

**APPEAL BY:**

**Marrons Planning on behalf of Summix BLT Developments Ltd.  
Land North Of Browns Lane**

---

**OPENING SUBMISSIONS ON BEHALF OF COUNCIL**

---

**COUNSEL:**

Piers Riley-Smith

**WITNESSES:**

Gemma Hill, Senior Policy and Strategy Officer, Lichfield District Council

Simon Roper-Pressdee, Conservation Officer, Lichfield District Council

Patrick Daly, Planning Consultant, Lichfield District Council

1. This Opening outlines Lichfield District Council's ('the Council') case in relation to an appeal made under Section 78 of the Town and Country Planning Act 1990 by Summix BLT Developments Ltd in light of the Council's refusal to grant outline planning permission for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (All matters reserved except access) on land to the North of Browns Lane ('the Site') under application ref 18/00840/OUTMEI.
2. The Council refused the application for two RfR:
  1. *The site is not allocated for development and is located outside of any defined settlement boundaries within the adopted Lichfield Local Plan Strategy. Furthermore, the level of housing growth from this development would be contrary to the spatial strategy as set out in*

*the adopted Local Plan Strategy which seeks to concentrate a proportionate level of growth to the North of Tamworth in line with the settlement hierarchy of approximately 1,000 units. Whilst the housing figure is an approximate, it is considered important to maintain the general thrust of the adopted Local Plan Strategy. To date the current committed development and completions in this location equates to 1,165 units and it is considered that an additional 210 units would result in an alteration to the proportionate level of growth set out within the adopted Local Plan. Whilst the proposed housing would provide affordable units, there is no evidence to conclude that such housing is necessary in this location and could not be provided within more sustainable locations where there is an evidenced need. The proposed scheme of development is therefore contrary to the spatial plan for new housing and requirements set out in policies CP1 (The Spatial Strategy), CP3 (Delivering Sustainable Development), CP6 (Housing Delivery), Policy Rural 1: Rural Areas of the Local Plan Strategy 2015, Policy NT1 (North of Tamworth Housing Land Allocations) of the Local Plan Allocations Document and the National Planning Policy Framework.*

- 2. The proposed development would extend the northern edge of Tamworth much closer to the village of Wigginton, of which the historic part is a designated Conservation Area. The proposed development would cause less than substantial harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with regard to views in and out of the Conservation Area, which make a positive contribution to its setting. None of the public benefits associated with the proposal would outweigh this harm. The proposals are therefore contrary to policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development) and NR5 (Natural and Historic Landscapes) of the Local Plan Strategy 2015, Policy BE2 (Heritage Assets) of the Local Plan Allocations Document, the Historic Environment SPD, the Sustainable Design SPD, Policies W1, WHC1 and WHC3 the Wigginton, Hopwas & Comberford Neighbourhood Plan (2016) and the National Planning Policy Framework.*
3. The appeal against Lichfield's refusal is Appeal A. This appeal has also been conjoined with an appeal against Tamworth Borough Council's refusal of permission for the associated access to the Site. This is Appeal B.
4. In relation to Appeal A the Inspector – in his post CMC note – identified five main issues. The Council will set them out and briefly address them in the order in which they will be considered at this Appeal.

*The need for, and provision of affordable housing in Lichfield and Tamworth, including the mix and tenure;*

5. Through the evidence of Gemma Hill (numbers) and Mr Daly (policy and weight) the Council will set out how there is no urgent pressing need for AH in this location.
6. While it is agreed there is a general ongoing need for AH as examined in both the 2012 Southern Staffordshire Districts HNS and SHMA Update, and the 2020 HEDNA update – that need should be met across the two authorities’ areas and in line with planning policy.
7. It will be shown that both authorities – who have healthy 9.5 – 10.5 years’ supply of housing coming forward – have been able to deliver sufficient levels of affordable housing to meet the requirements in their respective development plans, and will be able to continue to do so.
8. In particular, Ms Hill will set out how there has been significant affordable housing provided in the nearby allocations of ‘Arkhall Farm’ and ‘Land north of Brown Lane’. This coupled with the lack of any evidence for there being sufficient demand for AH in this area – and instead with the available evidence showing there to be a lack of demand – shows that this is neither the right place nor right time for additional amounts of affordable housing to be delivered doubling the amount provided and planned for in the Lichfield Local Plan Strategy and Allocations plan.

*The effect of the proposed development on the character and appearance of the area, with regards to spatial and visual separation of Wigginton;*

9. Mr Daly will set out how the development of two open agricultural fields sitting beyond the distinct and strong straight boundary of Tamworth will significantly erode the open agricultural gap between Tamworth and Wigginton.
10. The sheer physical nature of a 210-dwelling development in this location would inevitably cause significant impact on the ‘separating’ character and appearance of the

area and would undermine the segregation of both settlements via urbanising an area of countryside with built form, associated paraphernalia and noise and light pollution.

