properties of 'Farcroft' and 'The Laurels' and would therefore not appear as isolated properties within the countryside. The indicative layout plans also show that the proposed dwellings can sit comfortably within the site with an acceptable level of off-street parking, turning areas and private garden areas without appearing as overdevelopment. Appearance and landscaping are reserved for subsequent approval however, it is accepted that a design can be achieved that would provide a suitable level of landscaping within the site.

To conclude, it is considered that the proposal would result in only limited effects on local visual amenity, with effects limited to locations on or immediately adjacent to the site, and some limited visual effects from locations further from the site. In consideration of the above it is accepted that the proposed development is acceptable, subject to the final design being secured as part of the reserved matters application.

The proposed works are considered acceptable and in accordance with policy N19 of the local plan and policy CSP1 of the CSS.

Residential Amenity

Criterion f) within Paragraph 131 of the National Planning Policy Framework states that development should create places that are safe, with a high standard of amenity for existing and future users.

SPG (Space around Dwelling) provides guidance on privacy, daylight standards and environmental considerations.

Policy SE12 of the emerging local plan notes that development proposals should demonstrate they will not result in unacceptable harm to the amenities of existing or future residents, businesses, or sensitive uses in the vicinity. Development that would have an unacceptable adverse impact on existing amenity will not be permitted. Following the local plan examination process, amendments have been made to the wording of this policy and therefore it can be given moderate weight only at this time.

Whilst a full assessment of the amenity impacts of the proposal cannot yet be completed due to the outline nature of the application, given the generous size of the plots it is considered that any new dwellings could be designed to be in accordance with the guidance outlined in the SPG and so there is not considered to be any detrimental impact on the amenity of neighbouring properties as a result of the proposal.

A good sized garden would also be available for each property and subject to the use of appropriate boundary treatments which would help to provide future occupants with a certain level of screening and privacy, the garden areas proposed are considered acceptable.

The Environmental Health Team have raised no objections to the proposal subject to a limitation on construction hours and subject to the reporting of any unexpected contamination within the site.

Subject to the recommendations set out above, the proposal is considered acceptable in respect to residential amenity and so accords with the provisions of the Framework.

Highway safety

Paragraph 115 of the NPPF ensures that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users.

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T16 of the LP states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street or parking problem.

Policy IN2 of the emerging plan sets out that new development should make appropriate provision for access by sustainable modes of transport to protect the integrity of the highway network and the Council will work with developers to ensure that development proposals which contribute towards an accessible, efficient and safe transport network that offers a range of transport choices and improves accessibility through sustainable modes of travel will be supported. Moderate weight can be given to this policy at this time.

Policy IN3 of the emerging local plan states that appropriate levels of parking provision should be made in accordance with the standards contained within Appendix 3 (Parking Standards),

but the policy also recognises that a departure from these standards may be justified on a case by case basis. The policy does not require any changes following the local plan examination period and can therefore be given significant weight.

The proposals would result in the creation of 2 new access points leading onto Manor Road, one of the access roads would lead to the 2 dwellings that are to be situated on the plots behind the property known as 'Farcroft', whilst the other access road would serve the single property that is to be sited closer to the highway.

The Highway Authority have confirmed that they raise no objections to the proposal on grounds relating to parking provision but note that visibility splays should be demonstrated on the submitted plans. Notwithstanding any technical details the HA note that the site is not within a sustainable location and would increase pressure on surrounding road networks due to futures occupants' reliance on the use of private motor vehicles.

Previous applications for residential development on the site have not raised any objections from the Highway Authority, and whilst the lack of visibility splays is noted, this has not been a requirement on any previous application and to request them as part of this current proposal would therefore be unreasonable. Officers note that the site has good visibility from the proposed access point in both directions.

With respect to parking provision, each of the new plots would be large enough to accommodate at least 3 parking spaces which would be in conformity with the council's parking standards.

Although the Highway Authority have maintained their objections on sustainability grounds given the rural location of the site, for the reasons set out earlier in this report, it is not considered that a refusal on such grounds could be sustained.

Therefore in light of the above and subject to conditions, the development is considered to accord with the relevant policies of the development plan as well as the aims and objectives of the NPPF.

Ecology

Saved Policy N3 of the Local Plan states that development proposals will be expected to avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage of the Borough. This includes measure to retain habitats/features of nature conservation and protect them from adverse impacts and to replace habitats/features on at least an equivalent scale where the Council agrees that the loss of wildlife habitats cannot be avoided.

Policy SE8 of the Emerging Draft Local Plan (Biodiversity and Geodiversity) states that all development should ensure the conservation, enhancement and restoration of biodiversity and geodiversity, avoiding any significant adverse impacts on condition, and where relevant recovery, of all types of nature conservation sites, habitats, species and components of ecological networks or geological interests including, amongst other points, legally protected species. This policy can be afforded significant weight.

A Preliminary Ecological Appraisal (PEA) has been submitted to establish whether or not any protected species are present within the site. The PEA concludes that subject to a series of recommendations and mitigation measures in relation to hedgehogs, reptiles, birds and invertebrates, there would be no adverse impacts on these species. These mitigation measures can be suitably secured through conditions.

