

APPEAL BY BLOOR HOMES LIMITED

LAND WEST OF STAPLEFORD LANE STAPLEFORD NOTTINGHAMSHIRE

**OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF A
RESIDENTIAL DEVELOPMENT OF UP TO 420 RESIDENTIAL DWELLINGS
AND ASSOCIATED OPEN SPACE AND INFRASTRUCTURE (WITH SOME
MATTERS RESERVED)**

CLOSING STATEMENT ON BEHALF OF THE APPELLANT

1. In this Appeal, Bloor Homes Ltd ('the Appellant'), have sought outline planning permission for a residential development of up to 420 residential dwellings and associated open space and infrastructure, with only vehicular access into the site for detailed determination at this stage ('the Proposal') at land West Of Stapleford Lane Stapleford Nottinghamshire ('the Appeal Site').
2. The Proposal is for housing on land which is not only *currently* allocated for housing in the Broxtowe Borough Council Local Plan, but has also, only a few months ago, been promoted for allocation in the emerging Greater Nottingham Strategic Plan. Indeed it is understood that NH, NCC and BBC all provided their views to that Inspector examining the Plan that the wider Strategic Growth Area ('SLG'), of which the Appeal Site forms part, should be maintained in the emerging Plan as part of a "sound and positive strategy"¹. It is odd indeed that within weeks all three opened their cases at this inquiry to the effect that the appeal should be dismissed.
3. It is of course worth highlighting that Broxtowe Borough Council as the Local Planning Authority never put forward any reasons themselves that planning permission should be refused for the Proposal. Indeed, they have maintained that there are no issues relating to the principle of development on the site, nor any material considerations or policy conflicts that would justify a refusal. Their Officer's Report provided to Committee for the purposes of this appeal (in which it was resolved that planning permission would have been granted, subject to the resolution of the consultees' objections) was entirely correct in its conclusion that:

¹ Councils' Opening Statement to the Greater Nottingham Strategic Plan Examination, 14th July 2026

“The benefits of the proposal are that the residential development would see the development of an allocated site which is located in a sustainable location close to existing public transport links, and would make a significant contribution to housing delivery for the Council. The proposal, whilst outline, is not considered to be harmful to the character of the surrounding area Any impact on protected species, habitats and trees can be adequately mitigated for by way of the design of the layout at reserved matters stage and through the implementation of conditions. Financial contributions in respect of monies for improvements to nearby public open space, library stock, provision of sustainable transport measures, bus stops etc along with the provision of affordable homes would benefit the wider community of Toton, Stapleford and Chilwell.”

4. The LPA’s one and only concern with the Proposal stemmed from the objections which, until the 25th September 2026, were upheld by the statutory consultees, Nottinghamshire County Council (the Local Highway Authority) and National Highways. It should be noted that those objections have never strayed into criticism of the site’s sustainability credentials, general design quality, or the Proposal’s alignment with the broader Development Plan.
5. Importantly the Consultees’ concerns didn’t even appear to be that the Proposals themselves would be unsafe or that they would give rise to a severe impact upon the wider network. Instead the Consultees’ concerns related solely to the theoretical negative effect on the highways network of the Proposal when considered cumulatively with other parts of the Toton Growth Area. In particular NH and NCC, in an odd reflection of Theresa May’s mantra that “nothing is agreed until everything is agreed” wanted to know as much as possible about the overall effects of the Toton Strategic Location for Growth (‘SLG’) before agreeing that any part of the SLG can be consented.
6. Happily, the Appellant is pleased to report that since the Inquiry opened in August, this issue has fallen away. There is now agreement between all the parties that the Proposal should be granted.² And the only issues between the parties relate to the minutiae of the mechanism to secure the agreed position, *in the light of the fact that permission is only being sought for Toton West at this appeal for which it is agreed that alone it will not give rise to **any** unacceptable impacts in transportation terms.*
7. This now agreed position is clearly the correct stance to take in light of the further extensive work that has been done to allay the Consultees’ concerns. Notwithstanding this, the

² ID 19 para. 4.11

Appellant maintains that it would have been eminently sensible for approval to be granted without the need for the Inquiry.

