

IN THE MATTER OF:

LAND AT FORMER GLOSSOPDALE COMMUNITY COLLEGE,
TALBOT ROAD, GLOSSOP SK13 7DR

APPELLANT'S OPENING STATEMENT

1. *'England remains in the grip of a housing crisis that is both acute and entrenched'*.¹ That is the conclusion of the Secretary of State less than nine months ago. It remains the case today. Indeed, it has been the case for many years. But the length of the crisis does nothing to lessen its impact. Far from it. As the Secretary of State appraised, the crisis is both *'acute and entrenched'*.
2. Unfortunately, High Peak is symptomatic of this housing crisis. The homes that the people of High Peak need have not been built; and there is little prospect of them being built in sufficient numbers any time soon.
3. Even on the most favourable metric – the out-of-date and unduly low housing requirement in the local plan - there has been a persistent shortfall of about 1,000 homes in High Peak for the last decade.²
4. The picture is even worse when considering recent years. Housing delivery has plummeted in the last three years.³ Only 50% of the calculated local housing need has been delivered.⁴ Less than a third of the calculated affordable housing need has been delivered.⁵ Put plainly, some 900 much-needed homes have not been delivered.⁶ Those most in need of a home have been worst affected.

¹ CD 5.16 at PDF p. 1.

² CD 11.2 at Table 1 on PDF p. 16.

³ CD 11.2 at Table 2 on PDF p. 17 – delivery in 2024/25 is just under half of the delivery in 2022/23.

⁴ CD 8.1 at Table 11 on PDF p. 48.

⁵ CD 11.2 at [8.23] on PDF p. 28.

⁶ CD 11.2 at Table 2 on PDF p. 17.

5. This is a local picture which embodies the '*disastrous state of affairs*' in this country identified by the Secretary of State.⁷
6. The consequences are well known: a generation locked out of homeownership; vulnerable families languishing on social housing waiting lists; low-income households forced into unaffordable private rented housing; vulnerable children living in temporary accommodation.⁸

The Council's plan-making paralysis⁹

7. High Peak will not escape these circumstances any time soon if the Council persists on its current course.
8. The number of housing starts in High Peak has been in freefall over the last 5 years.¹⁰ Only 110 starts were recorded last year in the whole of High Peak.¹¹ This position will not improve: the Council's housing land supply is (at best) 2.47 years. A lower figure is more accurate.¹² Supply has fallen year on year. Fewer homes will be built in the next five years, not more.
9. The Council has not taken any meaningful steps to arrest this decline.
10. The Council accepts that its local plan is out of date, even without considering its housing land supply position. However, the last consultation on a new local plan occurred in 2023.¹³ For plan making, the Council has been paralysed for the last three years.
11. The Council has repeatedly missed its own deadlines for progressing a new local plan. Indeed, it is already many months behind the new timetable that it set itself in March this year.¹⁴

⁷ CD 5.16 at PDF p. 1.

⁸ CD 5.16 at PDF p. 1.

⁹ These submissions refer to the local planning authority as "the Council" and Derbyshire County Council as "the Appellant".

¹⁰ CD 11.2 at Table 8 on PDF p. 31.

¹¹ CD 11.2 at Table 8 on PDF p. 31.

¹² At minimum, an update to a 2026 base date is necessary. This immediately reduces the housing land supply – see Table 10 at CD 11.2 on PDF p. 33.

¹³ CD 11.2 at [2.18] on PDF p. 10. This was a Regulation 18 consultation.

¹⁴ CD 11.2 at [2.21] – [2.23] on PDF p. 11.

12. The Council's suggestion that a local plan will be submitted for examination before the end of the year is fanciful.¹⁵ The delays will only get worse: the Council will inevitably need to prepare a plan under the new plan-making system and that will also be delayed further by impending local government reorganisation.
13. In these dire circumstances immediate action is needed. That action can only take one form: planning permission must be granted for the delivery of more homes without delay. For this there is no better starting point than this appeal.
14. Glossop is at the top of the Council's settlement hierarchy. There is no better settlement in which to deliver housing. It is rightly acknowledged to be a '*main focus for housing*'.¹⁶
15. Within Glossop there is no better site than the appeal site for major residential development. The Appellant has appraised the available sites.¹⁷ There is nothing remotely comparable.
16. Put simply, the appeal site is the best site in the best location.
17. This is not the hyperbole of a housebuilder or the opportunism of a land promoter. Much less a promoter of yet another greenfield site perched on the edge of a settlement.
18. Rather, this appeal is about a public body – the Appellant – seeking to discharge its statutory duties and to act in the best interests of the local people to whom those duties are owed. In no way is the proposed development or this appeal opportunistic. Rather, the proposed development is the product of a deliberate and effective estate management strategy.
19. In these circumstances it is no surprise that the appeal site is the best site in the best location for residential development in this area. That

¹⁵ CD 11.2 at [2.21] – [2.23] on PDF p. 11.

