

Planning Statement

For Mr K Singh | 23-470

Residential development - Land adjacent to Brown Edge Close, Buxton, SK17 7AF

Project: 23-470
Site Address: Land adjacent to Brown Edge Close, Buxton, SK17 7AF
Client: Mr K Singh
Date: Monday, March 18, 2025
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1. Introduction

- 1.1 This addendum has been prepared is submitted in support of a full planning application for the construction of 5 single-storey dwellings and associated works at land off Brown Edge Close, Buxton.
- 1.2 Following the publication of the revised Framework in December 2024 and the changes to the standard method for assessing local housing need, the Council can no longer demonstrate a five-year housing land supply (5YHLS). This is a significant material change in circumstances which is highly relevant to this application and we set out the implications below.



2. The Planning Balance

2.1 In accordance with Section 38(6), the application should be determined in accordance with the development plan unless material considerations indicate otherwise. Our planning statement dated 5th December 2024 concludes that the proposed development is consistent with planning policy and that there are no other material considerations to outweigh this. The application should therefore be granted planning permission without delay.

2.2 Notwithstanding this, we assess the proposals in the context of the tilted balance, should the local planning authority conclude that there is conflict with the development plan.

2.3 Paragraph 11 (d) of the Framework states that:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would 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 combination⁹.”

2.4 There are no protected assets or assets of particular importance as defined in footnote (7) in relation to this site (SSSI, Green Belt, Local Green Space, National Landscape, National Park, Heritage Coast, irreplaceable habitats or designated heritage assets). Footnote 7 is therefore not engaged.

2.5 Footnote 8 of the Framework clarifies that the most important policies will be considered out-of-date in circumstances where the LPA cannot demonstrate a five-year supply:

“This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78)”

2.6 The Council took a report to the Development Control Committee on 24 February 2025 entitled ‘5 Year Housing Land Supply Update’. This set out that the Council can only demonstrate a supply of **2.85 years**. This is a very significant shortfall. The report acknowledges that as a result, the ‘tilted balance’ will apply, as set out in 11(d) of the NPPF



- 2.7 We address below the benefits of the proposed development, before considering other factors and whether there is any harm that would significantly and demonstrably outweigh those benefits.

Benefits

Delivery of market housing

- 2.8 The site would deliver 5 dwellings in a sustainable location. Assuming that planning permission is granted, the applicant intends to immediately discharge conditions with a view to commencing development as soon as planning permission is obtained and requisite conditions discharged.
- 2.9 Paragraph 61 of the Framework sets out the Government’s objective of “*significantly boosting the supply of homes*”. It is well established that the delivery of homes, at a time of a national housing crisis, can be given significant weight, even in cases where a Council can demonstrate a five-year housing land supply.
- 2.10 In addition to the publication of the new Framework, which includes a number of new measures to boost significantly the supply of housing (including the re-instatement of the need to maintain a five-year supply at all times, the re-instatement of the 5% buffer and a new standard method for calculating local housing need), statements from the new Government place great focus on the delivery of housing, and has made it clear that addressing the housing crisis is an absolute priority. The content of the Written Ministerial Statement (WMS): “Building the homes we need” and its relevance as a material consideration is set out in the supporting planning statement (5th December 2024).
- 2.11 Following the WMS, the Deputy Prime Minister wrote to local authorities on 30th July 2024. The letter outlined the Government’s proposed changes to achieve the delivery of additional housing (now implemented through the December 2024 Framework). The letter also confirms Government’s commitment to building 1.5 million new homes over the next five years.

Delivery of housing in an appropriate location

- 2.12 Buxton is identified as one of five market towns which are the main focus for housing, employment and service growth. The site is locationally sustainable with access to facilities in Buxton and wider public transport links via bus services and the train station. It lies adjacent to the settlement boundary and viewed in the context of surrounding residential development.

Conclusions on the delivery of market housing

- 2.13 Drawing the above evidence together:
- There is a national and local housing crisis.



