
Council Planning and Design Witness Briefing Report

Re: Planning Appeal in respect of Outline planning application of the construction of up to 100 dwellings, with all matters reserved (except principal points of access) including all associated ancillary works and engineering operations at the former Glossopdale Community College, Talbot Road, Glossop, SK13 7DR (description as amended by the applicant on appeal)

HPBC Planning Ref: HPK/2024/0481

Planning Appeal Ref: 6006040

Summary

1. This briefing report has been prepared by Mr Robert (Bob) Phillips to advise High Peak Borough Council on the status of the planning appeal for land at the former Glossopdale College on Talbot Road in Glossop (appeal ref: 6006040) and to set out my professional opinion. The appeal is brought by Derbyshire County Council against the refusal of application HPK/2024/0481 by the Development Control Committee in September 2025. The application was refused for two reasons.
2. Appeal 6006040 is currently adjourned by mutual agreement between the appellant and the Council to allow for consultation and for the Council to consider its position on two reasons for refusal as a result of significant new evidence being provided in respect of design and amenity, but also a new planning obligation which includes a playing pitch mitigation strategy. This new material is directly relevant to the two original reasons for refusal as set out below:
 - In respect of the first reason for refusal, the loss of playing fields on the site, it is the view of the Council's witness, Mr Hughes of KKP that the playing pitch mitigation strategy (which comprises of improvements to three existing sites) which is currently being negotiated for inclusion in a planning obligation enables the scheme to meet an exception within local and national policy that allows for playing fields to be lost during redevelopment of a site. On that basis he considers that the reason for refusal can no longer be defended, subject to the mitigation works being carried out as stated.
 - In respect of the second reason for refusal, that officers could not be certain that the application would deliver high-quality design and preserve local amenity, the appellant has introduced significant new design evidence (amounting to essentially a new design justification) which essentially provides sufficient additional detail for

myself, as the design witness, to be confident that a high-quality design could be delivered for up to 100 dwellings (adjusted by the appellant on appeal from 110 dwellings) subject to a new condition securing design principles. The appellant has indicated that they would be amenable to such a condition. On that basis I consider that the reasons for refusal can no longer be defended.

3. In preparing this advice, consultations have been undertaken with several internal and statutory consultees to ascertain their views on the new evidence and the planning obligation. All statutory consultees have confirmed that they have either no objection to the scheme in principle or that subject to conditions and the planning obligation that the scheme is considered acceptable. Delivery of this scheme as it now stands will mitigate the loss of the playing pitches at the school and, because the new facilities will be open to some public access, will bring significant public benefits.
4. The Council is under a duty to keep its case under review. As a result in light of the new information set out above, it is the view of the appeal team that the Council can no longer defend its reasons for refusal.
5. Accordingly and subject to suitable conditions and 106 obligation being entered into it is recommended that the Council no longer defends the two reasons for refusal.

Background to the appeal

6. Appeal 6006040 relates to the Council's refusal of planning application HPK/2024/0812, following a decision by the High Peak Development Control Committee (the Committee) on 8th September 2025. The application is submitted by Derbyshire County Council; hereinafter referred to as the appellant. The decision, issued on 12th September 2025, included two reasons for refusal (RfR), which can be summarised as:
 - RfR1 (playing fields) - The loss of a playing field, contrary to NPPF §104 and local plan policies S1, S5, H1 and CF4 ; and,
 - RfR2 (Design and amenity) - Insufficient information in relation to how high-quality design could be achieved on site with acceptable amenity standards, contrary to local plan policies S1, S5, H1, H2 and EQ6 of the local plan, the High Peak Design Guidance 2018 and Residential Guidance 2005 Supplementary Planning Documents (SPDs) as well as the NPPF.

7. Please note that references to the NPPF are no longer relevant since the introduction of the 'new' NPPF on 17th August 2026. Consideration of these changes are provided below where relevant.
8. The appellant submitted an appeal in March 2026, seeking an appeal by the public inquiry method. The Council have up to this point sought to defend its decision based on specialist expert witness advice provided by:
 - *In relation to RfR 1* - Mr Paul Hughes (Principal Consultant at Knight, Kavanagh & Page Ltd), who is an experienced consultant specialising in the sport and leisure industry, particularly in relation to planning for playing pitch and outdoor sport facilities and their protection, development and enhancement. He was also the author of the Council's Playing Pitch Strategy (PPS) finalised in 2018;
 - *In relation to RfR 2*, and considering the overall planning balance – Mr Robert (Bob) Phillips (Director at Urban Imprint Ltd), who is a town planner and urban design consultant who previously worked in High Peak on behalf of the Council advising on a number of major development schemes.
9. The Council's senior planning policy officer Ms Ruth Wooddisse has also prepared evidence to support the inquiry based on the appellants grounds of appeal which focuses on the progression of the Council's local plan and its position on five-year land supply (5YHLS).
10. Following exchange of evidence in relation to this appeal, a month ago, it was apparent that the appellant had introduced significant new evidence before the Inquiry, especially in relation to RfR2. The appellant has also, in conjunction with the Council, drafted a planning obligation (Section 106 agreement) which includes (amongst other matters) a mitigation strategy against RfR1.
11. Whilst both this evidence and mitigation strategy were intimated within the appellants original statement of case (March 2026), the information and specific details have only become apparent since 22 July 2026, in respect of the amended plans, and 4th August in respect of the proposed playing fields mitigation to go into the section 106 obligation. Discussions with the appellant following exchange of evidence has resulted in an adjournment of the Inquiry until 10th September 2026 to allow for the Council to review this evidence, consult with internal consultees and third parties and consider its position on both RfRs. A more detailed consideration of each RfR in relation to this new evidence is set out below.