¹⁶ CD 6.1, PDF p. 36, Policy S2.

¹⁷ CD 11.1 at PDF p. 144 ff.

conclusion reflects the Appellant's diligence in ensuring that the assets it holds are put to the right use in the public interest.

The need for planning permission

20. The Appellant's strategy for the appeal site was developed more than a decade ago.¹⁸ The site was identified as surplus to education requirements as early as 2014.¹⁹
21. In 2014 the Appellant, as local education authority, recognised that education provision in Glossop had to change.
22. Pupil numbers at Glossopdale Community College had fallen significantly from 1,928 in 2004 to 1,203 in 2014.²⁰ The College had 46% spare capacity.²¹ Pupil numbers were forecast to fall further.²²
23. At that time the College operated across three sites.²³ This was inefficient and unsustainable: revenue costs were high; some staff resources were duplicated; there was a maintenance backlog of £5.4 million; and the College's facilities – many of which were designed some 60 years previously – were deteriorating quickly.²⁴
24. Acting to discharge its statutory responsibilities, the Appellant planned for better education provision within Glossop. A strategy was formulated to rationalise the College's facilities by building a new 1,200-place school on the Hadfield Road site. As part of that strategy, the Appellant proposed to close the appeal site and sell it with the benefit of planning permission to fund (in part) the new school.²⁵ This was an obvious approach: the appeal site was particularly constrained with challenging topography, a

¹⁸ CD 11.3 at [2.33] on PDF p. 15.

¹⁹ CD 11.3 at [2.13] on PDF p. 8.

²⁰ CD 11.3 at [2.2] on PDF p. 5.

²¹ CD 11.3 at [2.2] on PDF p. 5.

²² CD 11.3 at [2.2] on PDF p. 5.

²³ CD 11.3 at [2.2] on PDF p. 5.

²⁴ CD 11.2 at [2.3] on PDF p. 5.

²⁵ CD 11.3 at [2.10] on PDF p. 7.

limited site area, limited usable space and substandard facilities.²⁶ The appeal site did not meet modern educational requirements.²⁷

25. The Appellant has followed this strategy diligently. The new school was opened in 2018. The new school delivered a significant improvement in educational (and sporting) facilities for Glossop. The appeal site was closed. All education (and sporting) provision was accommodated and improved at Hadfield Road on the new school site. The Appellant obtained the necessary consents from the Secretary of State and, in due course, applied for planning permission to redevelop the appeal site: essentially, the last step in its strategy for the comprehensive rationalisation and improvement of education provision in Glossop.
26. The importance of following this strategy to completion cannot be underemphasised. The building of the new school was a milestone, not an end point. The funding of that school was “totally reliant” – in the Council’s own words – on the sale of the appeal site for its redevelopment.²⁸ Thus, far from being an afterthought, obtaining planning permission was an essential component of the Appellant’s strategy.
27. To the Appellant’s dismay, the Council’s initial support for the proposed development quickly evaporated.
28. In 2018 the Council promoted a draft development brief for the appeal site.²⁹ That brief was never adopted and rightly so. There was no consultation with the Appellant, much less joint working.³⁰ The design concept was poor.³¹ The proposed leisure centre was hopelessly unviable.³² Attempts to obtain public funding failed decisively.³³ Indeed, it was a facility that was at odds with the Council’s own sporting strategy

²⁶ CD 11.3 at [2.6] on PDF p. 6.

²⁷ CD 11.3 at [2.6] on PDF p. 6.

²⁸ CD 6.10 at [1.8] on PDF p. 4.

²⁹ CD 6.10.

³⁰ CD 11.3 at [5.9] on PDF p. 18.

³¹ CD 11.4a at [7.1] on PDF p. 48.

³² CD 11.1 on PDF p. 131.

³³ CD 11.3 at [5.11] on PDF p. 18.

for the area.³⁴ A white elephant. A pipe dream. A distraction. A distraction particularly for the Council's elected members and its planning committee.