With regards to amphibians, there is a moderate to high likelihood of newts being present on the site given the presence of a nearby pond. Naturespace noted this within their comments and advise that the applicant either provides further information or joins the District Level Licensing Scheme. The applicant has now submitted a certificate confirming that they have entered into the District Level Licensing Scheme and therefore subject to appropriate conditions, the development would not have any adverse impact on newts.

Planning Balance

As stated above, it is considered that the test in paragraph 11(d) of the NPPF has to be applied and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, is required.

The provision of 3 houses on the site would make a modest contribution towards the Borough's housing land supply and self-build register, particularly in the context of a development plan that is not up to date in terms of housing need and where a suitable supply of housing cannot be demonstrated. This benefit must therefore be attributed substantial weight. It has also been demonstrated through the submission of technical details that the proposal would raise no issues with respect to residential amenity, visual impact, highway safety or ecology.

To conclude, it is considered that the harms do not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole and therefore, planning permission should be granted subject to the use of appropriate conditions as recommended.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the Development Plan relevant to the Full planning application decision:

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 (Adopted 2009)

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

Newcastle-Under-Lyme Local Plan 2011

Policy H9:	Conversion of Rural Buildings for Living Accommodation
Policy E12:	The Conversion of Rural Buildings
Policy T16:	Development – General Parking Requirements
Policy N17:	Landscape Character – General Considerations
Policy N19:	Landscape Maintenance Areas

Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Area

Policy HG1:	New Housing
Policy NE1:	Natural Environment
Policy N2:	Sustainable Drainage
Policy DC2:	Sustainable Design

Other Material Considerations

Draft Emerging Newcastle-under-Lyme Local Plan 2020-2040 (at Main Modifications Stage)

Policy PSD1:	Overall Development Strategy
Policy PSD2:	Settlement Hierarchy
Policy PSD3:	Distribution of Development
Policy PSD4:	Development Boundaries and the Open Countryside
Policy PSD6:	Health and Wellbeing
Policy PSD7:	Design
Policy IN2:	Transport and accessibility
Policy IN3:	Access and Parking
Policy SE8:	Biodiversity and Geodiversity
Policy SE10:	Landscape
Policy SE11:	Trees, hedgerows and woodland
Policy SE12:	Amenity

Relevant National Policy Guidance:

National Planning Policy Framework (2024)
Planning Practice Guidance (2024 as amended)

Supplementary Planning Guidance

Planning History

01/00134/OUT - Residential development – Refused

13/00678/OUT - Outline planning permission for the erection of three detached dwellings – Refused

14/00037/OUT - Outline planning application for 3 executive Code Level 6 dwellings (resubmission of application number 13/00678/OUT) – Refused

18/00683/FUL - Demolition of existing dwelling and construction of replacement dwelling – Permitted

18/00674/OUT - Outline planning application (all matters reserved) for a detached dwelling - Refused

19/00156/FUL - Variation of condition 2 of planning permission 18/00683/FUL to revise the approved drawings to show changes to the rear bay window and living room windows – permitted

22/00836/OUT - 1no. detached self-build dwelling – Refused and dismissed at appeal

23/00252/FUL - Creation of new access & gates for the purpose of sheep grazing & hay making – Refused

Views of Consultees

The **Highway Authority** have confirmed that they raise no objections to the proposal on grounds relating to parking provision but note that visibility splays should be demonstrated on the submitted plans. Notwithstanding any technical details the HA note that the site is not within a sustainable location and would increase pressure on surrounding road networks due to future occupants reliance on the use of private motor vehicles.

Whitmore Parish Council object to the application on the basis of the previous appeals on the site, the fact that the proposal does not comply with the policies set out in the emerging local plan or Neighbourhood Plan.

The **Archaeology Team** raise no objections to the proposal.

Naturespace – note that there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore advise that the applicant either provides further information or joins the Great Crested Newt District Licence Scheme.

The Environmental Health Team raise no objections to the proposal subject to conditions relating to a limitation on construction hours, the reporting of any unexpected contamination and an analysis of any imported soils.

No comments have been received from the **Landscaping Development Section**.

Representations

16 letters of objection, and 19 letters of support have been received.

The supporting letters note that the proposal would make a contribution to the council's housing supply and would offer a wider diversity of housing types for residents of Baldwin's Gate.

