



Appeal Decision

Site visit carried out on 16 April 2025

by **Jennifer Vyse DipTP MRTPI DipPBM**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025.

Appeal Ref: APP/P3420/W/24/3355961

Acreswood, Manor Road, Baldwins Gate, Newcastle-under-Lyme, Staffordshire ST5 5ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Alan Corinaldi-Knott against the decision of Newcastle Under Lyme Borough Council.
 - The application No is 24/00099/OUT.
 - The development proposed is described as an infill development comprising the provision of three serviced self-build plots.
-

Decision

1. For the reasons that follow, the appeal is allowed and outline planning permission is granted for the erection of three self-build plots at Acreswood, Manor Road, Baldwin's Gate, Newcastle-under-Lyme in accordance with the terms of the application, No 24/00099/OUT, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The appeal relates to an application for outline planning permission with all matters other than access reserved for future consideration. Whilst a preliminary masterplan was submitted with the application, I have treated it as illustrative only, other than insofar as it relates to access.

Main Issues

3. The main issues relate to whether this would be a suitable site for housing having regard to the accessibility of services and facilities for future residents in terms of limiting the need to travel and offering a genuine choice of transport modes, and its effect on the character and appearance of the surrounding area.

Reasons for the Decision

Housing Land Supply and Policy Context

4. The officer's report states that the Council can demonstrate a five year housing land supply. However, the appellant has directed me to a recent appeal decision relating to the same authority, which post-dates the Council's determination of the application the subject of the instant appeal. In light of the revised requirements in the latest version of the National Planning Policy Framework (the Framework)¹, it was a matter of agreement between the parties to that appeal that the Council

¹ December 2024

could not demonstrate the necessary supply.² Whilst there was no agreement on the actual supply figure, the Inspector found that on either case, the shortfall was significant. I have no reason to take a different view and shall proceed on that basis. As such, applying paragraph 11d) of the Framework, the so-called 'tilted balance' is engaged.

5. Notwithstanding the housing land supply position set out in the officer's report, the same report also confirms that the basket of development plan policies most important for determination of the proposal are out of date.³ As such, irrespective of the housing land supply position, the tilted balance would have been engaged in any event.
6. The Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan, made on the 21 January 2020, is less than five years old. I am advised, however, that it does not contain policies and allocations to meet its identified housing requirement. Consequently it does not comply with the relevant measures outlined within Paragraph 14 of the Framework 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.

Access to Shops, Facilities and Services

7. Policy HG1 of the Neighbourhood Plan is supportive of new housing in sustainable locations. The policy sets out that to be in a sustainable location development must, among other things, be supported by adequate infrastructure.
8. The appeal site sits in open countryside, well beyond the village envelope for Baldwin's Gate as defined by the Neighbourhood Plan. The shops, services and facilities in the village are around 1.3 miles (2 km) away from the appeal site. Access to the village is along unlit, busy country roads with no footways or cycle lanes, the journey taking around 30 minutes on foot. I have no doubt, in this regard, that the route would be unattractive to pedestrians, making regular walking, or indeed cycling for regular needs, unattractive and unsafe. As much is agreed by the appellant.
9. Whilst nearby public footpaths provide an off-highway pedestrian route to the village, that is unlikely to provide a realistic alternative throughout the year, in inclement weather, or after dark. My attention was drawn to local appeal decisions where Inspectors had found access via a public footpath to be appropriate. However, in the Croft Farm decision,⁴ the Inspector noted that shops, services and facilities in Baldwin's Gate were only some 500m away, within reasonable walking distance (10-15 minute walk) along the footpath, considerably less than the distance to the same services and facilities from the instant appeal site.
10. In the Maerfield Gate Farm decision,⁵ whilst pedestrians would need to walk a short distance along a carriageway where there was no footway to reach a public right of way route, that was considered acceptable given the nature of the roads in that

² APP/P3420/W/24/3350245 Land north of Mucklestone Wood Lane /east of Rock Lane, Loggerheads, Market Drayton, Staffordshire. Appeal allowed 29 January 2025.