29. Worse still, the Council's officers went clearly awry in their assessment of the application. Contradictory feedback on the appropriate density of development was given: first too low; then too high. Vague assertions of poor design and breaching standards were made. An inaccurate and entirely unrealistic approach was taken to the previous curriculum sports use. The (former) tilted balance was applied inaccurately. Overall, the Council's approach failed to undertake an accurate or fair appraisal of the proposed development.

The Council's change of position

30. It appears that – at a very late stage – the Council has decided to conscientiously review its case. The Appellant welcomes this approach, despite its timing.
31. The Council has asked the Appellant for the opportunity to undertake further consultation on the material contained within the Appellant's proofs of evidence and the further draft legal agreement. The Appellant does not consider that such further consultation is necessary and the Appellant resists any suggestion that its evidence is in any way improper or exceeds the permissible evidence that it could produce in its proofs of evidence.
32. Nevertheless, the Appellant has agreed to facilitate the additional consultation because the Council has indicated that following this consultation it will review its position on both reasons for refusal and there is a good prospect that, following review, the Council will change its position, such that the issues in dispute are substantially narrowed, if not resolved entirely. Given this indication, the Appellant is willing to work with the Council as it has requested.

³⁴ CD 11.3 at [5.5] on PDF p. 17.

33. Accordingly, the Appellant opens its case today in respect of both reasons for refusal. However, it is hoped that, on reasonable reflection, both reasons for refusal are withdrawn by the Council promptly in due course.

Reason for Refusal 1

34. The central premise of the first reason for refusal is that there is an unacceptable loss of playing field land. That premise is incorrect for at least three reasons.
35. **First**, the relevant protection for playing fields in national policy – formerly paragraph 104, now Policy HC7 of the NPPF – is only engaged when playing field land, as defined, is identified.³⁵ There is no such land in this case.
36. For there to be a playing field, as defined, there must be a playing pitch.³⁶ Without a pitch there can be no playing field. However, it is agreed in this case that at the date of the Council’s Playing Pitch Strategy (January 2018, before the closure of the school) there was not a playing pitch as defined.³⁷ It follows axiomatically that there was not a playing field either. Nothing has materially changed since that date. There is no evidence of a playing pitch beforehand either.
37. In short, the relevant policy does not apply simply on the basis of the agreed factual position.
38. **Secondly**, even if a playing pitch (as defined) can be identified, such that there is a playing field, nevertheless it must be an existing playing field for the purposes of national policy. This is an obvious and important qualification. Policy protection applies to land in use or presently capable of use as a playing field, not to any land that has ever been a playing field at any time, however historic.

³⁵ The Council’s case is premised on the identification of playing field land. The Council does not rely on the identification of any other type of land falling within the scope of that policy. See the specific reference to playing field land in RfR1 and the Council’s agreement to the narrowing of Main Issue 1 at the CMC.

³⁶ See the definition in the Glossary to the NPPF, cross referring to the DMPO.

³⁷ CD 1.29 at [2.15] on PDF p. 4.

39. It is well established that changes to land can cause playing field land to cease to be existing playing field for the purposes of policy.³⁸ Applied here, even if there was once a playing field, it is no longer existing today. Multiple factors demonstrate that change: no playing pitch exists now or at the time of the PPS; the appeal site is not in a sports use; the appeal site has not been in such a use for a considerable period of time; the present condition of the appeal site renders it incapable of sports use (without substantial and expensive betterment); all the buildings and hardstanding have been lawfully demolished; and there is no realistic prospect of re-use.
40. This last point is worth further consideration. It is agreed that the lawful use of the appeal site is for education. The lawful use of the appeal site is not for sport or recreation. Any such use has only ever been ancillary. Accordingly, its lawfulness depends on the functional connection with the educational use, within the same planning unit. Here, there is no prospect of the education use resuming and, equally, no prospect of the sport or recreation use resuming lawfully.
41. For all these reasons, the appeal site is not an existing playing field.
42. **Thirdly**, even if the appeal site is an existing playing field in part, the loss of that land is acceptable under policy for any one of three reasons.
- 42.1. Reason 1 – The playing field land is surplus to requirements. All curriculum sports provision has been provided and improved already. The Council accepts full re-provision has occurred. There has been no loss of community sports use: to the contrary, there have been improvements. These matters, coupled with the appeal site's condition, clearly indicate that it is surplus to requirements today.
- 42.2. Reason 2 – Acceptable alternative provision has already been provided as part of the reorganisation of the educational estate, including the construction of the new school. A significantly higher

³⁸ *R. (Stoke Mandeville Parish Council) v Buckinghamshire Council* [2025] EWHC 1213 (Admin) and *W.E. Black Limited v First Secretary of State* [2006] EWHC 1598 (Admin).

quality of sports provision is now available when compared to the historic position across the three school sites.

