
Appeal Decision

Inquiry held on 21 to 22 October 2025

Site visits made on 22 and 24 October 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18/11/2025

Appeal Ref: APP/C3430/W/25/3368369

Land East of the A449, North of Penkridge, Penkridge

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Bloor Homes Ltd against South Staffordshire District Council.
 - The application Ref is 23/01052/OUTMEI.
 - The development proposed is an outline planning application (with all matters reserved except for primary means of vehicular access from the A449) for the delivery of up to 135 dwellings, associated access, drainage, green and blue infrastructure (including public open space, planting, landscaping, and part of a Riverside Community Park), ground remodelling and ancillary infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for an outline planning application (with all matters reserved except for primary means of vehicular access from the A449) for the delivery of up to 135 dwellings, associated access, drainage, green and blue infrastructure (including public open space, planting, landscaping, and part of a Riverside Community Park), ground remodelling and ancillary infrastructure at land east of the A449, north of Penkridge, Penkridge in accordance with the terms of the application, Ref 23/01052/OUTMEI, subject to the conditions in the attached schedule.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration, apart from access. I have dealt with the appeal on this basis and treated any details not to be considered at this stage as being illustrative only.
3. The planning application was accompanied by an Environmental Statement (ES) and a Supplement, under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In coming to my conclusions, I have had regard to the contents of the ES and the Supplement.
4. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The application was reported to the Council's Planning Committee on 2 September 2025 in order to inform the Council's position with the appeal. The associated Committee Report set out a recommendation that planning permission should be granted, subject to conditions and the signing of agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) (S106 Agreement) and a Unilateral Undertaking (UU). The Planning Committee accepted the recommendation.

5. At the time of exchange of evidence, agreement still had to be reached between the Council and the appellant over a number of the infrastructure matters and the main parties established at that time their respective positions over the provision of a riverside park and education. It was also apparent after the exchange of evidence there were disagreements between the appellant and Staffordshire County Council (County Council) over safer routes to schools and bus services. This was also predicated on the method by which financial contributions would be made.
6. In the run up to and immediately before the Inquiry, amended plans were submitted over the highway arrangements and also a not insignificant number of documents related to the provision of infrastructure. These were submitted by the appellant, interested parties and the Council. Agreement was reached between the Council and the appellant over the riverside park and education, but the disagreements remained with the County Council. An interested party who was intending to develop adjacent land, St. Philips Land Ltd (St. Philips), also raised matters over the provision of the riverside park.
7. While I accepted these documents in my opening remarks to the Inquiry on the basis that they were of relevance to my decision, I was concerned in particular that not all interested parties would have had sight of these documents and so there was the potential for procedural unfairness. At the Inquiry, I put in place the arrangements for interested parties to be given the opportunity to comment on the amended plans and documents after the close, and for the appellant to be afforded the opportunity to respond to any representation(s) that were submitted. I have taken account of all these submissions in my decision.
8. The Inquiry also included the consideration of a draft S106 Agreement which concerned planning obligations related to the provision of supporting infrastructure, affordable housing, open space and travel plan obligations. It also considered a UU related to the Cannock Chase Special Area of Conservation (SAC). Completed and executed versions of the S106 Agreement and UU were submitted after the close of the Inquiry.

Main Issues

9. The main issues are (i) whether the proposal would be in a suitable location for housing with regard to development plan policy and national planning policy; (ii) whether the proposal would make adequate provision for any additional need for associated infrastructure arising from the development; and (iii) if harm arises, whether this would be outweighed by the benefits of the proposal.

Reasons

Suitable Location for Housing

10. The appeal site contains 2 fields which are dissected by an access road to a small foul water pumping station, as well as a narrow ditch. The fields are bounded by hedgerows, trees and post and wire fencing, with security enclosure on the shared boundary with the pumping station. The fields broadly slope down towards the access road and towards the River Penk to the east. In total, the site area is approximately 7.4 hectares (ha).

11. To the south of the site is a further field and then the built up edge of the sizeable village of Penkridge. To the west is the A449 and a roundabout, beyond which is an area of recently constructed housing. On the opposite side of the site and beyond the pumping station and the river are fields, and then further built up areas of Penkridge. To the north, there is a large field and woodland, beyond which is an anaerobic digestion facility. The northern boundary also abuts land associated with a residential property known as Old Drayton Farm.
12. Core Policy 1 of the South Staffordshire Council Core Strategy (2012) (Core Strategy) establishes the spatial strategy for the Council area. Penkridge is identified as a Main Service Village (MSV) in the settlement hierarchy. The Core Strategy defines such settlements by way of the defined limits of Development Boundaries, as set out on the Policies Map. While the site lies adjacent to the defined boundary of Penkridge, it is outside of it and has not been the subject of release for development for the purposes of the development plan. Accordingly, it is treated as Open Countryside by Core Policy 1. It is to be protected and maintained for the plan period as such, under the policy.
13. Policy OC1 of the Core Strategy supports Core Policy 1 in respect of the Council's approach to the protection of the Open Countryside. It sets out a number of types of development that will normally be permitted in the Open Countryside. The proposal does not fall within any of the types of development that are set out in the policy.
14. Core Policy 6 of the Core Strategy provides for the delivery of at least 3850 homes in the Council area between 2006 and 2028. The balance of new housing development, once completions and commitments are taken account of, will be distributed between the existing villages of South Staffordshire, in accordance with the principles of the settlement hierarchy defined in Core Policy 1. Should further housing development be required in the plan period to respond to changing circumstances, this will be focused on the MSVs and Local Service Villages. While the appeal site is adjacent to an MSV, as it lies outside of it and having regard to the settlement hierarchy, the proposal would not be focussed on it as it would be in Open Countryside.
15. The site is to be proposed to be allocated through the emerging Local Plan as part of a much larger allocation that would lie on the north side of Penkridge. Draft Policy SA2 of this plan sets out the proposed allocation requirements, which include a master planned approach, amongst other criteria. The Examination has progressed beyond the Stage 1 Hearings and future Stage 2 Hearings would include a consideration of this allocation and policy, from what I was told at the Inquiry. However, as these hearings have not taken place, including the consideration of objections, and as the emerging Local Plan does not form part of the development plan as of yet, it has a limited bearing on whether the site would be in a suitable location.
16. I conclude that the proposal would not be in a suitable location for housing with regard to development plan policy and so it would not comply with Core Policies 1 and 6, and Policy OC1 of the Core Strategy. Whether the proposal would comply with National Policy 1 of the Core Strategy and the National Planning Policy Framework (Framework) in this regard is dependent on a consideration of the matters which follow.