11. The proposal would be a significant incursion into this gap – defined by the edge of Tamworth and the railway line – and cause coalescence between Tamworth and Wigginton. This is directly contrary to one of the main concerns enshrined in Policy W1 and WHC1 in the Wigginton, Hopwas & Comberford Neighbourhood Plan.

*Whether the proposal would preserve or enhance the character or appearance of the Wigginton Conservation Area*

12. At the outset it can be noted that there is a significant amount of agreement between the Council and the Appellant in relation to the heritage impacts of the proposal.
13. It is agreed that there will be no harm to any listed buildings, but that there would be harm to the setting of the Wigginton Conservation Area. There is agreement that this needs to be taken into account in the overall planning balance (although it does not trigger the duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
14. It is further agreed that the level of harm would fall into the ‘less than substantial’ category. The dispute remaining is where the harm sits in the spectrum of that categorisation. The Council say it is moderate, the Appellant says it is low.
15. Through the evidence of Mr Roper-Pressdee the Council will set out how the Site makes a significant contribution to the character and appearance of the Conservation Area. It forms part of the strong historic relationship between the village and surrounding field pattern recognised as a key feature of significance in the Conservation Area Appraisal and Management Plan. It is also part of the dynamic views on the approach to the CA which ensures that the settlement of Wigginton is preserved, and remains clearly understood as a rural settlement, with its history and development clearly focused on the surrounding agricultural landscape.
16. The development of the Site for housing and managed open space will, as well as leading to coalescence, will erode this agricultural setting and disrupt that historic

relationship which is key to the significance of the CA. This is why, it will be demonstrated, the agreed harm should be viewed as sitting at the moderate level of ‘less than substantial’.

*Whether the proposal would accord with the spatial strategy in the development plan, with regard to its location and the proposed quantum of housing.*

17. The evidence of Mr Daly will address why the proposal is fundamentally at odds with the spatial strategy of Lichfield’s development plan.
18. The Local Plan Strategy and Allocations have set out – and are delivering – a clear strategy for the sustainable provision of homes across Lichfield (as well as providing a appropriate level of homes for neighbouring Tamworth).
19. This Site, Mr Daly will set out, is not allocated and while it is nearby the North of Tamworth Broad Development Location, it in fact sits outside of the two relevant allocations and so is in the rural area.
20. There is no justification for bringing forward this windfall site in the rural area next to a location which has already over-delivered on the envisaged housing numbers. The LPS planned for 1000 homes to be delivered in this area. However, consent has been granted for 1,165 dwellings of which 441 are/will be AH.
21. Furthermore, the LPS expressly allows for AH to be brought forward in rural locations where they meet certain criteria set out in Policy H2. It is important not to overlook – given the Appellant accepts this point – that the appeal scheme would not meet several of the criteria specifically set out for AH in the rural area – and that conflict goes beyond the Site simply not being ‘small’. As will be set out by Mr Daly this reinforces how the scheme is entirely contrary to the spatial strategy in the development plan.
22. Overall Mr Daly will show how the proposal flies in the face of the spatial strategy of the development plan. It is attempting to force additional development in an area which has already over delivered on the housing requirements set out in the local plan. Not even the Appellant’s last-ditch attempt of making the proposal 100% affordable can justify it. Instead in fact, this creates further harm given the result would be an un-integrated peninsular of affordable housing which is the anti-thesis of the priority of

national policy to create mixed and sustainable communities where affordable housing should be indistinguishable and well-integrated into wider communities.

*Whether the proposal would make adequate provision for affordable housing, education, healthcare, public open space, off-site highway works and travel plan monitoring.*

23. It is envisaged that these matters will be adequately addressed in a s.106 Agreement of which a draft has been provided to the Inspector.

### *Conclusion*

24. Overall, the Council will show that this development is contrary to the development plan and there are no material considerations which justify departing from it. The provision of AH in an area where there is no demonstrated need, and in a district (and neighbouring district) where the AH requirements set out in policy are being met, cannot be justification for ignoring the entire spatial strategy of the development plan; especially when that strategy is demonstrable working to provide sustainable levels of general and affordable housing. ‘Need’ does not give developers carte blanche to build AH anywhere, and fundamentally this is the wrong place and the wrong time for such development.

25. On the above basis, which will be demonstrated through the Council’s expert evidence, the Council will respectfully request that the Inspector dismiss Appeal A at the close of the inquiry.

**Piers Riley-Smith**

**2 July 2024.**