

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)**

OPENING STATEMENT ON BEHALF OF THE APPELLANT

1. This appeal, made by Bloor Homes Limited ('the Appellant') relates to the non-determination of an application 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" ('the Appeal Scheme').

2. The only reason that Broxtowe Borough Council, the Local Planning Authority, considered they were unable to determine the application was due to outstanding objections from Nottinghamshire County Council (the Local Highway Authority) and National Highways.
3. Indeed, following the submission of the appeal, Officers recommended a resolution that planning permission would have otherwise been granted; the Planning Committee voted and confirmed that recommendation on 1st July 2026.
4. Notwithstanding the fundamental disagreement between the parties as to the amount of highways information that should have been provided and the implications for highways impacts, the Appellant maintains that the Scheme should be granted both on its own original appeal evidence, and on the supplementary evidence that has and will be provided to this Inquiry.

5. However, the last several weeks have been spent seeking to provide the information that both NCC and NH wish to see in order for those bodies to be satisfied that consent can be granted. Their concerns relate primarily to the effect on the network of how the proposals will come together along with other parts of the Toton Growth Area. There is no argument about the site's sustainability credentials, nor (in general at least) to the fact that the proposals wont, of themselves give rise to a severe residual impact upon the network.
6. The argument appears to be that NH and NCC wish to understand cumulative effects before any part of the Toton Growth Area can be released. Moreover, NH have remaining concerns about the use of the Systra model that the Appellant was advised to use, and which has taken almost a year to provide results. What is startling however is that both NH and NCC have professed themselves satisfied about the deliverability of this allocation in particular and the wider area in general at the Greater Nottingham Strategic Plan EIP earlier this summer and in the context of the earlier Part 2 adopted Broxtowe Local Plan. The presently unanswered question is what do each of these public bodies actually want from the Appellant which cannot be delivered by condition or a planning obligation? If the answer is "we don't know", at this stage in the process then that is a truly despairing moment for the plan led system.

Principle of Development

7. It will be remembered that the Site has been allocated for residential development in the current Broxtowe Borough Council Local Plan Part 2 under Policy 3.2. and forms part of a much wider strategic allocation where, to date, no housing has been delivered. That despite that fact that this area was first identified as appropriate for housing by the Council as long ago as November 2013.¹
8. It is agreed between the Parties that the adopted plan is unable to address up to date local housing needs. Furthermore, the Council has no 5-year housing land supply. The rapid delivery of this allocation remains essential. Indeed, the Broxtowe Borough Council Strategic Housing Land Availability Assessment (SHLAA) 2025 [CD 9.32]

¹ Site Allocations: Issues and Options, November 2013 for part 2 of the Broxtowe Local Plan

assumes delivery of 100 homes within the wider strategic area in the next 5 years, despite the current lack of deliverable planning permissions.

9. The principle of residential development on the Site is therefore both firmly established and central to the delivery of the Council's housing strategy which is already insufficient. There is a need to deliver this allocated site, within the urban area as a matter of urgency, there is a market and a willing developer.

Highways concerns

10. The Highways Consultees' sole objection was based on the previous para. 116 of the NPPF, now superseded by Policy TR6.4. The substance is largely the same as the previous policy but it provides that:

“Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion”.

11. It is notable that the Highways Consultees do not provide any evidence that there would in fact be adverse harm caused by the Scheme, which is not proposed to be mitigated. Rather, their concerns relate to an apparent absence of information, making them hesitant to conclude there is not a severe adverse impact in terms of the cumulative effect of the development in relation to the wider Toton Growth Area allocation including the still occupied Chetwynd Barracks.
12. The Appellant has consistently maintained that the information it has provided is sufficient to show there would not be severe or unacceptable impacts from the proposals. The Transport Assessment demonstrates that there would be no unacceptable impacts on highway safety, nor the transport network from the development itself and mitigation schemes have been provided where needed, as well as demonstrating that future residents will live in one of the most sustainable parts of the outer areas of the Nottingham conurbation.
13. Nonetheless, in a collaborative and proactive attempt to allay the concerns of the Highways consultees, the Appellant has worked strenuously behind the scenes of the

Inquiry at high costs to provide cumulative assessments using the consultees' own preferred model (the East Midlands Gateway Model), operated by their preferred modeller, Systra. Contrary to the consultees' suggestions, this is not an inconsistent position, but a 'belt and braces' approach which recognises the need to manage the appeal process and Inquiry time efficiently.²

