

**LAND NORTH OF MUCKLESTONE WOOD LANE, LOGGERHEADS**  
**MR CHRIS BUTTERS**

**25/00505/OUT**

The application seeks outline permission for the erection of a single self-build property at land north of Muckleston Wood Lane, Loggerheads, with all matters reserved save for 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.

The application has been called in to Committee on the grounds that the site falls outside the village envelope of Loggerheads and is not in accordance with the Neighbourhood Plan in addition to highways safety grounds and the impact on the character of the area.

**The 8-week period for the determination of this application expires on the 29<sup>th</sup> August 2025, however an extension of time has been agreed to the 12<sup>th</sup> September.**

**RECOMMENDATION**

**Permit subject to the following conditions:**

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans**
- 3. Dwelling to be self-build**
- 4. Limit on construction hours**
- 5. Unexpected contamination**
- 6. Access to be completed in accordance with submitted plans**
- 7. Provision of visibility splays**
- 8. Biodiversity enhancements required in accordance with Ecological Appraisal**
- 9. Tree protection**

**Reason for Recommendation**

The development of this site is considered to be within a sustainable location and accords with 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 cause impacts to 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**

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

**Key Issues**

The application seeks outline permission including access for the erection of a single self-build property at land north of Muckleston Wood Lane, Loggerheads. 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. As the proposal is for a self-build dwelling, it is exempt from Biodiversity Net Gain requirements.

The planning history for the site shows that a number of applications for residential development have been refused, two of which were dismissed at appeal. In the determination of the most recent appeal for one dwelling (Ref. 17/00450/FUL) the Inspector noted that while the site was in a sustainable location for new housing, it would cause harm to the character and appearance of the area, which outweighed the benefits of the proposal.

Taking into account the above background, the main issues in this case are:

- The principle of development in this location
- Impact on the character and appearance of the area
- Residential amenity
- Highway safety
- Planning Balance

### **Principle of development**

The application site lies adjacent to but outside of the Loggerheads village envelope.

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 LNPG1 of the Loggerheads Neighbourhood Plan states that new housing development will be supported within the village envelope of Loggerheads village as defined in this Neighbourhood Plan. Outside the village envelope, housing development will be supported where it is a replacement dwelling, constitutes limited infill housing or within a built frontage of existing dwellings. It should reflect the character of surrounding dwellings and should not lead to significant loss of garden space. Furthermore, it should not cause significant harm to residential amenity, and in the case of an isolated property in the countryside, it must meet the special circumstances in paragraph 55 of the NPPF.

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 a five-year housing land 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 LNP was 'made' in January 2019 and is therefore more than five years old. In addition, the neighbourhood plan does not contain policies and allocations to meet its identified housing requirement. As a result, 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 CSS Policies SP1 and ASP6, and Local Plan Policy H1 are concerned with meeting housing requirements; however, 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 LP Policy H1, CSS Policies SP1 and ASP6 and LNPG1 of the Loggerheads Neighbourhood Plan. As stated above, it has been accepted that the LP and CSS policies are out of date. The Loggerheads Neighbourhood Plan 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.

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

In sustainability terms, the site lies immediately adjacent to the Village Envelope of Loggerheads and the shops and services are approximately 900m away along Chestnut Road. There is a regular bus service within reasonable walking distance. In the previous appeal for this site, the Inspector noted that the site is located close to public transport and within walking distance of shops and services within Loggerheads. More recently, in allowing an appeal for up to 150 houses on land also north of Muckleston Wood Lane (23/00002/OUT), albeit further to the west of this site, the Inspector accepted the sustainability of the location.

These points undoubtedly weigh in favour of a conclusion that in terms of access to facilities and a choice of mode of transport, the site can be described as being in a sustainable location in accordance with paragraph 11d of the Framework. The consideration of whether any adverse impacts exist that would outweigh the benefits of the proposed scheme shall be considered later in this report.

#### **Layout and impact on the character and appearance of the area, including existing trees**

Paragraph 131 of the National Planning Policy Framework (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.

Paragraph 135 of the NPPF 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 Strategy requires that the design of the development is respectful to the character of the area.

Policy LNPP1 of the LNP states that to be supported, new development must demonstrate high standards of design and details the factors that should be pursued in new development. Policy LNPP2 indicates that new development must complement and reinforce the local character of the area and non-designated heritage including conserving buildings and their setting and comprising high-quality, site-specific design.

As all details save for access are to be considered at a reserved matters stage, a full assessment of the visual impacts of the proposal cannot yet take place. A basic indicative site plan has however been submitted with the application.

In dismissing the most recent appeal for a dwelling on the site (Ref. 17/00450/FUL) the Inspector concluded that the development would introduce a form of built residential development into a part of the immediate countryside where there was none at present and therefore would have caused harm to the character and appearance of the area.

Whilst consideration must be given to that appeal decision, significant weight must be given to the more recently allowed appeal for up to 150 houses on land also on the north side of Mucklestone Wood Lane. In allowing that appeal the Inspector concluded that the proposal's impact on the landscape would be localised. Reserved matters consent has recently been granted for 138 dwellings (Ref. 25/00352/REM).

