

**ROSE COTTAGE, WOODSIDE, HILL CHORLTON**  
**MR L CLARKE, CCP DEVELOPMENTS (STONE) LIMITED**

**25/00080/OUT**

The application seeks outline planning permission with all matters reserved except for details of the main site access, for the demolition of existing outbuildings and the construction of four dwellings within the existing curtilage of the property known as Rose Cottage.

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 of over intensive development, unsustainable location and lack of pavements on the highway.

**The statutory determination period for this application expired on the 1 April and an extension of time has been agreed to 25 April.**

**RECOMMENDATION**

**PERMIT, subject to conditions relating to the following matters: -**

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans**
- 3. Limit on construction hours**
- 4. Habitat and maintenance plan**
- 5. Unexpected contamination**
- 6. Surface water drainage scheme**
- 7. Works to be completed in accordance with ecological appraisal**
- 8. Access to be completed in accordance with the visibility splays details**
- 9. Works to be completed in accordance with the arboricultural assessment**

**Reason for recommendation**

The site is considered to be within a relatively sustainable location. The provision of 4 houses would make a contribution towards the Borough's housing land supply, 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. It has been demonstrated that the proposal would raise no issues with respect to residential amenity, significant visual harm, highway safety or ecology. 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 this application**

Additional information has been provided in support of the application at the request of the Local Planning Authority and the proposal is considered to represent a sustainable form of development in accordance with the aims and objectives of the National Planning Policy Framework.

**Key Issues**

The application seeks outline planning permission for the demolition of existing outbuildings and the construction of four dwellings within the curtilage of the property known as Rose Cottage. All matters are reserved for subsequent approval except for details of the main site access.

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.

A previous application has been approved at the site (Ref. 24/00471/FUL) which allowed for the subdivision of the main dwelling and the conversion of the existing outbuildings to a new dwelling, which resulted in a total of 3 dwellings being permitted within the site curtilage.

The main issues for consideration are as follows: -

- The principal of residential development in this location,
- Visual impacts of the proposal,
- Residential amenity,
- Highway safety,
- Impact on trees
- Impact on ecology
- Biodiversity Net Gain
- Planning balance

### **The principle of residential development in this location**

Policy SP1 of the CSS states 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. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

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.

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

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))

The Council cannot currently demonstrate an up to date housing supply.

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).

The CHCMWA Neighbourhood Plan was made on the 21<sup>st</sup> January 2020 and so the plan is less than five years old. However, 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.

CSS Policies SP1 and ASP6, and Local Plan Policy H1 are concerned with meeting housing requirements, and Inspectors in a number of previous appeal decisions, have found that these policies do not reflect an up to date assessment of housing needs, and as such are out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based.

In *Paul Newman New Homes Ltd v SSHCLG & Aylesbury Vale DC* [2019] EWHC 2367 (Admin) the judgement looks at how decision makers should assess whether “the policies which are most important for determining the application are out-of-date”. It states that the first step is to identify the “basket of policies from the development plan which constitute those most important for determining the application”. The second task is to “decide whether that basket, viewed overall, is out of date”. The basket of policies can be out of date for reasons set out in the NPPF to do with housing supply and delivery, but also if (as a matter of planning judgement) the basket of policies has been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason.

The basket of policies from the development plan most important for determining this application are considered to be LP Policy H1, CSS Policies SP1 and ASP6 and Policy HG1 of the NP. As stated above, it has been accepted that the LP and CSS policies are out of date. The NP was prepared based upon the requirements of the now out of date position set out within Policies H1 and ASP6. This change in the local planning context has a bearing on the weight to be applied to the Neighbourhood Plan policies and therefore it is considered reasonable to conclude that the ‘basket of policies’ overall, is out of date.

It is considered that the test in paragraph 11(d) has to be applied to this application given the lack of up-to-date policies in relation to the provision of housing. Therefore, the tilted balance outlined within Paragraph 11(d) of the framework is engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

The application site is within reasonable cycling distance of local facilities, within Baldwins Gate located approximately 600m to the northeast. However, given the rural nature of the site it is likely that occupants of the properties would more than likely be reliant on the use of the private motor car to access a number of higher-level services and facilities.

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. However, recent appeal decisions such as APP/P3420/W/24/3338220 (self-build dwelling at land adjacent Maerfield Gate Farm) and APP/P3420/W/19/3225154 (12 dwellings at Croft Farm, Stone Road) have demonstrated that Inspectors consider this site and those further to the south and southeast to be sustainable locations for new residential development. Given these appeal decisions 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 previous permission on the site for two additional dwellings also adds weight into the overall planning balance.

Whilst objections have been received from residents and from Chapel and Hill Chorlton Parish Council on the basis that the proposal is not in compliance with the emerging local plan policies, the new Local Plan has not yet been subject to its examination period and therefore the draft policies within it can be given limited to moderate weight.

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

The site is designated as being an Area Maintenance Area and Policy N19 of the Local Plan seeks development that will restore the character and improve the quality of the landscape. 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 save 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 proposal would result in a clear change to the character of the application site which would see the introduction of a more suburban layout to this rural site. The visual change to the site would be most perceivable from the north of the site, due to the more open nature of this part of the application site, however an existing mature hedge would help to soften some of the impacts of the development which could be further mitigated by a comprehensive landscaping plan.

The layout shows that the proposed dwellings can sit comfortably within the site with an acceptable level of off street car parking, turning areas and private rear 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.