³ Namely, policies SP1 and ASP6 of the Core Spatial Strategy (October 2009) and policy H1 of the Local Plan (October 2003) and policy HG1 of the Neighbourhood Plan (2020).

⁴ APP/P3420/W/19/3225154

⁵ APP/P3420/W/24/3338220

case, with low traffic levels and speeds. That is very different from the busy nature of Manor Road. Moreover, whilst the distance from that site to Baldwin's Gate is not given, the maps provided by the appellant suggest that again, the site was closer to Baldwin's Gate than is the Acreswood site. The site was also served by a bus route. Although there are bus stops near to the current appeal site, the Council advises that the service only operates on school days, consisting of one bus in the morning and one in the afternoon. That does not offer future occupiers a genuine alternative mode of transport to access everyday services and facilities, or for commuting.

11. In support of its case, the Council draws attention to an appeal decision for a self-build dwelling at Farcroft, on Manor Road, some distance to the south of the current appeal site.⁶ The appeal was dismissed on the basis that the proposal would result in a high level of reliance on the private motor vehicle. Whilst each application falls to be considered on its own merits, that decision reflects my views in relation to the appeal site.
12. In my view, given the distance involved and the nature of the routes available, future occupiers would be largely reliant on the private car to access everyday services and facilities. There would be conflict with policy HG1 in this regard, since the development would not be supported by adequate infrastructure such that it could be considered as a sustainable location in the terms of the policy.

Character and Appearance

13. The appeal site comprises the front half of a field on the western side of Manor Road, opposite the southwestern corner of Madeley Park Wood, an extensive residential estate. The site is contained by a large mature conifer hedge along its southern edge, with a field hedge, some 1.5-1.8m in height, along the boundary with Manor Road. The northern boundary is formed by screen planting and hedges of an adjacent detached dwelling, Oakwood, beyond which are further detached dwellings. To the west, ground levels fall away from the road within the field, before rising up to join an extensive woodland belt.
14. To the south of the site, beyond the conifer hedgeline, is a small group of modest nursery buildings within the extensive curtilage to Acreswood. Acreswood itself, a large detached property, lies approximately 100m or so to the south of the appeal site. It is set well back from the main road at the edge of the woodland belt, sitting behind established vegetation that screens it in view from the main road, although a detached outbuilding that occupies an elevated position adjacent to the long drive can be seen.
15. In essence, the general feeling and impression on approaching the appeal site from the south, is that it is at the start of the settlement of Madeley Park Wood, the mature conifer hedge along the southern boundary of the site having a suburban feel which means that although visually well-contained, the site has considerably more affinity with the settlement than the adjacent open countryside. On approach from the north, the site lies at the southern end of built development along both sides of the road, before more open countryside beyond the tall conifer hedge line.
16. From my own observations during the site visit, I concur with the findings of the LVIA which accompanied the appeal submissions, that the dwellings proposed

⁶ APP/P3420/W/23/3320812

would relate to the surrounding housing and street scene and would be seen as a natural, well contained part of the existing settlement.⁷ The illustrative planting proposals that also accompanied the appeal, confirm that whilst the field hedge along the boundary with Manor Road would need to be removed to facilitate necessary visibility splays, it would be replaced with a 5m wide planted buffer zone which would further help integrate the development into its setting.

17. Quite clearly, the erection of three dwellings on the undeveloped appeal site would materially change its current character and appearance. However, change does not necessarily equate to harm. The houses would sit on land that is lower than the road, set well back into the site which, although visually well contained is seen in the context of existing dwellings on land opposite and adjacent to the north. I am satisfied in this regard, that although this is not an infill site, as referred to in the description of development on the application form, the proposed dwellings would not be seen as isolated in terms of their physical context and would not be seen as materially out of character with their environs. All in all, subject to appropriate conditions, I find that there would be no material harm to the street scene here, or to the established character and appearance of the surrounding area.
18. There would be no conflict, therefore, with policy CSP1 of the Core Spatial Strategy and policy DC2 of the Neighbourhood Plan, with guidance the Council's Urban Design Guidance Supplementary Planning Document (2010) and the aims and objectives of the Framework, which together and among other things seek to ensure that new development is of high quality that relates well to and which respects the character, identity and context of the Borough's landscape, including its rural setting and settlement pattern.

