

Northern Planning Committee

Agenda

Date:	Wednesday 12th November 2025
Time:	10.30 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield, SK10 1EA

Please note that members of the public are requested to check the Council's website the week the Northern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

Please Note: This meeting will be live streamed. This meeting will be broadcast live, and a recording may be made available afterwards. The live stream will include both audio and video. Members of the public attending and/or speaking at the meeting should be aware that their image and voice may be captured and made publicly available. If you have any concerns or require further information, please contact Democratic Services in advance of the meeting.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary interests, other registerable interests, and non-registerable interests in any item on the agenda and for Members to declare if they have a pre-determination in respect of any item on the agenda.

For requests for further information

Contact: Rachel Graves

E-Mail: rachel.graves@cheshireeast.gov.uk

To register to speak on an application please email: Speakingatplanning@cheshireeast.gov.uk

3. **Minutes of the Previous Meeting (Pages 3 - 6)**

To approve the Minutes of the meeting held on 1 October 2025 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **25/1064/OUT - LAND ADJOINING JENNY HEYES HEYES LANE, ALDERLEY EDGE, CHESHIRE EAST, SK9 7LH: Outline planning application for 9 dwellings (access considered all other matters reserved). (Pages 7 - 38)**

To consider the above planning application.

6. **25/0454/PIP - LAND OFF WATERLOO ROAD, POYNTON, CHESHIRE EAST, SK12 1RZ: Permission in Principle for up to 2 no. dwellings (Pages 39 - 64)**

To consider the above planning application.

7. **25/0958/PIP - LAND OFF BOLSHAW FARM LANE, HEALD GREEN, CHEADLE, CHESHIRE EAST, SK8 3JZ: Permission in Principle for up to 6no. dwellings (Pages 65 - 84)**

To consider the above planning application.

8. **Cheshire East Borough Council (Chelford - Land south of Pepper Street) Tree Preservation Order 2025 (Pages 85 - 124)**

To consider the report on the Tree Preservation Order.

Membership: Councillors M Beanland, S Bennett-Wake, T Dean, K Edwards, A Harrison, S Holland, T Jackson, J Smith, J Snowball, F Wilson (Vice-Chair) and M Warren (Chair)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 1st October, 2025 in the Capesthorne Room, Town Hall,
Macclesfield, SK10 1EA

PRESENT

Councillor M Warren (Chair)
Councillor F Wilson (Vice-Chair)

Councillors S Bennett-Wake, T Dean, K Edwards, A Harrison, S Holland,
T Jackson, J Smith and J Snowball

OFFICERS IN ATTENDANCE

Paul Wakefield, Planning Team Leader
Fiona Reynolds, Senior Planning Officer
Nick Hulland, Principal Planning Officer
Neil Jones, Highways Officer
Andrew Poynton, Planning and Highways Lawyer
Rachel Graves, Democratic Services Officer

14 APOLOGIES FOR ABSENCE

Apologies were received from Councillor M Beanland.

15 DECLARATIONS OF INTEREST/PRE DETERMINATION

No declarations of interest were made.

16 MINUTES OF THE PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 20 August 2025 be approved as a correct record.

17 PUBLIC SPEAKING

The public speaking procedure was noted.

18 24/4391/FUL - LAND WEST OF ALDERLEY ROAD, WILMSLOW, SK9 1PZ: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF CARE HOME WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS IMPROVEMENTS

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Wilmslow Town Councillor Jon Newell, Cathryn Fairhurst (care home operator) and Howard Clayton (architect).

RESOLVED:

That for the reasons set out in the report and the verbal update at the meeting, the application be delegated back to Head of Planning to approve in consultation with Chair of Northern Planning Committee and Ward Member, subject to resolution of NHS contribution, s106 agreement and conditions, in accordance with recommendation.

In the event of changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

19 25/0676/FUL - ST GEORGES STREET BAPTIST CHURCH ST GEORGES STREET, MACCLESFIELD, SK11 6TG: CONVERTING ST GEORGES STREET BAPTIST CHURCH INTO 8 LUXURY APARTMENTS AND A 6-BEDROOM HOUSE IN MULTIPLE OCCUPATION (HMO)

Consideration was given to the above planning application.

The following attend the meeting and spoke in relation to the application: Councillor Liz Braithwaite (ward councillor), Jon Wynne (applicant) and Tom Ford (agent).

RESOLVED:

That the application be REFUSED against officer recommendations, for the following reasons:

The proposal provides insufficient off-street parking and would result in an unacceptable impact on the availability of on-street parking within the vicinity of the site. The development is deemed contrary to Policy SD1 and Appendix C of the Cheshire East Local Plan Strategy and Policy HOU4 of the Cheshire East Site Allocations and Development Policies Document.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the

Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

20 25/1947/FUL - SHERWOOD, 33 ADLINGTON ROAD, WILMSLOW, SK9 2BJ: THE CREATION OF TWO NEW HOUSES TO THE REAR OF THE EXISTING HOUSE 33 ADLINGTON ROAD

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Wilmslow Town Councillor Jon Newell and Mr Nick Smith (agent). A statement was read out on behalf of Councillor Lata Anderson (ward councillor).

RESOLVED:

That for the reasons set out in the report, the application be APPROVED subject to the following conditions:

- 1 3-year time limit for implementation
- 2 Development to be carried out in accordance with approved plans.
- 3 Materials in accordance with those specified in the application
- 4 Levels details to be submitted.
- 5 Retention of trees shown to be retained.
- 6 Development in accordance with the tree protection and special construction measures identified in the Arboricultural Statement.
- 7 Retention of existing hedges which are shown as being retained.
- 8 Nesting birds survey to be submitted.
- 9 Submission of landscaping scheme to include boundary treatment
- 10 Implementation of approved landscaping plan
- 11 Replacement hedge to be planted along the northern boundary of the site.
- 12 Details of bin collection point to be provided and implemented
- 13 Implementation of drainage scheme.
- 14 No additional window openings at first floor level or above on the northern elevation of plot A
- 15 Details of features to enhance the biodiversity value of the development to be submitted.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning had delegated authority to do so in consultation with the Chair of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

The meeting commenced at 10.30 am and concluded at 12.58 pm

Councillor M Warren (Chair)

Application No: 25/1064/OUT
Application Type: Outline Planning
Location: Land Adjoining Jenny Heyes Heyes Lane, Alderley Edge, Cheshire East, SK9 7LH
Proposal: Outline planning application for 9 dwellings (access considered all other matters reserved).
Applicant: Henderson Homes (UK) Ltd

Expiry Date: 14-November 2025

Summary

The application seeks outline planning permission, along with matters of Access, for the erection of up to 9 dwellings on this greenfield site, adjacent to the Alderley Edge Settlement Boundary within the Green Belt.

The application proposals are deemed to fall within one of the exceptions to inappropriate development in the Green Belt, that relating to Grey Belt (para. 155 of the NPPF). It is considered that the application site does represent Grey Belt land, would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, that there is a demonstrable need for the type of development proposed (housing) and that the application site is in a sustainable location.

With regards to flood risk, the indicative layout plan shows that the quantum of development sought could be delivered within the part of the site that falls within Flood Zone 1, and not the parts of the site to the south within are liable to flooding within Flood Zones 2 and 3.

Mitigation is proposed to overcome flood risk within the site for pedestrians wanting to walk into the Alderley Edge centre. Although this will still mean that future residents, on their walk into the village centre would have to pass through areas that are more likely to flood, these are flood zones that have been assessed as only being liable to flood in 1 in a 1000-year event and if this small parcel of land did flood, it would only be 6cm deep. It is not deemed that this regularity of flooding or depth of flooding would cut-off the future residents from the village sufficiently to conclude that the site is not locationally sustainable or conclude that flood risk forms a strong reason for refusing the development.

With regards to matters of 'Access', a single vehicle access is proposed towards the northern end of the site, onto Heyes Lane. In addition, a new 2-metre-wide pedestrian footpath along the southern roadside edge, but within the application site is proposed, a drop crossing, the widening of an existing section of pavement and a slight re-alignment of a section of Heyes Lane. The Council's Highways Officer is satisfied that the scheme provides adequate visibility and accessibility, subject to the highways works being secured.

As matters of design (Layout, Scale and Appearance) as well as matters of Landscaping are not sought for determination at this stage, these matters can only be considered in principle. Officer concerns have been raised in relation to the number of dwellings

proposed. However, given that the site already benefits from an extant permission for 9 dwellings and because the Council had previously earmarked the site to be allocated for 10 dwellings, it is deemed that 9 dwellings can be accommodated on the site, albeit in a likely different arrangement to that indicatively presented. This would be considered at Reserved Matters stage.

The proposals would not result in any issues at this stage in relation to amenity, ecology or flight safety, subject to conditions.

Overall, the application proposals are deemed to be acceptable in principle in this Green Belt location under paragraph 155 of the NPPF. The provision of housing in a sustainable location in the absence of a 5-year housing land supply represents a benefit that is afforded significant weight. In addition, the provision of affordable dwellings represents a positive benefit of the proposal even though are recognised as not being a policy requirement.

The application is therefore recommended for approval.

Summary recommendation

APPROVE subject to S106 Agreement to secure affordable housing and establishment of a private management company, and conditions

1. REASON FOR REFERRAL

- 1.1 The application has been 'called-in' to Northern Planning Committee by Cllr C Browne for the following reasons:
- 1.2 *'CELPs Policy PG3 (inappropriate development within the green belt). This application represents a significant departure from the previous application (23/4024M), which was considered by Northern Planning Committee and approved in principle on the basis that it was an "affordable housing exception site" for the development of 9 no. affordable homes. In the latest version of this application, the number of affordable units has been reduced to just three, with the remaining six to be available at market value. The proposals are therefore no longer consistent with the definition of an "affordable housing exception site" and should therefore be reconsidered against Policy PG3 as inappropriate development within the green belt.'*

2. DESCRIPTION OF SITE AND CONTEXT

- 2.1 The site comprises a parcel of an open, undeveloped land which has an area of approximately 0.44ha and is located on the north-eastern fringe of Alderley Edge (although within the parish of Wilmslow) within the Green Belt.
- 2.2 To the immediate north-east is the residential property of Jenny Heyes, to the north-west / west the site is bound by Heyes Lane with residential properties located on the opposite side, to the south is Whitehall Brook with a commercial development beyond within the Settlement Boundary and to the east is an open field.

- 2.3 The site falls within the Alderley Edge and West Macclesfield Wooded Estates Local Landscape Designation (LLD), partly within Flood Zones 2 & 3 to the south of the site with the remainder being in Flood Zone 1 and adjacent to an Ecological Network Restoration Area which lies immediately adjacent to Whitehall Brook.

3. DESCRIPTION OF PROPOSAL

- 3.1 Outline planning permission along with matters of Access are sought for the erection of up to 9 dwellings.
- 3.2 Matters relating to Layout, Scale, Appearance and Landscaping are reserved for subsequent approval.
- 3.3 The description of the development was amended during the application process to include the words 'up to'. Also, during the assessment process, a revised indicative layout plan was received, removing a detached garage to the dwelling shown to serve plot 5 and re-positioning the development southwards in order to accommodate a proposed new footpath within the application site as opposed to it being sought on the site frontage, at the expense of the boundary hedgerow. A separate plan making it clear the extent of 'Access' sought by the application was also received.

4. RELEVANT PLANNING HISTORY

4.1 Application site

23/4024M - Permission in principle (Stage 1) for an affordable housing exception site and associated works – Granted 14th March 2024

15/3535M - The construction of a new driveway to access Jenny Heyes from an existing gateway entrance into the parcel of land also owned by the applicant adjoining the property to replace an otherwise dangerous existing vehicular access to the said property – Refused 28th September 2015 for the following reasons:

- 1. The proposal is an inappropriate form of development within the Green Belt, as defined by the National Planning Policy Framework, as it involves encroachment into the countryside and therefore conflicts with one of the purposes of including land in the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.*

15/0766M - The construction of a new driveway to access Jenny Heyes from an existing gateway entrance into the parcel of land also owned by the applicant adjoining the property to replace an otherwise dangerous existing vehicular access to the said property – Withdrawn 24th April 2015

72483P - installation of replacement overhead power line – Electricity Act – 30th November 1992

4.2 Jenny Heyes

18/1885M - Non-material amendment to existing permission 16/0877M – Approved 11th May 2018

16/0877M - Two storey annexe appended to the south east elevation and closure/relocation of the vehicular access to the property situated along the southern garden border with the field also owned by the applicant – Approved 27th April 2016

16797PB – Kitchen extension – Approved 7th November 1978

5. NATIONAL PLANNING POLICY

- 5.1 The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

6. DEVELOPMENT PLAN POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.
- 6.2 Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

CELPS

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement Hierarchy
PG3 Green Belt
PG6 Open Countryside
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer Contributions
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

Appendix C Parking Standards

SADPD

GEN1 Design principles
GEN5 Aerodrome safeguarding
ENV1 Ecological Network
ENV2 Ecological implementation
ENV3 Landscape character
ENV4 River Corridors
ENV5 Landscaping
ENV6 Trees, hedgerows and woodland implementation
ENV7 Climate Change
ENV12 Air quality
ENV14 Light pollution
ENV15 New development and existing uses
ENV16 Surface water management and flood risk
HOU 1 Housing Mix
HOU8 Space, accessibility and wheelchair housing standards
HOU 12 Amenity
HOU 13 Residential Standards
HOU 14 Housing Density
HOU15 Housing delivery
HOU16 Small and medium-sized sites
INF1 Cycleways, bridleways and footpaths
INF3 Highways safety and access
INF9 Utilities

6.3 Neighbourhood Plan - Wilmslow Neighbourhood Plan (WNP)

Policy LSP1 Sustainable Construction
Policy LSP2 Sustainable Spaces
Policy LSP3 Sustainable Transport
Policy NE1 Countryside around the Town
Policy NE2 River Valley Landscapes
Policy NE5 Biodiversity Conservation
Policy TA1 Residential Parking Standards
Policy TA2 Congestion and Traffic Flow
Policy TA5 Cycling in Wilmslow
Policy H2 Residential Design
Policy H3 Housing Mix
Policy PR3 Pedestrian Movement in the Town Centre

7. Relevant supplementary planning documents or guidance

7.1 Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

- Green Belt NPPG
- SuDS SPD

- Environmental Protection SPD
- Ecology and Biodiversity Net Gain SPD
- Developer Contributions SPD
- Cheshire East Design Guide SPD
- Housing SPD

8. CONSULTATIONS (External to Planning)

Head of Strategic Transport (CEC Highways) – No objections, subject to the following conditions: implementation of visibility splays, implementation of S278 works (highways improvements) and submission/approval of a Construction Environmental Management Plan.

Environmental Protection – No objections, subject to the following conditions: use of low emission gas boilers; submission/approval of a contaminated land proportionate risk assessment, submission/approval of a contaminated land verification report, submission/approval of imported soil testing and that works should stop should contamination be identified. A number of informatives are also proposed.

Environment Agency – No objections, subject to a condition requiring; a) clarification that there will be no increase in built footprint or the raising of levels within the 1 in 100-year flood areas of the site when an allowance for climate change has been factored in and b) the detailed emergency planning arrangements

United Utilities – Request the following conditions: submission/approval of a surface water drainage and foul water drainage scheme. A drainage management and maintenance plan condition is also recommended.

Lead Local Flood Authority (LLFA) – No objection, subject to a condition requiring the submission/approval of a Drainage Strategy and an informative that it would be the LLFA's preference for the discharge rates to be limited to 2.0l/s.

ANSA Greenspace – Proposals falls outside of remit for requiring Open Space

CEC Housing – No objections

Manchester Airport Safeguarding Authority – No objections subject to the following conditions: submission/approval of soft and water landscape works and submission/approval of dust and smoke suppression. An informative in relation to the use of tall equipment is also proposed.

Wilmslow Town Council – Recommends refusal for the following, summarised reasons:

- Principle – Inappropriate in the Green Belt, will negatively impact openness and benefits do not outweigh the harm.
- Have not demonstrated or sensitively responded to guidance identified as part of the Wilmslow Landscape Character Assessment, a supporting document to the Wilmslow Neighbourhood Plan. Contrary to Policy NE1 (Countryside Around the Town).

- Proposals do not comply with the Wilmslow Neighbourhood Plan, particularly Policies TH1 (Ribbon Development at a Gateway or Entrance Site); PR3 (Connecting to a safe and accessible pedestrian network); and TR4 (Connecting to safe and well-lit sustainable routes for walking and cycling). *Note: This should be Policy TA4, not TR4.*
- Highways - Consider that access to and from the site is at a dangerous location and the developer has not demonstrated how this issue will be satisfactorily overcome.

Alderley Edge Parish Council (adjacent parish) – Recommend refusal for the following summarised reasons:

- Highways – Advise that the visibility criteria for westbound traffic have not been met. Should also be noted that there is a blind bend in both directions which is poorly lit by PIR motion sensor lighting.

9. REPRESENTATIONS

9.1 Comments from interested person(s) have been received from 3 addresses. These raise the following summarised concerns / objections.

9.2 Principle of development

- Although Permission in Principle (PIP) has been granted for 9 dwellings on this Green Belt site, this was all for affordable housing whereas the application proposals are predominantly market dwelling-led and as such, do not consider that Very Special Circumstances now exist
- Would erode the protection of Green Belt spaces
- If developed the loss of this space would diminish the clear land separation between Wilmslow and Alderley Edge

9.3 Highways / locational sustainability

- Proposed access would pose hazards to pedestrians, cyclists, drivers and other road users. Road is narrow and curved at this location
- Transport Statement does not include tracking information for larger vehicles which is concerning given the narrow and curved nature of the road. Also the 85 percentile figures provided for the site access and crossing locations is close the set speed limit for this section of highway (30mph) – more likely to be close to this figure or more. Have concerns for the pedestrian welfare when using the crossing given poor levels of visibility.
- Consideration should be given to a requirement to improve highway signage
- Volume of traffic in the last 25 years have increased exponentially. Heyes Lane often used as a ‘rat run’ when traffic issues elsewhere.
- Development would probably result in 18 additional cars with the additional traffic resulting in an acute danger to drivers
- Contrary to Policy PR3 of the Wilmslow NP which insists development proposals should seek to improve pedestrian connectivity through the town and no evidence of pedestrian or cycle route connectivity are proposed
- Contrary to Policy KS1 of the Wilmslow NP which requires connectivity
- Contrary to Policy LSP3 of the Wilmslow NP which states that new development has to integrate with existing and cycling routes

- Contrary to Policy TA4 which requires appropriate access to schools via safe and well-lit sustainable transport routes

9.4 Design

- Contrary to Policy TH1 of the Wilmslow NP which prohibits ribbon development at town entrances or gateways
- Overdevelopment of site

9.5 Flood Risk and Drainage

- Not uncommon for water to stream down this stretch of road or to be covered in thick ice during the winter months
- Note comments from the Environment Agency that the increased flow through Whitehall Brook contributes to the flooding on the A34 bypass.

9.6 Ecology

- Harmful to local wildlife, including protected species

9.7 Housing Need

- Application refers to the Housing Needs Assessment for Alderley Edge, but this site should also account for the needs of Wilmslow.

