



Appeal Decision

Site visit made on 22 July 2025

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/K3415/W/25/3364198

Land to the south of Hay End Lane Fradley, Staffordshire WS13 8NW

- 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 Walton Homes Ltd against the decision of Lichfield District Council.
 - The application Ref is 23/00154/OUTM.
 - The development proposed is “residential development of up to 43 dwellings”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading and my formal decision matches that used by the Council in their Decision Notice, but differs from that used on the application and appeal forms in its use of a postcode rather than a grid reference. For clarity, the grid reference given was Easting: 415244, Northing: 313403. It is clear however from the evidence that the site is the same and no prejudice or confusion arises.
3. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as both parties have used this description in their submissions, and it is a much clearer description of the development proposed, I have used it in my heading above.
4. The application was made in outline with approval sought for access. Layout, appearance, landscaping and scale would be the subject of future applications for approval of reserved matters. Plans were submitted showing the access and an indicative layout of the site. Indicative plans have been treated as such.
5. A signed and executed unilateral undertaking under section 106 of the Act was submitted at Final Comments stage. Although it was not received at the Inspectorate at the time of making the appeal in line with the Procedural Guide: Planning appeals – England, I have taken it into account as it has legal effect. As a result, a number of the Council’s reasons for refusal essentially fall away. These matters will be addressed in the Planning Obligation section of my decision.
6. Following the Council’s decision on the application, a revised National Planning Policy Framework (the Framework) was published in December 2024. Given the timing of this appeal, cases have clearly been made in light of that Framework and my decision refers to it.

Main Issues

7. Having regard to the above, the main issues are now;
- whether or not the site is a suitable location for the development proposed, and
 - the effect of the proposal on the local highway network.

Reasons

Location

8. The appeal site is neither within the Fradley Village Settlement Boundary nor within the Strategic Development Allocation. As such, the site is a rural area and the proposal is not one of the forms of residential development allowed for by Core Policies 1, 6, H2 and Rural 1 of the Lichfield District Local Plan Strategy 2008-2029, adopted February 2015 (the Plan).
9. It does therefore conflict with the development plan and the site is not therefore a suitable location for the development proposed having regard to the development plan.

Highway network

10. On the basis of the evidence of both parties, including the 2025 Transport Assessment and the appeal statement from the County Council as Local Highway Authority (LHA), I am satisfied that subject to the imposition of conditions, and the payment of appropriate developer contributions, the site could be suitably and safely accessed, and that for the large part, its development would not have an unacceptable effect on the local highway network.
11. However, the LHA has raised, and maintains in the face of the appeal submissions, concerns over the ability of the Hilliard's Cross junction to safely accommodate the vehicle movements associated with the proposal.
12. I am not persuaded by the case set out by the appellant that the LHA concern over the Hilliard's Cross junction is a new one raised at appeal stage. It was plainly in the mind of the LHA during the application process, and the appellant has submitted to the appeal evidence of this.
13. From that, the appellant must have understood, whether in advance of the Council's decision, or in submitting this appeal, that there was an issue with increased vehicle movements through that junction.
14. Following the LHA's appeal statement, the appellant has carried out a PICADY assessment of the Hilliard's Cross junction, and that appears to confirm the effects of the extrapolation exercise in their 2025 Transport Assessment.
15. I accept that the number of vehicle movements from the development through this junction are small. However, whilst I accept that there could be one-off events or occurrences which may increase vehicle movements at that junction beyond the level of the appeal proposal, the movements associated with the proposal would be regular; representing a permanent addition to the number of vehicle movements at that junction.

16. As such, those additional movements would not be indiscernible and could have a cumulative impact on the road network, particularly at this junction, when considered alongside all of the other committed development on sites immediately surrounding the appeal site.
17. The LHA is also very clear that they endorse the findings of other applicants in the area that the junction is operating over its practical reserve capacity, and they make quite plain that all development having an impact on this junction requires assessment. I have not been provided with any alternative evidence to demonstrate that this approach to that junction is unsound. There is no counter evidence on the capacity of that junction or its ability to safely accommodate additional regular vehicle movements. Given that, I am not satisfied that it would be appropriate for me to set this concern aside, even in light of the 2007 DfT/DCLG TA Guidance cited by the appellant.
18. The appellant has provided extracts from the, now withdrawn, emerging Lichfield District Local Plan 2040. In the sections relating to the potential allocation of the appeal site, the Vision section notes that the “strategic highway network, including... junctions at Hilliard’s Cross... will remain safe, and continue to facilitate the free flow of traffic”. It is clear from this and communication with the LHA that meeting that vision required mitigation. It must be assumed that this would come forwards as part of that plan-led approach to the area, but there is no evidence before me of such mitigation.
19. The LHA have made plain that in their view the proposal would have an unacceptable impact on highway safety as a result of its impact on the Hilliard’s Cross junction. The appellant has not offered or proposed mitigation for this impact, beyond a suggestion that were others (presumably the LHA in combination with other developers) to develop mitigation, they could contribute towards it. There is therefore no mitigation proposed as part of this appeal. Given that, the proposal fails the test at paragraph 116 of the Framework. It should therefore be refused on highway grounds at this time.
20. In the face of the evidence before me I share the concern of the LHA over the residual cumulative impact of the development on the road network. Particularly as there is no mitigation proposed, but it is clear from the LHA that mitigation is required.
21. The proposal would therefore have a potentially harmful effect on the local highway network. As such, it would conflict with Policies CP4, CP5, ST1, ST2 and IP1 of the Plan, as well as guidance in the Framework.