- Nationally it is a government policy imperative to boost the supply of housing, such that the Secretary of State has given significant weight to the delivery of housing even in circumstances where a Council can demonstrate a five-year housing land supply.
- The Government's recent statements in relation to housing and planning only increase the weight that needs to be attached to the delivery of housing.
- The Council cannot demonstrate a five-year housing land supply.
- The delivery of housing on this site would contribute to the achievement of policy objectives in respect of Buxton, and the achievement of a key part of the spatial strategy.
- The site is in accessible location on the edge of a Market Town. The scale of development proposed is appropriate to the settlement. It is an entirely logical location to provide new housing in the context of the housing land supply shortfall.

2.14 The delivery of market housing on this site should be given substantial positive weight in the planning balance.

Provision of housing for older persons

2.15 All of the proposed dwellings would be single storey which are likely to be attractive to older households in an area where homes are pre-dominantly two storey semi-detached and detached dwellings.

2.16 The proposed development would therefore make a contribution towards meeting the needs of an ageing population and households. This is a benefit of development to which moderate positive weight should be attached.

Economic benefits

2.17 Paragraph 85 of the Framework states:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."

2.18 Notwithstanding the existing clear support in national policy for economic growth, the new Government has made delivering a huge upturn in economic growth is central to its strategy and has made it clear that it is essential to improving the prosperity of the country and the living standards of working people. In the Chancellor's first speech of 8th July 2024, she stated that the planning system must be reformed to deliver economic growth.



- 2.19 The Government's policy is to positively drive economic growth, and to ensure that it reaches all communities, without delay. This underpins the Government's entire economic strategy. Therefore, this must be a key consideration when determining the weight to attach to the economic benefits in planning decisions, just as the Secretary of State will make it a central consideration when she intervenes in planning applications.
- 2.20 The proposed development would result in a number of economic benefits. During the build period, construction related jobs and indirect jobs would be created. This would benefit local contractors and suppliers. The proposed development would provide homes for the district's workforce, and once occupied the residents of the proposed scheme would spend money within Buxton and other parts of the borough.
- 2.21 It is accepted that the development is small in size and minor positive weight should be attached to this.

Adverse impacts

Conflict with the development plan

- 2.22 Whilst the proposed development is situated in open countryside adjacent to the existing settlement boundaries, our planning statement concludes that the proposal is fully compliant with Policy H1.
- 2.23 Should the local planning authority reach a difference conclusion, policies that restrict the development of sites beyond settlement boundaries would be out-of-date in accordance with paragraph 11 and footnote 8 of the Framework. Furthermore, national policy now provides for development on 'grey belt' in circumstances where a local authority cannot demonstrate a five-year housing land supply and other criteria are met. It is logical that land in the open countryside land well related to settlements should also be acceptable.
- 2.24 The Courts have made clear that the weight to be afforded to an out-of-date policy in the context of a housing land supply shortfall is a matter for the decision maker on the merits of the particular case, having regard to factors such as the extent of the shortfall, and the prospect of development coming forward soon to make up that shortfall. The Crane Judgment sets out at paragraphs 70 & 71:

"The decision-maker is left to judge, in the particular circumstances of the case before him, how much weight should be given to conflict with a plan whose policies for the supply of housing are out of date. This is not a matter of law; it is a matter of planning judgment.

However, the weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, or could it be, fixed in the case law of the Planning Court. It will vary according to the circumstances, including, for example, the extent to which the



policies actually fall short of providing for the required five-year supply, and the prospect of development soon coming forward to make up the shortfall.”

2.25 In addition to the Crane Judgment, similar principles arise from the Phides Estates Judgment of March 2015 (paragraphs 71 and 74), and the Woodcock Holdings Judgment of May 2015 (paragraphs 87, 105, 108 & 115 of the judgment). The Richborough / Suffolk Coastal Supreme Court Judgment also provides a very clear steer on the implications of not having a 5-year supply:

- In the event of a shortfall in the 5 year supply “the pressure for new land may mean in turn that other competing policies will need to be given less weight in accordance with the tilted balance”, and “restrictive policies in the development plan (specific or not) are relevant, but their weight will need to be judged against the needs for development of different kinds (and housing in particular), subject where applicable to the ‘tilted balance’” (see paragraphs 55, 56).
- The rigid enforcement of restrictive policies may prevent a planning authority from meeting its requirement to provide a five-year supply. If a planning authority that was in default of the requirement of a five-years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated (see paragraphs 79, 83, 84 of the judgement).