Other Matters

19. The objections of local residents include concerns in relation to their living conditions. However, this is an outline application with all matters other than access reserved. It is clear from the illustrative masterplan that the site could accommodate three detached dwellings, associated parking and garden areas without implications for adjoining occupiers in terms of their living conditions having particular regard to noise and disturbance, outlook and privacy.
20. Other concerns related to parking and highway safety. The submitted plans show that access would be taken directly from Manor Road via an existing, gated access point. Manor Road is a C classified road that has a speed limit of 40mph adjacent to the appeal site. The indicative layout plan shows the proposed access leading onto an internal private drive with passing places. The Highway Authority
21. Amended details submitted prior to determination of the application by the Council, show visibility splays to the south of 118.5m, with splays of 117.5m to the north, all of which can be provided in land within the applicant's ownership. In addition, it has been demonstrated that the existing access would be widened to allow two vehicles to pass each other. Based on those plans, the highway authority raises no objections in terms of any highway safety issues as a consequence of the proposed access arrangement. I have no reason to take a different view.
22. The scheme would deliver three self-build homes at a time when the Council accepts that the level of demand for such properties within the Borough

⁷ Landscape and Visual Impact Appraisal

substantially exceeds the level of supply. In light of the provisions of the Self-build and Custom Housebuilding Act 2015 (as amended), the Government's Planning Practice Guidance and the Framework (in particular paragraph 60), the delivery of such is a clear public benefit that attracts very significant weight in the planning balance. The appellant has provided a Unilateral Undertaking under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the dwellings proposed as self-build or custom-build. I am satisfied in this regard, that it the Undertaking is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

23. The scheme would also deliver housing in a location where the necessary supply cannot be demonstrated. However, the scale of development proposed means that the benefit in this regard is limited. There would also be some local economic benefits were the scheme to go ahead but again, given the scale of development any benefits in this regard would be limited.

Planning Balance and Conclusion

24. As set out at the start, the so called 'tilted balance' is engaged in this case. The effect of that is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places.
25. The appeal site is located in the open countryside for planning purposes, outwith any defined settlement boundary. I have also found that future occupiers would need to travel to access services and facilities, with many of those trips undertaken by private transport. That brings it into conflict with the development plan, which is the starting point for determination of this appeal. However, I am mindful of the advice at paragraph 110 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
26. To be weighed against that is the very significant weight to be given to the provision of three self-build homes in the face of a substantial shortfall in the supply of such housing against statutory requirements, plus the limited positive weight as a consequence of the delivery of housing at a time when the authority cannot demonstrate the necessary supply, and the benefits to the local economy.
27. In the overall planning balance, I consider 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. I conclude, therefore, that the appeal should succeed.

Conditions

28. I have considered the agreed list of suggested conditions in the light of related advice in the Framework and the Government's Planning Practice Guidance.
29. In addition to the standard conditions relating to the submission of reserved matters and commencement of development (conditions 1, 2 and 3 in the schedule below)

it is necessary to specify the plans to which the permission relates in order to provide certainty for all parties (condition 4).

30. Conditions 5 and 6 are necessarily worded as pre-commencement conditions, as a later trigger for the submission of details would limit their effectiveness. Condition 5 secures the submission of a Construction Environment Management Plan in the interest of highway safety and in order to protect the living conditions of nearby residents. I have removed unnecessary references to works of demolition and site restoration. I have also removed reference to lorry routing, as that seeks to control lawful use of the highway by condition, which would be *ultra vires*. Since the condition includes reference to hours of work, there is no need for a separate condition dealing with the same issue, as suggested. Details of foul and surface water drainage are secured by condition 6, in order to ensure satisfactory drainage of the site and to avoid flooding. Although it was suggested that drainage details be submitted as part of the reserved matters, I have dealt with the matter as a separate condition, since drainage is not a reserved matter.
31. Condition 7 is necessary in the interests of visual amenity and biodiversity.
32. Conditions 8, 9 and 10 are necessary in the interest of highway safety.
33. Condition 11 ensures that any risks from contamination to workers, future occupiers and neighbouring land, controlled waters and ecological systems, are minimised.