Provision of Associated Infrastructure

Safer Routes to Schools

17. The appellant and the County Council disagree over whether the additional schoolchildren that the proposal would generate on its own warrants making a financial contribution through the S106 Agreement to safer routes for schools. In particular, this concerns the provision of a toucan crossing within the vicinity of Wolgarston High School (High School).
18. The schools in Penkridge which would serve the proposal are all within 2 kilometres. As they would be within preferred maximum walking distances¹, it would be likely that not an insignificant number of the associated trips to and from school would be made on foot. In the case of school children of a High School age, it is also likely that a great number of these would be undertaken without parents or guardians.
19. I walked the route from the site to the High School. It is a fairly circuitous footway route which involves passing through the narrow streets of the village centre and crossing various side roads, before progressing eastwards towards the High School. It is located on the edge of this side of the village. As the High School is approached, the route becomes a 'B road', which connects Cannock to the A449 via the outskirts of Penkridge. Crossing this route towards the school entrance involves simply using dropped kerbs. There are no formal crossing points that I observed that the schoolchildren who would reside on the proposal would be likely to utilise.
20. I benefitted from using this route on foot during the time that schoolchildren were arriving at the High School. The numbers were not inconsequential and I observed attempts to cross what at that time was a busy road in order to gain access to the school. I am mindful that there have been no reported accidents involving schoolchildren. However, as they would be making their way to school from the proposal during a peak hour for vehicular movements on this busy route, even if it did not lead to accidents in itself, it would have the potential to deter them from walking due to perceived safety issues. This would place a greater reliance on the private car for High School trips, which in itself would likely exacerbate this issue. The same would apply in relation to cycling to the High School from the proposal, especially as it would also be at times when the roads would be busier.
21. It is not in dispute there is a need to provide an active travel corridor (ATC) from the site towards the village centre and an ATC drawing is before me. However, this would not address the lack of a crossing in the vicinity of the school as it lies beyond the centre. Hence, there is sufficient justification where safer routes for schools are centred on a toucan crossing as a result of the proposal.
22. I am less persuaded that other improvements that have been suggested are warranted, when the proposal is considered on its own. They would not be required for crossing the road nearest the school. Suggested improvements to the walking route to Penkridge Middle School are not justified as schoolchildren of this age are much more likely to be escorted and so the proposal would not warrant providing such infrastructure, beyond the agreed ATC, given the likely number of schoolchildren that would result from the proposal.

¹ ES Volume 2: Technical Appendices, Appendix 10.1 Transport Assessment (sic), Section 5.2

Bus Services

23. The appellant and the County Council also disagree over whether the proposal on its own would merit making a financial contribution through the S106 Agreement to bus routes. There are bus stops close to the site frontage on the A449. Bus routes provide access to nearby centres with a greater degree of services than Penkridge, including Stafford, amongst other destinations. Bus stop improvements are proposed and agreed, as shown on the submitted plans.
24. The number of dwellings proposed on its own is not though insignificant and with the proximity to the bus stops and as they are to be upgraded, they would in all likelihood attract and generate additional use from the proposal. This is even if it would result in a fairly small increased level of patronage on individual services. That the recent housing development on the opposite side of the A449 did not provide such a contribution also illustrates the potential for incremental increases which in combination may place pressure on services. As I was informed at the Inquiry there is not a threshold of development where such contributions would apply but rather this should be based on context, it is not unreasonable to consider such incremental increases. This supports the need for the contribution.
25. The use of the contribution would be for an evening bus service for 2 years, if the proposal is to be considered on its own. This would constitute a meaningful improvement because it would provide for a bus service that would benefit local residents. If the service is at risk and such a contribution would not be forthcoming, then it would warrant further consideration of whether the site is accessible to local services. As a consequence, it is justified as a contribution to support such a service.
26. Nor is this negated by the ATC providing improved access to existing public transport options within the village centre. The bus stops in the village centre seem largely if not entirely served by the same bus services as those stops outside the site and so if residents would use either, they would seem to benefit from the contribution to an evening service. That the proposal would also improve walking and cycling links to the centre, and cycle parking, would not lessen the need to provide for bus services as it would allow for longer trips to be made. In addition, the proposed cycle parking that would result from the proposal at the village railway station would be a complimentary measure to bus services in lessening the need for potential car use, rather than as an alternative form of infrastructure.

Riverside Park

27. The appellant and St. Philips disagree over the costs associated with the riverside park and the maintenance costs for this aspect of the open space provision. The riverside park would form part of the masterplan for the greater proposed allocation. The majority of it would lie within the St Philips land, but part of it would extend into the appeal site along its eastern side. The appellant is proposing to make a contribution through the Section 106 Agreement to the St. Philips land towards the riverside park, if the proposal was not to be delivered on its own, i.e. with the St. Philips land as part of the greater proposed allocation. There would be no maintenance costs provided through the Section 106 Agreement.
28. The disagreement over the costs associated with the riverside park centre on land acquisition. The effect of the position of St. Philips would be a higher contribution from the appellant, based on the cost per ha costings. Neither the appellant nor

the Council agree with St. Philips position. They consider that as St. Philips would be buying the land in any event, they would have to bear this cost. The main parties also consider that the landowner would seek to sell their whole site and the value of the land is tied up in the developable area. The price that is paid reflects the developable value and the money it generates.

29. St. Philips' stance can be described as an equalisation position, and what can be deemed fair in terms of both developers providing and contributing towards the riverside park. Yet, it has not been put to me this could potentially prevent this form of infrastructure being provided. Moreover, the Planning Practice Guidance: Viability is clear that the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan, and that landowners and site purchasers should consider this when agreeing land transactions. While I can understand why St. Philips might feel some frustration if they consider their land acquisition costs are too high, it is not a function of the planning system to regulate such matters. The appellant has also set out that on a per housing unit basis across the contributions for the proposed allocation, that it is being required to fund a higher cost than St. Philips. This has not been contested.
30. As regards maintenance, the appellant's position is that each developer should bear the related costs for their respective parts of the riverside park. In the case of the appellant, this would be addressed through the open space management and maintenance on its site. This is not an unreasonable position as the land in question would fall in each respective developer's control and so they could choose how this would be achieved, whether it would be via a maintenance company and a service charge paid by future occupiers, or by other means. The appellant has also indicated that as the riverside park would be intended to be a low intervention and natural feature, the maintenance costs would not be so great compared to where open space is more formally provided.
31. St. Philips is not a signatory to the Section 106 Agreement which is for my consideration. The contribution would be paid to the Council who would then administer the contribution for the delivery of the riverside park on the land under St. Philips control. I am therefore satisfied that St. Philips do not need to be signatories to the Section 106 Agreement.
32. The position of the appellant on the riverside park is therefore justified, whereas I find that what is being sought by St. Philips as regards the land acquisition costs falls outside of what land use planning can reasonably control. Also, maintenance is more reasonably addressed by each respective developer.