9.8 Other Matters

- Contrary to Alderley Edge Neighbourhood Plan policies
- Concerned about sheet ice build-up around Whitehall brook

10. OFFICER APPRAISAL

10.1 Green Belt

10.1.1 The whole of the application site lies within the Green Belt.

10.1.2 Policy PG3 of the CELPS states that planning permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances (VSC's), in accordance with National Policy.

10.1.3 Policy PG3 then goes onto a list a number of exceptions to inappropriate development in the Green Belt. These largely reflect those listed within the version of the NPPF that existed at the time the CELPS was first published in 2017. The NPPF has been updated numerous times since that date, most recently in December 2024 (tweaked in February 2025). This is a material consideration. PG3 is therefore not entirely consistent with the NPPF, which reduces the weight that can be attached to it.

10.1.4 Whilst the application proposals do not fall into any of the exceptions to inappropriate development in the Green Belt within Policy PG3 of the CELPS, consideration needs to be given to Paragraph 155 of the NPPF, which introduces a new exception to inappropriate development.

10.1.5 Paragraph 155 states that *'The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*
- *There is a demonstrable unmet need for the type of development proposed.*
- *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.'*

10.1.6 Within the submitted Planning, Design & Access Statement (PDAS), paragraphs 6.12 through to 6.36 explains that the applicant considers that the proposals meet this new 'Grey Belt' exception. This is assessed below.

10.1.7 Is the land subject to the application proposals accepted Grey Belt? (NPPF para 155 (a))

10.1.8 Grey Belt is defined within Annex 2: Glossary of the NPPF as:

10.1.9 *'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'*

10.1.10 The question in relation to whether the site should be classed as 'grey belt' is initially whether the site does not 'strongly contribute' to either purpose (a), (b) or (d) of the Green Belt as defined by paragraph 143 of the NPPF.

- Purpose (a) is – 'to check the unrestricted sprawl of large built-up areas'.
- Purpose (b) is – 'to prevent neighbouring towns merging into one another'
- Purpose (d) is – 'to preserve the setting and special character of historic towns'

10.1.11 With regards to Purpose A (sprawl), following an assessment using paragraph 005 of the NPPG, it is not considered that the site 'strongly contributes' to Purpose A given that the site is contained by development on 3 sides meaning that there are physical features that would contain the development. Furthermore, it is not considered that the development of this parcel of land would result in an incongruous pattern of development.

10.1.12 With regards to Purpose B (towns merging), the definition of what constitutes a 'village' is important. The guidance states that *'This purpose relates to the merging of towns, not villages'*. The guidance provides no indication as to what constitutes a 'village' for the purposes of this assessment.

10.1.13 This is relevant in this instance because we are considering the merging of Wilmslow and Alderley Edge. Whilst Wilmslow is clearly a 'town' based on numerous factors; the position is less clear in relation to Alderley Edge. If it is

determined that Alderley Edge is indeed a 'village', the land subject to the residential element is unlikely to be deemed to 'strongly contribute' to the merging of 'Towns'.

- 10.1.14 Alderley Edge is defined in the CELPS as a Local Service Centre (LSC). However, there is no reference as to whether it constitutes a village or not. The Alderley Edge Neighbourhood Plan makes numerous references to it being a 'village'. As such, it's not clear. However, notwithstanding this, should Alderley Edge be considered a town (a worst-case scenario), it has been assessed that the application sites contribution that the land subject to the development with regards to the merging of towns would be 'Moderate'. This is because the site includes features that weaken its contribution, such as it being partially enclosed by existing development meaning that new development would not result in an incongruous pattern of development.
- 10.1.15 In consideration of Purpose D (character of historic towns), following an assessment using paragraph 005 of the NPPG, it is considered that the contribution that the land subject to the application makes to the special character of historic towns is 'Moderate' at most. This is because although the site forms part of the setting of the town, it is separated from the historic aspects by existing development.
- 10.1.16 As such, the application proposals are deemed to meet this key test as to whether a site represents Grey Belt in that the site is not considered to 'strongly contribute' to either purposes a, b or d.
- 10.1.17 A further aspect of the Grey Belt definition which could impact whether the application site meets this definition is whether the proposed site includes land relating to the areas or assets in footnote 7 in the NPPF. If it does, and one of those areas provides a strong reason for refusing or restricting development, the application proposals would not meet the grey belt definition.
- 10.1.18 Upon review of the considerations listed in footnote 7, the only possible relevant consideration is whether the site is within an 'area at risk of flooding'. However, as detailed later in this report, this is not deemed to provide a 'strong reason' for refusing the development on this occasion.
- 10.1.19 The subsequent test of paragraph 155(a) of the NPPF is whether the development would utilise grey belt land '*...and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*'
- 10.1.20 The Green Belt NPPG paragraph 008 provides some more guidance. It states that this assessment should be considered in the context of the remaining Green Belt across the plan area as a whole.
- 10.1.21 It is not deemed that the small parcel of contained land subject to development would impede this test.
- 10.1.22 Is there an unmet need for the type of development? (NPPF para 155 (b))
- 10.1.23 The application proposes the erection of up to 9 dwellings.

10.1.24 The Cheshire East Local Plan Strategy (CELPS) was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

10.1.25 As the plan is more than five years old, deliverable housing land supply is measured using the local housing need figure (plus 5% buffer), which is currently 2,603 dwellings per year rather than the CELPS figure of 1,800 dwellings per year.

10.1.26 The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:

- Where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.

10.1.27 In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2024) was published in April 2025. The published report identifies a deliverable five-year housing land supply of 10,011 dwellings which equates to a **3.8-year supply** measured against the five-year local housing need figure of 13,015 dwellings.

10.1.28 The 2023 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 12 December 2024 and this confirms a Housing Delivery Test Result of 262%. Housing delivery over the past three years (7,392 dwellings) has exceeded the number of homes required (2,820). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

10.1.29 As such, the proposals would be acceptable under paragraph 155 (b) as the type of development proposed is housing, and there currently is an unmet need for housing in Cheshire East.

10.1.30 Sustainable location? (NPPF para 155 (c))

10.1.31 Paragraph 155 (c) sets out that the development should be in a sustainable location. It states that particular reference should be made to paragraphs 110 and 115 of the NPPF.

10.1.32 Paragraph 110 of the NPPF states that significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

10.1.33 Paragraph 115 of the NPPF states that a) sustainable transport modes are prioritised, b) safe and suitable access can be achieved c) the design of the scheme should meet national guidance and d) any highways impact mitigated.

- 10.1.34 At council-wide level, within the subtext of Policy SD2 of the CELPS is a table that provides a guide to the appropriate distances for access to services and amenities. These distances are actual distances using public highways and footpaths. This is used to assist in determining how locationally sustainable the application site is.
- 10.1.35 The applicant's agent has highlighted within their Design & Access Statement that the site, at one stage, formed a draft allocated site as part of the draft SADPD (draft Policy ALD1). This was for 'around 10 new homes'. This is confirmed. It was in the July 2019 draft version.
- 10.1.36 It has been advised by the Council's Spatial Planning Officer that the reason that this draft allocated site, along with all the draft housing allocations in the draft SADPD in Local Service Centres (which Alderley Edge is one of) were removed, was because the expected levels of development, at that time, were considered to be satisfied by allocations elsewhere or in line with the development hierarchy of the development plan.
- 10.1.37 Within paragraph 4.25 of the Alderley Edge Settlement Report (June 2019), used as evidence to identify the suitability of the application site (and former draft allocation) for housing, it is stated that *'It is in an accessible location and the accessibility assessment shows that it meets the minimum standard in relation to most of the required facilities and services.'*
- 10.1.38 Within paragraph 1.18 of the submitted Design & Access Statement, the applicant's agent has stated *'The site has been considered by the LPA to be a sustainable location as evidenced by the draft allocation as well as the Permission in Principle for 9 affordable homes in March 2024. These were on the basis of pedestrian access to the village which this application proposes.'*
- 10.1.39 Upon review of the assessment of the relatively recent Permission in Principle, Stage 1 permission (23/4024M), the Officer's committee report stated:
- 10.1.40 *'The lies within the Parish of Wilmslow but is adjacent to the settlement boundary of Alderley Edge (a Local Service Centre as identified under policy PG2 of the CELPS), separated only by Whitehall Brook. The site is approximately 1km walk from Alderley Edge village centre, with its associated services and facilities, its railway station; which provides services to Manchester and Crewe; and the bus stops located on London Road which provide services to Macclesfield and Manchester Airport via Wilmslow.'*
- 10.1.41 The report later stated that:
- 10.1.42 *'Whilst this site was not selected as an allocation, the evidence at that time during the selection process for the SADPD did find that the site was adjacent to the settlement and in a sustainable location which meets the accessibility criteria for the majority of services and facilities listed in CELPS Policy SD 2.'*
- 10.1.43 As such, the Council have already accepted that the application site is locationally sustainable both through the draft SADPD and more recently, through the approval of permission 23/4024M for 9 dwellings.
- 10.1.44 The closest pedestrian footpath to the site, which links the site to Alderley Edge for pedestrians, lies on the opposite side of Heyes Lane to the application site, on the

Whitehall Brook bridge, which is a narrow section of pavement. This is approximately 70 metres away from the proposed vehicular access point to the development. As such, there is currently no direct footpath linking the application site to the existing pavement network that in turn, extends to the Alderley Edge centre, which is predominantly lit by streetlights.

- 10.1.45 As originally proposed, the application proposals suggested the removal of the Heyes Lane roadside hedgerows to allow for the construction of a new, 2-metre-wide footpath that would run parallel with Heyes Lane, terminating at the bridge over Whitehall Brook. At this juncture, pedestrians would then have to cross Heyes Lane to join the existing footpath into Alderley Edge. A pedestrian crossing is proposed at this juncture in the form of a drop crossing. It is also proposed to slightly re-align the highway and this bend in the road and widen the narrow section of pavement on the bridge over Whitehall Brook.
- 10.1.46 During the application process the applicant supplied an updated indicative layout plan, along with an 'Access' plan. This amended the position of the proposed footpath to within the application site to allow the retention of the majority of the roadside hedgerow at the request of officers.
- 10.1.47 Should this be deemed to be acceptable in highway safety terms, considered later in this report, it is deemed that once implemented, the application site can be considered to be locationally sustainable.
- 10.1.48 Although Policy PR3 of the Wilmslow NP which seeks to ensure pedestrian movement is integrated to link developments to the Wilmslow 'town core', occupiers of the application site would be much closer to Alderley Edge than Wilmslow and the scheme would connect to the existing pedestrian routes to the centre of Alderley Edge.
- 10.1.49 Wilmslow Town Council state that the proposals would be contrary to Policy TA4 of the Wilmslow neighbourhood Plan with regards to access to schools. However, this is not strictly relevant as the policy is clear in that it only relates to 'major' applications. This is not a major planning application.
- 10.1.50 Policy SE15 of the Alderley Edge Neighbourhood Plan does state that proposals for new residential development should demonstrate that are sited in sustainable locations. As detailed above, this is deemed to be achieved.
- 10.1.51 It should be noted that although mitigation is proposed to overcome flood risk within the site for pedestrians wanting to walk into the Alderley Edge centre as detailed later in this report, immediately beyond the land under the applicant's control, where the site would link into the existing footway network, the land falls within Flood Zones 2 and 3. However, it has been established that the flood risk to pedestrians for this small section of footpath on the way to Alderley Edge would relate to only 1 in a 1000 year events and would be 6cm deep if it did flood. It is not deemed that this regularity of flooding or depth of flooding would be sufficient to cut-off the village. Furthermore, the situation already exists for residents nearby.
- 10.1.52 Golden Rules (NPPF para 155 (d))

10.1.53 NPPF Paragraph 155 (d), states that *'Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 and 157 below.'*

10.1.54 As this application does not meet the criteria of a 'major' development, none of the Golden Rules apply.

Overall Green Belt conclusions

10.1.55 The application site is accepted as representing 'grey belt' and adhering with the requirements of paragraph 155 of the NPPF. Subsequently, the application proposals are not considered to represent inappropriate development in the Green Belt and would be acceptable in principle.

10.2 Highways (including matters of Access)

10.2.1 Policy SD1 of the CELPS refers to sustainable development in Cheshire East. This is a wide-ranging policy which includes the following highways-related considerations; that development should, wherever possible, provide safe access and sufficient car parking in accordance with adopted highway standards.

10.2.2 Policy CO1 of the CELPS refers to sustainable travel and transport. The crux of the policy is that development should be directed to sustainable and accessible locations.

10.2.3 Appendix C of the CELPS details the Council's Parking Standards.

10.2.4 Policy INF3 of the SADPD considers highway safety and access. It details the development proposals should comply with the relevant Highway Authority's and other highway design guidance, provide safe access to and from the site, make sure that traffic can be satisfactorily assimilated into the operation of the existing highway network, incorporate measures to assist pedestrians and cyclists and not generate movements of HGV's on unsuitable roads.

10.2.5 Policy LSP3 of the Wilmslow NP supports development that seamlessly integrates into the existing walking and cycling routes, provides safe cycle storage and is sites to take advantage of public transport facilities.

10.2.6 Policy TA1 of the Wilmslow NP states that applications will be expected to demonstrate how they have met the relevant design criteria for parking spaces and that tandem parking should be avoided.

10.2.7 Policy TA2 of the Wilmslow NP states that applications which significantly increase vehicle usage and traffic flows within the town will not be supported.

10.2.8 Policy TA5 of the Wilmslow NP details that all new development will be required to demonstrate how they have considered the needs of cyclists as part of their applications.

10.2.9 Permission is sought for matters of 'Access' by this application.

10.2.10 The submitted 'Access Plan' shows the provision of a single vehicular access point onto Heyes Lane towards the north-west corner of the site and the creation of a

footpath, within the site, travelling parallel and close to Heyes Lane leading to a proposed crossing point closer to the existing footpath network to the west. In addition, the widening of an existing section of footpath and the slight re-alignment of a small section of Heyes Lane are all proposed, as expanded upon within the submitted Transport Statement (Feb 2025).

- 10.2.11 Matters of highway safety have been raised by objectors and the neighbouring Parish Council. More specifically, concerns have been raised about the acceptability of the visibility of the proposed access point, the narrowness of Heyes Lane, the fact that it curves, how busy the road is and its connectivity for pedestrians.
- 10.2.12 Speed surveys have been undertaken to determine the necessary visibility splays to be provided. The Council's Highway's Officer states that the 'Proposed Access Arrangements' drawing within the Transport Statement shows the visibility splays to be provided in accordance with the required Stopping Sight Distance.
- 10.2.13 It has been suggested by those concerned about the application proposals, that the visibility splays of the proposed access do not meet the standards to the west. In response, the Council's Highway's Officer has advised Officer's that the visibility splays are 37m eastbound and 42m westbound based on the recorded speeds, which are acceptable in his view.
- 10.2.14 With regards to accessibility, it is important that the site can be accessed by pedestrians and a new 2 metre footway is proposed on the southern side of Heyes Lane, now within the site. A drop crossing is proposed at the bridge for pedestrians to cross to the existing north side footway and a minor realignment of Heyes Lane is proposed to provide the crossing points. There is no information as to whether this new footpath will be lit. As such, in the event of approval, it is proposed that a requirement for it to be lit and the relevant specifics of this be secured by condition.
- 10.2.15 The Council's Highway's Officer advises that given the small scale of development proposed, the proposed access is considered acceptable and that the site is capable of being accessed by pedestrians. As such, no objections are raised subject to a condition to secure the footpath and crossing point. It is also proposed that in the event of approval, the scope of the matters of access considered by this application are clarified by condition.
- 10.2.16 In response to some of the unanswered objectors comments, a couple of queries have been raised in relation to the omission of larger vehicles in the tracking information submitted in the Transport Statement. In response, the Council's Highways Officer has advised that Heyes Lane is an existing public highway with no restrictions on use. As such, any large vehicle can use the road not associated with the development. So apart from construction there isn't really a need for frequent HGV use to and from the site and also it is perfectly legal to use the road. Swept path analysis demonstrating that a refuse vehicle can turn into the site and turn around has been submitted. As such, the Council's Highways Officer does not have any concerns in this regard.
- 10.2.17 Also, in relation to the Transport Statement, concerns are raised in relation to the likely traffic speeds to the proposed pedestrian crossing location. In response, the Council's Highways Officer has advised that the recorded speeds were lower than

the limit and the correct level of visibility have been provided. As such, there are no grounds for objection on this matter.

10.2.18 One objector has requested that we seek improved highway signage & alter the position of the existing speed limit signage to ensure vehicles reach Whitehall Brook at speeds of 20pmh or lower. In response, the Council's Highways Officer has advised that speed limits are a matter for the Highway Authority to deal with and he doubts that a 20mph speed limit would meet the speed management strategy. In any event, the Officer advises that the applicant only has to make sure they provide a design in conformity with speed limit which has been done.

10.2.19 Details of cycle storage would be considered at reserved matters stage.

10.2.20 As such, subject to the following highways related conditions; implementation of visibility splays, implementation of S278 works (highways improvements) and submission/approval of a Construction Environmental Management Plan along with a condition to ensure that the proposed internal footpath will be lit, it is deemed that the proposals would adhere with the highways policies of the development plan.

10.3 Design

10.3.1 Policy SD1 of the CELPS refers to sustainable development in Cheshire East. This is a wide-ranging policy which includes the following design-related considerations; that development should, wherever possible, provide a locally distinct, high quality, sustainable, well designed and durable environment.

10.3.2 Policy SD2 of the CELPS refers to sustainable development principles. Within this policy, it is advised that development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form, grouping, material choice, external design features, massing, green infrastructure and relationship to surrounding development amongst others.

10.3.3 Policy SE1 of the CELPS advises that proposals should make a positive contribution to their surroundings in terms of; sense of place, design quality, sustainable architecture, liveability/workability and safety.

10.3.4 Policy GEN1 of the SADPD relates to general design principles, detailing that development proposals should create high quality, beautiful and sustainable buildings and places and should reflect the local character and design preferences of the Cheshire East Borough Design Guide SPD.

10.3.5 Policies LSP1 (Sustainable Construction), H2 (Residential Design) and H3 (Housing Mix) of the Wilmslow NP are also all relevant.

10.3.6 Policy TH1 (Gateways into Wilmslow) is not deemed to be relevant as the application site does not fall on one of the listed roads to which this policy relates.

10.3.7 The Council's Urban Design Officer has raised some concerns regarding the indicative design. More specifically, they consider that 9 dwellings represent an overdevelopment of the site advising that should the indicative layout come forward at Reserved Matters stage, it would not receive officer support.

- 10.3.8 Given that the application site already benefits from an extant permission for 9 dwellings on this site in principle and given that the site was earmarked in the draft CELPS to accommodate 10 dwellings, the Council have previously accepted that the site can accommodate this quantum of development. The applicant has agreed to amend the description of development from 9 dwellings to 'up to' 9 dwellings, allowing flexibility at Reserved Matters stage should a suitable design for 9 dwellings be deemed not achievable when considering matters of 'Layout, Scale and Appearance'.
- 10.3.9 It should be noted that the drainage documentation submitted recommends that all new dwellings should have floor levels set to a minimum of 79.9 AOD. According to the submitted topographical survey, most parts of the site where the housing is proposed already sits above this height. As such, this recommendation would potentially only impact a few of the dwellings sought and the rise in levels required would be as little as 20cm. In practice therefore, the recommendation to set minimum floor levels as detailed later in this report should not result in any negative design implications.