Planning Obligation

22. As set out above, a signed and executed unilateral undertaking under section 106 of the Act was submitted during the course of the appeal and is capable of taking effect, so must be considered.

23. That undertaking secures 40% of the residential units as affordable housing, a contribution to the local Integrated Care Board, primary and secondary school place-funding, open-space and management funding, a sustainable travel infrastructure contribution, a contribution towards the SAC Partnerships Strategic Access Management and Monitoring (SAMM), a contribution towards the Canal and River Trust and a monitoring fee. Other contributions would be secured through the community infrastructure levy.
24. I have had regard to the evidence, the relevant guidance in the Framework and considered whether the requirement for the contributions meet the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. I am satisfied that such contributions would be necessary to make the development acceptable in planning terms, directly relate to the development and are fairly related in scale and kind to the development.
25. I am satisfied that the submitted undertaking meets the requirements of the Council and its consultees, both legally and with regard to what it will secure and deliver. On that basis, I consider that the proposal could secure satisfactory contributions.

Other Matters

26. The appeal site lies within the 15km buffer of the Cannock Chase Special Area of Conservation (SAC). However, notwithstanding the consultation responses, unilateral undertaking, and mitigation, as the proposal is unacceptable for other reasons, it is not necessary for me to undertake an Appropriate Assessment under the Habitat Regulations.
27. The Council has suggested a number of conditions to be attached, should planning permission be granted. Having had regard to the requirements of the Framework and the Planning Practice Guidance (PPG) I have considered whether or not the parts of the development which I have found unacceptable could be made acceptable through the use of conditions. Given the levels of additional development in the area around the appeal site, and the apparent sensitivity of certain parts of the surrounding road network to change, I am not satisfied that they could. My conclusions therefore remain unchanged.

Planning Balance

28. Parties agree that as a result of the Framework, the Council can no longer demonstrate a five-year supply of housing land. The test at paragraph 11d of the Framework is therefore engaged, such 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 in the Framework taken as a whole.
29. There are no clear reasons for refusal in relation to the areas or assets of particular importance referred to by Footnote 7 of the Framework.

30. The development plan conflict I have found with respect to the location of the development appears to be capable of being outweighed by the presumption in favour of sustainable development in the Framework. The area is one of growth. Plan-led in relation to the existing Strategic Development Allocation and the, now withdrawn, emerging Lichfield District Local Plan 2040, and to a certain extent, following that withdrawal, non-plan-led in the face of other proposals. Development of the appeal site would be consistent with that, and the site being surrounded by recent housing and recent permissions, reinforces this. The delivery of housing, affordable housing, as well as the provision of necessary contributions towards infrastructure and environmental mitigation do weigh in favour of the proposal.
31. Were that the only conflict I had found, the proposal may, subject to a suitable balancing exercise, have benefited from the presumption in favour of sustainable development and the overall picture could, to my mind, have represented material considerations sufficient to indicate that a decision be made other than in accordance with the development plan.
32. However, given my findings on the highway safety and network effects of the proposal, the presumption does not apply.
33. Those conclusions give rise to an adverse impact (that is, unacceptable impact on the road network, without any mitigation being proposed) which significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole, of granting permission.

Conclusion

34. The proposal is contrary to the development plan with regard to its location. Despite that, the nature of the site and its immediate surroundings, given other development activity mean that its development would not cause the open countryside harm which the development plan presumes to protect against. In addition, the proposal would deliver housing and affordable housing, for which there is a clear need in the area.
35. However, on the basis of the evidence before me, I have found harm to highway safety in direct conflict with the development plan and the Framework.
36. The proposal does not benefit from the Framework presumption in favour of sustainable development.
37. Taking all of those together, the material considerations which weigh in favour of the proposal are not sufficient to take a decision other than in accordance with the development plan.
38. The appeal should therefore be dismissed.

S Dean

INSPECTOR