

**Minutes of Full Parish Council meeting  
Tuesday 5<sup>th</sup> September 2023 at 7pm:  
Venue: Sir Robert Geffery Memorial Hall (annex)**

**Present:** Cllrs M Gingell (Chairman), Dr S Walker, N. Owen, P Barton and H Cartledge-Claus.  
**In attendance:** Mrs K J Heald, Parish Clerk one member of public.

A.I. = Agenda item number

**66. Welcome, introductions and Chairman's announcements (A.I.1)**

Cllr Gingell opened the meeting at 07:05hrs

**67. To receive declarations of interests on any agenda item and if relevant to approve any requests for dispensations. (A.I.2)**

During the meeting the Councillors declared an interest in agenda item 7, Minute 28.2b. Mr I Biffen, the applicant for this application was employed by the Parish Council for over 40 years and in recent years he has been the Council's internal auditor.

**68. Open forum and Cornwall Councillor report (15 – 30 minutes) (A.I.3)**

Apologies from CC Martin Worth, who was unable to attend due to attendance to of the Community Area Partnership. See appendix 1)

The applicant of planning application of PA23/06586 gave details of the reason for the application for the discharge of planning obligations:

- The application goes back to 1991, when the obligations were placed.
- Circumstances have changed in agriculture.
- The owners are looking to have the obligations lifted so there is no longer an agricultural tie on the property.

**69. Apologies for absence (A.I.4)**

Apologies received Cllrs G Francis, R Savery, D Morris, K Smeardon and P Mathers.

**70. Matters arising from the previous meeting (if relevant) (A.I.5)**

**71. Minutes of last meeting: (A.I.6)**

It was proposed by P Barton, seconded by N Owen and unanimously agreed by all Councillors that the minutes of the meeting held on 11<sup>th</sup> July 2023 are approved as a true and accurate record of the meeting.

**72. Planning application consultee decisions and planning updates (A.I.7)**

**72.1 Clarke Telecom on behalf of CK Hutchinson Networks (UK) Ltd**

Sheryll Murray MP has been chasing Clarke Telecom.

National Highways have not heard anything from Clarke Telecom.

During recent public meetings National Highways said the mast could have an effect on highway improvements

**72.2 Parish Council consultee response for application**

**a. Proposal for a two storey rear extension at 7 Geffery Close, Landrake.**

Application reference PA23/05704

Grid reference 237480 / 60645

The Chairman showed photographs on the overhead projector of the plans and the potential of loss of privacy or the neighbouring properties. It was proposed by Cllr Gingell, seconded by Cllr Owen and unanimously agreed by all Councillors that due to being overlooked, loss of light and loss of privacy for the neighbouring properties that the Council objects to this application. The Council would support a single storey extension of the same dimensions. The motion was unanimously agreed by all Councillors. **Resolved.**

**b. Proposal for an application for discharge of a planning obligation in respect of application**

E2/91/00669/F dated 6<sup>th</sup> August 1991 at Hay Lake Farm, Landrake, Saltash, PL12 5AE

Application reference PA23/06586

Grid Reference 235947 / 60596

Having considered that the applicant, Mr I Biffen is a close associate with Landrake with St Erney Parish Council it was proposed by Cllr Gingell, seconded by Cllr Barton and unanimously agreed by all Councillors that the Council declares an interest on this agenda item and therefore does not submit any comment to Cornwall Council. **Resolved.**

- 7.3 **Neighbourhood Plans** – To consider a response relating to communication from Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan titled “National Effort to Protect Neighbourhood Development Plans”.

Cllr Walker had submitted a draft letter ((see appendix 2) to Sheryll Murray MP. It was proposed by Cllr Walker end of the of the letter is amended to read “We are sending a copy of this letter to the Secretary of State for Levelling Up and urge that you support our view by petitioning him to overturn the decision by the inspector.”

- 7.4 **Cornwall Council:** Updates

The Clerk detailed the compliance of General Data Protection Regulations and confidentiality of Planning Enforcement cases. An email from Cornwall Council's Group Leader, (Enforcement & Minerals and Waste), Development Management – Regulatory Services. See appendix i.