8. It is regrettable that the Appellant had no alternative other than pressing the non-determination appeal button. Yet the reality is that the application was made in May 2025, and despite updates to the highways evidence in October and November 2025, as well as February 2026 demonstrating the Appellant's goodwill in answering all of the concerns, reasonable and otherwise, from the Consultees, it has taken until October 2026 to come to this level of agreement.
9. In opening, National Highways in particular, sought to characterise the Appellant as having jumped the gun.³ But, with respect, it is abundantly clear from the progress of events behind the scenes that had the Appellant not done so and without the looming deadline of cross-examination, then the situation would have dragged on seemingly endlessly, despite the fact that all that is actually in dispute are the procedural elements related to the composition of the proposed Strategic Highway Assessment and Mitigation Strategy (SHAMS). These can, as discussions have shown, be resolved pragmatically, and a condition/obligation can be introduced to secure the SHAMS.
10. The Appellant has gone along with this process and has also agreed to a trigger to agree the content of the SHAMS before completing Toton West both to ensure that this appeal is allowed, and also because it recognises that it controls large parts of the remainder of the SLG, and agreeing as much as possible by the trigger stage is in its commercial interest. That is despite the fact that it will need to secure further future planning permissions to bring its parts of the remainder of the SLG forward (as will the promoters of Chetwynd).
11. Obviously the Inspector will reach her own view on the merits of agreeing the SHAMS during the currency of Toton West, but pragmatically the Appellant is more than happy to agree to align itself to this approach despite the fact that it remains unclear what the land use objection is to allowing Toton West to proceed without establishing the needs of the whole allocation.
12. That said, there is no outstanding reason to withhold planning permission for what is a policy-compliant and well-designed scheme.

Highways impacts

³ ID05, para. 4

13. As noted above, all parties are now in agreement that the Proposal alone will not give rise to safety concerns and will not have a severe residual impact on the local highway network, nor the Strategic Road Network.⁴
14. Earlier this year the Appellant provided a detailed updated Transport Assessment,⁵ which sets out in detail the analysis undertaken of the impact of the Proposal on 5 off-site junctions in the vicinity that enable access. The assessments are robust, and if anything, provide an overly pessimistic conclusion of the capacity impacts as no allowances were made within the calculations for the measures to reduce private car use which will be promoted. The mitigation identified at the Bardills Roundabout and B6003 Stapleford Lane / Swiney Way / Banks Road signalised crossroads to manage the potential over-capacity not only offsets the impact of the Proposal, but, in terms of the latter, materially improves the operation of the junction, and will thereby assist in the delivery of the remainder of the SLG.
15. There is no concern about the feasibility of the mitigation to be delivered, nor the accuracy of the models used to support this conclusion. As such, the Proposal does not conflict with Policy TR3.
16. Under Policy TR6.3 and TR6.4, cumulative impact assessments must be proportionate to the actual proposal being determined. A developer cannot be required to solve or model every hypothetical scenario for unconsented, future schemes before permission can be granted on its own site and delivery can be progressed; this is an unnecessarily burdensome approach which effectively holds parcels of land to ransom and requires the unlucky first developer to foot the bill for all subsequent developers to benefit from what they have proven.
17. Nonetheless, in a collaborative approach, and in recognition of the most efficient way for agreement to be reached and delivery to be achieved, the Appellant has provided further cumulative assessments of the Proposal in the context of the wider strategic area.
18. Notably, the East Midlands Gateway Model ('EMGM'), which was specifically designed to understand travel patterns across the Greater Nottingham area and which the Consultees' insisted⁶ was used for the cumulative assessment, did not actually exist at the time of the application. Further, in August 2025 the Appellant was informed that the outcome of such work would not be available from SYSTRA for the foreseeable future. Rather than shelve the delivery of its allocation, whose in principle acceptability had already been established at the

⁴ ID 16, p. 3 and ID 17, para. 4.1

⁵ CD 3.09

⁶ Strictly speaking NCC's position has altered over time. Initially it insisted upon the use of the EMGM, then part way through the process considered that alternatives might be capable of being justified, before reverting back to the insistence upon the use of the EMGM.

last local plan the Appellant produced their own position on the cumulative impacts, based upon the tools then available.

19. As soon as it was available, the Appellant ran various scenarios through the EMGM to put the Consultees' minds at rest that there would not be cumulative severe adverse impacts. Indeed, the results largely confirmed the TA which had been submitted with the original application.
20. Scenario 4 looks at the development of the whole Toton SLG allocation⁷. On the basis of this evidence it can now safely be assumed that there will be a feasible transport solution to support the transport impacts of the developments proposed at Toton West, Toton East, Toton North, and Chetwynd Barracks when they have all been built out. The solution would require the Toton Link Road (and the section connecting it to Chetwynd) to be provided, and potentially other local improvements, such as at Bramcote Island.
21. However, it must be emphasised that it is agreed that permission for this Proposal should not be withheld on the proviso that all of that infrastructure to mitigate impacts of the whole SLG must be identified, let alone funded and delivered at this point in time.
22. Through discussions with the Consultees, it has been agreed that the Appellant will submit a draft SHAMS (at a proportionately appropriate level of detail) to the Local Planning Authority at the point that the first application for Reserved Matters falls to be approved. This will enable debate and once it is then agreed (at a later trigger of occupation of the 301st unit) confirmation of the timings and delivery that the highways infrastructure and mitigation across the wider allocation should be provided and therefore enable all parties to plan in an informed way for the delivery of the remainder of the SLG so as to prevent negative impacts from arising. No doubt it will in particular inform future planning determinations. In particular, the SHAMS will enable the identification of the specific trigger point when the requisite 'big ticket' items of infrastructure – most notably the Toton Link Road must be agreed before further development and/or occupation of the wider allocation⁸ can occur.
23. The Appellant agrees that this is a sensible and pragmatic way forward, and that this can be secured via a condition &/or a planning obligation specifying the point at which the SHAMS

⁷ In fact it looks at a wider area since all of the Toton North application site is within its assessment, which includes more than the draft allocation in this part of the SLG.