The objection letters raise the following concerns:

- Previous appeals on site have been dismissed
- Conflict with emerging local plan and neighbourhood plan policies
- Visual impact
- Lack of infrastructure to support new houses
- Flood risk
- Impact on ecology
- No local need
- Impact on highway safety

Applicant's/Agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link: -

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00751/OUT>

Background papers

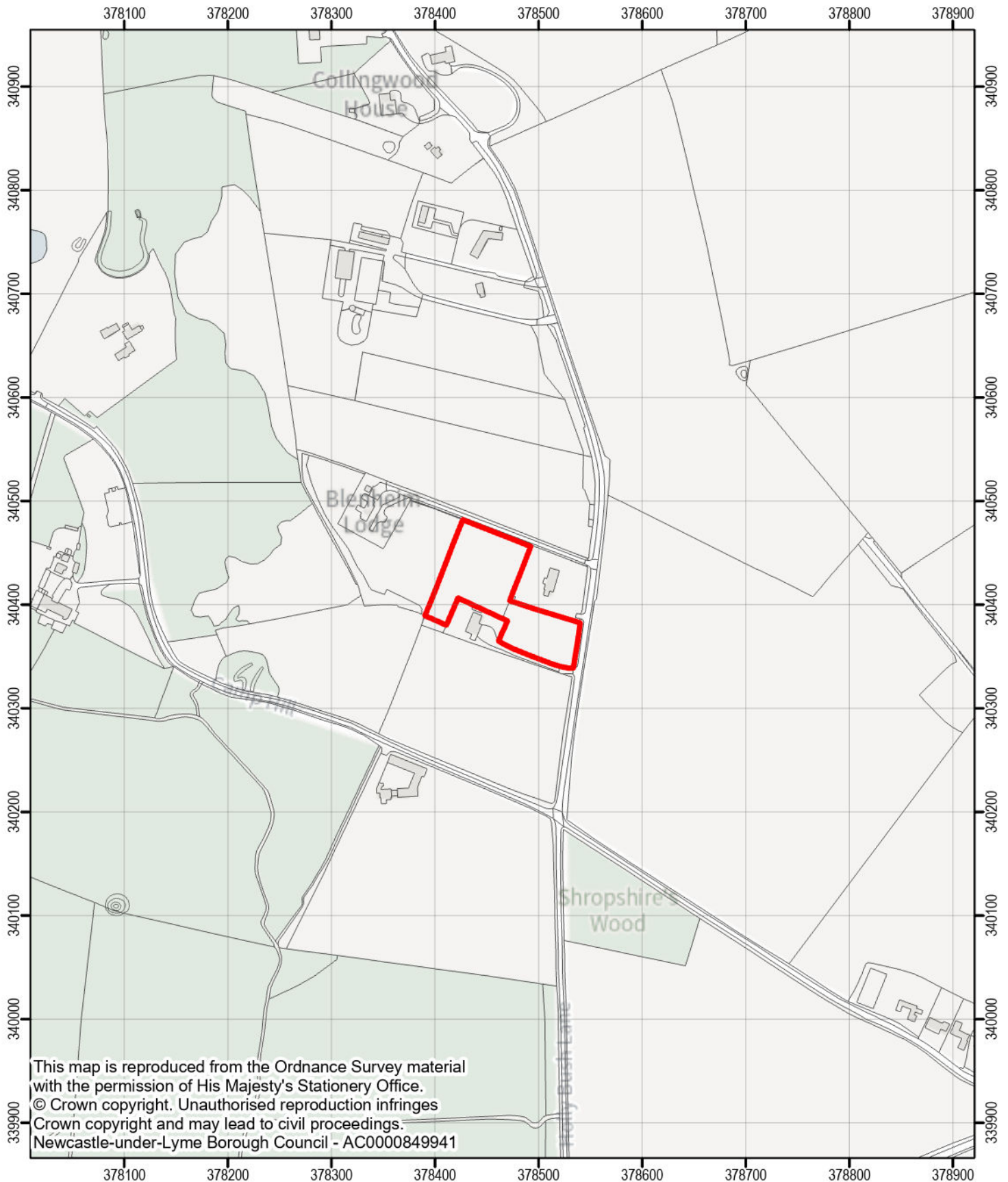
Planning files referred to
Planning Documents referred to

Date report prepared

18th December 2025

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25/00751/OUT
Land Adjacent To Farcroft
Manor Road
Baldwins Gate



Newcastle Borough Council

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**15, 17, 19, 29, 31, 35 And 37, NEWCASTLE UNDER LYME
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

25/00805/DEEM3

The application seeks full planning permission for the installation of replacement shop front windows and doors at 15, 17, 19, 29, 31, 35 and 37 Merrial Street.

The units, which are currently occupied by a variety of retail uses, are located within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination of the application expired on the 22nd December 2025, however an extension of time has been agreed until the 9th January 2026.

RECOMMENDATION

Permit, subject to conditions relating to:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**

Reason for Recommendation

The external alterations would not have any adverse impact on the character and appearance of the Conservation Area and the design of the proposal accords with the policies of the development plan and the aims and objectives of the NPPF.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The proposed development is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks full planning permission for the installation of replacement shop front windows and doors at 15, 17, 19, 29, 31, 35 and 37 Merrial Street. The units, which are currently occupied by a variety of retail uses, are located within the Town Centre of Newcastle and within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The Newcastle-under-Lyme Borough Council Final Draft Local Plan (Regulation 19 version) and its supporting documents were submitted for public examination on the 20 December 2024. Following the examination hearings, the Council has consulted on several main modifications to the policies in the emerging Local Plan from the 05 November 2025 until the 17 December 2025.