42.3. Reason 3 – Acceptable alternative provision will now be made through the delivery of further sports provision and improvements secured in the legal agreement. Significant quality improvements and playing pitch capacity for rugby and football – including additional community use – will be delivered at Hadfield Road. The College’s role as a community sporting hub – consistent with its identification as a “key centre” for sport by the Council – will be cemented. On top of this, new opportunities for informal local recreation at Fauvel Road will be delivered with a significant uplift in quality.

43. For all these reasons, the first reason for refusal should never have been imposed and is not well founded.

Reason for Refusal 2

44. The second reason for refusal is even weaker.

45. The Council alleges that insufficient evidence has been provided to demonstrate the acceptability of the proposed development in design and amenity terms.

46. This allegation is narrow in scope. There is no criticism of the proposed development’s impact on the townscape character of the area, and it is agreed that there is no harm to any designated heritage asset.³⁹

47. This allegation is a particularly egregious example of the Council’s approach to the application. The only (potentially relevant) missing information identified by officers at the application stage were site cross sections. Officers did not answer any of the Appellant’s clarificatory questions. In any event, such cross sections were provided to the Council. No feedback was ever given on them. No other relevant information was requested and the Council omitted to use its statutory powers to require

³⁹ CD 12.1 at [6.32] and [6.35] on PDF p. 16.

more detail. Put simply, if this was a real concern, there were steps which the Council could and should have taken during the application process if it was acting diligently and proactively in accordance with national policy. It did not do so.

48. In any event, it is apparent from Mr Crawford's evidence that the proposed development can be built in an acceptable manner within the limits of the parameter plan.⁴⁰ Mr Crawford's evidence demonstrates the potential for a high-quality development, free of any unacceptable adverse impacts. The proposed development will positively add to – rather than detract from – the local area. The appeal site will be transformed positively from vacant, unused and unattractive brownfield land into an appealing and well-integrated development.
49. So, again, this reason for refusal should never have been imposed and is not well founded.

Planning balance

50. Policy S4 of the NPPF applies to the proposed development. Accordingly, planning permission should be granted unless the benefits of doing so would be substantially outweighed by any adverse effects.⁴¹
51. In this case, the benefits are multiple and very substantial. Many of them are agreed. A very meaningful contribution to identified housing needs will be made. Much-needed affordable housing will be delivered. Previously developed land will be re-used effectively. All of this will be delivered in a highly sustainable location and whilst achieving a high quality of design. Other significant economic, social and environmental benefits will be delivered, including a more than 10% Biodiversity Net Gain and significant local economic benefits. On top of all this, the redevelopment of the appeal site will directly fund the provision of the new school.

⁴⁰ CD 11.4a

⁴¹ Paragraph 1 of Policy S4.

52. Set against this, there are no unacceptable adverse effects, much less substantial adverse effects sufficient to deprive the proposed development of the clear presumption in Policy S4 of the NPPF.
53. Indeed, even if, technically, there was some loss of playing fields, the proposed development would still benefit from the clear presumption in Policy S4 of the NPPF. That presumption would only be displaced if the loss of playing fields amounted to a substantial adverse impact.⁴² On no reasonable view could that threshold be met in this case.
54. This is a site which has never provided a community sporting function, whose former education-related sporting role was fully replaced through the provision of improved facilities at an alternative location, and which now performs no sporting function whatsoever. No formal pitches remain on the site, it contributes no recognised pitch capacity within the Council's evidence base, there is no identified need for further education-related sporting use and there is no realistic prospect of any such use resuming. Thus, even if there was an adverse impact, it would fall very short of the substantial harm threshold.
55. Taken in the round, the proposed development complies with the development plan, is supported by national policy and the planning balance lies in favour of the grant of planning permission.

Conclusion

56. As the Secretary of State has consistently concluded, the appropriate and necessary response to the housing crisis is to grant planning permission for more homes. That imperative applies as much in High Peak as anywhere else in the country. The proposed development responds directly to that imperative. The proposed development will deliver high-quality and much-needed homes, in the right place and in the right way. Planning permission should be granted without delay.

⁴² Paragraph 2(a). Policy HC7 is not a policy engaged by paragraph 2(c) of Policy S4.

57. For these reasons, which the Appellant will explain through its evidence and submissions, in due course planning permission should be granted for the proposed development.

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