⁸ For the avoidance of doubt, Bloor's focus in the proposed SHAMS will be upon the delivery of the majority of the SLG over which it has control. It is and will be expected that the control over when and how Chetwynd Barracks will be delivered will be controlled by any future permission it secures, which will be expected to 'fall in step' with the terms of the SHAMS. As matters stand it is not anticipated that such an application is likely to be made imminently since the Barracks remain actively used and there is no confirmed date for their closure.

should be submitted and a cap on the occupation of dwellings on the appeal site until it has been approved.

24. The Appellant considers that an obligation is an appropriate way to specify the scope of the SHAMS for the avoidance of doubt and to provide a clear idea of what is expected from the SHAMs, mindful of the scope of what is relevant to this application (and that the LPA cannot irrevocably bind itself as to what is relevant for future applications). Whilst the Appellant is committed to a pragmatic and sensible highways result across the strategic area, it would not be fair or reasonably related to this Proposal for Bloor to be bound into carrying out detailed testing of everything, including the Chetwynd Barracks site. The delivery of that part of the SLG is completely outside of the Appellant's power, and there is no planning application in respect of the site, either. The Appellant's position is that the primary focus of the SHAMS should be to ascertain the triggers required for those parts of the SLG which are actively being promoted for development i.e. all of the Bloor proposals on allocations that exist or are emerging within the strategic area, or on currently unallocated, but promoted in the new Local Plan to be part of the wider area (Toton 'North').
25. Whilst it will be recalled that there is no requirement for the Link Road to be provided in the adopted Local Plan Policy 3.2 as it stands, the Appellant has nonetheless demonstrated that a coordinated strategy for the entire allocation is feasible and deliverable for all of the SLG. They will endeavour to carry this out insofar as is reasonable and practicable, despite this Proposal only relating to one part of the SLG which, demonstrably, will not result in severe highways impacts nor prejudice the coming forward of the remainder of the site in highways terms. Although the Link Road need not be provided for this appeal, the Appellant has shown its willingness to facilitate the delivery of the Link Road through the progression of the other live applications by Bloor at Toton East and North, both of which include and promote the Link Road delivery. For the avoidance of doubt, the Inspector can therefore reasonably assume that the Link Road can, and will, come forward *when it is needed*.
26. Securing agreement to a mechanism to agree the substance of the SHAMS will entirely resolve the previous objections regarding the cumulative impacts and satisfy national policy requirements under Policy TR6.4. There is no reason to consider that the mitigation that may be required to accommodate the appeal proposal would be unfeasible, nor that it would do anything other than facilitate the delivery of the remainder of the SLG, so it follows that there would not be a severe adverse impact on the transport network.

Planning Balance and Summary

27. The sustainability credentials of the site's location and the allocation were fully tested at the examination of the Local Plan, and it is because they are so strong that it has been promoted

for the Greater Nottingham Strategic Plan as well. There are no material considerations that should preclude the development of the site.

28. The Proposal provides a large number of significant social, economic and environmental benefits, and it is agreed that it accords with the Development Plan as a whole.
29. In particular, the Proposal meets the social objectives of the NPPF and delivers a significant benefit through the provision of 420 dwellings, of which 30% (up to 126 dwellings) will be affordable. This is particularly important in the context of the Council's acceptance that it does not have a 5-year housing land supply,⁹ and even more so in the context that the current figure of 4.85 years ironically accounts for delivery coming forward for 100 homes in this strategic area.
30. If granted, there would be a material contribution made to the land supply shortfall during the next 5 years, which is a substantial benefit of the scheme.
31. Future residents and the wider public will also be able to enjoy 6.63ha of on-site open space provision which is above policy compliance, as well as a Local Equipped Area for Play. This is not a scheme whose only (albeit substantial) benefit is to provide physical homes, but one that seeks to provide a high quality of life. Indeed, the provision of new footpaths and cycleways to access the site enables connections with the wider community. NPPF Policy S5 focusses on sustainability of out of settlement locations, but it is clearly a positive factor that the NET Tram Station located off Stapleford Lane is within a 'reasonable walking distance' of 800 metres. These elements demonstrate both an inherent and enhanced focus on, provides sustainable travel to Beeston and Nottingham.
32. Those connections will support the contribution of those economically active residents to the local economy as well, as there will be an estimated 438 residents who would be in the jobs market, many of whom would be able to seek employment in the local area.
33. These numerous economic benefits are in addition to the positive boost to the local economy that the development phase will generate. An estimated 169 jobs will be provided on-site and in the surrounding area, and there will also be an estimated generation of £6.7 million of household expenditure and £1 million in Council Tax Payments annually once the Proposal is occupied.
34. The Proposal is on land which is currently agricultural, and thus there is inevitably an element of landscape and visual impact, as well as on the local ecosystem. However, the Appellant has not presented a scheme which simply takes advantage of its allocation at the expense of other