Policies, alongside the schedule of Main Modifications, in the emerging Local Plan are a material consideration in decision taking on planning applications. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 49 of the National Planning Policy Framework, as follows:-

“49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); an*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

As the Local Plan is at an advanced stage with a focused consultation on Main Modifications from the examination process then moderate to significant weight can be attributed to individual policies dependent on the extent of changes to the Local Plan. These policies and their weight shall be addressed in turn, in the relevant sections of this report.

The sole issue in the determination of the application is the impact of the development on the character and appearance of the Conservation Area.

Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted. There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions. The NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 215 of the NPPF states 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 including, where appropriate, securing its optimum viable use.

Saved policies B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan all require that development should not result in harm to the character and appearance of conservation areas.

Emerging Local Plan Policy RET2 states that new shopfronts and the display of advertisements and signage will not be permitted if they are poor quality or where they fail to improve the character, function, appearance and quality of an area. The wording of this policy has however been subject to modification and so can only be afforded moderate weight.

Emerging Policy SE9 addresses the historic environment but has however been subject to significant changes during the main modifications process and so limited weight can be afforded to the criteria within this policy.

The ground floor of the units currently comprise large steel framed single glazed shop front windows and timber doors with horizontal and vertical beading. To improve the external appearance and thermal performance of the building, the proposal is to replace the existing fenestration with aluminium frames. The applicant has confirmed that the windows will be the same style, appearance, material and finish as those already installed in other units along Merrial Street.

The Conservation Officer and Conservation Advisory Working Party (CAWP) have no objections to the proposal.

It is noted that planning permission has been granted to carry out the same alterations on other units within this row of shops at 21 and 39-41 Merrial Street. Therefore, given that the proposals would match the existing frontage changes in the locality the development now proposed would provide an enhanced and cohesive appearance of this retail frontage. Given that the visual appearance of the windows and doors is very similar to the existing, it is not considered that there would be any harm to the character

and appearance of the Conservation Area. Therefore, the proposal accords with the policies of the development plan and the aims and objectives of the NPPF.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B9: Prevention of harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other material considerations include:

National Planning Policy Framework (2024)

Planning Practice Guidance (PPG) (as updated)

Emerging Newcastle Under Lyme Local Plan 2020-2040 (at Main Modifications)

Policy RET2: Shop fronts, Advertisements, New Signage
Policy SE9: Historic Environment

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Newcastle Town Centre SPD (2009)

Newcastle Town Centre Conservation Area Appraisal (August 2008)

Relevant Planning History

25/00180/DEEM3 - Retention of replacement shop front windows and doors (39-41 Merrial Street) – Permitted

25/00184/DEEM3 - Retention of replacement shop front windows and doors (21 Merrial Street) - Permitted

Views of Consultees

The **Conservation Officer** raises no objections to the application.

The **Conservation Advisory Working Party** has no objections to the proposal.

Representations

None received.

Applicant/agent's submission

The submitted documents and plans are available for inspection on the Council's website via the following link:

All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00805/DEEM3>

Background Papers

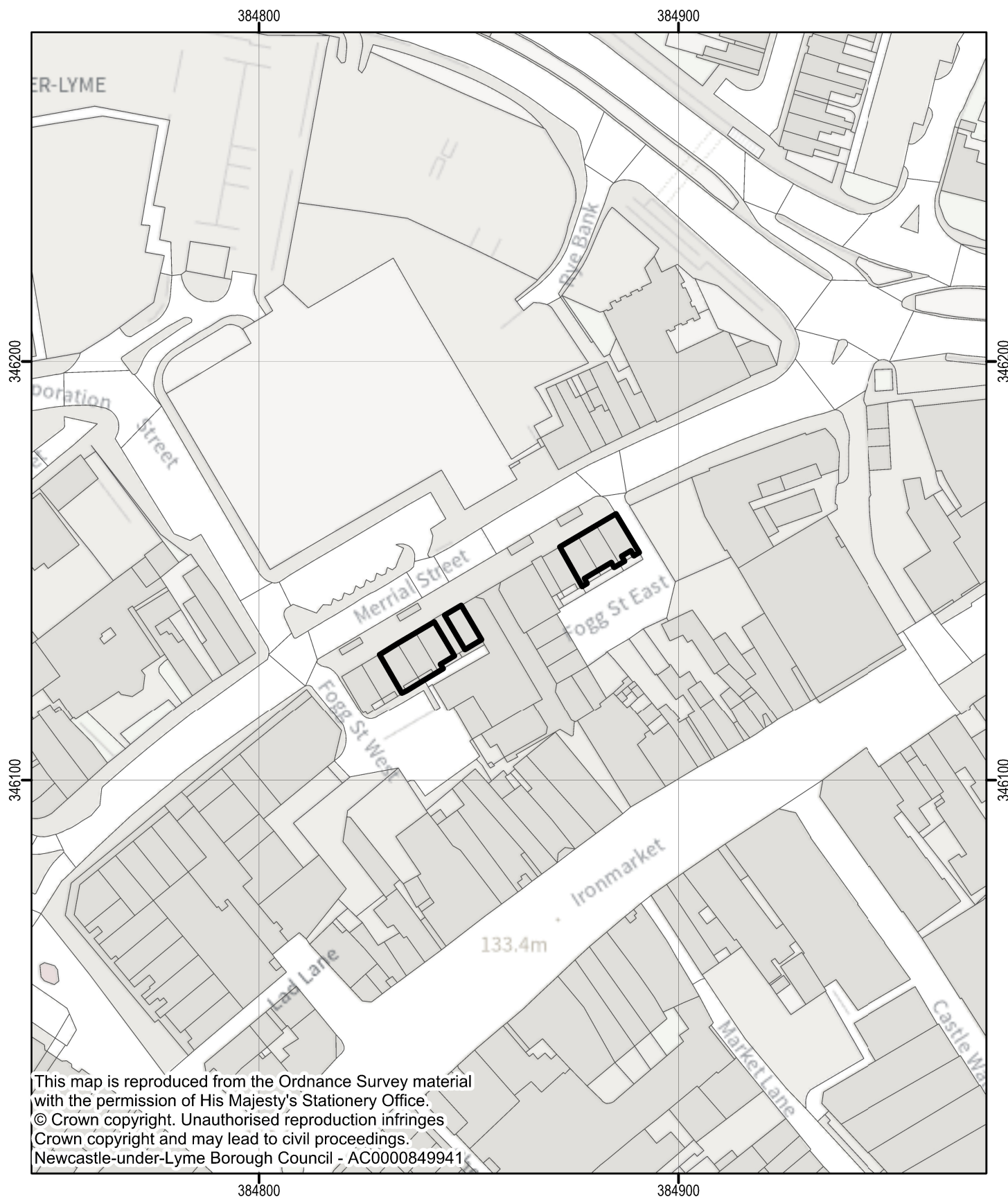
Planning File
Development Plan

Date report prepared

18 December 2025

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25/00805/DEEM3
15, 17, 19, 29, 31, 35 And 37 Merrial Street
Newcastle
Staffordshire
ST5 2AE



Newcastle Borough Council

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LAND REAR OF 57 HIGH STREET, ALSAGERS BANK
MR MOHAMMED SALEEM

25/00851/PIP

The application seeks permission in principle for the erection of 5-9 dwellings on a parcel of land to the rear of 57 High Street, Alsagers Bank.

The site is located within the open countryside and within an area of Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

The 5-week period for the planning application expired on the 12th December 2025 but an extension of time has been agreed until 9th January 2026.

RECOMMENDATION

Permit, subject to conditions relating to the following matters: -

- 1. Technical Details Consent required from the LPA**
- 2. Technical Details Consent submitted within 3 years of this permission**
- 3. Approved Plans**
- 4. Consent restricted to no less than 5 and no more than 9 dwellings**

Reason for Recommendation

It is considered that the location, type and amount of development proposed is acceptable in principle and these are the only matters which can be assessed in applications for permission in principle. If permission is granted, then an application referred to as a 'technical details consent' would need to be submitted which would consider site specific details.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

The application seeks permission in principle for the erection of 5-9 dwellings on a parcel of land to the rear of 57 High Street, Alsagers Bank. The site is located within the open countryside and within an area of Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

The Newcastle-under-Lyme Borough Council Final Draft Local Plan (Regulation 19 version) and its supporting documents were submitted for public examination on the 20 December 2024. Following the examination hearings, the Council has consulted on several main modifications to the policies in the emerging Local Plan from the 05 November 2025 until the 17 December 2025.

Policies, alongside the schedule of Main Modifications, in the emerging Local Plan are a material consideration in decision taking on planning applications. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 49 of the National Planning Policy Framework, as follows:-

"49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); an*

- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*".

As the Local Plan is at an advanced stage with a focused consultation on Main Modifications from the examination process then moderate to significant weight can be attributed to individual policies dependent on the extent of changes to the Local Plan. These policies and their weight shall be addressed in turn, in the relevant sections of this report.

With regard to applications for permission in principle, only the matter of the location of the development and the principle of development can be considered by the Local Planning Authority. If permission is granted then a second application referred to as a 'technical details consent' would need to be submitted which address site specific details such as highways, amenity, ground conditions, biodiversity, visual impact, arboriculture, etc. In addition, applications for permission in principle are exempt from providing a biodiversity net gain assessment, with such assessments to be submitted at technical details consent stage.

Whilst a number of objections to the proposal have been received which raise concerns relating to issues such as highway safety and the impact on wildlife, these are physical constraints of the site which fall beyond the scope of this report. Therefore, the only matters in the consideration of the application are as follows;

- Is the site a sustainable location for housing development?
- Is the development an appropriate form of development within the Green Belt?

Is the principle of development acceptable?

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise."