10.4 **Amenity**

- 10.4.1 SADPD Policy HOU12 sets out that proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to loss of privacy, sunlight and daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution or traffic generation, access and parking.
- 10.4.2 Policy HOU13 of the SADPD sets out residential standards.
- 10.4.3 Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.
- 10.4.4 Policies ENV12 (Air quality) and ENV14 (Light pollution) of the SADPD and SE12 (Pollution) of the CELPS consider environmental amenity matters.
- 10.4.5 Policy H2 of the Wilmslow NP requires development to provide sufficient amenity space.

Neighbouring dwellings & future occupiers

- 10.4.6 Issues relating to overlooking, impact on privacy, and overshadowing will be addressed as part of any future reserved matters application once matters in relation to layout, scale & appearance in particular, are considered. This is also the case in relation to the level of amenity afforded to the future occupiers.

Environmental amenity

- 10.4.7 In consideration of environmental amenity, the Council's Environmental Protection Officers have raised no objections, subject to the following conditions: use of low emission gas boilers; submission/approval of a contaminated land proportionate risk assessment, submission/approval of a contaminated land verification report, submission/approval of imported soil testing and that works should stop should contamination be identified. A number of informatives are also proposed.

- 10.4.8 In the event of approval, it is not proposed that the condition relating to any gas boilers is imposed as it cannot be easily enforced and is not necessary, and as such, is not deemed to meet the tests for conditions set out in the NPPF.
- 10.4.9 The informatives requested by the Council's Environmental Protection Officer will be included in the event of approval.

Amenity summary

- 10.4.10 Subject to the above conditions, minus the gas boiler condition, which is not considered to be enforceable or necessary, the proposal would adhere with the amenity policies of the development plan.

10.5 Ecology

- 10.5.1 Policy SE3 of the CELPS refers to Biodiversity and Geodiversity. The crux of the policy is to protect and enhance these considerations. The application site also falls within an Ecological network restoration area, so is subject to Policy ENV1 of the SADPD. Policy ENV2 of the SADPD requires development proposals to deliver a gain for biodiversity.
- 10.5.2 Policy NE5 of the Wilmslow NP considers biodiversity conservation. The policy supports applications where it can be demonstrated that the development will not adversely affect designated and non-designated wildlife habitats and that developments which create new habitats will be looked upon favourably. Policy NE5 also details that developments should demonstrate a net gain in biodiversity.

Ecological Network

- 10.5.3 The application site falls within the CEC ecological network which forms part of the SADPD. Policy ENV1 of the SADPD therefore applies to the determination of this application.
- 10.5.4 Based upon the BNG metric, the Council's Nature Conservation Officer advises that it appears unlikely that the proposed development would lead to an enhancement of the network in the absence of further offsite habitat creation works. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy SE 3.
- 10.5.5 As such, the Council's Nature Conservation Officer has advised that in the event of approval, a condition should be attached which requires the submission of an ecological enhancement strategy.

Hedgerows

- 10.5.6 Native hedgerows, a priority habitat, were recorded on site. As originally proposed, the development would have resulted in the loss of two existing roadside hedgerows on site which, in the view of the Council's Nature Conservation Officer, would have resulted in a significant loss of biodiversity.

- 10.5.7 However, the plans were revised during the application process to demonstrate that the majority of this hedgerow could indeed be retained and the proposed pedestrian footpath still delivered, alleviating such concerns.

Great Crested Newts (GCN)

- 10.5.8 The Council's Nature Conservation Officer advises that this priority/protected species is not reasonably likely to be affected by the proposed development.

Otter and Water vole

- 10.5.9 The Council's Nature Conservation Officer advises that water voles are not reasonably likely to be present or affected by the proposed development.
- 10.5.10 The otter survey undertaken in support of the application focused solely on the application site. The Council's Nature Conservation Officer advises that this is insufficient to conclude that otters are absent from the watercourse. However, as no field signs and importantly no potential holts were recorded on site, the proposed development is unlikely to result in an offence in respect of this species.

Bats

- 10.5.11 The site was assessed as being of moderate value for foraging bats. The main interest on site is likely to be along the river corridor and associated habitats. Lighting associated with the proposed development has the potential to result in an adverse effect on bats associated with this habitat. In the event that planning consent is granted, the Council's Nature Conservation Officer recommends that a condition be attached to ensure the submission/approval of a lighting scheme

Badgers

- 10.5.12 No evidence of this species was recorded. The Council's Nature Conservation Officer therefore advises that this species is not reasonably likely to be affected by the proposed development. However, as the status of this species on a site can change over time, the Council's Nature Conservation Officer recommends that if outline consent is granted a condition should be attached which requires an updated badger survey to be undertaken and submitted in support of any future reserved matters application.

Biodiversity Net Gain (BNG)

- 10.5.13 This application is subject to Mandatory Biodiversity Net Gain (BNG).
- 10.5.14 The submitted BNG report indicates that the scheme would deliver a net loss of biodiversity in respect of area-based habitats of -42.18% and hedgerows of -16.37%, but a net gain in respect of watercourses of 6.52%.
- 10.5.15 The proposed development therefore fails to achieve the required 10% net gain on site.
- 10.5.16 The Council's Nature Conservation Officer advises that it is unlikely that the required net gain could be achieved on site, and hence offsite habitat creation will

be required. This approach is in accordance with the Biodiversity Gain Hierarchy in this instance.

10.5.17 If outline consent is granted, the Council's Nature Conservation Officer advises that a condition must be attached which reflects the 'deemed' condition introduced by the Environment Act.

10.5.18 Although the situation changed during the application process in that most of the boundary hedgerow will now be retained, the proposed condition will be able to pick-up the impact of this change on the BNG requirements.

Ecology conclusions

10.5.19 Subject to the recommended conditions, the development would adhere with the relevant ecology policies of the development plan.

10.6 Flood Risk and Drainage

10.6.1 Policy SE13 of the CELPS relates to flood risk and water management. It states that all development must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation in line with national guidance.

10.6.2 Policy ENV16 of the SADPD is a further flood risk and drainage consideration.

10.6.3 Parts of the application site fall within Flood Zones 1, 2 and 3, all 3 types of flood zone. Flood Zone 1 is the lowest risk flood zone with a less than a 1 in 1000 annual probability of flooding in any given year and covers all parts of England that do not fall in zones 2 or 3. Flood Zone 2 is considered medium risk with an annual probability of flooding between 1 in 1000 and 1 in 100. Flood Zone 3 represents areas with an annual flood risk of 1 in 100 years probability of flooding in any given year.

10.6.4 The indicative location of the proposed housing all falls within the Flood Zone 1. The areas of higher flood risk (Flood Zones 2 and 3) are located to the far south of the site. These areas are indicatively shown to be a landscaped/wildlife buffer area.

10.6.5 On a more local level, upon review of the long-term flood risk of the site, the site is classified as having a 'very low' yearly chance of flooding from surface water, river water and ground water in the future up to 2060. This is the lowest possible category.

10.6.6 The application is supported by a Flood Risk Assessment (FRA). The key findings are:

- The development site is approximately 0.44ha. The impermeable area is 0.12ha.
- Taking into account climate change, even though the housing is indicatively proposed within Flood Zone 1, it recommends that the finished floor levels of the dwellings should be raised to 79.9m AOD. This is approximately 1100mm above the 1 in 1000 flood level.

- As sections of the proposed internal footpath that would extend southward within the site and out onto the existing footpath network would be susceptible to flooding, it is proposed that a section of this footpath be raised by approximately 150mm.

- 10.6.7 This information has been reviewed by the Environment Agency, the Lead Local Flood Risk Authority (LLFA) and United Utilities.
- 10.6.8 The Environment Agency have reviewed the proposals and raise no objections, subject to a condition that a scheme be submitted that demonstrates whether there will be any increase in built footprint or the raising of levels within the 1 in 100-year area (i.e. Flood Zone 3), plus an allowance for climate change and b) the detailed emergency planning arrangements.
- 10.6.9 If this scheme determines that there would be a be an increase in built footprint or the raising of levels within the 1 in 100-year area (i.e. Flood Zone 3), it is recommended that the FRA be updated to demonstrate that any displacement can be accommodated on site.
- 10.6.10 In response, the applicant accepts this condition. They advise that The FRA which the Environment Agency have reviewed is based on levels which states that any surface water displacement on the scheme as proposed would be $<1\text{m}^3$ which is too low to compensate for, so should any changes be required having that condition enables them to have a review of the final design.
- 10.6.11 The LLFA and UU have raised no express objections to the proposed development subject to conditions requiring the submission of a detail surface and foul drainage strategy and an associated management and maintenance plan. This is required as all matters are reserved for subsequent approval at this stage meaning that the position of drainage infrastructure cannot be fixed.
- 10.6.12 It is not deemed that a sequential test is required in this instance as the application has demonstrated that up to 9 dwellings can be accommodated on an area of the site which is not known to be at risk of flooding now or in the future. Furthermore, conditions are proposed by this application which mitigate for any minor concerns that do exist.

10.7 **Manchester Airport**

- 10.7.1 Policy GEN5 of the SADPD sets out that development which would adversely affect the operational integrity or safety of Manchester Airport or Manchester Radar will not be permitted.
- 10.7.2 The Manchester Airport Safeguarding Officer has reviewed the proposals and raised no objections, subject to a condition requiring the submission/approval of soft and water landscape works and the submission/approval of dust and smoke suppression measures. An informative in relation to the use of tall equipment is also proposed.

10.8 **Landscape, trees and hedgerows**

- 10.8.1 Matters of 'Landscape', which includes matters in relation to trees and hedgerows, are not sought for determination at this stage and represent a Reserved Matter in

relation to the proposed residential development. Nonetheless, these matters have been considered 'in principle' as part of this assessment.

- 10.8.2 The site lies within the Green Belt and on the edge of a Local Landscape Designation (LLD) (Alderley Edge and West Macclesfield Wooded Estates).
- 10.8.3 Furthermore, Policy NE1 of the WNP requires all new built form to demonstrate how they have identified and sensitively responded to the guidance within the Wilmslow Character Assessment.
- 10.8.4 The application site falls within Chonar (B1) Landscape Character Area as identified within Chapter 19 of the WNP. This character area is classified as a 'Lower Farms & Woods' character type. This comprises of the following landscape characteristics: low-lying gently rolling topography, hedgerow boundaries and standard trees, horsiculture, high density woodland, medium settlement density (40 dwellings per hectare) - mix of dispersed farms nucleated hamlets/villages, mosses and some meres and a large number of water bodies.
- 10.8.5 Matters of ecology are considered in the ecology section of this report.
- 10.8.6 The development area comprises of established hedgerows and tree cover bordering the southern boundary adjacent to the Whitehall Brook. The trees provide important screening between the site and industry to the south of the brook, with the native hedgerow being characteristic of the landscape character of the area. No statutory protection applies to any trees on the site. The application is supported by an Arboricultural Impact Assessment (AIA) & Method Statement (AMS) dated 13/3/2025.
- 10.8.7 Whilst the Council's Landscape Officer shares the concerns of the Council's Urban Design Officer in relation to density, which as proposed equates to 33 dwellings per hectare, the number of dwellings proposed is accepted for the reasons previously detailed.
- 10.8.8 In the event of approval, it is recommended that it be conditioned that the first reserved matters application should be accompanied by existing and proposed levels information as well as landscape details.
- 10.8.9 Although the application proposals do not trigger an open space requirement, in the event of approval, in order to ensure that all land that falls outside of residential curtilages or highways land be managed by a private residents' management company. This would be secured as part of a S106 Agreement.
- 10.8.10 The application is supported by an Arboricultural Impact Assessment (AIA) & Method Statement (AMS) dated 13/3/2025. The AIA proposes the loss of 1 individual and 1 group of low-quality trees to which there are no objections. The Council's Tree Officer advises that the relationship of proposed plots on the illustrative layout with the retained tree cover is acceptable. Now that the plans have been revised to show the retention of most of the boundary hedgerow, the Council's Tree Officer has advised that this change represents a significant improvement and will reduce impacts of any future development from the roadside. In the event of approval, the Council's Tree Officer advises that the tree documentation will need to be updated to make provision to retain, minimise

impacts of the new footpath and protect the hedgerow throughout implementation of the access and footpath.

10.9 Affordable Housing

10.9.1 Policy SC5 of the CELPS relates to affordable housing setting out in what circumstances provision is required. The application would not meet any of these triggers. As such, affordable housing provision is not a requirement of this application.

10.9.2 However, the applicant proposes the provision of some affordable dwellings. As originally proposed, the applicant proposed that 3 of the 9 dwellings would be affordable dwellings. These would be Discounted Market Housing for Sale with a 30% discount, as described in paragraph 6.22 of the Council's Housing SPD.

10.9.3 During the course of the application, this proposal has changed and the applicant would like the level of affordable housing to be linked to the final number of dwellings that come forward at Reserved Matters stage. More specifically, if 8 or 9 dwellings come forward, they are willing to commit to 2 affordable dwellings (intermediate tenure). If 7 dwellings come forward, they can commit to 1 affordable dwelling of the same tenure. Any less, no affordable dwellings would be proposed.

10.9.4 The Council's Housing Officer welcomes the provision as the affordable units and these would assist in meeting the identified need for affordable dwellings in Alderley Edge.

10.9.5 In the event of approval, this provision would need to be secured via S106 Agreement, which the applicant has agreed to.

10.10 Heads of Terms

10.10.1 If the application is approved, a Section 106 Agreement will be required to secure the following:

- Provision of affordable dwellings
- Establishment of a private management company

10.11 CIL Regulations

10.11.1 In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

10.11.2 The provision of affordable housing is not a requirement of planning policy for a development of this scale. Nonetheless, the provision of affordable housing would represent a planning benefit which, although not determinative, would represent one of the benefits that would form part of the reasoning as to why the application proposals as a whole are deemed acceptable. Securing the provision through a

S106 Agreement would be necessary to achieve the full benefits of the proposals as sought by the application.

10.11.3 It would be directly related to the proposed development as it is proposed as part of the application. It would also be fairly and reasonably related in scale and kind to the development as they would form only a small part of the type of housing proposed.

10.11.4 The requirement to establish a private management company is deemed necessary in design, landscape and partly ecology terms to ensure that any land either not in control of the future residents or highways is adequately managed and simply not left to the detriment of the character and appearance of the area. It is deemed to be directly related to the proposed development given that this land forms part of the application site and would be fairly and reasonably related in scale and kind to the development.

10.12 Other Matters

10.12.1 As this scheme is not classified as a 'Major' planning application, it is not a policy requirement that the development needs to provide contributions towards education, health or public open space.

10.12.2 As the application site falls within the scope of the Wilmslow Neighbourhood Plan, it is not subject to policies within the Alderley Edge Neighbourhood Plan.

11 PLANNING BALANCE/CONCLUSION

11.1 The application seeks outline planning permission, along with matters of Access, for the erection of up to 9 dwellings on this greenfield site, adjacent to the Alderley Edge Settlement Boundary within the Green Belt.

11.2 The application proposals are deemed to fall within one of the exceptions to inappropriate development in the Green Belt, that relating to Grey Belt (para. 155 of the NPPF). It is considered that the application site does represent Grey Belt land, would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, that there is a demonstrable need for the type of development proposed (housing) and that the application site is in a sustainable location.

11.3 With regards to flood risk, the indicative layout plan shows that the quantum of development sought could be delivered within the part of the site that falls within Flood Zone 1, and not the parts of the site to the south within are liable to flooding within Flood Zones 2 and 3.

11.4 Mitigation is proposed to overcome flood risk within the site for pedestrians wanting to walk into the Alderley Edge centre. Although this will still mean that future residents, on their walk into the village centre would have to pass through areas that are more likely to flood, these are flood zones that have been assessed as only being liable to flood in 1 in a 1000-year event and if this small parcel of land did flood, it would only be 6cm deep. It is not deemed that this regularity of flooding or depth of flooding would cut-off the future residents from the village sufficiently to conclude that the site is not locationally sustainable or conclude that flood risk forms a strong reason for refusing the development.

- 11.5 With regards to matters of 'Access', a single vehicle access is proposed towards the northern end of the site, onto Heyes Lane. In addition, a new 2-metre-wide pedestrian footpath along the southern roadside edge, but within the application site is proposed, a drop crossing, the widening of an existing section of pavement and a slight re-alignment of a section of Heyes Lane. The Council's Highways Officer is satisfied that the scheme provides adequate visibility and accessibility, subject to the highways works being secured.
- 11.6 As matters of design (Layout, Scale and Appearance) as well as matters of Landscaping are not sought for determination at this stage, these matters can only be considered in principle. Officer concerns have been raised in relation to the number of dwellings proposed. However, given that the site already benefits from an extant permission for 9 dwellings and because the Council had previously earmarked the site to be allocated for 10 dwellings, it is deemed that 9 dwellings can be accommodated on the site, albeit in a likely different arrangement to that indicatively presented. This would be considered at Reserved Matters stage.
- 11.7 The proposals would not result in any issues at this stage in relation to amenity, ecology or flight safety, subject to conditions.
- 11.8 Overall, the application proposals are deemed to be acceptable in principle in this Green Belt location under paragraph 155 of the NPPF. The provision of housing in a sustainable location in the absence of a 5-year housing land supply represents a benefit that is afforded significant weight. In addition, the provision of affordable dwellings represents a further positive benefit of the proposal even though are recognised as not being a policy requirement.
- 11.9 The application is therefore recommended for approval.

