



TECHNICAL REBUTTAL: Response to Spatial Policy & Delivery Team (Hannah Powell)

TO: Gillian Pinna-Morrell (Case Officer)

FROM: Strategic Policy Team, Burntwood Action Group (BAG)

DATE: 7th January 2026

RE: Rebuttal of Policy Consultation Response dated 22 Dec 2025 - 25/01485/OUTM (Land off Church Road / Coulter Lane)

Dear Gillian,

We have reviewed the consultation response from Hannah Powell (Spatial Policy). While we appreciate the summary of the housing land supply, we must formally challenge several critical omissions and inaccuracies that, if left uncorrected, will lead to a legally unsound determination.

1. The "Neighbourhood Plan" Error (Correction of Fact)

Hannah Powell states: *"There are no policies in the Neighbourhood Plan which are considered relevant to this application."* **This is factually incorrect. Policy 6 (Heritage):** This policy explicitly protects the "Church Heritage Cluster" which sits immediately adjacent to the site.

- **Policy 7 (Character and Privacy):** This policy governs the impact of new development on the privacy and character of existing dwellings.
- **Policy 1 (Spatial Strategy):** The BNP focuses on the "effective use of land" within the settlement boundary. By dismissing the **Burntwood Neighbourhood Plan (BNP)**—a document with 76% public support—the Policy Team is inviting a **Judicial Review**. The BNP is a statutory part of the Development Plan and cannot be ignored.

2. The "Grey Belt" Contradiction (Moderate ≠ Grey)

The Policy Team admits that the Council's own **Stage 3 Green Belt Review (2021)** found this site performs a **"Moderate"** role in:

- **Purpose A:** Checking unrestricted sprawl.
- **Purpose C:** Safeguarding the countryside from encroachment.

The Legal Conflict: The NPPF defines "Grey Belt" as land that does **not** strongly contribute to purposes (a), (b), or (d). In planning law, a "Moderate" rating in a formal Green Belt Review is a significant contribution. It is logically impossible for a site to be "Moderate" in the 2021 Review and then be re-classified as "Grey Belt" (low quality) in 2026 just to meet a housing target.

3. The "Footnote 7" Override

The Policy Team highlights the 3.65-year housing supply but fails to mention that **Footnote 7** of the NPPF (2026) removes the "presumption in favour of development" where a site involves:

- **Green Belt**
- **Designated Heritage Assets** (The Church Cluster)
- **Habitats Sites** (The Cannock Chase SAC)

Because this site triggers **three** Footnote 7 protections, the 3.65-year land supply deficit is **irrelevant**. The "tilted balance" does not apply. The Council has a clear "reason for refusal" based on Green Belt harm alone.

4. The "Golden Rule" Mathematical Deficit

Hannah Powell accepts the developer's **43% affordable housing** offer as meeting the Golden Rule. However:

- **The HEDNA 2025 Conflict:** Our technical audit indicates that when the updated HEDNA 2025 figures are applied, the base requirement is higher than 28%.
- **The Shortfall:** This results in a **shortfall of 18 affordable homes**. Accepting 43% without a rigorous audit of the 2025 baseline would constitute a breach of **NPPF Paragraph 157**.

5. Cannock Chase SAC (Appropriate Assessment)

The Policy Team correctly identifies the 15km trigger for the Cannock Chase SAC. Under **Paragraph 195 of the NPPF**, the presumption in favour of sustainable development **does not apply** unless an Appropriate Assessment proves no adverse effect. No such assessment has been concluded.

Conclusion

The Spatial Policy response is premature and procedurally flawed. It ignores the **Burntwood Neighbourhood Plan** and incorrectly applies the "Grey Belt" definition to a "Moderate-Performing" site. We urge the Case Officer to disregard the claim that the BNP is "not relevant" and to uphold the **Footnote 7** protections that mandate a refusal.

Table: Discrepancy between Policy Advice and NPPF 2026

| Policy Theme | Spatial Policy Advice (Hannah Powell) | The Planning Reality (NPPF 2026 / BNP) | Legal Risk to LDC |
|-----------------------------|---|---|--|
| Neighbourhood Plan | "No policies in the BNP are considered relevant." | Policies 1, 6, and 7 are directly relevant to Heritage, Privacy, and Spatial Strategy. | High: Dismissing a "made" Neighbourhood Plan is a ground for Judicial Review. |
| Grey Belt Status | Notes the 2021 Review gave the site a "Moderate" rating. | NPPF defines Grey Belt as land that does not strongly contribute to purposes (a), (b), or (d). | High: A "Moderate" contribution in a formal review is legally inconsistent with "Grey Belt." |
| The "Tilted Balance" | Emphasises the 3.65-year housing land supply deficit. | Footnote 7 removes the "tilted balance" for Green Belt, Heritage, and SAC sites. | High: Applying the presumption in favor of development to a protected site is a misapplication of Para 11(d). |
| Golden Rules (AH) | Accepts 43% Affordable Housing as compliant with Para 157. | HEDNA 2025 requires a baseline audit. BAG identifies an 18-home shortfall . | Moderate: Failure to secure the mandatory statutory "tax" for Green Belt release. |
| Cannock Chase SAC | Notes the 15km trigger and the need for mitigation. | Paragraph 195 prohibits the "Presumption in favour" until an Appropriate Assessment is complete. | High: Granting permission before an AA is finalised violates Habitat Regulations. |

The Spatial Policy response provides a "soft" interpretation of the housing deficit while failing to apply the **Footnote 7 "Hard Stop"** protections. Under the **2026 NPPF**, the presence of "Moderate-performing" Green Belt and the **Fulfen Heritage Cluster** provides a clear, standalone reason for refusal that overrides the 3.65-year land supply issue.

Furthermore, the dismissal of the **Burntwood Neighbourhood Plan** is a significant procedural error. We urge the Case Officer to re-engage with BNP Policies 6 and 7 to ensure the determination respects the statutory Development Plan.

Yours sincerely,

The Strategic Policy Team Burntwood Action Group