Paragraph 12 of the NPPF states that "Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

The application site comprises greenfield agricultural land that is located beyond, but adjacent to, the defined village envelope for Alsagers Bank.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy SP3 of the CSS seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

As referred to above, the Council's Draft Local Plan has now reached the main modifications stage of the examination process. The policies from the emerging plan most relevant in determining this application are considered to be Policies PSD1, PSD2, PSD3 and PSD4.

Policy PSD1 (Overall Development Strategy) sets out the overall development strategy for the Borough, including housing targets. Within the policy it details at point 4 that the council will encourage efficient

use of land through windfall development there the development, amongst other points *“is physically well-related to existing settlement, infrastructure and sustainable transport modes”*. This criterion is not subject to any modifications and so can be afforded significant weight.

Policy PDS2 (Settlement Hierarchy) establishes the settlement hierarchy within the Borough. The application site would be classified as *“Other settlement and rural areas”*. Again this policy is not subject to any modifications and so carries significant weight. Policy PSD3 details that *“other settlements and rural areas of the settlement hierarchy will be expected to accommodate development in line with the policy approach set out within the local plan but is not a focus of growth for this policy.”* Whilst there are modifications set out within PSD3, this criterion has not been modified and so can be afforded significant weight.

Policy PSD4 (Development Boundaries and the Open Countryside) sets that settlement boundaries are defined on the Policies Map and that open countryside is land outside of these defined settlement boundaries. It is noted that this application site would fall within the open countryside. The policy goes on to detail at criterion 3 types of development that would be supported (a-k). Criterion i is the only one subject to modification in terms of reference to Rural Exception sites, which does not apply to this application. The other types of development as listed within the policy include essential rural workers dwellings; agricultural/operational need; development associated with the conservation and enhancement of a heritage asset; proposals for self-build and custom dwellings and exceptional circumstances for isolated homes. These elements of the proposal which this application would be assessed against can be afforded significant weight.

Paragraph 11 of the NPPF states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

It has been accepted in previous planning appeals that the housing policies contained in the adopted Core Spatial Strategy and saved policies from the Newcastle-under-Lyme Local Plan 2003 are out of date. The emerging Local Plan includes policies relevant to the consideration of housing but the emerging status of the Plan, alongside the Council not being able to demonstrate a five year supply of deliverable homes, has an impact on the weight that can be attributed to the aforementioned policies

In the absence of a required housing land supply, the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged. Therefore an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

On the 1st October 2025, the Audley Neighbourhood Plan was made and therefore forms part of the adopted Development Plan. Policy ANP1 of the ANP states that residential development will be supported in location within settlement boundaries or infill development within Scot Hay or other gaps in built frontages flanked on both sides by existing housing, providing it does not compromise inappropriate development or the green belt, amongst other things.

Paragraph 14 of the NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

Whilst the neighbourhood plan is less than five years old, it does not contain policies and allocations to meet its identified housing requirement. Therefore the neighbourhood plan does not comply with the relevant measures outlined within Paragraph 14 and so it cannot be concluded that the adverse impact of allowing development that conflicts with the neighbourhood plan is, in itself, likely to significantly and demonstrably outweigh the benefits.

The objections from Audley Parish Council in respect of the developments conflict with Policy ANP1 of the Neighbourhood Plan are noted, and it is accepted that the site does not fall within the identified settlement boundary. The consideration of whether the site represents a sustainable location shall be detailed later in this report.

In terms of sustainability, Alsagers Bank forms one of the villages of the Audley Parish and represents a sustainable rural location for new housing due to the services and facilities it contains such as a primary school and a bus service to Audley and Newcastle. It is acknowledged that both local and national planning policy seeks to provide new housing development within existing development boundaries on previously developed land where available. It is accepted that residential development on this site outside the settlement boundary would be contrary to this preferred approach and the requirements of Policy ANP1 of the NP. However it must be recognised that the site is directly adjacent to the recognised village envelope of Alsagers Bank and therefore a refusal on sustainability grounds would be difficult to sustain.

To conclude, this site would contribute to meeting the housing need for the borough over the emerging plan period in a sustainable and accessible location which would help to boost the supply of homes in the borough.

Is the development an acceptable form of development in the Green Belt?

Paragraph 143 of the NPPF indicates that the Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment.

Paragraph 153 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 154 of the NPPF states that other than in the case of a number of specified exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt.

Paragraph 155 sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where:

- (a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- (b) There is a demonstrable unmet need for the type of development proposed ;*
- (c) The development would be in a sustainable location, with particular reference to [paragraphs 110 and 115 of this Framework; and*
- (d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-15.*

Policy PSD5 (Green Belt) within the Draft Local Plan states that development shall not be approved for inappropriate development except in very special circumstances, in accordance with the approach within the NPPF. Elements of this policy are subject to modifications, however in terms of new built development in the green belt, the policy aligns with the provisions of the framework and so for the purposes of this application can be afforded significant weight.

The applicant has submitted supporting information to seek to demonstrate that the proposal complies with criterion (a) above, which relates to the utilisation of 'Grey Belt' land and an assessment as to whether the proposal meets the above criteria is set out below.

'Grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph

143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

As per the definition above, Grey Belt can include previously developed land or any other land that does not contribute to purposes a), b) or d) of the five purposes of including land within the Green Belt listed at paragraph 143 of the Framework.

These three criteria are:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (d) to preserve the setting and special character of historic towns.

The application site falls outside of any recognised settlement boundary in the 2011 Local Plan. National Guidance notes that villages should not be classed as 'large built up areas' and this definition should only be applied to towns or larger settlements. Furthermore, the application site is bounded by existing residential development to the west, and there are nearby highways further to the south and east which would limit additional development, ensuring that the proposal would not be at risk of creating 'unrestricted sprawl'. For these reasons, the proposal meets the definition of grey belt when assessed against the first of the criteria set out above.

In regard to criterion (b), there are no nearby towns within close proximity to the site which would be at risk of merging with the settlement. The nearest town of Newcastle under Lyme is over 2km to the east.

Regarding criterion (d), as Alsagers Bank is classed as a village and not a town, the proposal is in accordance with this requirement.

Consideration must still be given as to whether any of the restrictions set out in footnote 7 apply to the site, a list of these restrictions are set out below:

- (a) habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest;*
- (b) Local Green Space;*
- (c) a National Landscape;*
- (d) a National Park (or within the Broads Authority) or defined as Heritage Coast;*
- (e) irreplaceable habitats;*
- (f) designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and*
- (g) areas at risk of flooding or coastal change.*

The site does not fall within any of the criteria set out above.

To conclude, the site comprises Grey Belt land as it does not make a significant contribution to purposes a), b) and d) of paragraph 143 of the Framework, nor are there any policies listed at footnote 7 of the Framework that suggest that development of the application site should be refused or restricted. There is a demonstrable need for the development given the absence of a 5 year housing land supply and the site is otherwise located in a sustainable location.

In light of these conclusions, the proposal comprises appropriate development in the Green Belt and the principle of development is considered to be acceptable.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics.

APPENDIX

Policies and proposals in the Development Plan relevant to this decision:

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (Adopted 2009)

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011

Policy T16:	Development – General Parking Requirements
Policy N17:	Landscape Character – General Considerations
Policy N21:	Areas of Landscape Restoration
Policy S3:	Development in the Green Belt

Audley Neighbourhood Plan

Policy ANP1:	Residential Development
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Other Material Considerations

National Planning Policy Framework (2024)
National Planning Practice Guidance (2024)

Newcastle-under-Lyme Emerging Local Plan (2020-2040 at Main Modifications Stage)

Policy PSD1:	Overall Development Strategy
Policy PSD2:	Settlement Hierarchy
Policy PSD3:	Distribution of Development
Policy PSD4:	Development Boundaries and the Open Countryside
Policy PSD5:	Green Belt

Supplementary Planning Guidance

Space around Dwellings SPG (2004) - Supplementary Planning Guidance relating to the control of residential development

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Planning History

20/00160/FUL - Residential development comprising of the erection of 2no. New Build Dwellings – permitted

23/00503/FUL - permission 20/00160/FUL to substitute the approved plans to reflect the details of the Plot 2 as constructed – permitted

24/00869/FUL - Application for variation of condition 1 of planning permission 23/00503/FUL for the resiting of plot 1 – permitted

Views of Consultees

Audley Parish Council object to the application accepted on the grounds that it conflicts with ARNP Policy ANP 1 in that it is outside of the settlement boundary, in the Green Belt and in addition that it will also harm the setting of the adjacent Church Fields LGS ref 87.

The Environmental Health Team raise no objections to the proposal subject to conditions relating to construction hours, the reporting of any unexpected contamination and details of any imported soil.

The **Coal Authority** note that any technical matters application will need to be supported by a Coal Mining Risk Assessment.

United Utilities request that a condition is added to any permission requiring that a surface water drainage scheme and a foul water drainage scheme are submitted to the LPA for approval.

The **Highways Authority** note that to consider any residential proposal fully, in line with NPPF guidance, the HA require any future planning submissions to include technical details of safe site access arrangement/s, to include the necessary visibility.

Representations

Eighteen (18) letters of objection have been received which raise the following concerns:

- Highway safety and increase of traffic
- Impact on Greenbelt
- Impact on infrastructure
- Impact on wildlife
- Coal mining legacy risk
- Swift bricks should be incorporated into any approved development
- Visual impact
- Drainage
- Loss of privacy
- Loss of house value