### 73. Finance (A.I.8)

- 73.1 **To note the Council's bank balance.**

The Council's bank balance was noted as £14,676.61.

- 73.2 **To review the Clerk's finance report.**

The Clerk's Finance Report was reviewed.

A question was asked about funding the new play park in Tideford. The Chair attended the opening.

**Action:** Clerk to contact St Germans Parish Council.

Cllr Gingell raised the following regarding the 2024-25 budget:

- Increased costs for extra mowing of the playing field
- Costs likely to increase for the bin emptying.
- Gritting costs.
- If the Council's turnover increases so that it is over £25,000 the Council will require an external audit (routine annual assurance review of the annual return)

### 73.3 Parish Council payments

- a. **Approval of payments as detailed** (where applicable amounts include reclaimable V.A.T.) and to agree payment of any invoices received after the distribution of the agenda, presented in the meeting.

| Recipient    | Details   | Amount   |
|--------------|---|----------|
| K Heald      | Office expenses   | NIL      |
| K Heald      | Mileage – 3 journeys x £11.25<br>10/06/2023: Meeting with Sheryll Murray MP, CC Martin Worth and Parish Councillors<br>14/08/2023: Meeting with Cllr Gingell and Cllr Francis<br>05/09/2023: Parish Council meeting | 33.75    |
| K Heald      | Wages and Home Office Allowance:<br>July, August and September 2023   | 1,133.60 |
| HMRC         | PAYE  | 283.40   |
| Tim Lamerton | Village maintenance   | 297.50   |

- b. **Note payments made under delegated authority (not included on the previous minutes)**

| Recipient                        | Details  | Amount |
|----------------------------------|--|--------|
| Tim Lamerton                     | Village maintenance – July 2023  | 306.00 |
| Sir Robert Geffery Memorial Hall | To reimburse payment made to contractor for works carried out on the telephone kiosk | 528.72 |

The Clerk said there are no office expenses costs to reclaim for herself but the Chair will require reimbursement of ink. Costs to be confirmed but a budget of £50.00 be sufficient.

The Councillors discussed a contribution of the village hall committees' 'Yellow pages and a budget of £70.00 was agreed.

It was proposed by Cllr P Barton, seconded by Cllr H Cartledge-Claus and unanimously agreed by all Councillors to approve the payments as presented. **Resolved.**

**Standing items for update / reporting** - except where noted on the agenda that a decision is required

Approved during the meeting held on \_\_\_\_\_ Minute \_\_\_\_\_

To minimise the timing of the meeting Councillors are asked to read submitted reports and submit comments / queries prior to the meeting.

**74. Recreation Field (A.I.9)**

- (i) agree budget for routine grass cutting and hedge trimming
- (ii) update on proposals and discuss the way forward.

It was proposed by Cllr M Gingell, seconded by Cllr P Barton and unanimously agreed by all Councillors that a budget of £500.00 is agreed for the mowing, trimming and hedge cutting of the recreation field. **Resolved.**

**75. Village playground and village maintenance (A.I.10)**

Weed spraying has taken place. Records of spraying are being maintained.

**76. Environmental Sustainability Working Group (A.I.11)**

No current update.

**77. Community Area Partnership (formerly Community Network Panel) (A.I.12)**

Update to be circulated by email from Cllr Francis.

**78. Saltash Area Road Safety (SARS) (A.I.13) – No update**

**79. A38 Trerulefoot to Carkeel Safety Project: (A.I.14)**

Update from Cllr Gingell: Although the government has put off the proposals it doesn't mean it won't happen. Recent consultation meetings have taken place.

**80. Community Broadband (A.I.15).**

Update from Cllr Gingell: There have been a few issues, particularly along School Road. Openreach are dealing with these. Cllr Gingell said everyone who has pledged should contact their provider.