2.26 Turning to this case:

- Policies H1 and EQ3 are permissive of residential development beyond the settlement boundaries in certain circumstances.
- There is, no evidence to suggest that the shortfall can be addressed, other than by granting planning permission for greenfield sites on the edge of existing settlements, outside of the existing settlement boundaries.

2.27 Having regard to the housing land supply shortfall, and the lack of any tangible prospect of addressing the shortfall without the release of greenfield sites on the edge of settlements and the circumstances of this site being adjacent to the settlement boundary in a sustainable location, the weight to be given to conflict with open countryside policy should only be given limited weight in the tilted planning balance. Additional land needs to come forward now to address the shortfall, in accordance with the presumption in favour of sustainable development.

Footnote 9 considerations

2.28 Paragraph 11(d) of the revised Framework requires particular regard to be had to key policies in the Framework for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 9 clarifies that



the policies referred to are those in paragraphs 66 and 84 of Chapter 5; 91 of Chapter 7; 110 and 115 of Chapter 9; 129 of Chapter 11; and 135 and 139 of Chapter 12. Addressing these matters in turn:

- **Affordable housing (paragraph 66):** The proposal does not meet the threshold for affordable housing.
- **Sequential test (paragraph 91):** This is not applicable to the proposed development.
- **Accessibility (paragraphs 84, 110 and 115):** The proposal does not comprise isolated homes in the countryside for the purpose of paragraph 84 of the Framework. The site is in an accessible location close to local services and existing public transport links. It is entirely consistent with paragraphs 110 and 115 of the Framework.
- **Making effective use of land (paragraph 129):** The proposed parameters and illustrative material demonstrate that a well-designed scheme can be delivered which makes effective and efficient use of land, having regard to the site's location, its characteristics and the wider area. The proposal is consistent with paragraph 129 of the Framework.
- **Design (paragraphs 135 & 139):** The proposals are well designed having regard to local design policies and government guidance on design.

Other matters

2.29 Other technical matters are addressed in section 6 of this planning statement or in the accompanying technical reports. Subject to mitigation and the application of conditions where necessary, there would be no unacceptable negative impacts of the proposed development, and therefore these matters do not attract any weight (positive or negative) in the planning balance.

Planning balance: conclusion

2.30 Taking all of the above into account, the adverse impacts would not significantly and demonstrably outweigh the substantial benefits of the proposal. Therefore, in accordance with paragraph 11(d) of the Framework planning permission should be granted.



3. Conclusions

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires planning applications to be considered in accordance with the plan unless material considerations indicate otherwise. The Framework is an important material consideration.
- 3.2 Our planning statement dated 5th December 2024 demonstrates that the proposed development is consistent with planning policy and that there are no other material considerations to outweigh this. The application should therefore be granted planning permission without delay.
- 3.3 Notwithstanding this, should the local planning authority reach a different conclusion, having regard to paragraph 11(d) of the Framework, the tilted balance is engaged by virtue of the inability of the council to demonstrate a five-year supply of housing land. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 3.4 In summary, the benefits of the development are as follows:
- The delivery of much needed new housing in a sustainable location, in an authority where now a shortfall in five-year housing land supply exists. **Substantial positive weight** is attached to this benefit.
 - The provision of housing for older persons. **Moderate positive weight** is attached to this benefit.
 - Economic benefits in the form of direct and indirect employment opportunities during construction and throughout the lifetime of the development through increased household spending in the local area. **Minor positive weight** is attached to this benefit.
- 3.5 Turning to adverse impacts, these are limited to conflict with development plan policies that restrict the development of sites beyond settlement boundaries (should the local planning authority reach that conclusion). This should be afforded **limited weight** given the shortfall in housing land supply and the inevitable need to bring forward sites beyond the existing settlement boundaries.
- 3.6 Taking all of the above into account, the adverse impacts would not significantly and demonstrably outweigh the very substantial benefits of the application proposal. Therefore, in accordance with paragraph 11(d) of the Framework, planning permission should be granted.