On the basis that significant housing expansion has been accepted on the northern side of Mucklestone Wood Lane, it would be unreasonable now to seek to sustain an argument that a single dwelling that would be well screened by existing vegetation would not also be acceptable.

The indicative layout shows that the proposed dwelling can sit comfortably within the site with an acceptable level of off-street car parking, turning areas and private garden areas without appearing as overdevelopment. Appearance and landscaping are reserved for subsequent approval, and it is accepted that a design can be achieved that would provide a suitable level of landscaping. The site also benefits from a good level of screening in the form of existing trees, which the submitted tree survey demonstrates would be retained throughout the development.

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.

### **Residential amenity**

Criterion f) within Paragraph 135 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.

Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

The Framework states within paragraph 135 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations.

As discussed, all matters of detail are reserved for subsequent approval. However, based on the size of the site and its relationship with neighbouring buildings it is accepted that a dwelling can suitably be accommodated on the site without resulting in any adverse impacts on residential amenity. Future occupants could also be afforded with suitable amenity space within the site area.

The Council's Environmental Health Team have raised no objections to the proposal subject to conditions relating to a limitation on construction hours and the reporting of any unexpected contamination.

Subject to the above conditions, it is considered that the dwelling can be suitably accommodated on the land without resulting in adverse implications to the amenity of nearby residential properties as well as that of the future occupants. The development therefore complies with the requirements of the development plan as well as the aims and objectives of the NPPF.

### **Highway safety**

In the consideration of proposed development, paragraph 110 of the NPPF states it should be ensured that safe and suitable access to the site can be achieved for all users that appropriate opportunities to promote sustainable transport modes can be taken up, and that significant impacts on the transport network or on highway safety can be mitigated.

Paragraph 111 states 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 proposed site access is to be from Muckelstone Wood Lane at the southern end of the site. The proposal would see the improvement of an existing access track which is currently in a substandard condition.

The Highway Authority note that although the access affords restricted visibility in the western direction, visibility is sufficient in the eastern direction. In addition to the above, as the proposal would utilise an existing access path and would not generate a significant increase in vehicle trips, it would be difficult for the Highway Authority to object to the proposed development on the grounds of an unacceptable impact on highway safety.

Although local residents have raised concerns that the proposal would increase congestion on the local highway network which, the HA is satisfied that the proposed access arrangement would not adversely impact on highway safety.

In terms of parking provision, the site is large enough to easily accommodate sufficient parking spaces, in compliance with the Council's parking standards.

Accordingly, the development can be permitted with suitable vehicular access to the site and will not result in an adverse impact on highway safety, subject to suitable conditions. The proposal therefore complies with guidance relating to highway safety in the NPPF.

### **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 permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, is required.

The provision of an additional dwelling would make a contribution towards the Borough's housing 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 therefore must be attributed with substantial weight. The proposal would also make a contribution to the number of self-build properties within the borough which should be given significant weight. It has been demonstrated through the submission of technical details that the proposal would raise no issues in respect of residential amenity, visual harm, highway safety or biodiversity. On this basis, outline planning permission should be granted, subject to the use of appropriate conditions.

### **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**

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy T16: Development – General Parking Requirements  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Areas

### Loggerheads Neighbourhood Plan

Policy LNPG1: New Housing Growth  
Policy LNPG2: Housing Mix  
Policy LNPP1: Urban Design and Environment  
Policy LNPP2: Local Character & Heritage  
Policy LNPT1: Sustainable Transport

## **Other Material Considerations**

National Planning Policy Framework (2024)

Planning Practice Guidance (PPG) (2024)

### Supplementary Planning Documents/Guidance

Space around Dwellings SPG (SAD) (July 2004)

### Planning History

15/00404/OUT Erection of two detached 4/5 bedroom dwellings with garages – Refused and appeal dismissed

15/00671/OUT Proposed single 4/5 bed dwelling with detached garage and amended access point - Refused

17/00450/FUL Erection of new 4-bedroom dwelling with double garage and improved access – Refused and appeal dismissed

22/01100/FUL Proposed agricultural steel framed building – Approved

## **Views of Consultees**

The **Highway Authority** raises no objections to the proposal subject to conditions requiring the submission of further highways details with any reserved matters application, the completion of the access in accordance with the submitted plans and the provision of visibility splays along the access point and adjacent highway.

**Naturespace** raise no objection to the proposal subject to the development taking place in accordance with details set out in the submitted ecological appraisal.

The **Environmental Health Team** raise no objections to the proposal subject to condition relating to a limitation on construction hours and the reporting of any unexpected contamination.

No comments have been received from **Staffordshire Wildlife Trust**, the **Landscape Development Section**, or **Loggerheads Parish Council**..

### **Representations**

Two objections have been received from residents which raise the following concerns:

- Previous applications have been refused on site for reasons that remain valid
- Construction traffic
- The plot is adjacent to high quality agricultural land and an established woodland, both of which should be protected.

### **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/25/00505/OUT>

### **Background papers**

Planning files referred to  
Planning Documents referred to

### **Date report prepared**

26 August 2025