12 RECOMMENDATION

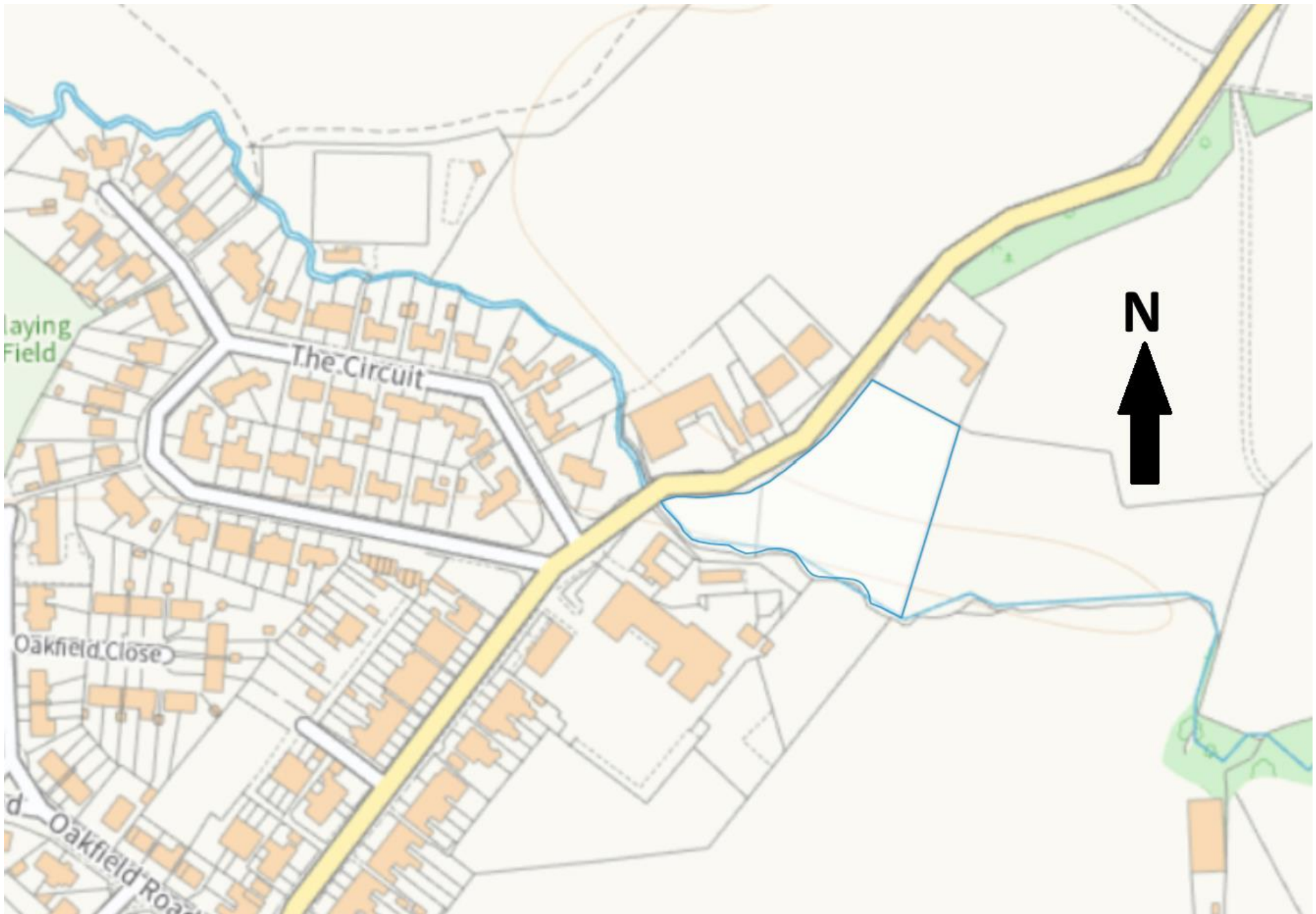
APPROVE subject to a S106 Agreement to secure:

S106	Amount	Trigger
Provision of Affordable Dwellings	2 affordable units should 8 or 9 dwellings come forward at Reserved Matters 1 affordable unit should 7 dwellings come forward at Reserved Matters	To be completed before 50% of the market housing is sold or let
On-site incidental open space management and maintenance	Establishment of a private management company	Prior to the occupation of the first dwelling

And the following conditions:

- 1 Outline (commencement of development)
- 2 Requirement to submit Reserved Matters application
- 3 Time limit on submission of Reserved Matters
- 4 Approved plans (including extent of 'Access')
- 5 Implementation of visibility splays
- 6 Implementation of highway improvement works (S278 works)
- 7 Submission/approval of a contaminated land proportionate risk assessment
- 8 Submission/approval of a contaminated land verification report
- 9 Submission/approval of imported soil testing
- 10 Works should stop should contamination be identified
- 11 Submission/approval of an Environmental Construction Management Plan (CEMP) *(to include dust and smoke suppression measures)*
- 12 Submission of levels details with Reserved Matters
- 13 Submission of landscaping details with Reserved Matters *(to include standard requirements, plus compensation for any tree & hedgerow loss, details of any water features or water landscaping works and earthworks)*
- 14 Submission/approval of a Tree Protection Plan with Reserved Matters
- 15 Submission/approval of an Arboricultural Method Statement with Reserved Matters
- 16 Submission/approval of a Biodiversity Enhancement Strategy
- 17 Submission/approval of an external lighting scheme with Reserved Matters including requirement for lighting of proposed footpath.
- 18 Submission/approval of an updated 'Other' Protected Species Survey with Reserved Matters
- 19 Submission/approval of BNG Plan
- 20 Submission/approval of a) a scheme detailing of development (footprint increase of levels increase) within 1 in 100-year flood area and b) an updated FRA with first reserved matters
- 21 Submission/approval of drainage strategy in line with updated FRA *(including SuDS, long-term maintenance & shall provide for the long-term retention of the trees)*
- 22 The extent of the developable area defined

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



OFFICIAL

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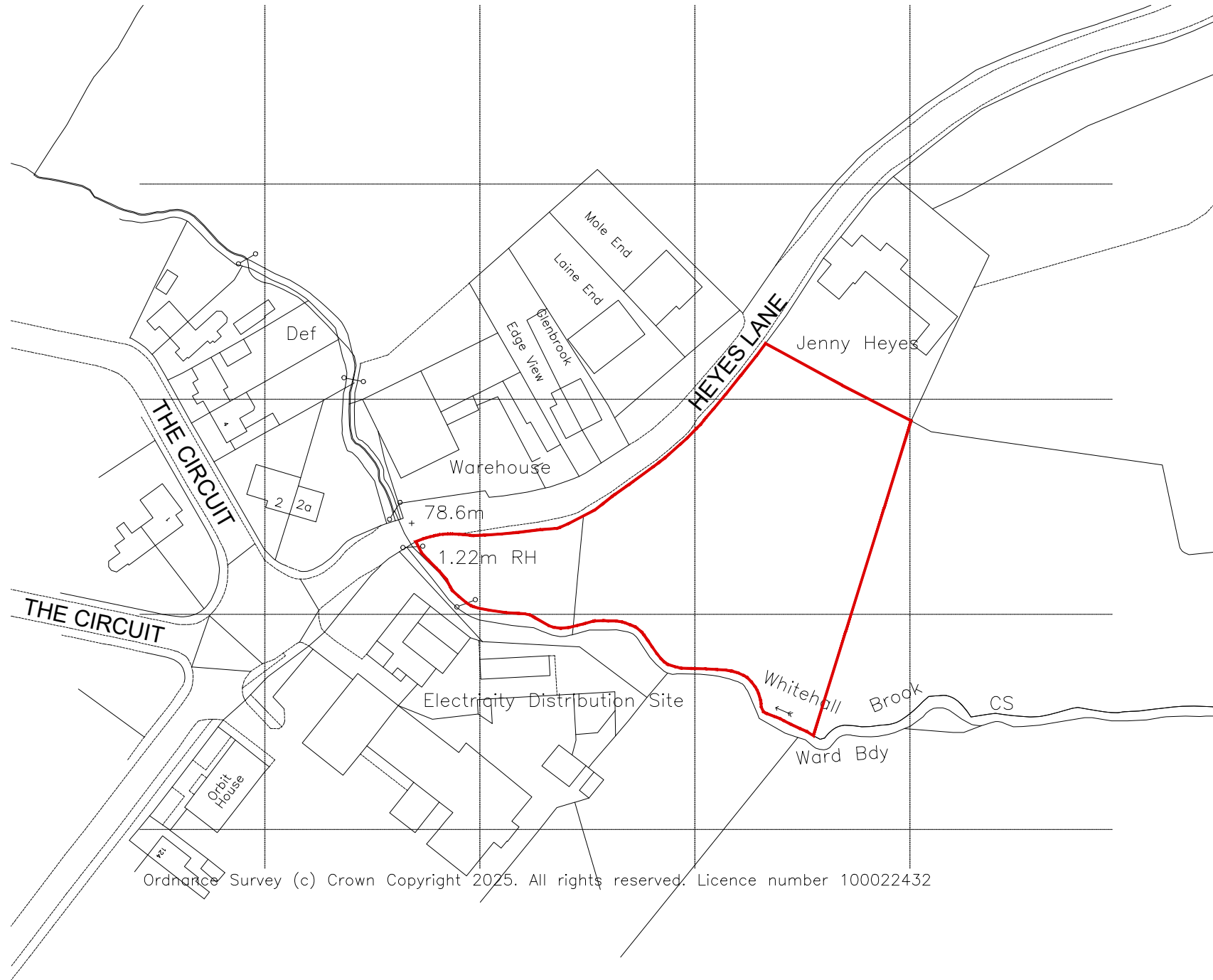
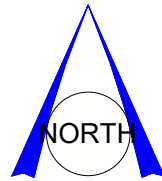
25/1064/OUT

Land Adjoining Jenny Heyes

Jenny Heyes Lane,

Alderley Edge

SK9 7LH



LOCATION PLAN

Rev	Date	Revision Description	Drawn	Check

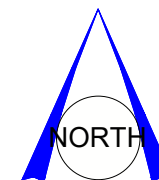
DGL Associates Limited Barn Meadow House Southfield Fold Farm Southfield Burnley Lancashire BB10 3RH Tel : 01282 601157 Mob : 07976 782876		
Revision		Checked
•	Drawn D.G.Lever	
	Scale 18th Feb 2025	Approved
	Drawn 1:1250 @ A3	
E-mail : darren.dgl@gmail.com		A3

Client
Henderson Homes

Project
Heyes Lane, ALDERLEY EDGE

Drawing Title
LOCATION PLAN

Drawing No.
2387HHL/HLAE/LP01



SIGHTLINES AS PER HIGHWAY ENGINEERS
'ASHLEY HELME' - PROPOSED ACCESS ARRANGEMENTS
DRAWING No. 1610 / 02 - Feb25
2.4m x 45m to the North
2.4m x 40m to the South



ACCESS PLAN

Rev	Date	Revision Description	Drawn

DGL Associates Limited
THE OLD BARN
Helrs House Farm
Helrs House Lane
Colne
Lancashire
BB8 9TA

Tel : 01282 940506
Mbl : 07976 782876

Revision		Checked
•	Drawn D.G.Lever	
	Scale 28th Jul 2025	Approved
	Drawn 1:500 @ A3	
E-mail :	darren.dgl@gmail.com	A3

Client
Henderson Homes

Project
Heyes Lane, ALDERLEY EDGE

Drawing Title
ACCESS PLAN

Drawing No.
2387HHL/HLAE/AP01

DGL
ltd

Associates

MIX SCHEDULE					
House Name	Beds	Size - Sq.ft	No	Sub-total	Plots
1 Bed Apartment GF NDSS	1	560	1	560	1
1 Bed Apartment FF NDSS	1	560	1	560	2
Abbey (Abb) NDSS	2	754	1	754	3
Copse (Cop) NDSS	3	820	2	1640	4, 8
Vale (Val)	3	943	1	943	9
New Type (Nwo)	3	1180	2	2360	6, 7
Woodcote	4	1581	1	1581	5
			9	8398	
	NDA		2134	Sq.m	
			0.53	Acres	
			0.21	ha	
			15925.90	Sq.ft / A	
			42.17	uph	



SKETCH LAYOUT
02

Rev	Date	Revision Description	Drawn
D	24.07.25	SITE LINES ADDED FOR CLARITY - Small adjustments to sketch to align with DWG	DSB
C	22.07.25	Amended to retain site frontage hedge/grow and create footpath linkage within development	DSB
B	12.03.25	Plots 6 & 7 amended following client discussions	DSB
A	26.02.25	Plot 4 amended to deal with Affordable Housing provision	DSB

DGL Associates Limited
Barn Meadow House
Southfield Fold Farm
Southfield
Burnley
Lancashire
BB10 3RH
Tel : 01282 601157
Mob : 07976 782876

Revision:		Checked
D	Drawn D.G.Lever	
	Scale 18th Feb 2025	Approved
	Drawn 1:500 @ A3	
E-mail :	darren.dgl@gmail.com	A3

Client
Henderson Homes

Project
Heyes Lane, ALDERLEY EDGE

Drawing Title
Sketch Layout 02

Drawing No.
2387HHL/HLAE/SK02

DGL
ltd

Associates

Application No: 25/0454/PIP
Application Type: Permission in Principle
Location: Land Off Waterloo Road, Poynton, Cheshire East, SK12 1RZ
Proposal: Permission in Principle for up to 2 no. dwellings
Applicant: Henderson Homes Ltd
Expiry Date: 14-November 2025

Summary

- The application site is in the Greenbelt.
- An Outline Planning Application for two houses on the site, was withdrawn in 2022.
- That proposal would have been assessed against the 'limited infilling in a village' exemption test, in CELPS Policy PG3, and in Paragraph 154(e) of the Framework.
- The previous application predated the changes to the NPPF in December 2024.
- This application is submitted on the basis of the new 'grey belt' exception test in Paragraph 155 of the Framework.
- This proposal is also submitted in the form of a Permission in Principle (PiP) application.
- The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted.
- In terms of location, the application is considered to be grey belt, as the site does not 'strongly' contribute to the purposes of the Green Belt, as defined by the tests in paragraph 143 of the NPPF.
- In term of land use, the application site include some areas at risk of surface water flooding, and there is a Grade II Listed Building adjacent the site. However, these issues are not considered to represent 'strong' reason to restrict the development.
- The site is considered to be in a sustainable location.
- There currently is an unmet need for housing in Cheshire East.
- In terms of amount, it is considered that a scheme comprising of up to two dwellings could be accommodated on this site in some configuration.
- It is less clear how a development on the site could be achieved, whilst protecting the TPO trees on the frontage and providing a safe access. However, these matters will be assessed at the Stage 2 (*Technical Design Stage*).

Summary Recommendation

Approve

1. REASON FOR REFERRAL:

- 1.1. The application relates to a departure from the development plan, which the Head of Planning is minded to approve, and under the terms of the Constitution it is required to be determined by the Northern Planning Committee.

2. DESCRIPTION OF SITE AND CONTEXT:

- 2.1. The application site is a 0.25ha site located on Waterloo Road, in Poynton.
- 2.2. The rectangular shaped site is bounded to the north by Waterloo Road, whilst to the east and west are residential properties also fronting Waterloo Road. Open fields with boundary hedgerows are to the south.
- 2.3. The site is largely flat, and it is undeveloped and now vacant land. There is an access point with a dropped curb to the southwestern corner of the site which leads to a small area of cobbles and hardstanding.
- 2.4. Trees and hedgerow are present to all the boundaries of the site, and a Group Tree Preservation Order is in place covering trees on the site frontage.
- 2.5. The houses to the east of the site fronting Waterloo Road comprise a mix of a dormer bungalow (No.7), a detached house (No.5) and two semi-detached houses (No.1 and No.3) all of which are set back from the edge of the footpath, with front gardens and car parking.
- 2.6. No.1 Waterloo Road is located on the corner of Waterloo Road, where it meets Coppice Road. Coppice Road leads into Poynton centre to the north and west and ribbon development lines the road to the south and east.
- 2.7. Travelling west and south from numbers 1-7 Waterloo Road, the application site forms a gap in built form before reaching No. 56 and No. 57 Waterloo Road and Waterloo House. Waterloo House is Grade II Listed.
- 2.8. The site is located on the edge of the settlement of Poynton, where the settlement boundary runs along Waterloo Road encompassing the built area of Poynton to the west and north of Waterloo Road.
- 2.9. The land and properties to the south and east of Waterloo Road are located in the Green Belt.

3. DESCRIPTION OF PROPOSAL:

- 3.1. The application proposals seek planning permission in principle for the development of up to two residential dwellings.

4. RELEVANT PLANNING HISTORY:

- 4.1. An Outline Planning Application for the erection of two dwellings on the site was submitted in April 2022, under reference 22/1483M.
- 4.2. However, this scheme was withdrawn.

5. NATIONAL PLANNING POLICY

- 5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans.
- 5.2. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

6. DEVELOPMENT PLAN POLICIES:

- 6.1. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2. For the purposes of considering the current proposals, the development plan consists of the Cheshire East Local Plan Strategy (CELPS), The Site Allocations and Development Policies Document (SADPD), and The Poynton with Worth Neighbourhood Plan (PNP).

Cheshire East Local Plan Strategy (CELPS) 2017:

- 6.3. CELPS was adopted in July 2017 and sets out policies to guide development across the borough over the plan period to 2030. The relevant policies of the CELPS are summarised below:
- MP1 Presumption in Favour of Sustainable Development
 - PG1 Overall Development Strategy
 - PG2 Settlement Hierarchy
 - PG3 Green Belt
 - SD1 Sustainable Development in Cheshire East
 - SD2 Sustainable Development Principles
 - IN1 Infrastructure
 - IN2 Developer Contributions

- SE1 Design
- SE2 Efficient Use of Land
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE7 The Historic Environment
- SE13 Flood Risk and Water Management
- CO1 Sustainable Travel and Transport
- Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD) 2022

6.4. The Site Allocations and Development Policies Document (SADPD) is the second part of the Cheshire East Local Plan and provides detailed planning policies and land allocations in line with the overall approach set out in the Local Plan Strategy. The SADPD was adopted as part of the development plan at the Full Council meeting on 14 December 2022. The relevant policies of the SADPD are summarised below: -

- PG8 Development at local service centres
- PG9 Settlement boundaries
- PG10 Infill villages
- GEN1 Design principles
- ENV1 Ecological network
- ENV6 Trees, hedgerows and woodland implementation
- ENV15 New development and existing uses
- ENV16 Surface water management and flood risk
- RUR5 Best and most versatile agricultural land
- HER3 Conservation areas
- HER4 Listed buildings
- HOU1 Housing mix
- HOU12 Amenity
- HOU13 Residential standards
- HOU14 Housing density
- HOU16 Small and medium sized sites
- INF1 Cycleways, bridleways, and footpaths

6.5. Poynton Neighbourhood Development Plan (PNDP):

6.6. The PNDP passed referendum on the 10 October 2019. The plan was made on the 21 November 2019. The relevant policies of the PNDP are summarised below: -

- EGB1 Surface Water Management
- EGB8 Protection of rural landscape
- HOU3 Proposed Housing Site Allocations
- HOU6 Housing mix
- HOU7 Environmental considerations
- HOU8 Density and site coverage
- HOU11 Design

7. RELEVANT SUPPLEMENTARY PLANNING DOCUMENTS OR GUIDANCE

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

- SuDS SPD
- Environmental Protection SPD
- Ecology and Biodiversity Net Gain SPD
- Developer Contributions SPD
- Cheshire East Design Guide SPD
- Housing SPD
- Housing Strategy 2013-2023

8. CONSULTATIONS (External to Planning):

8.1. Poynton Town Council:

Object to the scheme for the following reasons: -

- It will lead to a loss of openness and urbanisation of a semi-rural area in the Green Belt which is contrary to the National Planning Policy Framework;
- The proposed development is an inappropriate form of development in this location as it is not sympathetic to the existing open greenfield site, immediately adjoining properties or the character or the surrounding housing area;
- The proposed development is contrary to relevant policies of the Poynton Neighbourhood Plan 2019. As a cramped and intrusive form of development on the eastern semi-rural fringe of the town;
- The Town Council does not agree with the applicant's claim that the site can be regarded as "limited infilling in a village";
- The proposed houses would project significantly further back into open land than 7 Waterloo Road to the north and 56 and 57 Waterloo Road to the south. It therefore cannot be regarded as "limited infilling" of a "gap" between houses;
- The Town Council notes that the land was used for agricultural purposes and does not qualify as a "brownfield" site for planning purposes;
- The Town Council does not agree that this land falls within the category of "grey belt". It fulfils Green Belt purpose (a) as defined in Paragraph 143 of the NPPF: "to check the unrestricted sprawl of large built-up areas" so is not "grey belt".
- The site is not accessible, and all trips are likely to be by private car;
- Loss of Trees contributing to Amenity. The proposed development by virtue of its size and siting would result in the direct loss of existing trees which are of amenity value to the area. The site includes trees protected by a Tree Preservation Order;
- Undeveloped land of this type provides an essential habitat for endangered species such as bats, badgers, frogs, toads, newts, butterflies, moths and hedgehogs. Even if boundary trees are retained, the loss of garden space and increased proximity of new houses will drive away wildlife;
- The loss of open land will reduce absorption of rainfall and increase run-off into the unnamed culverted stream (sometimes called Coppice Stream)

which runs under Waterloo Road and then through Poynton to Poynton Brook. This caused severe flooding in June 2016 and July 2019. During the 2016 and 2019 Poynton floods, Waterloo Road was closed and several houses in the area were flooded out. We understand that the land was used in the past as a marl pit. Marl is impermeable and this confirms the land is at serious risk of flooding;

- The Environment Agency's interactive map shows part of the site is rated "High Risk" for surface water flooding;
- Possibly Contaminated Land;
- Increased Use of Dangerous Junction;
- Listed Building: Waterloo House, a Grade 2 listed building, is close to the site;
- Coal Mining;
- Development Unneighbourly;
- Loss of privacy; and
- Utilities - Public utilities are under strain in the semi-rural areas of Poynton.

