

BROXTOWE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78 (as amended)

Appeal by Bloor Homes against the non-determination of a planning application

By

Broxtowe Borough Council for

“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). The proposed development is classified as EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017”

at Land West of Stapleford Lane, Stapleford, Nottinghamshire

Planning Inspectorate Reference: 6006412

Council Reference: 25/00371/OUT

STATEMENT OF CASE



1.0 Introduction

- 1.1 This Statement of Case (“SoC”) relates to an appeal lodged by Bloor Homes (“the Appellant”) to the Planning Inspectorate (“PINS”) with a start date of 27th April 2026, under reference 6006412. The SoC sets out the case for Broxtowe Borough Council (“The Council”) in respect of the appeal which has been made against the Council’s non-determination of a planning application, under reference 25/00371/OUT, at Land West of Stapleford Lane, Stapleford, Nottinghamshire.
- 1.2 The description of development is as follows:
“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). The proposed development is classified as EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017”.
- 1.3 To date, the application has not been presented to members of the planning committee for a resolution on the decision. However it is likely that a recommendation of refusal will be made upon highway safety grounds following consultee responses from both National Highways and Nottinghamshire County Council as the Highway Authority. The application will go to the Council’s Planning Committee on the 1st July 2026. The committee report will be published on the Council’s website one week before the planning committee date and will be forwarded onto the Planning Inspector for information purposes.
- 1.4 This SoC provides a description of the site, its surroundings and the proposed development, relevant planning history, national and local planning policy context and relevant guidance, the Council’s case with regard to the potential resolved reason for refusal and outlines its statutory duties.
- 1.5 The Council will seek to agree details where possible within the Statement of Common Ground (“SoCG”) prepared by the Council and the Appellant.

- 1.6 This SoC is prepared on behalf of the Council and in accordance with the Inquiries Procedure Rules (SI 2000/1625) and having regard to the Inspectorate's 'Procedural guide: Planning appeals – England' (updated 17 September 2024) ("the Procedural Guide"), in particular section 11 Inquiries. It provides a succinct statement of the case that the Council will present at the Public Inquiry.

2.0 The Appeal Site and Proposal

- 2.1 The Site ("the site") is located to the west of the B6003 Stapleford Lane, which leads northwards, and southwards towards the suburbs of Stapleford and Toton. The majority of the northern extent of the Site is bound by hedgerow, beyond which are further field parcels in arable agricultural use. The north-eastern extent of the Site is bound by well-established trees and hedgerow, with an electricity transmission substation beyond. A series of electricity pylons and associated overhead lines are within the site in an approximate north-east to south-west direction from the electricity transmission substation. The east of the Site is adjoined by the B6003 Stapleford Lane and to the south, the Site is bound by sporadic hedgerow and tree line, beyond which are gardens and existing residential dwellings associated with the suburb of Toton. The south-western most extent of the Site is adjoined by Toton Fields Local Nature Reserve (LNR). The George Spencer Academy is located 500m to the north-west of the Site, within the suburb of Stapleford. The Bispham Drive Junior School is located 525m to the south-west of the Site.
- 2.2 The appeal seeks outline planning permission for the construction of a residential development of up to 420 residential dwellings and associated open space and infrastructure (With some matters reserved) except for access. The proposed development is classified as EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 2.3 The illustrative masterplan submitted with the application shows a new junction created off Stapleford Lane with a central road leading through the site. Smaller secondary roads and private drives lead to dwellings off this primary route.

Various pedestrian/cycle links are also shown through the site connecting to existing routes. Landscaped areas, public open space, surface water attenuation and a children's play area are also indicated along with the retention of existing hedgerows and trees. Affordable Housing would be provided throughout the site at a proportion of 30% of the total number of dwellings proposed.

- 2.4 The development constitutes Environmental Impact Assessment (EIA) Development and therefore the application is accompanied by an Environmental Statement (ES).

3.0 Relevant Planning History

- 3.1 In 2016 planning permission was granted under planning application reference 12/00585/OUT for the development of a site (including part of the application site) for a maximum of 500 dwellings, that included a convenience store and two retail outlets.
- 3.2 A subsequent Reserved Matters application was granted under planning reference 17/00499/REM in 2018 for the erection of 282 dwellings and supporting infrastructure (to the north of the application site). The Reserved Matters application adjoins the north and east of the Site and was implemented through the construction of a small area of tarmac representing part of the access into the site.