**Actions / Items to note.**

**81. Correspondence (A.I.16)**

- **Local Government Bulletins**
- **St Germans Public Transport Users Group:** Closure of railway ticket offices
- **National Association of Local Councils:** Chief Executive Bulletin
- **Cornwall Association of Local Councils:** CALC Training Bulletin: June, July and August 2023.
- **Cornwall Association of Local Councils:** Let's talk Water Stakeholder Webinar by South West Water on 14<sup>th</sup> September 2023.
- **Cornwall Association of Local Councils:** Autumn Planning Training courses.
- **Cornwall Association of Local Councils:** Addressing Conflict between employees and Members, including Code of Conduct Issues course.
- **Cornwall Association of Local Councils:** Vacancies on the CALC Executive Board
- **Cornwall Association of Local Councils:** Information from Bruno Peek), CVO OBE OPR, Pageant master in preparation form D-Day 80<sup>th</sup> Anniversary on 6<sup>th</sup> June 2024.
- **Cornwall Association of Local Councils:** Homechoice register review: T&PC Teams briefing held on 20 July 2023
- **Cornwall Council, Localism:** South-East Cornwall Area Partnership meeting 5<sup>th</sup> September 2023
- **Cornwall Council, Localism:** Dedicated engagement sessions to shape Cornwall Council's Local Area Energy Plan
- **Cornwall Council, Localism:** CAP Update: New CLUP on-line review process
- **Cornwall Council, Localism:** Updating the Clean Air for Cornwall – Cornwall Strategy – Engagement workshops with Cornwall Area Partnership representatives.
- **Cornwall Council, Localism:** Community Capacity Fund - COM001-60 Hatt Community Centre
- **Cornwall Council, Localism:** Community Capacity Fund - COM001-51 St Martin's Church Centre
- **Cornwall Council, Localism:** Community Capacity Fund Application by Three Seas Community Land Trust - Coastguard Cottages Looe
- **Cornwall Council:** The CC Standards Committee are voting and there a vacancy for one Town and Parish Council representative to sit on the committee and for one Independent Person who, as part of the ethical standards regime, will provide their views on complaints.
- **Cornwall Council:** Planning News for Local Councils and Agents
- **Parishioner:** Fibre to the Premises (FTTP) query

- **Representative from Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan:** Recent planning inspectors decision Land at Baldwins Gate Farm, Newcastle Road, Baldwins Gate, Newcastle, Under Lyme ST5 5ES.
- **WesternWeb:** Fraudulent Mail warning / spoofing. Advise: Report this this of fraud to Action Fraud. Tel 0300 123 4040 or visit [www.actionfraud.police.uk](http://www.actionfraud.police.uk), especially if you have replied or been involved in dialog with the fraudster.
- **Details of correspondent not published:** Concern over unlawful development at the land next Dolbeare formerly part of North Park.
- **National Highways:** Overnight works Stoketon Cross to Latchbrook (Notter to Carkeel) 4<sup>th</sup> to 28<sup>th</sup> September 2023 – 7pm to 6am.

The Clerk highlighted the communication regarding action fraud stating she regularly gets emails from someone feigning to be from the Chair of the Council. She is aware of cases where one or two where fake emails have been sent to Parish Councils and Councillors have fallen victim to email requests to purchase iTunes tokens.

**82. Staffing (A.I.17)**

To agree the appointment of a Staffing Committee and delegated Terms of Reference. The Clerk gave notice of her intention to resign. Cllrs M Gingell and S Walker agreed to be part of a Staffing committee, along with Cllr G Francis, who was not present in the meeting but had been informed of the Clerk's decision.

**83. To go through outstanding actions from the previous meetings. (A.I.18)**

The Clerk said she had mislaid the grid references for checking the wells in the parish. Cllr M Gingell agreed to resend the information. The Finance Working Group need to meet early in October.

**84. Date of next meeting and requests for future agenda items. (A.I.19)**

The next meeting will take place on 10<sup>th</sup> October 2023.

**85. To resolve that pursuant to section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972 S100 (2) the public and press leave the meeting because of the confidential nature of the business to be transacted.**

**86. Update on Planning Enforcement and Dolbeare communication (A.I.21)**

Cllr Gingell updated the Council on available information on Cornwall Council Planning Enforcements.