8.2. United Utilities:
No objections

8.3. Flood Risk Manager:
No objections, subject to Conditions.

8.4. Environmental Health:
No objections.

8.5. Coal Authority:
No objections.

8.6. Cheshire East Highways:
Further information is required on whether the necessary visibility splays at the proposed access point can be provided due the frontage trees and hedges.

9. REPRESENTATIONS:

9.1. 45 letters of representation have been received, and their objections can be summarised as follows: -

- Flooding Concerns;
- Existing Strain on Drainage Infrastructure;
- Increased Traffic and Safety Issues;
- Loss of Green Space and Biodiversity;
- Misuse of the "Permission in Principle" Process;
- Loss of Trees;
- Impact on Listed Building;
- This was rejected three years ago, and the circumstances have not changed since then so therefore should be rejected again.

9.2. A neighbouring property has also submitted a Green Belt/Flooding Rebuttal.

10. OFFICER APPRAISAL:

Determination Framework:

- 10.1. The proposal is for permission in principle (PiP). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development.
- 10.2. The permission in principle consent route has two stages: the first stage (or PiP stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed proposals are assessed. This appeal relates to the first of these 2 stages.
- 10.3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted.
- 10.4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and amount of development.

Location:

- 10.5. The site is located within the Green Belt. This site is not previously developed.

Inappropriate development:

- 10.6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.7. Paragraph 154 of the Framework notes that the construction of new buildings in the Green Belt should be regarded as inappropriate. Several exceptions are listed in Paragraph 154. One of the exceptions included is the limited infilling in villages. Policy PG3 of the Cheshire East Local Plan Strategy 2017 (CELPS) also includes this exception. Therefore, the CELPS, insofar as it is relevant to this issue, is consistent with the Framework.
- 10.8. Policy PG10 of the Cheshire East Site Allocations and Development Policies Document 2022 (SADPD) addresses which settlements are defined as infill villages. Poynton is not listed in this policy. Policy PG10 states that outside of the village infill boundaries, development proposals will not be considered to be limited infilling in villages when applying CELPS Policy PG3.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- 10.9. Therefore, when considering a development proposal against this exception to inappropriate development, there are two key matters to look at:
- Whether the location is in a village; and
 - Whether the proposals represent limited infilling.

In terms of the definitions;

There is no definition within The Framework of 'limited infilling'.

The glossary to the CELPS defines 'infill development' as: -

"The development of a relatively small gap between existing buildings."

The glossary to the SADPD defines 'infill development' as:

"Infill development is generally the development of a relatively small gap between existing buildings. The scale of infill development will depend upon the location of the site."

There is no definition within the Framework of 'village'.

There is no definition within the CELPS of 'village'.

The glossary to the SADPD does however define 'Infill village' as: -

"Infill villages are settlements within the 'other settlements and rural areas' tier of the settlement hierarchy. They do not have a settlement boundary and are Infill village within the open countryside, but they do have a defined infill boundary, in which limited infilling can be allowed."

Whether the location is in a village:

- 10.10. In this instance, this particular site lies outside of the Poynton settlement boundary, but it is not within a defined village infill boundary and under Criterion 4 of Policy PG10, development proposals will not be considered to be limited infilling in villages when applying CELPS Policy PG3 (Green Belt).
- 10.11. Therefore, considering the development plan policies alone, this development at this site is not limited infilling in a village and the proposals would be considered to be inappropriate development in the Green Belt.
- 10.12. However, under planning law, applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration and there is no definition of what constitutes a village for the purposes of applying paragraph 154(e).
- 10.13. Whilst the development plan does define the locations within which limited infilling in villages is permitted, case law establishes that when applying the NPPF policy directly to the case, the boundary of a village defined in a local

plan may not be determinative in considering whether a site is within a village and that regard should also be had to the situation on the ground as well as any relevant policies.

10.14. As a result, the decision-maker, will need to carry out an on the ground assessment of whether the site is within a village for the purpose of the NPPF Green Belt test and, if it is, whether this (as a material consideration), indicates that a decision should be made other than in accordance with the development plan.

10.15. There is no specific guidance on the factors that must be considered, but recent appeal decisions indicate that Inspectors have had regard to whether the site is physically and functionally part of a village. Some of the factors considered have been: -

- Whether the site is within the built-up environment of a village and/or surrounded by other development;
- Whether it is readily accessible from local services and amenities;
- Its visual and physical relationship with a village;
- Whether it is connected to a village by ribbon development;
- The presence or absence of walking routes and safe pedestrian connectivity to a village;
- Whether the surrounding pattern of development is denser with prominent built form, or whether it is more loose-knit and less dense; and
- Whether existing development is visually prominent and whether there are more domestic boundary treatments such as close boarded fences, gateways, or manicured hedging.

10.16. In this particular case, Poynton is clearly a town, rather than a village. It is a key service centre in the settlement hierarchy and, as a higher-order centre, the development plan has allocated a number of large sites (including through making Green Belt boundary alterations) to meet development needs arising in Poynton over the plan period and also identified safeguarded land to meet potential longer-term development needs. It has a defined town centre in SADPD Policy RET1 (Retail hierarchy) and it has its own Town Council.

10.17. These issues (and arguments) were raised at a recent appeal in Poynton², on Squirrels Chase, off Lostock Hall Road. In upholding that appeal, the Inspector stated: -

“In consideration of all of these matters, the development would not immediately accord with Policy PG10 of the SADP as it would be located outside of a designated infill village boundary as listed within the policy. The site is also located outside of the settlement boundary as set out in the Poynton Neighbourhood Development Plan 2019”.

² APP/R0660/W/24/3342165

10.18. The Inspector concluded that: -

“However, in assessing the spatial and visual circumstances of this specific case, I find that the appeal site would be located in a village for the purposes of paragraph 154 (e) when undertaking an ‘on the ground’ assessment.”

10.19. In consideration of the specific characteristics in this case in terms of the spatial pattern of development as well as the appearance of the site within the context of other development, it is accepted that the site is located in a village for the purposes of paragraph 154(e) of the Framework. This is bearing the above in mind and given that Poynton can be assessed in this manner in relation to infilling applications.

Whether the proposals represent limited infilling:

10.20. With regard to infill, whilst the Framework does not include a definition of ‘limited infilling’, SADPD Policy PG10 and GNP Policy G1 both define limited infilling as “the development of a relatively small gap between existing buildings”. These policies however do not define what is “a relatively small gap”.

10.21. Case law³ has established that whether a development constitutes limited infill or not is a matter of fact and planning judgement for the decision maker.

10.22. The division of the site into two equally sized plots of a depth comparable to No7. could generally respond to the size, scale and shape of plots on the south side of Waterloo Road. There could also be consistency in terms of; the siting of each dwelling; the residential use of the site; and in terms of the footprint of the proposed dwellings in comparison to the properties either side of the site. The character and appearance of the proposed dwellings would also respond to the local area.

10.23. However, a gap in excess of 50 metres is not considered to be a relatively small gap between existing buildings in the context of the linear row of development along Waterloo Road which is not characterised by large gaps between dwellings. In the round, it is considered that the proposal would not be limited infilling in villages.

Grey Belt

10.24. However, Paragraph 155 of the Framework now identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states that: -

*“Development of homes should not be regarded as inappropriate where: -
(a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*

³ R (Tate) v Northumberland County Council v Susan Leffers-Smith [2018] EWCA Civ 1519

- (b) there is a demonstrable unmet need for the type of development proposed;*
- (c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and*
- (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156-157."*

10.25. It is acknowledged that CELPS Policy PG3 would usually be a key policy for determining the appropriateness of development in the Green Belt, however the policy is no longer consistent with the NPPF as it does not include 'grey belt' in the list of exceptions. However, Paragraph 225 of the Framework states that due weight should be given to policies according to their degree of consistency with the Framework.

Definitions and Restrictions

10.26. The NPPF defines 'Grey Belt' in Annex 2 as:

Grey belt: For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

10.27. The application site in this case would constitute 'other land'.

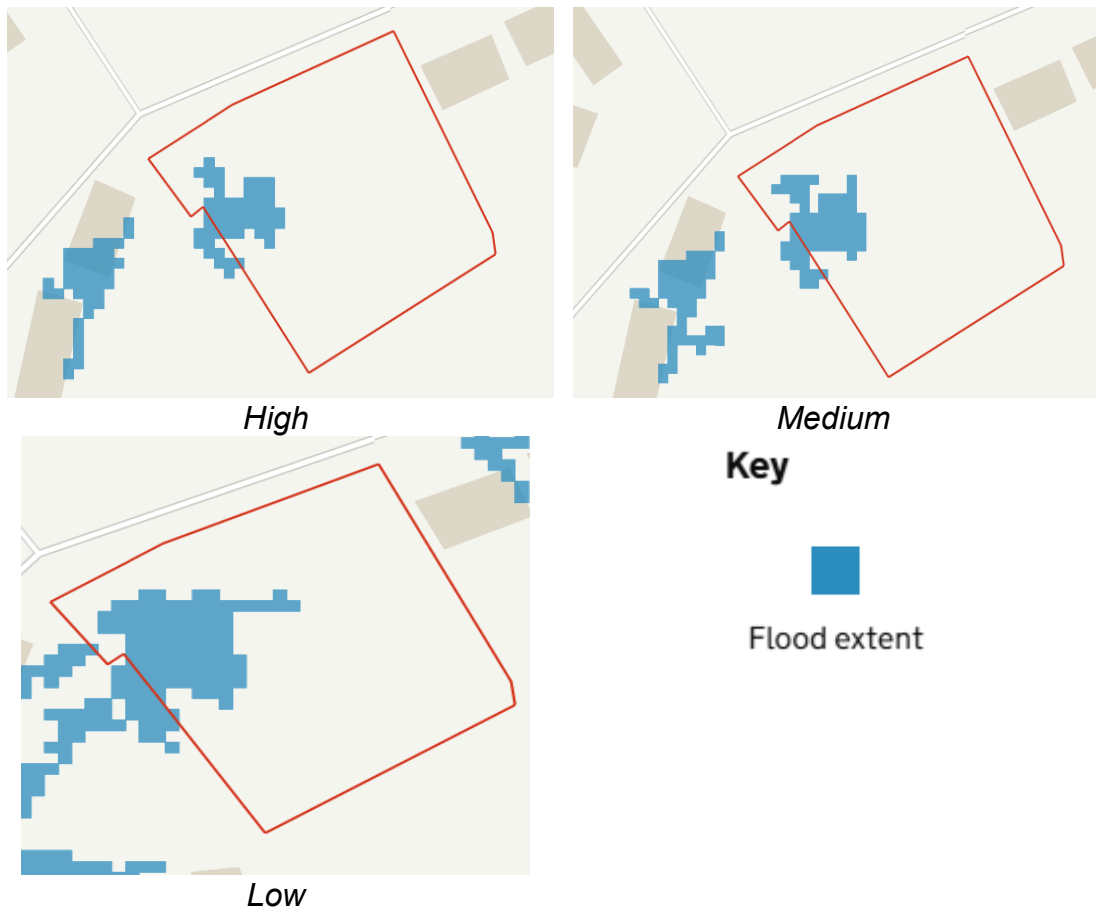
10.28. Footnote 7 identifies protected areas or assets of particular importance, where the overall scale, type or distribution of development can be restricted.

10.29. Footnote 7 reads as:

Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

10.30. The application site is not with an SSSI, a Local Greenspace, nor a National Park.

10.31. There is some localised medium/high risk surface water flooding within the application site. This area covers a minority of the site, and it is not clear at this stage whether there will be any built development in this part of the site.



10.32. Footnote 7 confirms that areas at risk of flooding are counted as areas of particular importance.

10.33. National planning policy for flood risk is contained in Chapter 14 of the Framework and in Planning Practice Guidance (PPG) for Flood Risk and Coastal Change. The PPG was updated on 17 September 2025⁴.

10.34. A 'strong' reason for refusal based on flooding must, to Officers mind, go beyond mere technical conflicts, even if they are important. There must be substantive risks and harms that go beyond policy.

10.35. It is noted that the LLFA have not objected to the application and there is nothing to suggest a satisfactory drainage design cannot be achieved. It is not therefore considered that this is a 'strong' reason for refusing or restricting the development proposed.

10.36. The application site is also within 35m of a grade II listed property (Waterloo House). Waterloo House is also visible form the proposed site.

10.37. Government Guidance states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential*

⁴ Paragraph 7-027

*harm amounts to substantial harm, total loss or less than substantial harm to its significance*⁵.

- 10.38. There is no information on any potential layout, nor on the proposed properties, their materials or any landscaping scheme to evaluate the effect upon the setting and character of the designated heritage asset (Waterloo House).
- 10.39. However, this application clearly does not propose any works to Waterloo House, nor its demolition. Therefore, any harm to the Waterloo House would not amount to 'substantial harm' or higher (total loss). That being said, any development on this site, given its proximity and intervisibility to Waterloo House is likely to be above the threshold of 'no harm'.
- 10.40. Any harm would likely to be 'less than substantial', although where on that scale the proposals would be, would be determined once the details are known.
- 10.41. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.
- 10.42. Footnote 7 confirms that Heritage Assets are counted as assets of particular importance.
- 10.43. It is considered that a 'strong' reason to refuse a grey belt application on heritage ground would be when any harm to a heritage asset would amount to substantial harm or higher.
- 10.44. Assessing the test of '*less than substantial harm*' is a common practice and would be achievable within the technical design stage.

Purposes of the Green Belt

- 10.45. The question in relation to whether the site should be classed as 'grey belt' is initially a question of whether the site does not strongly contribute to either purpose (a), (b) or (d) of the Green Belt as defined by paragraph 143 of the NPPF.
- Purpose (a) is – 'to check the unrestricted sprawl of large built-up areas'.
 - Purpose (b) is – 'to prevent neighbouring towns merging into one another'
 - Purpose (d) is – 'to preserve the setting and special character of historic towns'
- 10.46. With regards to '*Purpose A*' (*sprawl*), the site is within the built-up envelope of Poynton, and it does not extend any further southwards than the existing gardens to the adjoining properties. The site is highly contained physically, functionally and visually with built development either side of the land. The site does not perform strongly in terms of the unrestricted sprawl of large urban areas for the purposes of paragraph 143(a).

⁵ Paragraph 212.

Image: Application site coloured blue in relation to the surrounding built-up area coloured red



10.47. With regard to '*Purpose B*' (*towns merging*), the site provides little contribution in this regard given its siting within the confines of the built-up envelope of Poynton and the highly contained nature of the site as noted above. Again, there is existing built development either side of the site and there are no implications for the merging of settlements. The site does not perform strongly in terms of merging of settlements for the purposes of paragraph 143(b)

10.48. Finally, in regard to '*Purpose D*' (*character of historic towns*) of the Green Belt, this relates to preserve the setting and special character of historic towns. It is considered that the contribution that the land subject to the application makes to the special character of historic towns is 'Weak'. This is because of how far away the application site is to Poynton centre, subsequently having no visual, physical, or experiential connection to the historic aspects of the town.

10.49. As such, the application proposals are deemed to meet this key test as to whether a site represents Grey Belt in that the site is not considered to 'strongly' contribute to either purposes a, b or d.

Need

10.50. The application proposes the erection of up to two dwellings.

10.51. The Cheshire East Local Plan Strategy was adopted on the 27 July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

- 10.52. As the plan is more than five years old, deliverable housing land supply is measured using the local housing need figure (plus 5% buffer), which is currently 2,603 dwellings per year rather than the LPS figure of 1,800 dwellings per year.
- 10.53. The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:
- Where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer) or:
 - Where the Housing Delivery Test Measurement indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.
- 10.54. In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2024) was published in April 2025. The published report identifies a deliverable five-year housing land supply of 10,011 dwellings which equates to a 3.8-year supply measured against the five-year local housing need figure of 13,015 dwellings.
- 10.55. The 2023 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 12 December 2024 and this confirms a Housing Delivery Test Result of 262%. Housing delivery over the past three years (7,392 dwellings) has exceeded the number of homes required (2,820). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.
- 10.56. In the context of five-year housing land supply, relevant policies concerning the supply of housing should be considered out-of-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is engaged.
- 10.57. As such, the proposals would be acceptable under paragraph 155 (b) as the type of development proposed is housing, and there currently is an unmet need for housing in Cheshire East.

Locational Sustainability

- 10.58. The Framework is clear that, when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should determine whether a site's location would be appropriate for the kind of development proposed. Similarly, when making decisions regarding planning applications on grey belt land, authorities should ensure that the development would be in a sustainable location. For the purpose of these decisions, where grey belt land is not in a location that is or can be made sustainable, development on this land is inappropriate.
- 10.59. Whether locations are sustainable should be determined in light of local context and site or development-specific considerations. However, in reaching these judgements, national policy is clear that authorities should consider

opportunities to maximise sustainable transport solutions, as set out in paragraphs 110 and 115 of the NPPF.

- 10.60. Paragraph 110 of the Framework seeks to actively manage patterns of growth to support the objectives in Paragraph 109 of the Framework. In this instance, the most relevant objective in Paragraph 109 (when considering whether the development would be in a sustainable location for the purposes of Paragraph 155 of the Framework) is pursuing opportunities to promote walking, cycling and public transport using a vision-led approach.
- 10.61. This objective needs to be considered in the context that Paragraph 110 also states that opportunities to maximise sustainable transport will vary between urban and rural areas.
- 10.62. In other words, some allowance should be made for a site's rural location. However, that does not mean that all sites in rural areas should be considered equally. Some will be better placed for development than others when considering access to services and facilities.
- 10.63. The Development Plan of Cheshire East sets out what can be described as a vision-led approach to the sustainable location of development through a spatial strategy. It seeks to direct development to built-up areas with the precise location depending on accessibility to facilities by suitable travel modes. Thus, the development plan identifies sustainable locations for development through Policies MP1 and PG1.
- 10.64. That said, CELPS Policy SD1 (Sustainable Development in Cheshire East) states that we should "make best use of previously developed land where possible". In addition, DELPS Policy SE2 (Efficient Use of Land) states that "the council will encourage the redevelopment / re-use of previously developed land and buildings".
- 10.65. In terms of the site sustainability assessment, CELPS Policy SD2 is supported with a guidance Table 9.1 which recommends the distances to local services and amenities. The application site performs as follows below.