Other Elements of Infrastructure Provision

33. The remaining infrastructure contributions concern community facilities, cycle parking, education, sports hall, swimming pool and healthcare. These are all required so that the required infrastructure is provided by the proposal. If the proposal is considered with the broader proposed allocation, a new school would be required to be built elsewhere in the allocation or else an existing school expanded. In considering the proposal on its own, this would not be required. This is agreed with the Education Authority and is contained in the Section 106 Agreement. The proposal on its own would also provide for an outdoor sports contribution, but not when it is considered with the broader proposed allocation because it would be provided elsewhere.

Method of Infrastructure Provision

34. The Section 106 Agreement presents 2 different methods, or approaches, to the contributions. They are known as 'solus' and 'roof tax'. The 2 methods are mutually exclusive and so contributions would be made on the basis of one or the other. The solus method applies on the basis of the proposal on its own. The roof tax applies on the basis of the proposal's contribution to infrastructure across the broader proposed allocation.
35. Most of the forms of infrastructure are included in both, including the safer routes to school and bus services where there is disagreement, although the appellant only objects to their inclusion under the solus approach. The riverside park is only included in the roof tax approach because it relates to the master planning of the greater proposed allocation and the outdoor sport is only included in the solus approach. The education contribution is greater under the roof tax approach because of the need to contribute towards a new or expanded school, when the overall number of likely schoolchildren across the whole proposed allocation is considered.
36. A 'blue pencil clause'² has been inserted in the Section 106 Agreement in the event that I do not find any one or more of the obligations meet the statutory tests. This would also include whether I find that either of the solus or roof tax approach should be followed, and which I am to make a determination on. The proposed allocation under the emerging Local Plan does therefore carry significant weight on this issue as it is central to which approach is to be followed.
37. The Section 106 Agreement is set out so that the roof tax approach is the default position, and this is also the position of the appellant and the Council. No party opposes a roof tax approach in principle. Indeed, this is an entirely logical position if a planned method is to be taken with the proposed allocation. It would provide for a coordinated approach to the provision of the entirety of the proposed allocation, aligned with a master planning approach.
38. On the other hand, I also have to consider that if the proposed allocation did not proceed, how would infrastructure be adequately provided. The solus approach on the face of it would provide for this scenario and I am also mindful that the appellant has set out its primary position at the time of exchange of evidence that the appeal site ought to be consented on its own merits and even if no weight were afforded to emerging policy³. There is however a danger that if the proposed allocation did proceed, that the solus method could have already been followed for this site because I determined that it applied, and in which case adequate infrastructure for the proposal would not ultimately be provided.
39. I would accept that in practice it can be difficult for a Section 106 Agreement to futureproof every scenario in a situation like this. In the event that matters took a different turn in future, there would be the option of a variation, subject to the provisions of Section 106A of the Town and Country Planning Act 1990. I am also comforted that the Section 106 Agreement would ensure that the roof tax approach is subject to the contributions being specific to each element of infrastructure provision, and not to a more general approach where

² A mechanism which provides that for any obligation(s) which is found not to pass the statutory tests, such obligation(s) shall have no effect and consequently the owner and/or other covenanters shall not have liability for payment or performance of that obligation.

³ Paragraph 2.4.9, Planning Evidence of Mark Rose

apportionments could change with forms of required infrastructure potentially missing out. In taking these considerations together, the roof tax is the justified and necessary method to take forward.

Conclusion

40. As such, it has been demonstrated that obligations related to safer routes for schools and bus services are necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. While the appellant does not consider these contributions are necessary and justified when the proposal is considered on its own, I can still come to such a view as they would have legal effect because they are contained in the Section 106 Agreement. Hence, the appellant's position does not preclude me from considering the proposal favourably on infrastructure provision matters. In any event, the roof tax approach ultimately obviates the dispute between the appellant and the County Council.
41. The obligations related to the riverside park as are presented in the Section 106 Agreement are also necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. Similarly, with respect to the other elements of infrastructure provision which are set out in the Section 106 Agreement.
42. The roof tax method is also necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. The shortcomings that I find with the solus method means that it does not meet the statutory tests and so the blue pencil clause has effect solely in this regard.
43. I conclude these obligations accord with the tests that are set out in paragraph 58 of the Framework and the Community Infrastructure Levy Regulations (as amended, 2019) (CIL Regulations). I have taken them into account in my decision. The proposal would thus make adequate provision for any additional need for associated infrastructure arising from the development. It would comply with Core Policies 5, 8, 11 and 14, and Policies EQ13 and EV11 of the Core Strategy which concern infrastructure delivery and development contributions, hierarchy of centres including support for cultural facilities, sustainable transport and travel, and open space, sport and recreation.

Benefits of the Proposal

44. The Council cannot demonstrate a 5 year housing land supply (HLS) in accordance with the Framework. It is not in dispute that the supply is 1.17 years, when measured against the December 2024 standard method for calculating local housing need. The shortfall is therefore very significant and is said to be 2,615 dwellings. The proposal would make a contribution of up to 135 units to assist in reducing the deficit against the shortfall. It would also contribute towards the Core Strategy housing requirement. It would also support the Government's objective of significantly boosting the supply of homes. The contribution to housing supply attracts very significant weight in my decision.
45. Although the provision of 40% of the units as affordable housing would be required to ensure that the proposal would accord with Policy H2 of the Core Strategy, it would also have the greater benefit of enabling provision for those who would not

be able to obtain general market housing. The appellant's evidence has set out there has been a shortfall in affordable housing provision, and this is not contested. Based on the lower quartile, the average house price is over 9.8 times income and affordability ratios are higher than both the West Midlands and England average. Affordable housing as part of the housing mix attracts significant weight in my decision.