***The meeting closed at 20:50hrs***

## Appendix 1: Report from CC Martin Worth:

1. I am supporting a proposed motion to go before Full Council on 19th Sept 2023.  
That Cornwall Council carries out a full design for improvements and safety on the A38 as it has done on the A30 (twice) and the St Austell Link Road. The design should be in three sections Saltash to Trerulefoot, Trerulefoot to Dobwalls and Dobwalls to Bodmin.
2. We are awaiting confirmation that this will be heard. 10 cross party local councillors along the A38 are all supporting.

On 7th Sept is a major meeting of the Joint Committee where we are deciding on Future Financing. Feel free to read the 214 page agenda pack below which contains some key reports from LP & The Future Finance. I will update you following the meeting on decisions made.

Agenda for Tamar Bridge and Torpoint Ferry Joint Committee on Thursday, 7th September, 2023, 10.00 am - Cornwall Council

As a summary I would like to share the list of achievements Cornwall Council has made since Christmas 2022.

- Achieved the first commercially licensed Spaceport in Europe
  - Put a rocket into space, achieving the first domestic launch in the UK
  - Allocated over £80m of UK SPF, amongst the fastest rollout of any council in the UK
  - Won £50m of UK Government Levelling Up funding for the Mid Cornwall metro.
  - Hosted the Armed Forces Day National Event, the larges
  - MOU with Wales
  - Celtic agreement
  - LGA Peer Review Equality and Diversity
  - Introduction of the Climate CPD
  - Opening OCH Modular Scheme
  - Building more affordable houses than London ,Manchester and Leeds
  - Cowlins Mill completed (not occupied )
  - Homechoice reshuffle .
  - CHL back in house
  - Balanced budgets despite hugely rising costs, ASC, Children ,Homeless
  - New budget process through Demand Management Strategies etc.
  - Vastly improved oversight and review of capital programme
  - Work started on Local Area Energy Plan (LAEP) for Cornwall and the IoS
  - Launch of (Heritage Board) – First Expo Kernow (Heritage Expo) to be held 29-30 September
  - Commencement of Local Nature Recover Strategy (LNRS) for Cornwall and the IoS
  - Commencement of Environmental Compliance and Enforcement review in Cornwall and the IoS
  - Design phase of Cornwall Climate Commission commenced
  - MOU signed between Exeter University (Institute of Cornish Studies) and Kresen Kernow. This partnership signifies a commitment to collaboration and the preservation of Cornish heritage
  - Ofsted SEND Review which took place in February 2023 was Good.
  - Issued our SEND Strategy to drive improvements
  - Youth Council is going from strength to strength and one of our Youth Councillors has become a Parish Councillor in her local area
  - Refugee Conference in June was very successful
  - Separated Children Seeking Asylum numbers are increasing slowly, we can be very proud of the fact that so far none have absconded, and they are settling well in Cornwall
  - TfF continues to deliver great value for the Council (in the top quartile) whilst managing budgets(costs are in the lowest quartile)
  - Roll out of CAPs
  - Increase venues and offer more bespoke wedding service,
  - Library service working with HFC to deliver outreach Performances to communities.
  - Implement gypsy and traveller strategy
  - Delivered the biggest devolution package to St Ives
  - Support the coroners service to recover from backlog of cases after covid now back within timeframe
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## Appendix 2

Dear Ms Murray,

We wish to draw your attention to a decision recently made by an unelected inspector, appointed by central government, with regard to a planning application. This inspector chose to overturn the decision, made by a committee of elected councillors, to reject the application. It seems to us that this decision by the inspector represents nothing short of a failure of democracy. The committee had determined that the benefits of building 200 homes on greenfield land at Baldwin's Gate, Newcastle-under-Lyme, Staffordshire, would not outweigh the harm. The inspector was appointed by central government when the council's decision was challenged on appeal.

Landrake with St. Erney Parish Council embraced the Government's Localism Act and took the opportunity to create a Neighbourhood Development Plan (NDP). A group of 10 volunteers, including 2 parish councillors, spent four years working on this document at great personal cost in terms of time and effort and received grant aid to employ specialist consultants. You personally attended and spoke at one of our engagement evenings, which drew in a large number of people. It was then put to a referendum, in line with policy, and in November 2018 that referendum found that 92.3% of the parishioners who voted were in favour of the NDP being enshrined in local decision making.