Criteria	Recommended	Description	Distance
Public Transport			
Bus Stop	500m	391, 392 and 393 bus route – hourly service	100m
Public Right of Way	500m	Trafalgar Road (Poynton-with-Worth FP35)	40m
Railway Station	2km	Poynton Railway Station	2.5km
Open Space			
Amenity Open Space	500m	Hockley Road Play Area	220m
Children's Playground	500m	Hockley Road Play Area	220m

Outdoor Sports	500m	high school playing fields ⁶ leisure centre tennis courts	1km
Public Park/Village Green	1km	Hockley Play Area Brecon Park	220m 1.2km
Services and Amenities			
Convenience Store	500m	Co-Op Food Poynton (and to Park Lane)	1.1km
Supermarket	1km	Waitrose, Aldi, Morrisons	1.2km
Post Box	500m	Coppice Lane	275m
Post Office	1km	Poynton Post Office	1.6km
Bank or Cash Machine	1km	In Waitrose - (Lond Road S) In Morrisons - (London Road S)	1.1km 1.1km
Pharmacy	1km	Boots (Park Lane)	1.5km
Primary School	1km	Worth Primary School	575m
Secondary School	1km	Poynton High School	1km
Medical Centre	1km	Priorsleigh (off Park Lane)	1.2km
Leisure Facilities	1km	Poynton Leisure Centre ⁷	1km
Local Meeting Place / Community Centre	1km	Poynton Christian Fellowship	600m
Public House	1km	Farmers Arms (Park Lane)	1.2km
Child Care Facility (nursery or crèche)	1km	Tree Tots Nursery and Brook House Farm Pre-School	1km
KEY Pass Marginal Fail			

10.66. The site is within the confines of Poynton and is highly accessible in terms of key services and amenities. It is approximately 100 metres away from bus stops on Waterloo Road and Coppice Lane with services available such as the nos. 391, 392 and 393 to destinations such as Stockport, Macclesfield and Bollington.

10.67. The site is approximately 400 metres away from Worth Primary School, and 700 metres away Poynton High School, and a kilometre from Vernon Primary School.

10.68. Just over kilometre away is Poynton High Street (Park Lane) and the wide range of services, shops and amenities available e.g. Poynton Civic Centre, Poynton Library, Priorsleigh Medical Centre, shops, restaurants and cafes.

10.69. Although within the designated Green Belt, the site is functionally on a day-to-day basis part of Poynton. Poynton is identified as a Key Service Centre and it has already been identified as a sustainable location for new housing development and growth.

⁶ Unsure on public access arrangements

⁷ Yew Tree Lane, rear pedestrian entrance

10.70. Therefore, for the reasons above, the application proposals in this instance are considered to be locationally sustainable and therefore meet the exception to inappropriate development in the Green Belt as set out in paragraph 155 of the NPPF.

Golden Rules

10.71. NPPF Paragraph 155 (d), states that 'Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156 and 157 below.'

10.72. As this application does not meet the criteria of a 'major' development, none of the Golden Rules apply.

Inappropriate development conclusions

10.73. The application site is assessed as not falling within any of the exceptions to inappropriate development in the Green Belt as set out in Policy PG3 of the CELPS or paragraph 154 of the NPPF. The application site is accepted as representing 'grey belt' which considering the exception within paragraph 155 of the NPPF. The site is considered to be in a sustainable location.

10.74. As such, the proposals are considered to fall within the exceptions to inappropriate development in the Green Belt. The application proposals are therefore not considered to represent inappropriate development in the Green Belt.

Land Use:

10.75. The proposed land use is for residential purposes.

10.76. Officers are keen to make sure that new residential development creates satisfactory living environments for both new and existing residents. Therefore, we need to look at any '*in principle constraints*' the site has for a residential use. It is noted that issues of Flooding and Heritage have been assess above.

Arboricultural Implications:

10.77. CELPS Policy SE5 relates to Trees Hedgerows and Woodland. It seeks to protect trees hedgerows and woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character, or historic character of a surrounding area. SADPD Policy ENV6, seeks to protect trees and woodlands worthy of formal protection from development unless certain circumstances apply.

10.78. The Macclesfield Rural District Council (Waterloo Road, Poynton) Tree Preservation Order 1973 affords protection to selected trees scheduled within Area A1 of the Order. The trees scheduled comprise of Beech, Elm, Sycamore, Birch and Yew. Under the Area designation, only trees that were present when the Order was made are protected.

- 10.79. All the trees subject to the TPO form a linear group along the northern boundary of the site adjacent to Waterloo Road. The group is very characteristic of the sylvan nature of Waterloo Road and overall, the trees collectively make a significant contribution to the amenity of the area.
- 10.80. The site is currently accessed by an existing field gate off Waterloo Road which leads to an area of hardstanding that runs parallel with the site boundary with 56 Waterloo Road to the south west. It should be noted that the existing access is modest and insufficient in terms of its geometry to provide a suitable access for two dwellings.
- 10.81. The application has not provided any details on the location of the proposed access into the site having regard to the functionality and safety of the adjacent highway and the impact this may have due to the close proximity of existing protected trees.

Highway Access, Safety and Parking Provision:

- 10.82. CELPS Policy CO1 deals with Sustainable Travel and Transport. It seeks to encourage a shift away from car travel to public transport, cycling and walking. SADPD Policy INF3 relates to highway safety and access. It sets out the circulation and access criteria for new development. This includes amongst other matters, the provision of adequate visibility splays, manoeuvring vehicles and emergency vehicles.
- 10.83. There is sufficient space within the site for off-street parking provision to be in accordance with CEC parking standards for up to two dwellings.
- 10.84. The Council Head of Strategic Transport has stated that, further information is required on whether the necessary visibility splays at the proposed access point can be provided due the frontage trees and hedges. This would be secured at the technical details stage.

Ecology

- 10.85. CELPS Policy SE3 deals with biodiversity and geodiversity. It seeks to protect areas of high biodiversity and geodiversity. It also requires all development to aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity
- 10.86. The site is not covered by a statutory or non-statutory nature conservation designation. The proposed works are unlikely to have an impact on any statutory nature designated sites, including SSSI's and RAMSAR sites. The Council's Ecologist has therefore advised that there are no ecological constraints to warrant withholding a permission in principle for this application.
- 10.87. Any subsequent application would be expected to include a Biodiversity Metric, unless justification for exemption from mandatory Biodiversity Net Gain can be provided, and a Preliminary Ecological Appraisal to establish any potential ecological constraints on proposed work.

Contamination

- 10.88. The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site.
- 10.89. Given the history of the site, significant contamination is unlikely, to warrant an objection to a residential use at this stage. Any Technical Matters Consent would need to address contamination risks.

Amenity

- 10.90. A residential use is compatible with the mainly residential surroundings. Although there are farm buildings in close proximity of the site, there are numerous other dwellings in close proximity that are already affected by the general noise, disturbance and odours of living next to such buildings. As such, the proposed land use is acceptable in principle in terms of living conditions.
- 10.91. Any subsequent application would be expected to meet or exceed the separation distances

Land Use Summary:

- 10.92. Bearing in mind therefore, the land use elements of the permission in principle scheme are deemed to be acceptable.

Amount:

- 10.93. This proposal seeks to bring forward up to two dwellings on this site of 0.25 hectares, giving an overall density of 8 dwellings per hectare.
- 10.94. SADPD Policy HOU14 (Housing Density) states that “*residential development proposals will generally be expected to achieve a net density of at least 30 dwellings per hectare*”.
- 10.95. Whilst this target is somewhat higher than that which is provided, it is considered to be an appropriate balance to making efficient use of land and preserving the local character.
- 10.96. It is considered that a scheme comprising of up to two dwellings could be accommodated on this site in some configuration, to be agreed at stage 2. The ‘amount’ of development is therefore deemed acceptable.

11. HEADS OF TERMS AND CONDITIONS:

- 11.1. It is not possible for conditions to be attached to a grant of permission in principle, and its terms may only include the site location, the type of development and amount of development⁸.

⁸ Paragraph: 020 Reference ID: 58-020-20180615

- 11.2. The PPG⁹ advises that where permission in principle is granted by application, the default duration of that permission is 3 years.
- 11.3. Planning obligations (S.106 Legal Agreements) cannot be secured at the permission in principle stage.

12. PLANNING BALANCE

- 12.1. The proposed development lies within the Green Belt.
- 12.2. The proposals are not considered to fall within the 'limited infilling in villages' exception to inappropriate development. In consideration of the exception within paragraph 155 of the NPPF, that relating to grey belt, it is accepted that the application site represents grey belt land, it is also considered that the application site falls in a sustainable location. As such, it is also deemed that the proposals fall within the grey belt exception to inappropriate development in the Green Belt.
- 12.3. The Council cannot demonstrate a 5-year housing land supply. Paragraph 11 (d) of the NPPF, in conjunction with footnote 7, states that planning permission should therefore be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
- 12.4. The provision of up to two dwellings would be a benefit in the absence of a 5-year housing land supply, should a stage 2 permission be granted, the scheme would only provide a small addition to the supply.
- 12.5. The impact of the development on residential amenity, noise, air quality, contaminated land, highways, heritage & design, landscaping, ecology and drainage and flood risk would all be considered at the Technical Details Stage.

13. CONCLUSIONS:

- 13.1. For the reasons set out above, and having taken account of all matters raised, it is recommended that this application is approved.

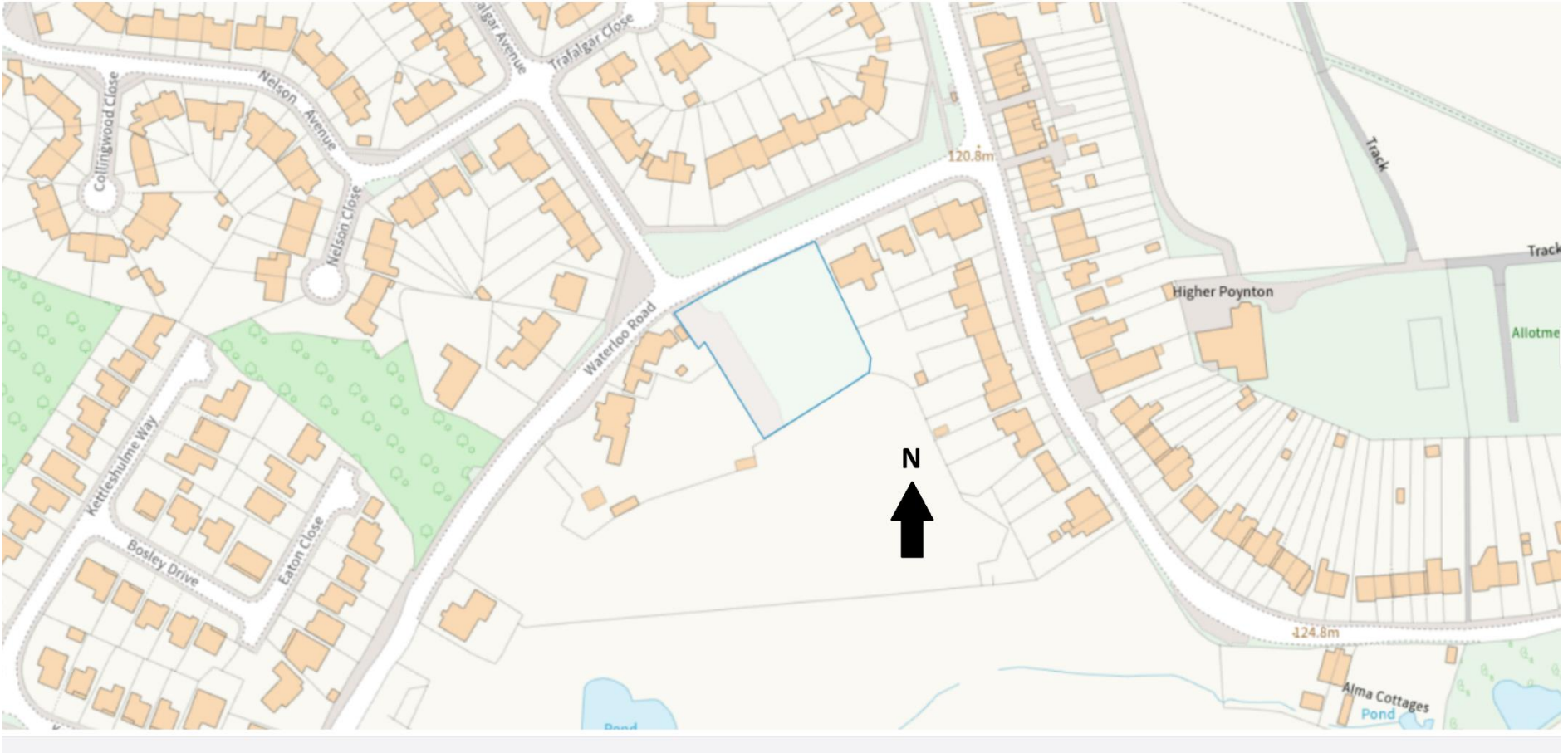
14. RECOMMENDATION:

- 14.1. Approve Permission in Principle.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern

⁹ Paragraph: 014 Reference ID: 58-014-20180615

Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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25/0454/PIP

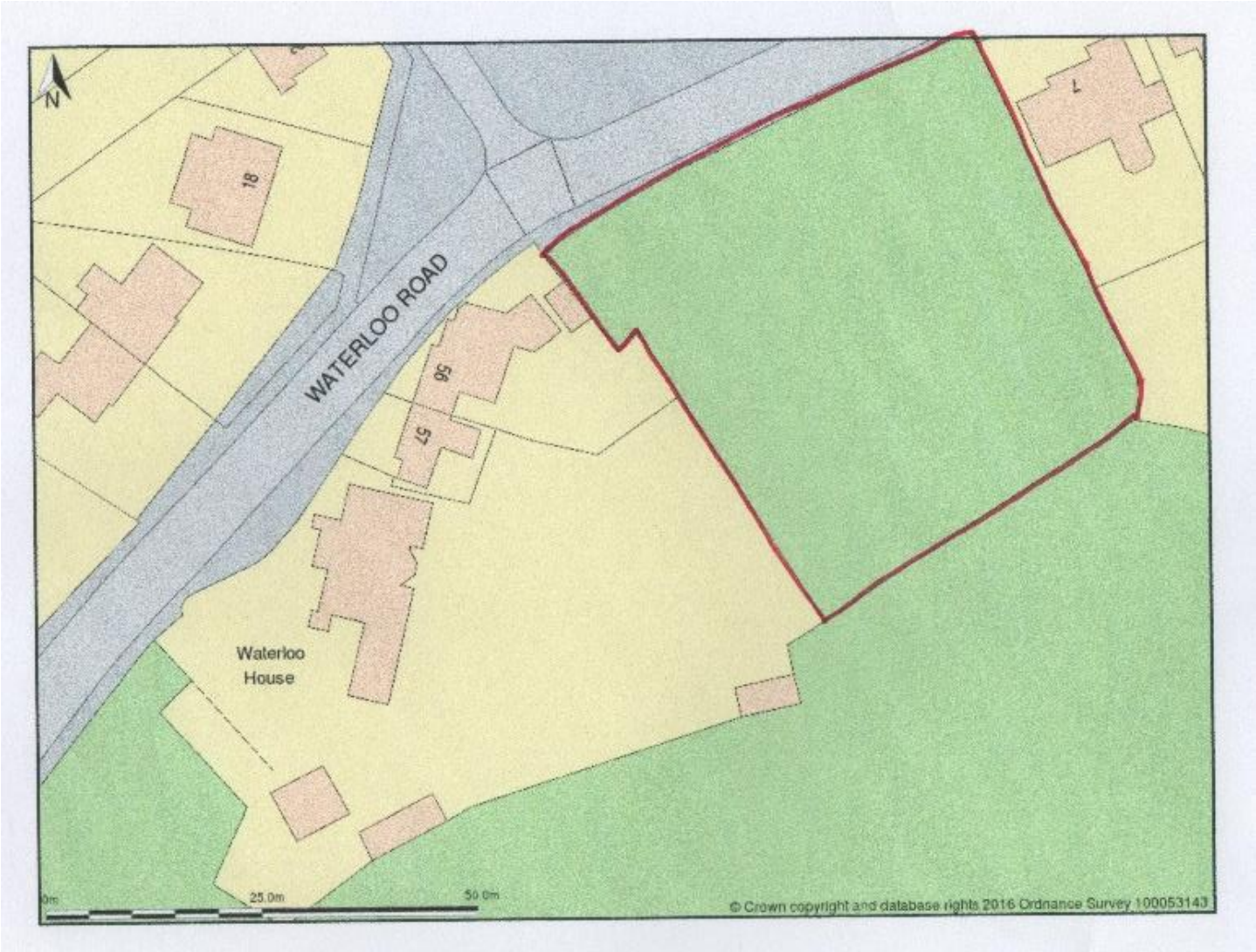
Land off Waterloo Road

Poynton

SK12 1RZ

Waterloo Road, Poynton, SK12 1RZ

Site location Plan 1



Application No: 25/0958/PIP
Application Type: Permission in Principle
Location: Land Off Bolshaw Farm Lane, Heald Green, Cheadle, Cheshire East, SK8 3JZ
Proposal: Permission in Principle for up to 6no. dwellings
Applicant: Mr Aiman Salama,
Expiry Date: 14-November 2025

Summary

It is considered that the site constitutes grey belt land, that would provide towards an unmet need, that need being Housing Land supply in a location which is on the whole considered to be sustainable relative to surrounding infrastructure and services and as such meets the parameters for paragraph 155 of the NPPF development, therefore the principle of the location and land use of the development is considered acceptable.

There are also no significant overarching concerns relating to: highways, access and parking; residential amenity; local character and design; ecology and biodiversity; trees and hedgerows; flood risk and drainage and contaminated land. This is subject to specific details relating to these items being provided for assessment at the Technical Details stage.

Summary recommendation

Approved – no conditions due to nature of the application type – technical consents to be submitted/ duration of the permission standard nationally set as 3 years from date of permission in principle.

1. REASON FOR REFERRAL

1.1 This application is referred to the Northern Planning Committee as it is advertised as a departure from policy, which the Head of Planning is minded to approve.

2. DESCRIPTION OF SITE AND CONTEXT

2.1 The site is greenfield or undeveloped land. The site is accessed via Bolshaw Farm Lane a part adopted (Cheshire East) and part private access.