Overall it is considered that the proposal would result in only limited effects on local visual amenity, with notable effects limited to locations on or immediately adjacent to the site, and some very limited visual effects from locations further from the site. In consideration of the above 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.

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between both existing and proposed dwellings and that sufficient private amenity space would be provided to comply with the Council's Space Around Dwellings SPG.

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 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.

The proposal would utilise and improve an existing access point that leads onto Woodside which is an unlit road with a national speed limit. A number of objections have been raised by local residents on highway safety grounds, on the basis that the surrounding roads are unlit and do not have pavements.

The Highway Authority has confirmed that they raise no objections to the proposal on technical grounds and that the new visibility splay would be a betterment in highway safety terms. The HA also note that the proposal would provide a footpath link towards Chorlton Moss which will improve access from the site into Baldwins Gate for future occupants.

With respect of 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, it must be noted that the appeal decisions for nearby sites as referenced earlier in this report consider this site to

be a sustainable location for development, and as such, a refusal on those grounds cannot 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.

### **Impact on Trees**

Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

An Arboricultural Assessment has been submitted in support of the application which notes that the proposed development would seek to retain all of the existing trees on the site, with the exception of two trees recommended for removal due to their poor health and condition. Both are category U trees (identified as T11 and T13). The indicative proposed site layout plan demonstrates that both these trees could potentially still be retained as part of the proposal as they will not be impacted by the position of any of the proposed dwellings.

Subject to the submission of a detailed landscape plan which must form part of any reserved matters application it is considered that the impact on trees and hedgerows is acceptable.

### **Impact on Ecology**

A Preliminary Ecological Survey has been undertaken by HCA Services to establish whether or not any protected species are present within the site or existing buildings.

A number of mitigation and enhancement measures are set out with regard to bats, reptiles, birds and hedgehogs. These measures would be controlled through the use of a condition.

The Ecological appraisal has therefore demonstrated that the proposed works can be undertaken with minimal interference to any local biodiversity interests, subject to reasonable avoidance and mitigation measures.

### **Biodiversity Net Gain**

Paragraphs 180 & 185 of the NPPF set out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

Biodiversity Net Gain (BNG) is “an approach to development that leaves biodiversity in a better state than before”. When applying biodiversity net gain principles, developers are encouraged to bring forward schemes that provide an overall increase in natural habitat and ecological features. The aim of BNG is to minimise losses of biodiversity and help to restore ecological networks. Sites must demonstrate a minimum of a 10% Biodiversity Net Gain as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, with habitat used for net gain to be secured for a minimum of 30 years.

An on-site baseline biodiversity value has been provided within the submitted biodiversity Net Gain Assessment and the applicant has then made a post-development biodiversity value calculation.

To achieve the 10% BNG requirement a planting scheme of new hedging, new woodland and mixed scrub, these would result in a total gain 23.20% net gain in habitats and 61.68% net gain in hedgerows for the site.

The results of the assessment demonstrate that more than a 10% gain in biodiversity units when compared with the current baseline can be achieved.

In order to monitor the long-term biodiversity net gain for the site, a condition will be applied to any permission granted requiring the submission of a Biodiversity Net Gain Plan and Monitoring Plan prior

to any development on site occurring. Subject to the use of these conditions, it is considered that the proposal has adequately demonstrated that the site will result in an on-site biodiversity net gain.

### **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 4 houses on the site would make a contribution towards the Borough's housing land supply, 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 with substantial weight. It has also been demonstrated through the submission of technical details that the proposal would raise no issues with respect of residential amenity, significant visual harm, highway safety or ecology.

On this basis 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 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 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**

Relevant National Policy Guidance:

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

Supplementary Planning Guidance

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

**Planning History**

00/00458/COU - Change of use of outbuilding to form office – Approved

24/00471/FUL - Subdivision of existing dwelling and conversion of existing domestic outbuilding (including external alterations and extensions) to create a total of three dwellings – Approved

**Views of Consultees**

The **Environmental Health Division** raise no objections to the proposal subject to conditions relating to construction hours and the reporting of unexpected contamination.

The **Highway Authority** note that the proposal is acceptable on technical grounds, however they maintain their objections on the grounds that the site is not in a sustainable location.

**Chapel and Hill Chorlton Parish Council** object to the proposal on the grounds that the development conflicts with policies HG1 and NE1 of the Neighbourhood Plan and with policies HOU1, PSD2, PSD3, PSD4, IN2, SE10 and RUR2 of the emerging draft Local Plan.

**Maer and Aston Parish Council** object to the proposal on the grounds of over intensive development, unsustainable location and lack of pavements on the highway.

**Whitmore Parish Council** has no objections to the application.

Staffordshire County Council as the **Public Rights of Way Authority** note that the Definitive Map of Public Rights of Way for Staffordshire shows no public rights of way crossing the application site.

The **Landscape Development Section** raise no objections to the proposal subject to conditions relating to the development being completed in accordance with the aboricultlrual impact assessment, landscaping details and tree protection plans to be provided.

### **Representations**

14 letters of objection have been received which raise the following concerns:

- Loss of countryside and visual impact
- Highway safety
- Lack of infrastructure
- Flood risk
- No local job opportunities
- Unsustainable location
- Loss of wildlife
- Nuisance caused by construction period
- Conflicts with the policies set out in the Neighbourhood Plan and emerging Local Plan

### **Applicant/agent's submission**

All of the application documents can be viewed on the Council's website using the following link: - <https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/25/0080/OUT>

### **Background Papers**

Planning File  
Development Plan

### **Date report prepared**

10 April 2025