Landrake with St Erney Parish Council recognises the necessity for an appeal process in order to facilitate the completion of projects that are unpopular locally but are of benefit to the wider community. However, to acknowledge the unique contribution of local knowledge to good planning decisions, intervention by central government should ideally be reserved for cases of national importance. In all other cases locally elected planning committees should be empowered to make final decisions, taking into account their Local Plan and the parish's Neighbourhood Development Plan. The decision regarding Baldwin's Gate by the local council was based on an in-depth knowledge of the village and particularly the dearth of local infrastructure, the limited employment opportunities and the poor transport links.

This action by an unelected, government-appointed inspector, to overturn the decision and disregard the local council's interpretation and application of the National Planning Policy Framework regarding the weight of Neighbourhood Plans, may well have seriously negative effects for neighbourhood planning across England as a whole. Developers will present it as evidence in every planning appeal that involves a Neighbourhood Plan and the Secretary of State needs to be aware that inaction on his part in this case is a decision in itself, as it sets a precedent that will enable planning to be led by the developers rather than by local councils and communities.

~~We request that you refer this egregious appeal decision to the Secretary of State for Levelling Up.~~

Last sentence amended to:

We are sending a copy of this letter to the Secretary of State for Levelling Up and urge that you support our view by petitioning him to overturn the decision by the inspector."

Yours sincerely,

**From:** Christopher Knight

**Sent:** Thursday, August 17, 2023 8:57 PM

**To:** undisclosed-recipients:

**Subject:** FAO the Councillors: Help Requested - National Effort to Protect Neighbourhood Development Plans

Dear Councillor,

I'm writing to you because I believe your Parish or Town has either made, or is in the process of making, a Neighbourhood Development Plan (NDP). We wish to make you aware of a recent planning inspector's decision (see attached) to allow a housing development in Staffordshire that is in direct contravention of our "made" NDP (Chapel and Hill Chorlton, Maer and Aston, and Whitmore NDP). In his decision document, the inspector effectively nullified the NDP and we feel he erroneously applied the law with regards to the weight that the NDP carries in the planning process.

We suspect the decision will have national ramifications because if left to stand, it has set a precedent and will be quoted in all future planning applications and appeal hearings where an NDP is a factor. In effect, this constitutes an assault on local planning and we feel that the only way to remedy the situation is with a national, coordinated response from those areas that have a vested interest in their NDPs being respected. We are concerned that if not addressed, the NDPs that many have spent a lot of time and effort on will become effectively irrelevant when put to the test.

I would like to draw your attention to the attached letter that the residents of Baldwins Gate sent to our MP, Sir William Cash. The letter sets out the reasons for our opposition to the appeal decision, and in it we ask him to intervene by bringing the matter to the attention of the Secretary of State for Levelling Up, Housing and Communities. We humbly ask that you as a Parish Council or Neighbourhood Group consider writing to your own MP, and with some haste, to request that the matter be brought to the Secretary of State on behalf of their constituents and your own NDP. Our hope is to build some form of national pressure to respect the NDPs.

Please feel free to either use our letter as a basis, or to indeed just forward it to your own MP expressing your concern about the arguments made within it and how they will affect local constituents. It would be helpful if you can specifically request that the MP contacts the Secretary of State to ask for intervention in the matter.

Clearly we have a bias in this case, and our aim is to see the appeal decision overturned. However, this really is of greater importance and we believe it is a bit of a watershed moment. The fact that a precedent has now been set that will allow planning inspectors to effectively ignore NDPs leaves us all vulnerable to uninhibited development which will be uncontrollable at a local level.

Finally, I would appreciate it if you would let me know if you intend to write to your MP (and who your MP is), so I can keep track of how much support we are building.