2.2 The site is said to cover a 0.3ha area. It is noted from our internal mapping facility that the site is predominantly within the Cheshire East Local Planning Authority/Council area however slithers of the site to the North appear to be within the Stockport Metropolitan Borough Local Planning Authority/Council area boundaries. The following Officer Report only covers the policies/guidance relevant to planning for the Cheshire East Council area. See below image in Figure 1.

Figure 1 – Cheshire East Council area and Stockport Metropolitan Borough Council area, the latter shaded in grey, the magenta line indicates extent of adopted highways infrastructure



2.3 To the North of the site is the Heald Green area of Stockport, whilst to the South and including the site is the Cheshire East Green Belt. To the West is a series of large greenhouses associated with the W.Robinson and Sons wholesale plant nursery. To the South is a series of dwellings following a farm conversion known as Bolshaw Farm.

2.4 Further to the site visit conducted as part of the consideration of this application, it is noted the site is rather overgrown and does not appear to be managed in terms of landscaping. The site has many self-seeded plants, shrubs and trees both within the site and to its boundaries, those to the North at the boundary shared with Stockport are the most visually prominent, mature and largest. The site appears largely flat though some slight topographical changes may exist, noting this was difficult to appreciate given the current status of the site.

2.5 Bolshaw Farm Lane is a dual flow, single lane highway with a pedestrian pavement with streetlighting infrastructure to its Eastern then flowing into Southern sides (to one side of the Lane only).

2.6 The architectural narrative and scale is mixed, albeit all of domestic proportions and typical overall North-West vernacular. Dwellings to the North in Stockport are predominantly two storey, semi-detached finished in red brick with interlocking concrete tile roof and white framed fenestration on Davies Avenue. Those access off Bolshaw Farm Lane itself are larger, detached dwellings of similar external finishes and two storey scale. The dwellings forming part of the Bolshaw Farm conversion scheme in Cheshire East have a typical traditional rural, formerly agrarian characteristic in both form and materials.

3. DESCRIPTION OF PROPSAL

3.1 The proposed development is for the development of up to 6no. dwellings. The application is for Permission in Principle (PIP).

3.2 An indicative Site Layout supports the proposals appearing to show 6no. detached dwellings with 2no. off-road parking spaces accessed from a single point on Bolshaw Farm Lane focussed around a shared feature courtyard with roundabout to the South.

4. RELEVANT PLANNING HISTORY

4.1 03/0690P - demolition of agricultural buildings. change of use of existing agricultural buildings and farmhouse and erection of extensions to form 8no. two storey dwellings and 1no. bungalow with garages and associated landscaping and highway works – approved with conditions – 25th June 2003

5. NATIONAL PLANNING POLICY

5.1 The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

National Planning Policy Framework 2024 (NPPF) National Planning Practice Guidance (NPPG)

6. DEVELOPMENT PLAN POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

Cheshire East Local Plan Strategy 2017 (CELPS)

MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Hierarchy
PG3 Green Belt
PG7 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer Contributions
SC4 Residential Mix
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE8 Renewable and Low Carbon Energy
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
CO1 Sustainable Travel and Transport
Appendix C Parking Standards

Site Allocations and Development Policies Document 2022 (SADPD)

GEN1 Design Principles
GEN5 Aerodrome safeguarding
ENV1 Ecological Network

ENV2 Ecological Implementation
ENV3 Landscape character
ENV4 River corridors
ENV5 Landscaping
ENV6 Trees, hedgerows and woodland implementation
ENV7 Climate Change
ENV14 Light Pollution
ENV15 New development and existing uses
RUR5 Best and Most Versatile Agricultural Land
HOU1 Housing Mix
HOU8 Space, accessibility and wheelchair housing standards
HOU12 Amenity
HOU13 Residential Standards
HOU14 Housing density
INF3 Highways Safety and Access

Neighbourhood Plan

6.2 Policies of the Neighbourhood Plan relevant to the consideration of this application are:

Handforth Neighbourhood Plan (HNP)

H1 New Housing in Handforth
H2 Providing Appropriate House Types, Tenures and Sizes to meet Local Needs
H8 Landscape and Biodiversity
H9 Trees and Hedgerows
H11 Encouraging High Quality Design
H12 Surface Water Management
H13 Supporting the Local Economy
H16 Congestion and Highway Safety
H18 Promoting sustainable transport

7. Relevant supplementary planning documents or guidance

7.1 Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

Nationally Described Space Standards (NDSS)
Ecology and Biodiversity Net Gain SPD
Environmental Protection SPD
SuDS SPD
Housing SPD
Cheshire East Borough Design Guide SPD
Green Belt Assessment Update 2015

8. CONSULTATIONS (External to Planning)

8.1 United Utilities – request that Technical Consent include surface and foul water drainage based on hierarchy full investigation and if sustainable options not achievable why connection to public sewers are acceptable.

8.2 Highways Officer – no objections consider Bolshaw Farm Lane is constructed to a suitable standard as existing to act as an access to the site.

8.3 Environmental Protection Officer – no objections, informatives and conditions requests though cannot be actioned as part of a PIP application/decision. They refer to the Developers Guide as to the types of Assessments and Reports that should support any Technical Details consent concerning pollution and contaminated land.

8.4 Manchester Airport – no objections recommended conditions though cannot be actioned as part of a PIP application/decision.

8.5 Lead Local Flood Authority – objected to the proposals due to the lack of detailed drainage strategy/design plan for the site.

8.6 Stockport Metropolitan Borough Council - no comments or objections to make. No concern over the connecting highway which is under their jurisdiction and do not consider there to be concern with Bolshaw Farm Lane and Bolshaw Road being adopted or being capable of accommodating the additional traffic that would be generated by the small-scale development that is under consideration.

8.7 Handforth Town Council – object to the proposals for the following summarised reasons:

- Development would result in a direct extension of Greater Manchester in what is a part of the core separation between Handforth, Cheshire East and Stockport, Greater Manchester to the North and therefore is unacceptable in principle concerning development of a Green Belt site where they consider no 'Very Special Circumstances' exist that outweigh harm to the Green Belt for other reasons.
- They consider the development doesn't fall within any exception Green Belt criteria and point to paragraph 70 of the NPPF relevant to Handforth Neighbourhood Plan in that there are extant permissions in the locality sufficient to meet the neighbourhood need. They consider there is an over-delivery of homes in the borough as part of the 2023 Housing Delivery Test.
- They consider that this site should have the same protection from development as expressed in the Planning Inspectorates dismissed appeal APP/R0660/W/21/3274056 in that it needs to be retained as undeveloped to ensure the prevention of urban sprawl and the merging of neighbouring towns – it is therefore not Grey Belt land.
- The applicants are unable to demonstrate the proposals of 6no. homes would comply with policies covering residential amenity of existing neighbours concerning the Cheshire East Local Plan, Site Allocations and Development Policies Document and the Handforth Neighbourhood Plan.
- The site is not sustainably located and is a significant separation distance from the local services and infrastructure available within Handforth and Stockport.
- The site cannot be used to address the neighbouring Authority Stockports' Housing Land supply shortfall.

9. REPRESENTATIONS

9.1 8no. comments were received from interested parties objecting to the proposals summarised as follows:

- Inappropriate development in the Green Belt which does not meet relevant exceptions for new development such as Grey Belt. It would result in uncontrolled sprawl and neighbouring towns joining together Heald Green, Stockport and Handforth, Cheshire East. It would be detrimentally harmful to its key characteristics its openness and permanence with no Very Special Circumstances demonstrated.
- Handforth and the immediate area has enough housing and therefore the site should not be used towards either Council areas Housing Land Supply.

- The proposals would detrimentally impact local services and infrastructure such as schools, doctors, water pressure, waste management and internet.
- The proposals would detrimentally impact wildlife such as Great Crested Newts, foxes, owls, bats, house martins, hedgehogs and others.
- The sites ecological value should prevent it from being included as Grey Belt.
- The proposals would detrimentally impact road safety as the access is barely wide enough for 2no. vehicles to pass. There are already parking issues on the lane due to uses of the nearby Mosque parking and walking to it for services.
- The proposals would detrimentally impact quality of life. The plans show no pedestrian infrastructure and would result in overlooking/loss of privacy for those on Davies Avenue and Bolshaw Farm Lane.
- The proposals would increase local flood risk and water management issues due to development of greenfield site.
- The proposals would be detrimental to the local character concerning merging of Heald Green and Handforth and the immediate rural/open countryside feeling and transitional point of the area. The proposals would represent the overdevelopment of a constrained site.
- The proposals would be detrimental to off-site trees in other ownership.
- Lack of publication and consultation letters to affected neighbours.

10. OFFICER APPRAISAL

Permission in Principle

10.1 The 'Permission in Principle' consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.

10.2 The Permission in Principle consent route has two stages: -

1. The first stage (or permission in principle stage) establishes whether a site is suitable in-principle; and
2. The second stage ('technical details consent') is when the detailed development proposals are assessed.

10.3 The scope of Permission in Principle is limited to the following;

- Location;
- Land Use; and
- Amount of Development.

10.4 Issues relevant to these 'in principle' matters should be considered at the Permission in Principle stage. Other matters should be considered at the Technical Consent stage (Local Planning Authorities cannot list the information they require for applications for Permission in Principle in the same way they can for planning permission).

10.5 It is not possible for conditions to be attached to a grant of Permission in Principle and its terms may only include the site location, the type of development and the amount of development. The Local Planning Authority (LPA) can inform the applicants what they expect to see at the technical details stage.

10.6 It is not possible to secure a planning obligation at the Permission in Principle stage.

10.7 The Local Planning Authority may not grant Permission in Principle for a major development, which is where the number of houses is 10 or more, the floor space created is 1,000sqm or more or the development is carried out on a site having an area of 1 hectare or more. In this case the development is for 6 units and the site has an area of less than 1 hectare. The floor-space to be created is unknown at this stage but would need to be assessed at the Technical Details stage.

Green Belt

10.8 As the site is within the Green Belt involving new development policy PG3 of the CELPS, H1 of the HNP are relevant alongside paragraphs 154 and 155 of the NPPF.

10.9 The site is undeveloped, greenfield land. The site is not within a village infill area. Taking these points into account it is not considered that the proposal represents new development that complies with any of the exception criteria listed in PG3 of CELPS or paragraph 154 of the NPPF.

10.10 The applicants suggest that the proposal is acceptable in principle as it would comply with paragraph 155 of the NPPF and utilise Grey Belt land in a scenario where the site is sustainably located overall and would meet an unmet need for the type of development proposed in this case housing. Paragraph 155 of the NPPF is not reflected in policy PG3 of the CELPS, and this policy is therefore not wholly consistent with the NPPF, which reduces the weight to be afforded to policy PG3.

10.11 Paragraph 155 of the NPPF reads *'The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:*

- (a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- (b) There is a demonstrable unmet need for the type of development proposed⁵⁶;*
- (c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and*
- (d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.'*

10.12 The proposals will be assessed for compliance with each of the relevant parameters of paragraph 155 in turn, with the principle only being acceptable subject to adherence to all factors.

Is the land Grey Belt (NPPF para 155(a)):

10.13 The NPPF provides a definition of Grey Belt land within its glossary of *'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'*

(Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.)

10.14 The site is not previously developed land (PDL/brownfield land). Purposes (a), (b) and (d) listed in paragraph 143 are:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (d) to preserve the setting and special character of historic towns

10.15 The determination on whether the site should be classed as 'grey belt' is initially a question about whether the site does not strongly contribute to either purpose (a), (b) or (d) of the Green Belt. The Cheshire East Green Belt Land Assessment Update 2015 (CEGBLA) is relevant to these considerations. The CEGBLA refers to majority of land parcels around the Handforth area as making 'significant' or 'major' contributions to the Green Belt in Cheshire when assessed against the five purposes. The application site forms part of HF07 as identified in the CEGBLA.

10.16 HF07 covers a 23.8ha, whereas the application site covers a 0.3ha. The site is also nestled between the edge of the existing Heald Green, Stockport sub-urban transitional area and a farm re-development of Bolshaw Farm, which is in Handforth, in a wide, but narrow (North to South) gap. Even if this parcel were developed there would still remain a 550m (as crow flies) gap between the Southern edge of the site and the most Northern edge of the defined settlement of Handforth, Cheshire East, with a large undeveloped area of agricultural land between and the relief road. On balance it is not considered that the development of this smaller part of the overall HF07 parcel would result in the unrestricted sprawl of large built-up area, and therefore the site is not considered to make a strong contribution to purpose (a). Similarly, the proposal would not result in neighbouring towns merging into one another, and therefore is not considered to make a strong contribution to purpose (b). Finally, in terms of purpose (d) (preserve the setting and special character of historic towns), the CEGBLA states that the site (HF07) makes 'No contribution: Handforth is not a historic town.' This is considered to be the case for the application site, and therefore it does not make a strong contribution to purpose (d).

10.17 As such, the application proposals are considered to meet this key test as to whether a site represents Grey Belt in that the site is not considered to 'strongly' contribute to either purposes a, b or d.

10.18 In terms of the areas or assets listed in footnote 7, the only one of relevance to the application site is that a small part of the site is at risk of flooding. As is explained further below (in flood risk section of report) this is a limited area and is at a low risk of flooding, and as such this would not provide a strong reason for refusing or restricting development.

10.19 The site is therefore considered to be grey belt, as defined in the NPPF.

10.20 Turning to the consideration of whether the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The proposal would not result in the encroachment of the countryside given that it is an extremely limited, small and already enclosed portion of land between existing urban development. In respect of 143 (e) (assisting in urban regeneration) it would not fundamentally conflict with this as there is limited previously developed land potential in both Heald Green and Handforth areas as noted on page 228 of the HF07 assessment in the Green Belt Assessment Update. Taking all the above matters into account, it is considered that the proposals would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

10.21 Paragraph 155 (a) criterion is met.

Is there an unmet need for the type of development? (NPPF para 155 (b))

10.22 The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

10.23 As the plan is more than five years old, deliverable housing land supply is measured using the local housing need figure (plus 5% buffer), which is currently 2,603 dwellings per year rather than the LPS figure of 1,800 dwellings per year.

10.24 The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These include:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.

10.25 In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2024) was published in April 2025. The published report identifies a deliverable five year housing land supply of 10,011 dwellings which equates to a 3.8 year supply measured against the five year local housing need figure of 13,015 dwellings.

10.26 The 2023 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 12 December 2024 and this confirms a Housing Delivery Test Result of 262%. Housing delivery over the past three years (7,392 dwellings) has exceeded the number of homes required (2,820). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

10.27 In the context of five-year housing land supply, relevant policies concerning the supply of housing should be considered out-of-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is engaged.

10.28 There is therefore an unmet need for the development, which would provide a positive contribution of 6no. dwellings towards the Councils Housing Land supply.

10.29 Paragraph 155 (b) criterion is met.

Sustainable location? (NPPF para 155 (c))

10.30 Related to the 155(c) assessment are NPPF paragraphs 110 and 115.

Paragraph 110 of the NPPF states that significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 of the NPPF states that a) sustainable transport modes are prioritised, b) safe and suitable access can be achieved c) the design of the scheme should meet national guidance and d) any highways impact mitigated

10.31 The site is accessible on foot to the wider area due to the presence of pedestrian pavements to at least one side of the adopted highway. It is on the edge of the existing built up area of Heald Green, Stockport.

10.32 Policies SD1 and SD2 of the CELPS provide an overview of what types of sites may be considered as being sustainably located with regards to proximity to and availability of infrastructure including transport and other supporting facilities. Within the justification text of policy SD2 of the CELPS is Table 9.1 which sets out recommended distances, dependent on location, that new development is expected to be within distance of. Table 9.1 is provided below:

Criteria	Distance
Public Transport	
Bus Stop	500m
Public Right of Way	500m
Railway Station	2km where geographically possible
Open Space	
Amenity Open Space	500m
Children's Playground	500m
Outdoor Sports	500m
Public Park and Village Green	1km
Services and Amenities	
Convenience Store	500m
Supermarket	1km
Post Box	500m
Post Office	1km
Bank or Cash Machine	1km
Pharmacy	1km
Primary School	1km
Secondary School	1km
Medical Centre	1km
Leisure Facilities	1km
Local Meeting Place / Community Centre	1km
Public House	1km
Child Care Facility (nursery or crèche)	1km

10.33 Footnote 37 and 38 states '37. As a guide, a range is considered to be within the maximum recommended distance of a bus stop; a multi-functional open space; and a convenience store, in addition to four or more other services or amenities, dependent on location. 38 Recommended distances are set out in Table 9.1 below. The council will have regard to proposed improvements to services and amenities that are to be brought forward as part of the development.'

10.34 Table 1 below shows the compliance with the distances to facilities and services as listed in SD2 of the CELPS Table 9.1 as red for non-compliance and green for compliance.

Criteria	Distance (km)	Location
Public Transport		
Bus Stop	0.7	Southgate Centre, Wilmslow Road
Public Right of Way	0.65	Handforth PROW FP21
Railway Station	2	Heald Green Train Station
Open Space		
Amenity Open Space	1.9	Stanley Hall Park
Children's Playground	1.9	Stanley Hall Park
Outdoor Sports	0.85	Cheadle and Gatley F C
Public Park and Village Green	1.3	Heald Green Village Hall
Services and Amenities		
Convenience Store	0.55	A1 Convenience Store
Supermarket	2.7	Tesco Handforth Dean
Post Box	0.6	Davies Avenue
Post Office	0.55	A1 Convenience Store
Bank or Cash Machine	0.8	Morrisons Daily
Pharmacy	1.8	Well Pharmacy
Primary School	0.75	Bolshaw Primary School
Secondary School	3.4	Cheadle Hulme High School
Medical Centre	1.6	Hulme Hall Medical Group
Leisure Facilities	4.2	Life Leisure Cheadle
Local Meeting Place/Community Centre	1.3	Heald Green Village Hall
Public House	0.7	Wagon and Horses, Wilmslow Road
Child Care Facility (nursery or creche)	0.95	The Little Acorns Day Nursery

10.35 The site is not within the maximum recommended distance of a bus stop, multi-functional open space, but is within the recommended maximum distance of a Railway Station, Convenience Store, ATM, Primary School, Public House and Child Care Facility. Whilst this may be the case, it is clear following site visit the immediate area feels walkable, with intact, recently upgraded pedestrian infrastructure and street lighting that provides safe walking routes to these services. Some of the services/facilities listed such as Post Box, Post Office, Outdoor Sports, Bus Stop and PROW are only just outside the maximum recommended distance thresholds. On balance, it is considered that there are opportunities to reach the services listed as being beyond the recommended distance standards via public transport or other transport options such as cycling. It is therefore

considered that the site is sustainably located on the whole with options for services or facilities within reasonable distances within Stockport Metropolitan Borough Council area to the North and Cheshire East Council are to the South.

10.36 Paragraph 155(c) criterion is met.

Highway Access, Safety and Parking Provision:

10.37 Concern was raised within letters of representation regarding the safety of the access and the intensification of use on the highways network, the parking levels and the use of the lane for parking associated with the nearby Mosque. Technical matters such as access safety or layout details are considered at a later stage if this application is approved. The site would also need to provide sufficient off-street vehicle and cycle parking provision in accordance with CEC parking standards for new dwellings. Any Technical Details application would need site access and visibility splay drawings concerning any new access taken off Bolshaw Farm Lane. It should also be noted that no objections are raised by the Highways officer, or by Stockport MBC.