12. For completeness, the following (re)consultations have been undertaken:

- The Council has undertaken to reconsult with a range of internal consultees which have included: HPBC conservation officer, HPBC tree officer, HPBC leisure Services officer, HPBC planning policy team, the Lead Local Flood Authority (LLFA) the Local Highways Authority (LHA), the Derbyshire Wildlife Trust (DWT) and the Derbyshire Police Design Out Crime Officer (DOCO).
- The Council, through the Head of Development Services, have contacted all of the member of the Development Control Committee (who originally made this decision) to seek their views, if any, on the revised material.
- The appellant notified all interested third parties of this information and seek responses by 3rd September 2026. A notification has also been placed on the Council webpage for this specific appeal to the same effect.

Reason for Refusal 1 – Loss of the playing field

13. Local Plan policy CF4 sets out that the loss of playing field land will only be acceptable where a new development meets a series of exceptions. This is supported by national policy. Paragraph 104 has now been replaced by NPPF policy HC7, but Mr Hughes confirms that this change does little to change the policy approach. Of relevance to this note, one of the exceptions to the loss of playing fields allowed by HC7 states:

“b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity, in a location which offers comparable or improved accessibility for the community it serves.”

14. Local Plan policy CF4 also sets out that:

The Council will seek to protect, maintain and where possible enhance existing open spaces, sport and recreational buildings and land including playing fields in order to ensure their continued contribution to the health and well being of local communities. This will be achieved by:

- *Resisting any development that involves the loss of a sport, recreation, play facility or amenity green-space except where it can be demonstrated that alternative facilities of equal or better quality will be provided in an equally accessible location as part of the development or the loss is associated with an alternative sports*

provision that would deliver benefits that would clearly outweigh the loss, or an assessment has been undertaken to demonstrate the facility is surplus to requirements

15. It is considered that policy CF4 is broadly consistent with national policy (Policy HC7) and therefore the approach taken by officers during the determination of the application was consistent with the new NPPF.
16. At the time of determination by the Council (September 2025) the appellant argued that there were no playing fields within the proposed development site (in planning terms) and as such there was no need to provide any mitigation for their loss under policy CF4 of the Local Plan and paragraph 104 of the NPPF (as was). The Council disagreed with this position – a position supported by Sport England - which resulted in RfR1. Mr Hughes also agreed and offered his advice and prepared his evidence on that basis.
17. In evidence submitted to the Inquiry and within the draft planning obligation that is being prepared, the appellant has now introduced a mitigation strategy for the loss of playing fields - although they still contend that this is not required. Officers still consider that the proposed development would result in the loss of playing fields of which the latest High Peak Playing Pitch Strategy¹ suggest there is a shortfall.
18. On 4 August the appellant proposed the following playing pitch mitigation strategy be added to the bilateral planning obligation being drafted. This mitigation strategy includes:
 - Improvements to an area of playing field which has been unused since 2020, to provide two 9v9 football pitches at the Glossopdale School and Sixth Form in accordance with the recommendations of a PitchPower report.²
 - The construction of a full-size Rugby union Pitch (including associated drainage works, surface works and equipment) within the southern playing field at the Glossopdale School and Sixth Form.

¹ The High Peak Playing Pitch Strategy (2018) identifies a shortfall in playing pitches across the borough and within Glossopdale for Football, Rugby (Union) and Cricket

² PitchPower is a scheme developed by the Football Foundation, provides an assessment report of existing pitches, and provides support and recommendations as to how to improve their quality to allow for increased use. A report is before the inquiry for the land in question.

- The installation of an all-purpose hard surface sport court (including fencing) on land at Fauvel Road, Glossop (this is currently the subject of a live planning application).