⁹ CD 9.32

national policy requirements. Rather, it can be seen by the layout even at this outline stage that this is a laudable and efficient use of land.

35. Indeed, the Appellant will retain the vast majority of the existing trees and hedgerows, safeguarding them for future generations via ongoing management. The Proposal is likely to be capable of meeting the required 10% biodiversity net gain for hedgerow and watercourse units onsite, and there will also be new planting to support the environment. Thus, whilst agricultural land will be lost, there will still be a biodiversity enhancement overall and species will be protected in accordance with national policy.
36. This is an outline scheme, and as such the detailed elements are reserved matters, but the illustrative masterplan shows that an appropriate, well-designed place to live would come forward, with an attractive layout and combination of dwelling types and the public spaces in which they will be placed, whilst also making efficient use of land in one of the most sustainable locations in the East Midlands – on an allocated site.
37. For the avoidance of doubt, under Policy S6 of the NPPF, the shortfall in housing also means that any conflicts with the Toton and Chilwell Neighbourhood Plan should only be afforded limited weight since the plan does not have allocations which meet its identified housing requirement. The vast majority (12) of the policy conflicts identified by the Chetwynd and Toton Neighbourhood Forum are also only relevant to matters of detailed design, which is not a component of this Proposal.¹⁰ The Toton and Chilwell Neighbourhood Forum ('CTTCNF'), as represented by David Lovett at the opening of the Inquiry has sensibly recognised that the "majority of issues raised will be dealt with by way of subsequent Reserved Matter Applications".¹¹
38. Table 7 of Mr Hicks' evidence¹² sets out the full list of policies which the Proposal complies with, and it is agreed that the Proposal is in accordance with the Development Plan as a whole.
39. As the Planning Statement of Common Ground confirms,¹³ the Proposal is sustainable development. The Proposal is within a settlement, thus NPPF Policy S4 and the recast presumption applies, and it is now agreed that there are no adverse effects identified that would substantially outweigh the benefits of development, now that a mechanism (condition/obligation) has been agreed in principle.¹⁴ Further, as all parties agree that the

¹⁰ CD 10.02 at para. 8.27

¹¹ ID 06 at para. 1.4

¹² CD 10.02

¹³ Table 1, p.6

¹⁴ ID 19 para. 4.9

Proposal is in accordance with both the Local Plan and NPPF, there should be no further delay in granting permission.

40. The recent ministerial statement on 6th October 2026 from the Rt. Hon. Matthew Pennycook MP confirms that the presumption in favour of sustainable development in the NPPF is a “universal tilt” which reflects the government’s “commitment to a planning system that is an enabler of appropriate development and is something which the Framework places at the heart of decision-making”.
41. Approval would therefore clearly be in line with the approach that national policy supports.

Conclusion

42. In summary, the Proposals comprise high-quality development which is consistent with policy at both local and national level.
43. The evidence base categorically shows that there are no severe adverse effects on the highways network caused by the Proposal alone or in combination with the wider strategic area. The requirement for a SHAMS to be provided and approved by the Local Planning Authority is a sensible and pragmatic approach to ensuring there is a coordinated strategy for the delivery of the wider area in relation to highways infrastructure.
44. There is no reason whatsoever for withholding permission for 420 homes on an allocated site. The Proposal will enable a well-designed housing estate in a sustainable location to come forward. Indeed, on a development of this scale it is telling that there has been very little public opposition. The only member of the public who spoke in opposition was Mr Lovett, representing the CTTCNF whose main critiques of the scheme echoed National Highways (thus now falls away given the progress of the parties behind the scenes) and alleged inadequacy of cycle routes to the west, which even if made out as a material consideration, should not outweigh the numerous benefits of the Proposal.
45. It is worth underlining that in the context of a national and local housing crisis, these houses are capable of delivery in the next few years so as to make a material difference to the local housing land supply which is already below 5 years.
46. The Appellant accordingly submits that the Proposal should be approved.

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14th October 2026