Many thanks,

Chris Knight (on behalf of the signatories to the attached letter)

Letter accompanied to email:

Sir William Cash MP  
50 High Street  
Stone  
ST15 8AU

18 July 2023

Dear Sir William,

We the undersigned are seeking your intervention regarding a planning inspector's recent decision to allow an appeal for outline planning permission for 200 homes on greenfield land at Baldwins Gate Farm (Appeal Ref: APP/P3420/W/23/3314808, see the attached inspector's report). As a community we feel let-down by both local and national government, as well as local and national planning policy, and are deeply worried about the precedent this decision sets for the future of our village, other communities like ours and the wider British countryside. We believe the decision to allow permission for 200 homes in Baldwins Gate represents nothing short of a failure of democracy. This planning application was unanimously rejected by a committee of elected councillors who determined that the benefit would not outweigh the harm. Their decision was then overturned at appeal by a single, unelected inspector appointed by central government. We recognise the necessity for an appeal process to facilitate the completion of projects that are unpopular locally but are of benefit to the nation as a whole. However, to acknowledge the unique contribution of local knowledge to good planning decisions, intervention by central government should ideally be reserved for cases of national importance. In all other cases locally elected planning committees should be empowered to make final decisions.

In this case the planning system has produced the decision, through the unelected inspector, that there is a requirement to build 200 homes on the best and most versatile agricultural land in Baldwins Gate. This is a small village which is displaced from any meaningful infrastructure, transport links or centres of employment. The National Planning Policy Framework (NPPF) para.105 states that "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes." Despite the inspector's insistence that the local bus service is adequate (an opinion that is in direct conflict with the first-hand experience of the local population), it certainly does not provide choice to most of the residents of Baldwins Gate. It therefore simply cannot be successfully argued that this development is required for the greater national good, and a planning system which comes to that conclusion is clearly broken. Instead of favouring the interests of the wider population by building "the right houses in the right places", the current planning system overwhelmingly favours the requirements of the developers and their preference for building on the most profitable land.

Local communities need to have confidence in the planning system. It is decisions such as this one, which is patently contrary to planning policy and to the role of local democracy in decision making, which erode and destroy public confidence in the planning system. We feel that if this decision stands, it is proof that we have merely been given the illusion of democracy, whereby we dutifully cast our votes in local elections to choose councillors to represent us, only to discover that their decisions are easily overruled.

This community embraced the Government's policy that neighbourhood planning is a statutory part of the planning system (a policy that has only been strengthened with successive revisions of the NPPF) and took the opportunity to create a Neighbourhood Development Plan (NDP). A group of volunteers spent four and a half years working on this document at great personal cost in terms of time and effort and even received grant aid from government to engage specialist consultants. It was then put to a referendum in line with policy and subsequently "made" on 21 January 2020 after an 82% vote in favour. Even after all of this, the planning inspector effectively nullified the NDP, which was the most up to date planning policy that the Borough Council had at the time. In essence, the planning inspector allowed the appeal on the basis that the local Neighbourhood Plan (the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan, see attached) is more than two years old and therefore, because the local authority states that it is unable to demonstrate a five year housing land supply, it has minimal weight. We believe this to be an erroneous interpretation and application of the law and an assault on neighbourhood planning.

We also have serious questions about the Newcastle-under-Lyme Borough Council's housing land supply, which has contributed to this decision. The population of Newcastle-under-Lyme fell by 0.5% between Census 2011 and Census 2021, yet the projections of housing need are based on inflated Office for National Statistics mid-year population projections for the inter-census years. Further, the borough claimed to have a five year housing land supply until very shortly before the opening of the public inquiry. The timing, coupled with the obvious cherry-picking of data, needs investigating. In any case, the Government's stated position is that although housing targets need to start with a number, this number should be advisory and not mandatory, and it is deeply concerning that the Government's appointed planning inspector has an opinion which is in such dissonance with their own.

We are of the opinion that the Government needs to intervene in this specific case, because the appeal decision sets a national precedent which is in direct contravention of their publicly stated intention to allow communities more influence over the future of their towns and villages. If this decision is left to stand, then we would invite the Government to publicly admit that the promises they made with the introduction of Neighbourhood Development Planning will not be honoured, and that effort spent producing an NDP as well as the cost to the public purse, will likely have been in vain.