46. The proposal would benefit the economy through construction and the future occupiers would also support the economy through their expenditure and sustain existing services. The ATC, cycle parking and bus service and stop improvements would also aid access to these services, and so would encourage spend. Both the construction and operational phases would likely result in further employment. The supply chain to the house building industry would also likely benefit. The economic benefits also attracts significant weight.
47. The proposal would provide not insignificant areas of landscaped open space and planting, play and part of the riverside park. These would aid physical activity, as would the ATC and cycle parking, and also contribute to physical interaction and well-being. They would also provide some aesthetic value to the proposal. These benefits attract moderate weight.
48. There would be some biodiversity and habitat value as part of the proposal, principally associated with the open space, tree planting, hedgerows and landscaping. There is however no more than a commitment from the appellant to provide 10% Biodiversity Net Gain (BNG) and which is lower than the submitted metric, based on what I was told at the Inquiry. Even though the submission date of the application predates statutory BNG requirement, some level of gain is still required for the proposal to comply with the Framework. It therefore attracts limited weight as a benefit

Other Matters

Character and Appearance

49. While not a matter of dispute between the main parties, there would be some loss of the open landscape character attributes of the site as the proposal would involve the incursion of up to 135 dwellings and associated infrastructure on 2 undeveloped fields. It would have an urbanising effect and so it would result in some loss of the site's existing greenfield and countryside landscape character. The field boundaries would however be largely retained and so this particular aspect of landscape character would not be unduly impacted.
50. The visual impact would be limited. The site is well enclosed by vegetation and the A449. Where it is at a raised level compared to land to the east of the river, there would be a fairly large area of green infrastructure on this side of the proposal that in time would provide some screening. The pumping station and compound is already viewed in this location, as a built feature. The proposal would also be viewed in most directions in the context of existing development in Penkridge. While the application is in outline form, parameter and masterplans are associated with the ES and so there is some assurance over green infrastructure provision to soften the landscape and visual effects of the proposal.
51. The Cannock Chase National Landscape (NL) lies approximately 3.2 kilometres east of the site, at its closest point. It is essentially an attractive elevated area of

most notably woodland that affords significant recreational opportunities. In visiting viewpoints in the Landscape and Visual Impact Assessment⁴, views of the site are already much filtered by landform and screening. Planting in the eastern part of the proposal would further limit views over time. It would leave the NL unharmed, in particular as screening becomes more established. It would thus conserve the NL and so further the statutory purposes under Section 85 of the Countryside and Rights of Way Act 2000 (as amended),

52. In taking these matters together, where harm would arise to the character and appearance of the area, it would be localised and limited. It does however need to be accounted for in the planning balance.

Agricultural Land

53. The agricultural land assessment⁵ shows that the vast majority of the site is Best and Most Versatile Agricultural Land (BMV agricultural land). The area in question that would be lost to the proposal would however be small in the context of agricultural land availability and due to the size of the site. It did not necessitate consultation with Natural England (NE) for this reason and the 20 ha threshold⁶ that is typically applied to such a consideration would not be breached as regards the size of the loss. In itself, there is no preclusion in this instance over the loss of BMV agricultural land.
54. The proposal also would not result in an undue effect on a farming operation or its economic contribution. At the time of my site visit, the land appeared to have been ceased to be used for agricultural purposes. The harm that would arise over the loss of BMV agricultural land would be limited and is to be accounted for in the planning balance.

Heritage Assets

55. The nearest designated heritage assets lie to the south of the site, beyond the river and adjacent grazing land. There is a grouping of 3 grade II listed buildings, known as The Cottage, Garden Cottage and Mill End Cottage. They date from the 18th and 19th centuries, although have been the subject of a number of later alterations. Nevertheless, they retain their attractive rural cottage form from which much of their significance derives, as well as from their proximity to the grazing land and the nearby Penkridge Town Mill.
56. The cottages are appreciated within the open land around the river, and so the site falls within their settings. Parts of the settings would therefore lose some of their open appearance through the built development associated with the proposal. The nearest part would however be open space and with some planting, and this would limit where there would be some degree of adverse impacts. There would also be no impact on the land between the river and these designated assets themselves. In considering the effect on these assets, I have given considerable weight and importance to the statutory duty⁷ imposed which seeks to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

⁴ ES Volume 2: Technical Appendices 9.4 and 9.5 Viewpoint Photography

⁵ ES Volume 2: Technical Appendices, Appendix 13.1: Agricultural Quality of Land North of Penkridge

⁶ Schedule 4, paragraph (y) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

⁷ Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

57. For the purposes of paragraph 215 of the Framework, less than substantial harm would arise. The harm would be towards the lower end. The public benefits in this case are considerable as regards housing, economic, and the social and environmental benefits. They would outweigh the less than substantial harm.
58. PenkrIDGE Town Mill is a non-designated asset. It is a large building which has been converted and has been the subject of alterations. The effect on its significance would be similar to that of the nearby cottages, and so would be limited. Old Drayton Farm and Barn are also non-designated assets and with the change to their open setting that would be caused by the proximity of the proposal, there would be a minor effect on the significance in terms of the scale of the harm, under paragraph 216 of the Framework.
59. Other heritage assets are too distant and screened from the proposal for any adverse effect on their significance to occur, and so no further harm would arise. Where some level of harm would result to both designated and non-designated assets, this also needs to be taken forward into the planning balance.

Other Obligations Contained in the S106 Agreement

60. As well as the obligations related to the provision of infrastructure, the S106 Agreement binds the appellant as the owner to covenants with the Council and the County Council concerning affordable housing, open space and travel plan obligations.
61. The affordable housing schedule had been revised in the version of the S106 Agreement that was before the Inquiry to reflect the need for shared ownership. The Council also updated its CIL compliance statement to reflect the need for 40% affordable housing provision, under Policy H2 of the Core Strategy. While the affordable housing would be the subject of a service charge payable to a management company under the S106 Agreement, it was explained to me this would be capped so as not to impede the delivery of affordable housing, as is of relevance to the provisions of Policy H4 of the Core Strategy.
62. The open space schedule provides for the delivery and management of open space works on site, including play area provision within landscaped areas, and in accordance with requirements that are set by Policy SAD7 of the Council's Site Allocations Document (2018).
63. The travel plan schedule would enable contributions to be made towards the development, delivery, monitoring and review of residential and school travel plans. It would enable compliance with Core Policy 11 and Policy EV11 of the Core Strategy and would encourage the use of modes of transport other than the car.
64. Having regard to the evidence before me, it has been demonstrated that all these obligations are also necessary to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in paragraph 58 of the Framework and the CIL Regulations, where they apply to each of the obligations. As a result, I have also taken them into account in my decision.

Cannock Chase SAC (Appropriate Assessment)

65. The proposal as a residential development would lie within the Zone of Influence (Zoi) of the SAC. The Habitats Regulations require that permission may only be granted having ascertained that the proposal will not affect the integrity of this designation. The qualifying features for the SAC are the Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath and the European dry heaths⁸. The proposal has the potential to impact on these qualifying features through recreational impact.
66. A contribution would be secured through the submitted UU to mitigate the impact of recreational activity. This is in accordance with a series of mitigation and avoidance measures that have been agreed between the SAC Partnership and NE, known as Strategic Access Management and Monitoring Measures. This enables residential development within the Zoi of the SAC. The Council is also in agreement with this approach and it would accord with the related Core Strategy Policy EQ2.
67. I am satisfied that such a measure would be sufficient to avoid an adverse impact to the integrity of the site in relation to the specified qualifying features, either alone or in-combination with other schemes. The proposal would not therefore have adverse effects on the integrity. The obligation in the UU concerning the contribution is therefore necessary to make the development acceptable in planning terms. It meets the tests that are set out in paragraph 58 of the Framework and the CIL Regulations.