14. The cumulative impacts to be considered under the NPPF should not be interpreted as requiring an assessment of the impacts of *all* potential developments in the area. Otherwise, perfectly good proposals could be refused purely due to a hypothetical concern re the cumulative effect on the road network of other, as yet unconsented and undelivered schemes. The recent change from "all reasonable future scenarios" in the previous NPPF para. 116 to "reasonable future scenarios" in T6.3 supports the Appellant's position; the scope of the assessment should be proportionate and relate to the meaningful consequences of the actual scheme being considered.
15. Whilst there are live applications at Toton North, East and West, none of these have yet been granted, nor is there any other housing on the allocation already. Further, a significant part of the land at Toton North has not actually been allocated in the current Local Plan. Thus, for the avoidance of doubt, it is not accepted that the amount of cumulative modelling that the Highways Consultee's have requested – and that the Appellant has now carried out in a bid to be cooperative – was actually required for *this* development to show it is policy compliant on Highways matters.
16. Notably, the majority of Toton West, East and South are controlled by Bloor – so there is not the remotest chance of Toton West being released to the detriment of the delivery of the remainder of the land. Rather, Bloor have an obvious commercial interest in securing value from Toton West in order to help to deliver the infrastructure requirements that will secure other parts of the draft allocation. This is emphatically not a case of developer A getting in 'under the wire' and thereby creating an unacceptable burden on other developers. As to that, Bloor recognise that the remainder of the Growth Area would be best delivered by the provision of a Link Road – even though that is NOT needed for Toton West.
17. It should be noted that there is no technical requirement in the existing Policy 3.2 for such a Link Road to enable consent to be granted at any of the sites in the allocation.

² CD 10.04, para. 5.1

On Bloor's case at the recent EIP the emerging plan (where the requirement for such a Link Road has first been made explicit) is likely to require significant modifications to the plan not least because of the insufficient amount of land proposed for emerging Policy 21 itself. On Bloor's case, the whole of Toton North is needed to ensure that it is delivered.

18. However, for the purposes of this appeal, the Appellant pragmatically acknowledges the need for the Link Road for the remainder of the allocation. Mr Frisby's evidence will demonstrate that the Scheme in no way prevents the ability of such a Link Road to come forward. To the contrary, and despite it not being needed for the Scheme itself, the Scheme delivers an extra junction arm to facilitate access which helpfully assists the delivery of the wider allocation. As confirmed in the Statement of Common Ground between the Appellant and the Council, "Facilitating the delivery of the Link Road and necessary highways improvements have been at the forefront of the development of the scheme."³
19. To argue that this Scheme should be refused because there remain questions arising from how the Link Road has been modelled such that the Consultees cannot conclude an *absence* of severe traffic is deeply flawed. It inappropriately prioritises the limited weight the draft (unmodified) policy in an emerging plan should be given whilst there is clear evidence that the very thing the Consultees are concerned about i.e. the effect on wider allocation infrastructure, is not actually harmed by this Scheme.
20. In the context of this appeal, there also remains a pragmatic solution to the concerns that do not necessitate refusal: a condition or obligation. This would allow for the provision of more information once a certain number of houses have been built out. Thus, even if it is considered that the information is, first, required, and second, insufficient, there is no need to refuse the scheme due to highways reasons.
21. Notwithstanding the fundamental disputes as to what information should have been provided initially, and the Appellant's position that there is sufficient evidence to understand and mitigate the impacts such that they are not severe, the Appellant is in the process of providing more information with the hope that this fully allays the consultees' concerns and that they can reach agreement that the scheme be granted.

³ CD 9.22, para. 9.17

22. Yes, of course, there may be an argument about what conditions are appropriate, or whether or not there is a need for an obligation to secure consistent benefits to aid the delivery of the wider allocation. However, to invite refusal of this allocated site on the basis of a want of information relating to the delivery of future allocations based on a Link Road policy in a draft plan, is, with respect, daft. Nonetheless, Bloor have an obvious interest in seeking to secure agreement from both NH and NCC, not just in respect of this site, but also the remainder of its land interests. And to that end a few more weeks are likely to see a solution acceptable to all parties (either completely or at least in large part). Rest assured none of the parties before this inquiry (if they think about it properly) wish to report to the LP Inspectors that Toton West has been dismissed because of a lack of information as to whether the wider Growth Area is deliverable if it were consented.

Planning balance

23. It is agreed that the Scheme provides numerous social, economic and environmental benefits, and that it accords with the Development Plan as a whole, save for the Highways objections. Not only does it provide much-needed housing in a sustainable location, but it has been well-designed to make it a safe and attractive place to live, with a character that accords with the local area.

24. Policy S4 of the NPPF is clear that development proposals such as this should be approved unless the benefits of doing so would be substantially outweighed by adverse effects.

25. As Mr Hicks will demonstrate to the Inquiry, it is not considered that there any adverse effects here, whether on highways grounds or any other matter, that outweigh the substantial benefits of this Scheme in the context of a national and local housing crisis.

Conclusion

26. The Appeal Scheme is – and was, even at its original application – policy compliant. It brings a plethora of benefits to the area, and it should have been approved by the LPA long ago. Bearing in mind that the original determination date should have been

19 August 2025, the delivery of much needed housing has been unnecessarily delayed.

27. Accordingly, the Appellant respectfully invites the Inspector to allow the appeal.

PAUL TUCKER KC

ELANA KAYMER

Kings Chambers

25 August 2026