If this appeal decision is allowed to stand, it will have significant egregious implications:

- for development in the immediate Neighbourhood Area of the Neighbourhood Plan;
- for development across the entire wider rural area of Newcastle-under-Lyme, which has now been laid open to uncontrollable development on greenfield land;



- for neighbourhood planning in the borough as a whole, including for the current 'made' neighbourhood plans and those presently being worked on.

This decision by a planning inspector, and its interpretation and application of the NPPF regarding the weight of neighbourhood plans, may well also have negative effects for neighbourhood planning across England as a whole. Developers will present it as evidence in every planning appeal that involves a Neighbourhood Plan and the Secretary of State needs to be aware that inaction in this case is a decision in itself, as it sets a precedent that will enable planning to be led by the developers rather than by local councils and communities. We close by again requesting you to intervene by referring this egregious appeal decision for action by the Secretary of State for Levelling Up.

Yours sincerely,



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## Appeal Decision

Inquiry held on 16–18 May and 23–25 May 2023

Site visit made on 23 May 2023

**by Philip Mileham BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> July 2023**

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**Appeal Ref: APP/P3420/W/23/3314808**

**Land at Baldwins Gate Farm, Newcastle Road, Baldwins Gate, Newcastle Under Lyme ST5 5ES**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Richborough Estates against the decision of Newcastle-under-Lyme Borough Council.
  - The application Ref 21/01041/OUT, dated 3 November 2021, was refused by notice dated 14 October 2022.
  - The development proposed is the construction of up to 200 dwellings set within a community parkland.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the construction of up to 200 dwellings set within a community parkland at Baldwin's Gate Farm, Newcastle Road, Baldwin's Gate, Newcastle Under Lyme, ST5 5ES in accordance with the terms of the application, Ref 21/01041/OUT, dated 3 November 2021, subject to the conditions set out in the attached schedule at Annex A.

### Preliminary Matters

2. The proposal has been made in outline form with all matters reserved except for access. A parameter plan and an illustrative masterplan have been provided which are indicative and I have determined these on the same basis.
3. A legal undertaking has been submitted along with this appeal which secures a number of planning obligations and I discuss these later in my decision.
4. The final sitting day of the Inquiry was 25 May. It was agreed that the signed planning obligation was to be submitted by not later than 9 June and this was subsequently provided on 5 June.

## **Main Issues**

5. The main issues are:

- Whether the proposed development would be in a suitable location for new housing having regard to the availability of public transport;
- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on best and most versatile agricultural land.

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<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/P3420/W/23/3314808

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6. The decision will also consider the benefits that would arise from the proposed development and this forms part of the planning balance as set out below.

## **Reasons**

### *Suitable location*

7. The appeal site is located on the edge of the village of Baldwin's Gate, outside of the settlement boundary for planning policy purposes. Baldwin's Gate contains a number of existing services and facilities, and my attention was drawn to an appeal decision on an adjacent site known as the 'Meadowbank' site<sup>1</sup> where the Inspector had identified the village as being reasonably well served in terms of facilities and concluded that the village was a sustainable settlement. I concur with the previous Inspector's assessment as the village still contains a range of facilities including a Primary School, petrol filling station, shop, village hall, doctor's surgery and a public house. As such, there is an acceptable level of services available for meeting the majority of day-to-day needs. However, there is no dispute between the parties that the village has limited employment and retail opportunities and therefore future occupiers of the proposed development would need to access these in other higher order settlements, such as Market Drayton and Newcastle Under Lyme.

Reasons:

Suitable location 7 – 13

Character and appearance 14 – 28

Best and Most Versatile Agricultural Land (BMVAL) 29 – 38

Other Matters Spatial strategy: 39 – 40

Housing Land supply 41 – 47

Non-designated heritage asset 48

Other Material Planning Considerations 49 – 51

Planning balance 52

Benefits 53 – 55

Adverse effects of the proposed development 56 – 59

Conclusion 60 – 66

Legal undertaking 67 – 71

Conclusion 72 – 81

For the reasons given above I conclude that the appeal should be allowed 82

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