Jennifer A Vyse
INSPECTOR

SCHEDULE OF CONDITIONS

Appeal Ref: APP/P3420/W/24/3355961

Acreswood, Manor Road, Baldwins Gate, Newcastle-under-Lyme

- 1) Details of scale, layout, appearance and landscaping of the site (hereafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins. Development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans submitted with the application, but only insofar as they relate to access:
 - Plan No 108007-PEL-HGN-XX-DR-C-0000 received 03/05/20204 (Junction Visibility Splay);
 - Plan No M23/1644/MP01 received 02/04/2024 (Conceptual Masterplan); and
 - Location Plan received 12/02/2024.
- 5) No development, including any works of ground clearance and site preparation, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved CEMP for the duration of the construction period. The CEMP shall include, but is not confined to, details relating to:
 - i) construction traffic access;
 - ii) site working hours;
 - iii) site management arrangements, including on-site storage of materials, plant and machinery; on-site parking and turning provision for site operatives, staff, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site, including timing of deliveries; and
 - iv) a scheme for the management and suppression of dust and mud from construction activities, including the provision of a vehicle wheel wash.
- 6) Prior to commencement of development, details of foul and surface water drainage, including the use of sustainable drainage techniques, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out and thereafter maintained in accordance with the approved details.
- 7) Details of scale, layout, appearance and landscaping of the site to be submitted pursuant to condition 1, shall include:

- i) a detailed landscaping scheme, including compensatory hedgerow planting/ landscaping to offset the impact of the loss of the existing hedgerow to provide the necessary visibility splays for the site access;
 - ii) the mitigation and enhancement measures/surveys set out in the Preliminary Ecological Appraisal by Ramm Sanderson Ref: RSE_6987_R1_V1_PEAR (dated January 2023); and
 - iii) measures for the safeguarding of the root protection areas for the existing/retained trees identified on Plan No M23/1644/L01 (Landscape and Tree Survey).
- 8) No dwelling shall be occupied until the access arrangements and visibility splays shown on Drawing Nos 108007-PEL-HGN-XX-DR-C-0000 and M23/1644/MP01 have been provided in accordance with the approved details. The approved visibility splays shall be maintained and kept clear of obstruction thereafter.
- 9) No dwelling shall be occupied until the approved access and driveway have been surfaced in a bound material for a minimum depth of 10m from the highway boundary.
- 10) No gates shall be erected within 10 metres of the highway boundary at any time.
- 11) In the event that contamination is found or is suspected to be present on the site when carrying out the approved development, then development on the affected part of the site shall be suspended (unless otherwise agreed in writing with the local planning authority) and it must be reported in writing to the local planning authority.

Prior to recommencement of development, an investigation and risk assessment must be undertaken in accordance with the requirements of BS10175 (2001) – Investigation Of Potentially Contaminated Sites Code of Practice, BS8485 (2007) Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments, and CLR 11 Model Procedures For The Management Of Land Contamination, issued by The Environment Agency. Pursuant to that investigation and risk assessment, development shall not recommence until written confirmation that no contamination was found or suspected or, if remedial action is required, written confirmation of an independent validation that any necessary remediation measures have been carried out in accordance with the agreed scheme, has been submitted to and approved in writing by the local planning authority.

The validation report shall contain:

- (i) a full description of the works undertaken in accordance with the Remediation Proposals.
- (ii) results of any additional monitoring or testing carried out between the submission of the Remediation Proposals and the completion of remediation works.
- (iii) movement permits of all materials taken to and from the site

(iv) a statement signed by the developer, or the approved agent, confirming that all the works specified have been completed in accordance with the Remediation Proposals.

-----End of Conditions Schedule-----