Other Issues Raised

68. There has been some criticism over the lack of co-ordination between the respective developers for the proposed allocation and as there are a number of different planning applications. However, the ES was co-ordinated and there now seems broad agreement over how the proposed allocation should be developed. This includes where various land uses and infrastructure would be located, even if there is not entire agreement over the costs. Whilst the proposed allocation is the subject of the emerging Local Plan, I have already addressed where this is of relevance to my decision.
69. Hence, none of this prevents me from looking favourably on the proposal and so prematurity has a limited bearing, not least due to the clear need for increased housing supply in the Council area. Nor does my decision fetter the consideration of other applications, or vice versa. My decision depends on the issues which I have considered.
70. Taking into account my conclusions on infrastructure, no further provision is required. The package of transport related measures is necessary and justified. There is no substantive evidence that further measures are required. In terms of effects on the nearby M6, National Highways are content and I see no reason to disagree given the likely traffic generation. The same applies in respect of the local road network and access. I am aware of foul sewage capacity issues in the area, but the timescales for improvements that Seven Trent Water have indicated would appear in any event to broadly align with that of the proposal. It is a matter which can ably be addressed through the imposition of a planning condition.

⁸ ES Volume 1: Main Text & Figure paragraph 6.4.30

71. Conditions would also ably protect the living conditions of the occupiers of the nearest residential properties from disturbance during construction and through lighting controls. In relation to the effects from the Anaerobic Digestion plant, there would be a sufficient intervening distance and odour mitigation measures relate to the St. Philips part of the broader proposed allocation with a proposed off-set to minimise smell, based on what I was informed, and so that businesses do not have unreasonable restrictions placed on them. There is also an agreed stand off from the pumping station on the appeal site itself.
72. In design terms, the location of open space on the site would not be unacceptable, including that it would provide for an open area alongside the river. The relationship between the dwellings and their frontages would be a matter to be addressed through the layout at the reserved matters stage. While there would inevitably be some loss of planting and impacts on wildlife because the site would be the subject of development, an ecological management plan is also the subject of a condition to provide for biodiversity, including BNG.
73. Where the parts of the site would be in Flood Zones 2 (medium flood risk) and 3 (high flood risk), this relates to the proposed open space alongside the river and would be free from development. The watercourse which runs through the site is modest and its banks are predicted to be able to accommodate flows. Under the Flood Risk Assessment (August 2025), site levels would also be profiled so flows run away from built development and finished floor levels of the proposed dwellings would be raised. Again, this can be addressed through a condition, as can details of surface water drainage. None of these matters alter my conclusion.

Planning Balance

74. The primary harm concerns that the proposal would not be in a suitable location for housing, with regard to development plan policy. It would not comply with Core Policies 1 and 6, and Policy OC1 of the Core Strategy. In considering whether this amounts to a conflict with the development plan as a whole, I am mindful these policies are central to the spatial strategy of the development plan and at least in terms of Policy OC1, there is little conformity of the proposal with it. However, in light of the very significant shortfall against the 5 year housing land supply and as these policies are concerned with housing, I do find the policies are out of date.
75. The weight to be given to the conflict with these policies is also impacted by the stark position as regards housing land supply. In addition, Policy OC1 provides a level of protection to the countryside from development that far exceeds that of the Framework. It is substantially more restrictive. I thus attach limited weight to the conflict with these policies of the development plan. In taking these considerations together, the proposal would not conflict with the development plan as a whole.
76. There would also be limited levels of harm as regards character and appearance, BMV agricultural land and heritage assets. It has not been put to me though substantively that there would be a conflict with the development plan in these respects, and it does not change my view on the weight to be attached to the conflict with the policies of the development plan and whether the proposal conflicts with the development plan as a whole.
77. Set against this are the benefits that would arise from the proposal. They are considerable and involve the contribution to addressing the shortfall against the 5 year housing land supply, the addition of up to 135 dwellings towards the Council's

minimum housing requirement figure, contributing to the Government's objective of significantly boosting the supply of homes and the provision of affordable housing. There would also be economic, social and environmental benefits. All other matters do not weigh for or against the proposal.

78. A flat balancing exercise would support the grant of planning permission as when taken together the harms attract limited weight, while the benefits attract very significant weight. Even if I were to find that the presumption in favour of sustainable development under paragraph 11 d) ii of the Framework were to be applied, any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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 and providing affordable homes, individually or in combination. The proposal would be in a suitable location for housing with regard to national planning policy. While National Policy 1 of the Core Strategy reflects a previous iteration of the presumption, the proposal would still accord with it for similar reasons. The planning balance therefore favours the proposal.

Conditions

79. I have imposed conditions which concern the statutory time limit and the reserved matters. In the interests of certainty, I have also imposed a condition concerning the approved plans that reflect that access is a matter before me, as well as the masterplan and parameters plans, as these relate to the envelope set by the ES. Conditions confirming the maximum number of dwellings and phasing are imposed for the same reason.
80. Conditions to inform the details of the reserved matters and ensure compliance with the submitted Placemaking Code are imposed to protect living conditions, biodiversity, highway safety, and character and appearance. A condition concerning a mix of dwellings is imposed for reasons of balanced and mixed communities. An ecological management plan based condition is imposed for reasons of biodiversity. It includes the level of BNG units that the appellant referred to at the Inquiry as the deemed statutory condition does not apply in this case. A construction related ecological management plan is also imposed to protect biodiversity interests whilst the development is taking place.
81. Conditions concerning surface and foul water drainage are imposed for reasons of providing satisfactory drainage and minimising flood risk. A construction management plan condition is imposed for reasons of highway safety and living conditions. A condition is imposed concerning arboricultural matters for reasons of protecting the amenity value of trees. Conditions are also imposed concerning land contamination and archaeological remains for reasons of, respectively, public health and protecting heritage assets.
82. Conditions are imposed concerning the ATC, bus stop improvements and the residential travel plan in the interests of encouraging the use of modes of transport other than the car. Conditions are imposed on boundary treatment for reasons of character and appearance, and biodiversity. Lighting controls are also imposed through condition for biodiversity reasons, as well as character and appearance. I do not though consider it is reasonable or necessary for this to extend to domestic

lighting, and so nor have I removed permitted development rights. I have imposed conditions concerning parking and access for reasons related to highway safety.