4.0 Relevant Planning Policy and Guidance

4.1 Broxtowe Aligned Core Strategy 2014

The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy

- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 15: Transport Infrastructure Priorities
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

4.2 **Part 2 Local Plan 2019**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 1: Flood Risk
- Policy 3.2: Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth)
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 28: Green Infrastructure Assets
- Policy 30: Landscape
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 **National Planning Policy Framework (NPPF) 2024**

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities

- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

4.4 **Chetwynd: The Toton and Chilwell Neighbourhood Plan 2024:**

- ENV01 - Local Green Space
- ENV02 - Natural Environment
- ENV03 - Green and Blue Infrastructure Requirements
- INF01 - Road Infrastructure
- INF02 - Active Travel
- INF03 - Public Transport
- INF04 - Parking & Reducing Travel Demand
- HAS01 - Housing Mix
- HAS02 - Green Design & Sustainability
- HAS03 - Broadband Connectivity
- HAS04 - On-Site Construction
- URB01 - Amenity Space & Privacy
- URB02 - Minimising Crime
- URB03 - Street Design
- URB04 - Well Designed Neighbourhoods
- URB05 - Strategic Location for Growth, West of Toton Lane
- LHC01 - Local Centres
- LHC04 - Secondary Education
- LHC05 - Primary Education and Medical Facilities
- LHC06 - New Leisure Centre
- LHC08 - Provision of Allotments
- EMP01 - Strategic Location for Growth Business Zone
- EMP03 - Smart Building Technologies & Modern Methods of Construction

4.5 Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (2023).

- A high-level strategic masterplan framework guiding long-term redevelopment of Toton and Chetwynd Barracks into a mixed-use community with homes, jobs, infrastructure and green spaces.

4.6 The Greater Nottingham Strategic Plan

4.7 The Greater Nottingham Strategic Plan will replace the Aligned Core Strategies. It is being prepared by Broxtowe Borough Council, Nottingham City Council and Rushcliffe Borough Council. It was submitted to the Secretary of State for examination on 22nd December 2025. Hearing Sessions are to take place week commencing 13th July 2026.

4.8 The Greater Nottingham Strategic Plan proposes to 'take forward' the allocation at Toton but to increase the allocation. Policy 21 proposes at least 1,500 dwellings would be delivered at Toton during the plan period (up to 2041).

5.0 The Council's Case

5.1 Policy 2 - The Spatial Strategy of the Aligned Core Strategy 2014 sets out the spatial strategy for development in the plan area and seeks to allocate land for the development of a minimum of 30,550 new dwellings between 2011 to 2028. The policy identifies that a strategic location for growth on land east and west of Toton Lane including Toton Sidings in the vicinity of the proposed HS2 station at Toton, in Broxtowe is to be developed, which will include a minimum of 500 homes.

5.2 The site falls within Part 2 Local Plan Allocation Policy 3.2. This policy contains the following requirement for development of the allocation:

- In general accordance with Map 8: Toton Strategic Location for Growth Illustrative Concept Framework.
- 500-800 dwellings within the Plan Period (3,000 dwelling in total).
- Mix of housing density.
- Min 18,000 m² for mixed employment (B Uses).

- Limited retail and community facilities.
- Provision of a multi-functional green infrastructure corridor to the south of the allocation.
- Undergrounding of the high voltage electricity cables at the south of the site.
- Development should be located and designed to complement and not prejudice proposals for access to the HS2 Hub Station and further build-out of the Innovation Campus which is to be delivered beyond the plan period.
- Highway infrastructure must be considered in conjunction with requirements for the Chetwynd Barracks allocation (Policy 3.1) and wider area.

5.3 The Council have received further applications for residential development on nearby land being 25/00255/FUL on land to the east of the application site to construct 155 dwellings, 25/003306/OUT to the north for up to 880 dwellings, link road (means of access only), local centre, country park, education provision (forest school) and associated infrastructure which is mainly located within the Green Belt. A fourth application has been submitted at Toton west which is a hybrid application containing 69 dwelling, vehicular access, landscaping to allow undergrounding of high voltage cables; and as a full application the remaining 351 dwelling as outline with all matters reserved apart from the details of the vehicular access form Stapleford Lane.