Applicant's/Agent's submission

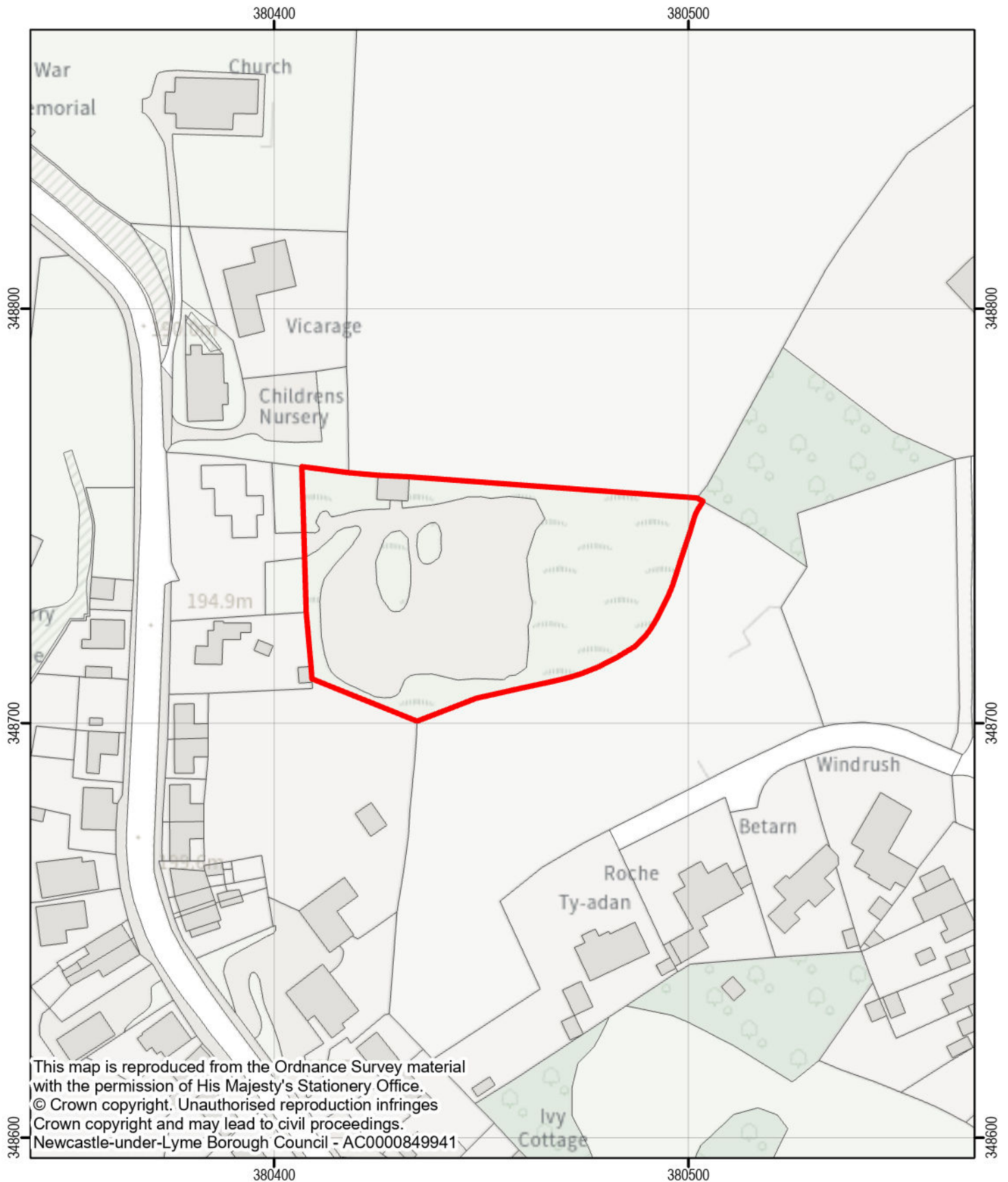
All of the application documents can be viewed on the Council's website using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/00851/PIP>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

18th December 2025



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5 BOGGS COTTAGE, KEELE, reference 14/00036/207C3

The purpose of this report is to provide Members with an update, in accordance with the resolution of Planning Committee at its meeting of 3rd January 2019 (since repeated), of the progress in relation to the taking of enforcement action against a breach of planning control at this location.

RECOMMENDATION

That the information be received.

As previously reported, the Planning Inspectorate has allowed the appeal and the enforcement notice has been quashed. Therefore, planning permission has been granted for the use of a mobile home on the land as a dwelling, subject to a number of conditions that now need to be complied with.

Conditions 3 & 4 of the appeal decision required information to be submitted to the Local Planning Authority for approval within three months of the date of the decision i.e. by the 20th March 2023. This information relates to drainage details, provisions for facilities for water and sewerage, provision of parking spaces (Condition 3) and details of a scheme to restore the land to its condition before the development took place (Condition 4).

Details to discharge conditions 3 and 4 were subsequently submitted in accordance with the agreed timeline. Whilst approval was given to Condition 4 site restoration, the drainage details were refused following consultation advice received from Severn Trent Water.

A copy of the appeal decision can be viewed via the following link; <https://www.newcastle-staffs.gov.uk/BoggsCottage>

Recently, the existing mobile home on the site has been demolished and the site cleared. Dialogue continues with the owner of 5 Boggs Cottages regarding occupation of the site and other potential works/development. Officers have met with the owner and emphasised that the occupation of a new mobile home would require full compliance with the conditions attached to the appeal decision i.e. drainage matters to be addressed to the satisfaction of the Council.

Date report prepared – 18 December 2025

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