83. I have imposed a condition concerning the bird breeding season, in the interests of biodiversity. Conditions are imposed regarding noise attenuation and flood risk mitigation measures in the interests of, respectively, protecting living conditions and minimising flood risk. I have also imposed a planning condition related to removing permitted development rights for boundary treatments forward of the proposed dwellings, in the interest of character and appearance. I do not however consider this is reasonable and necessary on other property boundaries, where it is more reasonably a matter for the future occupiers.
84. I have not imposed a condition concerning invasive species because as the reason for the condition that has been put to me states, it is controlled by other legislation. Where I have altered the wording of other conditions, I have done so for reasons of precision and accuracy, without changing their overall intention.

Conclusion

85. The proposal would comply with the development plan when taken as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan. For the reasons set out above and having regard to all matters raised, the appeal should be allowed, subject to the conditions.

Darren Hendley

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 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 take place not 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 drawing nos: Site Location Plan DE_236_BRL_002 RevF, Alternative Strategic Masterplan DE_236_103, Parameters Plan DE_236_904 Rev B, Building Heights Plan DE-236-905 Rev A, Phase 2 Works Affecting Public Highway General Arrangement Sheet 1 of 3 06594-CI-A-0101-P06, Phase 2 Works Affecting Public Highway General Arrangement Sheet 2 of 3 06594-CI-A-0102-P06, Phase 2 Works Affecting Public Highway General Arrangement Sheet 3 of 3 06594-CI-A-0103-P06.
- 5) There shall be no more than 135 dwellings provided on the site.
- 6) Prior to the submission of the first reserved matters application, a scheme for the phasing of the development of the entire site (to be in broad accordance with the Illustrative Phasing Plan contained within p135 of the Design and Access Statement), which identifies this site as Phase 1, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall thereafter be undertaken in accordance with the approved phasing scheme.
- 7) The application for reserved matters approval shall include details of the following for approval by the local planning authority:
 - Layout of the site, including the disposition of roads and buildings; existing and proposed ground level and finished floor level; the design of all buildings and structures;
 - The external appearance of all buildings and structures, including materials to be used on all external surfaces;
 - Boundary treatments;
 - Public Art;
 - Surfacing treatments (the parking and manoeuvring areas shall be completed and surfaced in a bound material which is sustainably drained);
 - The means of pedestrian and cycle access and parking layout;
 - Vehicular visibility splays from the proposed access points and private drives within the development hereby permitted;
 - Swept path analysis of a large refuse vehicle at least 11.7 metres in length demonstrating that the vehicle can safely access the site in forward gear, turn around within the site and egress the site in forward gear;
 - Full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall; and
 - Landscaping and planting (including the species of trees and tree pits, which are proposed to be located within or adjacent to areas to be put forward for adoption).

The development hereby permitted shall be implemented in accordance with the approved details, pursuant to the reserved matters approval.

- 8) Each application for the approval of reserved matters shall be accompanied by a statement that demonstrates that such details of reserved matters accord, as applicable, with the design principles of the approved Placemaking Code as contained within the Design & Access Statement, dated January 2025 (Appendix A version).

The statement shall include matters of the following as relevant: (i) Building mass; (ii) Public realm and amenity space; (iii) Accessibility for all; (iv) Footpaths and cycle ways; (v) Car and cycle parking, including visitor car parking and secure cycle parking; (vi) Vehicular accesses and circulation; (vii) Service arrangements; (viii) Details of hard and soft landscaping; (ix) Ecological design principles; (x) Existing and proposed land levels; (xi) Security and safety; (xii) Principles of energy efficiency; (xiii) Materials; and (xiv) Layout.

The development of that reserved matters phase shall not be commenced until the statement has been approved in writing by the local planning authority. The development hereby permitted shall thereafter be carried out in accordance with the approved details.

- 9) Each application for the approval of Reserved Matters shall be accompanied by a Market Housing Mix Statement, setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission. The development hereby permitted shall be implemented in accordance with the approved Housing Mix Statement.
- 10) Prior to the commencement of the development hereby permitted, excluding groundworks, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP must include details of how created habitats will deliver the specified minimum improvement, within this phase of development, of 10.00% Biodiversity Net Gain units and include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on the site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options to achieve aims and objectives, including detail on necessary seed mixes and planting specifications;
 - e) Detail on suitable species enhancements comprising gaps in fences for hedgehog and a minimum of 20 number (no.) integrated bat boxes and 20 no. integrated swift boxes, the location, aspect and model number for each enhancement must be included in the LEMP;
 - f) Detailed management prescriptions to maintain the above habitat units, including a work schedule with an annual plan for a 30-year period;
 - g) Responsibilities of bodies/organisations for implementation against actions; and
 - h) An implementation schedule, monitoring and remedial measures.

The LEMP must set out (where monitoring shows that aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details.

- 11) Prior to the commencement of the development hereby permitted, including groundworks or any necessary vegetation clearance, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- a) A risk assessment of potentially damaging activities and the phases associated with them;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices such as timing) to avoid or reduce impacts during site clearance and construction, including prevention of silt runoff into the adjacent watercourses;
 - d) The location and timing of sensitive works to avoid harm to ecological features; specifically including (but not limited to) a precautionary working method statement for great crested newts;
 - e) The times during construction when an Ecological Clerk of Works (ECoW) needs to be present (if appropriate);
 - f) Role and responsibilities of the ECoW if appropriate; and
 - g) Responsible persons and lines of communication.

The approved CEMP scheme shall thereafter be fully implemented throughout all construction work and any physical protective measures kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.

Prior to the first occupation of the development, arrangements will be made for the development to be inspected by a qualified ecologist, and a statement of conformity will be submitted to confirm that the measures within this condition have been fully implemented.