19. The implementation of this mitigation strategy would be funded by the appellant, in this case the County Council, and would include a period of maintenance and access to the facilities by members of the public and by Glossop Rugby Club. It is to be noted that the playing pitches at the former school appeal site were never open to the public. The planning obligation is currently in negotiation and it is anticipated that the school will be bound by the section 106 agreement so that the County Council, as the Local Education Authority, will remain bound after disposal of the appeal site.
20. For completeness, it should be noted that a compliance statement is being prepared to support the planning obligation and it is considered that all the items listed within it, including this mitigation strategy, are necessary to make the Development acceptable in planning terms, directly relate to the Development and are fairly and reasonably related in scale and kind to the proposed development. Therefore complying with the requirements in regulation 122 of the Community Infrastructure Levy Regulations 2010.
21. Mr Hughes has considered the proposed mitigation strategy and has advised the Council that subject to the mitigation strategy outlined within the draft planning obligation, alongside appropriate maintenance and community use he is of the view that this would amount to an improvement in the quality and useability of these existing playing pitch facilities, and thus would be considered to meet exception (b) of Policy HC7 of the NPPF and policy CF4 of the Council's Local Plan. As a result, Mr Hughes considers that he, as the Council's appointed witness, would not be able to successfully defend this reason for refusal.
22. Based on Mr Hughes professional advice and findings, I have undertaken to discuss this matter with colleagues from the Council's leisure and environmental services team who equally concur that the mitigation strategy that is included within the planning obligation will have positive benefits to the local community subject to appropriate public access. They conclude that these improvements will enhance the quality and capacity of local playing facilities, support increased participation and help to meet existing and future demand for grassroots football and rugby across the Glossop area. Mr Hughes confirms it will address shortfalls for football and rugby union identified the 2018 PPS.

23. In this respect, it would now be my view that the policy requirements of Local Plan policy CF4 and NPPF policy HC7 have been met subject to the appellant / Council entering the planning obligation.

Reason for Refusal 2 – Design and amenity

24. At the time of the determination by the Council in September 2025, the design aspects of the application comprised a parameter plan, concept plan and illustrative sections as well as an associated Design and Access Statement which the appellant claimed was sufficient to allow determination of the application for 110 dwellings on the appeal site. This was all that could be used to arrive at a decision as to whether the outline planning application would result in a scheme that was high-quality and protected residential amenity of adjacent residents.
25. Whilst there are no specific legal requirements for the level of design detail that should be included with an outline application beyond those originally provided, officers and internal consultees were concerned about the lack of detail. The planning practice guidance (PPG) sets out that the specific nature of the application site, and the nature of the development proposed will impact on the detail that is to be provided. Furthermore, detailed pre-application advice provided to the appellant in 2023, suggested a wider range of design issues that should be evidenced with any submission. The appellant had refused at application stage to remove and reference to the number of units as applied for despite the request being made by the officer. On appeal the appellants reduced the number of units to 100 but did not produce any further detail as to how this number could be accommodated on the site.
26. In my initial professional review of the application, I advised and prepared evidence that set out that what was submitted was considered to be somewhat short of the level of information and detail required to arrive at an informed decision - especially on whether the site could be developed for 100 dwellings and protect local amenity and design quality. I agreed that the Council were indeed correct to refuse the application on design and amenity grounds.
27. This in part, is supported by the appellants more recent evidence to the appeal, which has sought to introduce significant and notable new design evidence provided by their witness, Mr Crawford. Interestingly, the matters that I noted were missing / lacking in my evidence have almost exactly been provided by Mr Crawford's evidence. It is in my professional view this evidence now allows a robust assessment against the policy to be made.
28. This new evidence includes a suite of new illustrative plans and materials, including an illustrative layout, urban design framework plan, open space typology plan, tree retention

and removal plan, street hierarchy framework, indicative drainage strategy, indicative sections (including specific sections through the boundary to near neighbours). This last point is important given the public views received during the life of the planning application, as well as those made in response to the appeal documents, and allows the Council to take an informed view on matters of residential amenity including overlooking, overbearing, privacy etc.

29. Furthermore, the appellant has also developed a series of 16 design principles³ for the appeal site which draw together the conclusions and findings from this information, and which are proposed to be the subject of a condition to secure this for the subsequent reserved matters application. In my view these 'map' effectively onto both local design policy⁴ and national policy – as now outlined in NPPF policy DP3.
30. Given the agreement by all parties to the recent adjournment of the inquiry, it has been possible to reconsult internally with various internal and external consultees, and receive feedback on these principles and the evidence that underpins them as prepared by the appellant. It has also allowed for the opportunity for the community to be reconsulted and reported to the Inspector.
31. Having consulted these internal consultees they have all either concluded that their original response to the application should stand, or that, the additional detail provided addresses their initial concerns. In a number of these responses they have set out that the imposition of the 'design principles condition' (see above) is a positive element.
32. On this basis, and subject to the imposition to the condition that ensures that any reserved matters application should follow the design principles it would be my professional view that the new evidence, coupled with the associated design principles condition ensures that at this outline stage the scheme is able to demonstrate how it can meet local and national policy.
33. It is important to note here that the lack of design detail has been a matter that has been raised consistently by residents and third parties during both the application and the consultation on the appeal. It was also a matter raised by residents on the opening day of the inquiry. With this in mind, it is in my view, important to include the suggested 'design