5.4 The principle of residential use at this site was previously determined favourably under application reference 12/00585/OUT for a mixed-use development whose residential element comprised of up to 500 dwellings. Two points of access were originally proposed by creating a fourth arm to the signalised junction serving the NET Park and Ride facility. The second formed of a right-turn ghost island located in the same position as the subject access.

5.5 The site sits within the Toton and Chetwynd Barracks Strategic Masterplan SPD 2023 which draws together Policies 3.1 and 3.2 of Broxtowe Borough Council's

Part 2 Local Plan for mixed use development whose residential elements provide an overall quantum of 1,500 and 3,000 dwellings respectively. The SPD was initially progressed on the basis of HS2 arriving at Toton but the adopted version reflects that the proposal related to HS2 was withdrawn.

- 5.6 Part D of Policy 3.2 requires the presence of a Strategic Masterplan and Infrastructure Delivery Plan to ensure development fully integrates with its surrounds in a consistent manner, and to prevent piecemeal schemes from coming forward that could otherwise compromise the objectives of the Plan.
- 5.7 Both National Highways and Nottinghamshire County Council as the Highways Authority have not been in a position to support this application and have advised on several occasions, despite additional information being submitted by the applicant that:

“as advised at the scoping stage and through consultation of Toton East and Toton North applications, one comprehensive traffic impact assessment to demonstrate the full impact of the combined site (Toton North, Toton East & Toton West parcels) should be produced, such that we can understand the cumulative impacts, and in turn ensure an efficient and effective infrastructure package is developed to accommodate the full site.

The three individual TAs prepared for the three applications focus on the impact of each application site individually. We require a TA to be agreed in a staged approach to avoid abortive work to include:

1. the key assumptions and approach of the traffic forecasts and assessment
2. cumulative impact assessment of the three developments as a combined development
3. proposed phasing of delivery of the three developments; and
4. trigger points for mitigation delivery, if any.

The impact assessment should include SRN junctions where there will be any potential impacts from the development traffic, including but not limited to:

- M1 Junction 25 Sandiacre Interchange
- A52 Bardills Roundabout
- A52 / Toton Link Road Signals (new site access junction)
- A52 Bramcote Island Roundabout

We also recommend that a list of assessment scenarios that includes the assessment year(s), opening years for the development parcels, with appropriate committed development traffic and infrastructure included, shall be clearly presented in the comprehensive TA”.

- 5.8 In evidence, the LPA will show that insufficient evidence has been provided to understand the cumulative impact of this application and the other planning applications previously mentioned upon the wider strategic highway network. Consequently, the LPA will set out that this lack of information means that it has not been demonstrated that the proposal would not have a severe impact upon the highway network, which would be contrary to Policy 14 of the Aligned Core Strategy 2014, Policy 3.2 and 17 of the Part 2 Local Plan 2019 and paragraph 118 of the NPPF 2024.

6.0 Conclusion

- 6.1 Taking into account all of the above, it will be demonstrated that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal and therefore, that this development would have a detrimental impact upon the wider highway network. On this basis, the Inspector will be invited to dismiss the appeal.

7.0 Statutory Duties

- 7.1 The appeal site is not located within a conservation area and does not impact on the setting of a listed building; as such Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 do not arise.

8.0 Draft Conditions

- 8.1 If the Inspector were minded to allow the appeal, a series of conditions would be required. The Council will prepare a schedule of conditions in advance of the Inquiry. The Council will seek to work with the Appellant to find common ground on a schedule of drafted conditions and will submit these to the Inspector.

9.0 Documents to which the Council may refer will include

1. The original officers recommendation report to committee members and the decision notice;
2. The Aligned Core Strategy 2014;
3. Broxtowe Local Plan 2019;
4. Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document (2023).
5. The Greater Nottingham Strategic Plan Publication Draft and proposed Main Modifications.
6. National Planning Policy Framework (2024);
7. Planning Practice Guidance;
8. Any other relevant reports, documents, statistics published by the Council before or during the appeal process;
9. Relevant case law and appeal decisions;
10. Relevant decisions of the Secretary of State which may arise during the appeal process;
11. Relevant evidence base documents to inform the preparation of the emerging Local Plan;

12. Annual Monitoring Reports;
13. Any other relevant documentation or Government guidance that is published during the appeal process.