- 12) Prior to the commencement of the development hereby permitted, a detailed Surface Water Drainage Strategy shall be submitted to and approved in writing by the local planning authority, in accordance with the principles set out in the approved Drainage Strategy document: BWB – Bloor Homes Ltd, Land North of Penkridge, Staffordshire, Sustainable Drainage Statement. Revision P03 – dated 03/12/2024 - Doc. No. PLP-BWB-ZZ-XX-RP-CD 0004_SDS_Bloor Homes_Outline. It shall include a scheme for the following:
- Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), DEFRA, March 2015);
 - Surface water drainage system(s) designed in full accordance with all standards and other criteria within the Staffordshire County Council Flood Risk Management Team (LLFA), SuDS Handbook;
 - Limiting any surface water discharge from the site generated by all equivalent return period critical duration storm events, up to and including the 1 in 100 plus 40% (for climate change), return period, so that this does not exceed 5 l/s, leaving the site- in full accordance with the Non-Statutory Technical Standards for SuDS and the LLFA SuDS Handbook);

- Provision of adequate surface water attenuation storage in accordance with the requirements of 'Science Report SC030219 Rainfall Runoff Management for Developments';
- Ground investigation and soak-away (infiltration), testing in full accordance with BRE DG 365 best practice to corroborate or reject the viability of utilising infiltration as a means of surface water discharge;
- The incorporation of adequate surface water treatment in accordance with CIRIA C753 – particularly, the Simple Index Approach, to mitigate surface water pollution and maintain water quality;
- Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year, and 1 in 100 year plus 40% (a climate change allowance), return periods, critical duration storms only;
- Plans illustrating flooded areas and flow paths in the event of any exceedance of the drainage system;
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development;
- Provision of an adequate and satisfactory Construction Environment Management Plan or Construction Surface Water Management Plan; and
- Programme for the implementation of the scheme.

The scheme shall subsequently be implemented in accordance with the approved details and thereafter retained, as appropriate.

- 13) Prior to the commencement of the development hereby permitted, including groundworks, full details of a scheme of foul water drainage and including an implementation schedule shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and thereafter retained.
- 14) Prior to the commencement of the development hereby permitted, including groundworks, a Construction Management Plan shall be submitted to, and approved in writing by the local planning authority. The Construction Management Plan shall:
 - i) Specify details of the site compound, including arrangements for the parking of site operatives and visitors;
 - ii) Specify details of the construction access;
 - iii) Specify the delivery and construction working times;
 - iv) Specify the types of vehicles to be used;
 - v) Specify the location, type and hours of use of any artificial lighting;
 - vi) Specify noise, air quality and dust control;
 - vii) Provide details of the management and routing of construction traffic;
 - viii) Provide for wheel washing facilities;
 - ix) Provide for the loading and unloading of plant and materials;
 - x) Provide for the storage of plant and materials used in constructing the development;

- xi) Provide satisfactory arrangements for the control of surface water during the construction period, prior to the formation of the approved Sustainable Drainage Systems;
- xii) Provide details of an Earthwork Strategy, which shall include consideration of opportunities for the re-use of any excavated sand and gravel within the construction of the development;
- xiii) Specify measures to manage construction-phase waste, including measures to (i) use / address waste as a resource, (ii) minimise waste as far as possible, (iii) Demonstrate the use of sustainable design and construction techniques (i.e. a resource-efficiency in terms of sourcing of materials, construction methods, and demolition), (iv) maximise on-site management of construction and excavation waste arising during construction, and (v) make provision for waste collection to facilitate, where practicable, separated waste collection systems; and
- ix) Provide details of how the Severn Trent Water Pumping Station vehicular access will remain available and operational throughout construction works.

The development shall thereafter be carried out in accordance with the approved details, which shall be adhered to throughout the groundworks and construction period.

- 15) Prior to the commencement of the development hereby permitted, including groundworks, details of a scheme to provide protective fencing and other protective measures (to British Standard 5837), to safeguard existing trees and/or hedgerows on the site, as shown to be retained within the Tree Retention Plan, reference 9817-T-02 Rev D, as contained within Arboricultural Assessment reference Phase 2\9817AA(outline), shall be submitted to and approved in writing by the local planning authority. The fencing and measures so approved shall be erected prior to the commencement of development and thereafter retained for the duration of construction (including any site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed. Any trees that are damaged or lost during construction, due to a failure of required tree protection measures shall be replaced in the following planting season. The species, size, nursery stock type and location of such replacements, shall be first submitted to and approved in writing by the local planning authority.
- 16) Prior to the commencement of the development hereby permitted, a remediation strategy to deal with the risks associated with contamination of the site, including ground gases, shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following components:
 - i. A site investigation scheme in areas of the site where new structures are proposed to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - ii. The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete

and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require the written consent of the local planning authority. The scheme shall be implemented in accordance with the approved details.

- 17) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The archaeological site work shall thereafter be implemented in full accordance with the approved written scheme of archaeological investigation. The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation and provision has been made for analysis, and publication and dissemination of the results.
- 18) Prior to the commencement of the development hereby permitted, details of how the proposed active travel corridor along the site frontage on the A449 Stafford Road will tie back into the existing highway layout shall be submitted to the local planning authority. The active travel corridor along the site frontage shall thereafter be practically complete prior to first occupation
- 19) Prior to the commencement of the development hereby permitted, details (including a timetable for delivery) of the off-site highway improvements, comprising the active travel corridor along the A449 Stafford Road, from south of the application site to Penkridge village centre, in accordance with submitted plan 06594-TA-004 Revision P03 A449 Corridor Treatment, Overview shall be submitted to the local planning authority. No dwellings shall be occupied until the details of the implementation programme have been approved in writing by the local planning authority. The active travel corridor from south of the application site to Penkridge village centre shall thereafter be delivered in accordance with the approved details of the timetable.
- 20) Prior to the commencement of the development hereby permitted, details (including a timetable for delivery) of bus stops and bus stop infrastructure relating to the development shall be submitted to the local planning authority, in accordance with the following:
 - Bus laybys in line with Staffordshire County Council specifications;
 - Shelter with powered LED lighting;
 - Feeder pillar and power for RTP1 and shelter lighting;
 - Pole mounted 32" display incorporating the bus flag, timetable case and RTP1 all on one pole;
 - Digital panel in the shelter for digital publicity; and
 - DDA compliance and accessibility.

No dwellings shall be occupied until the details of the timetable have been approved in writing by the local planning authority. The bus stops and bus stop infrastructure shall thereafter be delivered in accordance with the approved details.

- 21) Prior to the commencement of the development hereby permitted, an amended Residential Travel Plan shall be submitted to and approved in writing by the local

planning authority. The Travel Plan so approved shall thereafter be adhered to, subject to the relevant timescales set out in the Travel Plan.