³ As set out in paragraph 4.4.3 of Mr Crawford's proof of evidence

⁴ Comprising the High Peak Design Guide (2018) and the High Peak Residential Design Guide (2005)

principles' condition with any grant of planning permission for this site in order to effectively demonstrate that the community concerns have been acted upon.

34. In that respect this effectively overcomes the original reason for refusal, with specific reference to the local design guidance, Local Plan policy EQ6 and NPPF policy DC3. As a result I would not be able to defend the Council's position on this reason for refusal.

Consideration of the planning balance

35. As advised above, it is my professional view, which is reinforced by the professional views of Mr Hughes, that the Council would not be able to effectively defend either of the reasons for refusal based on the new material (both the planning obligation and the new design evidence) that has been submitted by the appellant. In arriving at this position, Mr Hughes and myself have examined the local plan policies as well as the new policies within the August 2026 version of the NPPF.
36. Having revisited the original officer report presented to the committee in September 2025, the two matters related to the RfR were the only matters that were of a concern to officers subject to the imposition of relevant conditions. If the inspector allows the appeal then conditions have been submitted for consideration and would be imposed on the consent granted. The section 106 agreement would deal with all other matters including contributions to parks, play and sports, healthcare, libraries, affordable housing, maintenance of open spaces on the site and any unadopted highways, travel plan and the sports pitch mitigation.
37. It should be noted that the appellant has advanced a case that housing need (locally within High Peak and more widely across England) – both market and affordable – should be afforded significant weight and in part overcome any shortcomings in planning balance terms. The appellant's case is that the Council's housing land supply shortfall is not a matter that would be overcome soon. Evidence provided by Ms Wooddisse confirms that the Council are unable to demonstrate a 5YHLS but the Council and the appellant are in dispute regarding the extent of the shortfall.
38. As part of the agreement with the appellant they have agreed that the appeal should be determined on the basis of a range of the land supply position. This will comprise their evidence of the position at the lower end and the Council's evidence of the position at the top end. This means that the inspector will not be required to decide whether she agrees with our position or the appellants position. It is agreed that whichever figure is used the position is poor and therefore that the delivery of new homes is very important.

39. A detailed representation from the Council's planning policy team has set out the key policies that are relevant within the new NPPF. NPPF policy HO7 sets out that the benefit of providing new homes to meet the evidenced accommodation needs of a community should be given substantial weight. Policies S4, L2 and L3 of the NPPF also add support for bringing forward this site, which is in a highly sustainable location, making use of previously developed and under-utilised land within a settlement boundary. I concur with their findings and agree that this should be given substantial weight.
40. Nevertheless, up until this point it has my been advice, as the principal planning witness to the Council, that whilst the positive benefits of delivery of new homes (including affordable housing) in such a sustainable location should be afforded substantial positive weight in favour of the application that this was always undermined by the shortcomings that resulted in the two RfR. Both are matters on which the latest national policy remains definitive when it states that '*development proposals should not result in the loss of playing fields*' subject to exceptions (Policy HC7) and that proposals that conflict with national and local design principles should be refused (Policy DP3.3). As a result, that starting point does not alter.
41. However, following the recent exchange of evidence and additional proposals put forward the 106 agreement, the reasons for refusal can now be overcome. The Council's original position on the two RfR is not defensible and the public benefit of this housing delivery clearly weighs in substantial favour of the appeal scheme.
42. In short, and subject to the recommended conditions and signing of the planning obligation the scheme is now acceptable in all respects. With these in place there are notable and demonstrable benefits to the local community, not least the community benefits from delivering new homes but also through the playing fields mitigation strategy and in my professional view, the planning balance now tips in favour of granting permission. Accordingly, I could not give evidence on behalf of the Council to the contrary.

Advice to the Authority

43. The Council are under a duty to keep their case under review. It is my view that for the reasons set out above the Council should now withdraw its reasons for refusal to minimise further costs (both in time and resource) to both parties, remove risk of costs award, to secure the community benefits set out above and to preserve and improve the Council's 5 year housing land supply position.

Report prepared by Bob Phillips MTCP (Hons), MA:UD, FRTPI

Date: 28 August 2026