- 22) Prior to the first occupation of the development hereby permitted, details of all proposed boundary treatments, including full details of any treatment for dwellings, which shall include 13 centimetre (cm) x 13cm gaps at the base for hedgehogs and that within Public Open Spaces (including play park), shall be submitted to and approved in writing by the local planning authority. The Public Open Space boundary treatment shall be implemented in accordance with the approved details and provided before the first use of that Public Open Space and thereafter retained. The residential boundary treatments shall be implemented in accordance with the approved details, prior to the occupation of the dwelling(s) to which the respective boundary treatment(s) is/are to serve, and shall thereafter be retained.
- 23) Prior to the first occupation of the development hereby permitted, full details of the erection and operation of any proposed external lighting, excluding domestic lighting but including full details of the means of illumination and design of other lighting systems, shall be submitted to and approved in writing by the local planning authority. The details shall include:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for instance for foraging. To include at least a 35 metre 'dark corridor' from the edge of the River Penk channel, ensuring that horizontal and vertical lux levels do not exceed 0.5lux in that area; and
 - b) show how, where and when external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), including a timetable for implementation, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using the areas for foraging and commuting, and a timetable for its implementation. No lighting shall exceed 2700Kelvin in colour temperature.The means of external lighting shall thereafter be implemented in accordance with the approved details and shall not thereafter be amended or altered without the prior written approval on application to the local planning authority.
- 24) Prior to the occupation of each dwelling hereby permitted, the parking (including garages), cycle storage, and turning areas associated with each respective property, as to be approved by the local planning authority through the submission of the reserved matters, shall be provided and thereafter retained for their designated purposes for the lifetime of the development hereby permitted.
- 25) The proposed T-junction access / egress from the A449 (as shown on approved drawing reference 06594-CI-A-0101-P06) shall be fully constructed prior to the occupation of any dwelling served from that specific access. The proposed access via the fourth arm of the A449 / Sycamore Way roundabout (as shown on approved drawing reference 06594-CI-A-0102-P06) shall be fully constructed prior to the occupation of any dwelling served from that specific access. The visibility splays to serve the accesses, shall be kept free of all obstructions to visibility, with nothing placed or allowed to remain forward of the visibility splays, over a height of 0.6 metres above the adjacent carriageway level. The accesses

and visibility splays shall thereafter be retained for the lifetime of the development hereby permitted.

- 26) Prior to the first occupation of the development hereby permitted, details shall be submitted to and approved in writing by the local planning authority of the existing field gate access onto the public highway, made redundant as a consequence of the development, being permanently closed, with the access crossing reinstated as a footway, with full height kerbs. The closure works shall take place in accordance with the approved details and undertaken prior to the first occupation of any dwelling.
- 27) All site clearance works associated with the development hereby permitted shall take place and be completed outside of the bird nesting season (March to August inclusive) or if works are required within the nesting season, an ecologist will be present to check for evidence of breeding birds immediately prior to the commencement of works. Works could then only commence if no evidence is recorded by the ecologist. If evidence of breeding is recorded, a suitable buffer zone shall be set up to avoid disturbance until the young have fledged.
- 28) The reserved matters shall include details of noise attenuation measures designed to protect future occupants from noise nuisance arising from external noise sources (including road and rail traffic and existing and future residents from potential noise sources from uses and activities within the site), and include a timetable for their implementation. The development hereby permitted shall be undertaken in accordance with the approved details and thereafter retained.
- 29) The reserved matters submitted shall be in accordance with the mitigation measures identified within the submitted Flood Risk assessment, reference PLP-BWB-ZZ-XX-YE-RP-0005_FRA_S2_P01. Prior to the commencement of the development hereby permitted, a timetable for the implementation of the mitigation measures shall be submitted. No dwellings shall be occupied until the details of the timetable have been approved in writing by the local planning authority. The mitigation measures shall thereafter be delivered in accordance with the approved timetable, and shall be maintained for the lifetime of the development.
- 30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

APPEARANCES

FOR THE APPELLANT:

Paul G Tucker

Kings Counsel, instructed by Mark Rose, Director, Define

He called

Mark Rose BA (Hons), MA, DipUD, MRTPI Director, Define

Nigel Millington BA (Hons), MSc, MRTPI, Managing Director, PJA

MCIHT

Cairo Nickolls (LLB)

Solicitor & Partner, Freeths
(spoke during the planning obligations round table session)

David Bignell BA (Hons)

Divisional Director, Bloor Homes Ltd
(spoke during the Inquiry)

Sam Perkins

Senior Planner, Define
(spoke during the Inquiry)

FOR THE LOCAL PLANNING AUTHORITY:

Piers Riley-Smith

Counsel, instructed by Pardip Sharma, Solicitor, South Staffordshire District Council

He called

Mike Brown BSc (Hons), MA, MRTPI

Strategic Projects Assistant Team Manager, Development Management Team, South Staffordshire District Council

Stuart Evans

Solicitor & Partner, Anthony Collins Solicitors
(spoke during the planning obligations round table session)

Helen Benbow

Team Manager, Development Management Team, South Staffordshire District Council
(spoke during the Inquiry)

INTERESTED PARTIES:

Amrit Piechocki BSc (Hons), MSc, MSc

Infrastructure Project Engineer, Sustainable Transport Team, Staffordshire County Council

Councillor Kelly

South Staffordshire District Council

John Rowe

Acting Team Senior Solicitor, Planning and Highways, Legal Services, Staffordshire County Council

INQUIRY DOCUMENTS

- 1 Email from Natural England concerning matters related to the Conservation of Habitats and Species Regulations 2017, dated 8 October 2025
- 2 Draft Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements under the Conservation of Habitats and Species Regulations 2017 relating to land adjoining the east side of Stafford Road, Penkridge, Staffordshire
- 3 Letter from Define on behalf of the appellant, dated 14 October 2025
- 4 Further Draft Section 106 Agreement relating to land adjoining the east side of Stafford Road, Penkridge, Staffordshire, submitted on Tuesday 14 October 2025
- 5 Phase 2 Works Affecting Public Highway General Arrangement Sheets 1 to 3, Drawings Nos 06594-CI-A-0101 to 0103 Revision PO6
- 6 A449 Corridor Treatment, Overview Drawing No 06594-TA-004 Revision PO3
- 7 Letter from Lichfields on behalf of St. Philips Land Ltd, dated 16 October 2025
- 8 Opening Submissions on behalf of the Appellant
- 9 Opening Submissions on behalf of Council
- 10 Email from Continuum-dm concerning land acquisition costs, dated 21 October 2025
- 11 Further Draft Section 106 Agreement relating to land adjoining the east side of Stafford Road, Penkridge, Staffordshire, submitted to the Inquiry on Wednesday 22 October 2025
- 12 Revised Conditions, dated October 2025
- 13 Closing Submissions on behalf of Council
- 14 Closing Submissions on behalf of the Appellant

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- 15 Council consultation letter dated 24 October 2025 and consultation list
- 16 Executed Section 106 Agreement relating to land adjoining the east side of Stafford Road, Penkridge, Staffordshire
- 17 Executed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) and in accordance with the requirements under the Conservation of Habitats and Species Regulations 2017 relating to land adjoining the east side of Stafford Road, Penkridge, Staffordshire
- 18 Response from the County Council to the consultation, dated 5 November 2025