Residential amenity and design/local character

10.38 Whilst the comments from the public concerning residential amenity regarding privacy, overlooking and overbearing impacts are noted, these are unable to be considered as part of this Stage 1 PIP application. Any future Technical Matters application should be supported by detailed plans, elevations and streetscene information including levels that provide context of neighbouring dwellings that show compliance with the relevant design, character and residential amenity policies. The housing is also expected to meet the Nationally Described Space Standards, to provide sufficient internal living accommodation. New housing is expected to also provide suitable levels of external amenity space for new occupants. In terms of the amount of development proposed it is considered 6no. dwellings could be accommodated on the site taking into account local plot size themes/density and would not represent overdevelopment of a constrained site.

Ecology and Biodiversity Implications

10.39 Concern was raised as to the impact of the development on nature conservation, ecology and biodiversity of the site. As stated above Local Planning Authorities must not grant permission in principle for development which is likely to affect a Habitat Site (as defined within the NPPF). The site does not trigger Natural England's SSSI Impact Risk Zones so there are unlikely to be any issues with sites designated under the Habitat Regulations. Technical Details consent should be supported by Preliminary Ecological Appraisal and any supporting Ecological Assessments that recommends and Biodiversity Metrics regarding Biodiversity Net Gain.

Trees and Hedgerows

10.40 The Forestry Officer has reviewed the proposals and notes that 'Trees located to the northern boundary of the site are subject to the Stockport Metropolitan Borough Council Bolshaw Farm, Heald Green) Tree Preservation Order 1989, which protects a group of trees comprising of four Oak, two Sycamore and one Ash which follow the rear garden boundaries of properties on Davies Avenue. Whilst the TPO is administered by the neighbouring Authority the protected trees are a material constraint and must be retained and safeguarded in accordance with Local Plan Policy SE 5 (Trees, Hedgerows and Woodland) and Policy ENV6 (Trees, Hedgerows and Woodland) of the Site Allocations and Development Policies Document (SADPD).

10.41 Key Considerations for future development

1. Root Protection Areas (RPAs):

Any future layout must demonstrate that the RPAs of retained TPO trees can be retained and protected in accordance with BS 5837:2012. This includes avoiding encroachment from buildings, hard surfacing, and underground services.

2. Canopy Spread and Shading:

The siting of any proposed dwelling must consider the future growth potential of retained trees, their relationship and social proximity to development, shading impact, and seasonal nuisance (e.g., leaf fall), which could lead to future pressure for removal or inappropriate pruning.

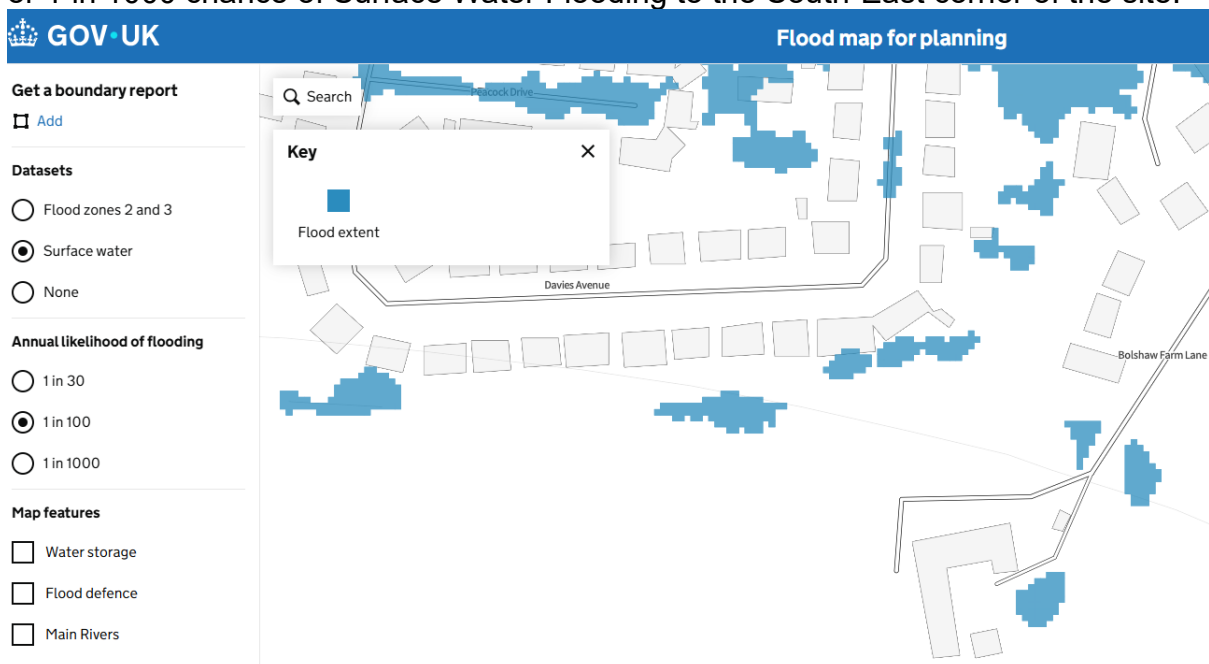
3. Access and Infrastructure:

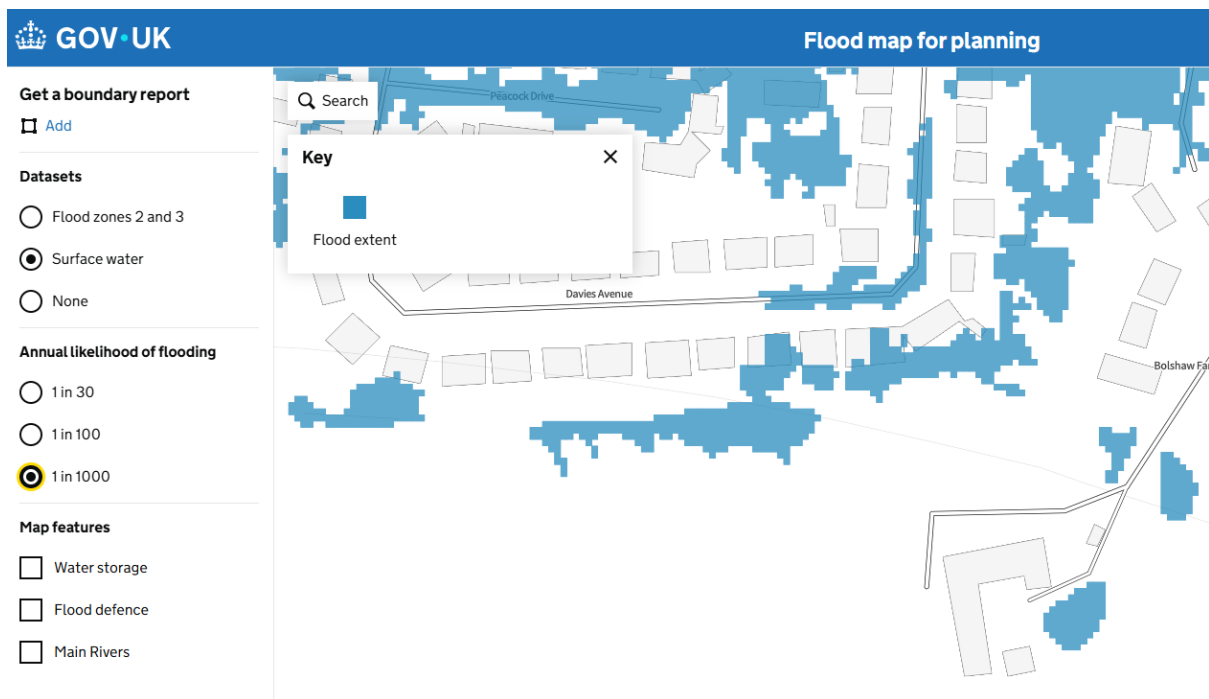
The design of access routes, driveways, and service connections must avoid conflict with RPAs. This should be addressed at the Technical Details stage with a detailed Arboricultural Impact Assessment (AIA) and Method Statement (AMS).

10.42 The site contains retained TPO trees that represent a significant constraint to development. While the principle of development may be acceptable, accommodation of six dwellings potentially could have an adverse impact on protected. Any future Technical Details application must therefore be supported by a comprehensive AIA and AMS which must demonstrate that the proposed development can be achieved without detriment to the health or amenity value of the protected trees, in accordance with Policies SE 5 and ENV6.

Flood Risk/Drainage

10.43 The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. There is a small pocket of 1 in 100 chance or 1 in 1000 chance of Surface Water Flooding to the South-East corner of the site.





10.44 Paragraph 175 of the NPPF is relevant in that *'The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).'*

10.45 Given the limited area and relatively low risk nature of flooding on part of the site as indicated it is not considered that a sequential test is required to support the proposals. It is considered that the number of units indicated, nature of topography and site constraints can facilitate a suitable layout and mitigation without further detrimental implications on flood risk or water management.

10.46 It is noted that the LLFA has objected to the proposals due to the lack of detailed drainage strategy plan. Notwithstanding this given the site is located in an overall low flood risk and surface water flooding area the drainage implications can be considered at the Technical Details stage and any future application would need to be supported by a Flood Risk Assessment and Detailed Drainage Strategy.

Contaminated Land

10.47 The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. This matter would be dealt with at the Technical Details stage. The Environmental Health Officers note it is within a landfill impact zone and is listed within both high/low and Coal Mining Activity Risk Zones with known coal seams through part of the site where there may have been unrecorded coal workings which could have resulting gas, land stability and health and safety issues. A Phase I and Phase II will be required to support any Technical Details application with emphasis on gas monitoring and better understanding of the on-site coal deposits.

Other matters

10.48 Whilst neighbours have indicated the presence of items that were previously refused planning permission and apparently sought for removal from the site, these matters do not bear weight on the determination of this application and are separate matters for enforcement.

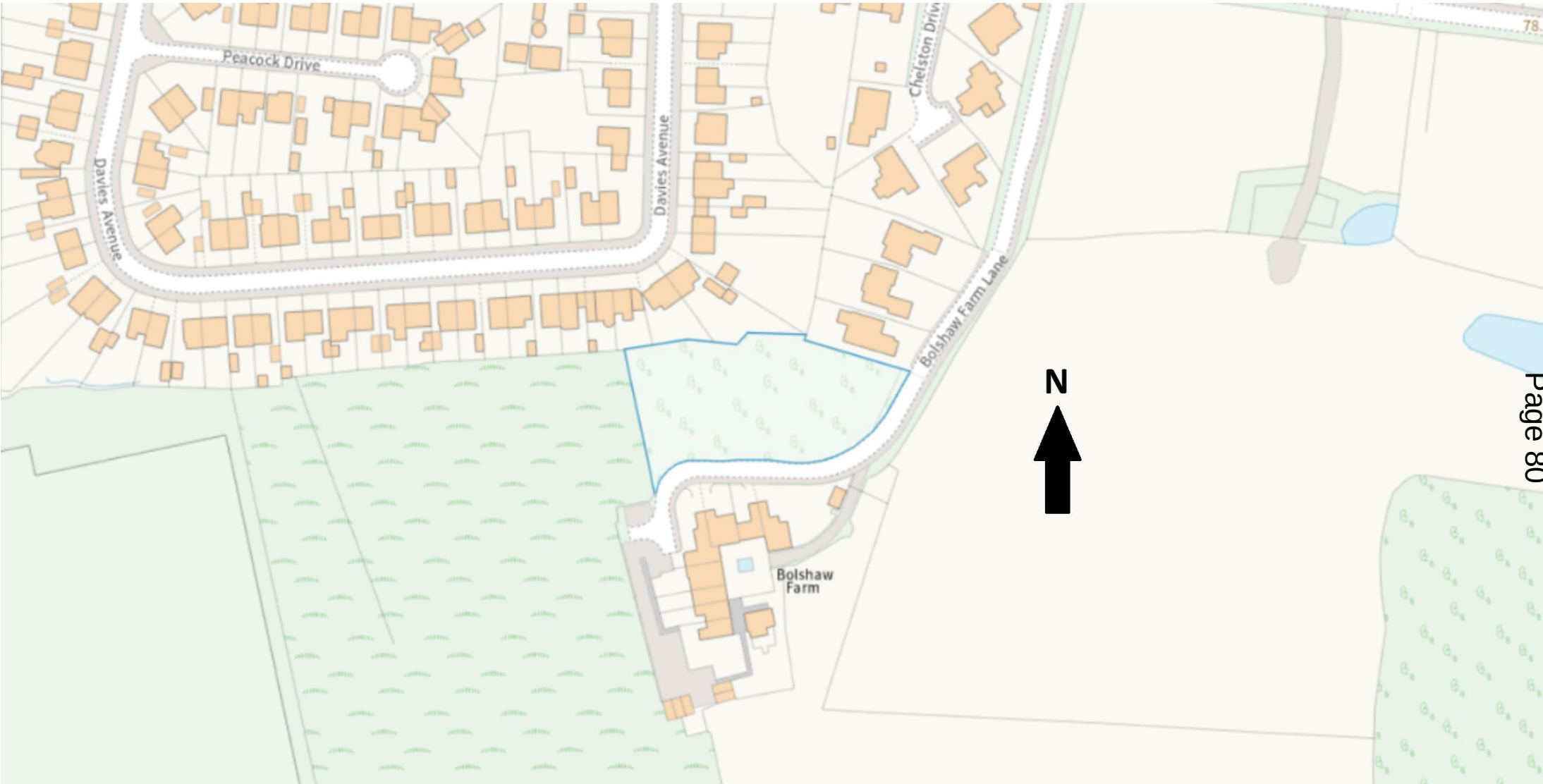
11. PLANNING BALANCE/CONCLUSION

11.1 As the land use, location and amount of development is considered to be acceptable, it is recommended that Permission in Principle is approved.

12. RECOMMENDATION

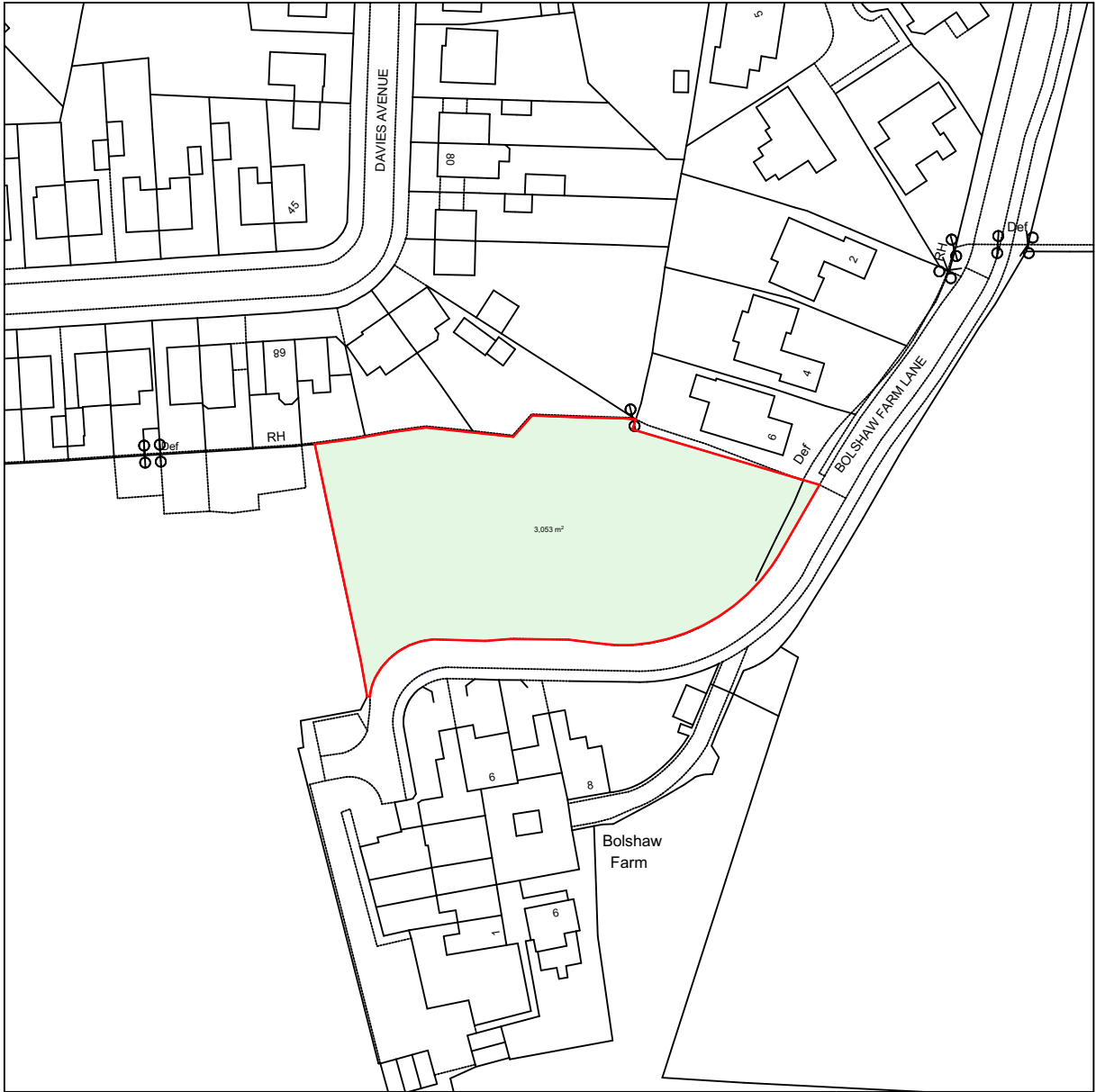
12.1 Approve – no conditions due to nature of the application type – technical consents to be submitted/ duration of the permission standard nationally set as 3 years from date of permission in principle.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



25/0958/PIP

Land off Bolshaw Farm Lane,
Heald Green,
Cheadle
SK8 3JZ



notes

This drawing is subject to a detailed building and site survey, therefore no guarantee of its accuracy can be given. This drawing has been draughted in accordance with the clients design requirements.

All areas are approximate and are subject to a detailed building and site survey and further design development.

All dimensions should be checked prior to commencement of construction on site. Measurements should not be taken off the drawing.

All dimensions shown are in millimetres (mm).



PL0 Planning Issue04.03.25

revisions



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D - design	PL - planning	PT - pre-tender
T - tender	P - preliminary	
C - construction	R - record	

AIMAN SALAMA

FEASIBILITY STUDY
LAND ON BOLSHAW FARM
LANE, STOCKPORT, SK8 3JZ

EXISTING LOCATION PLAN

scale	date	drawn	checked
1:1250 @ A3	04.03.25	MI	AC
job no	(category) dwg no	revision	
23-1258	(01)001	PL0	

Drawing measurements shall not be obtained by scaling. Verify all dims prior to construction. Immediately report any discrepancies on this drawing to Architect. This drawing shall be read in conjunction with associated specifications and related consultant's documents.



notes

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PL0 Planning Issue 04.03.25



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AIMAN SALAMA

FEASIBILITY STUDY
LAND ON BOLSHAW FARM
LANE, STOCKPORT, SK8 3JZ

PROPOSED GA SITE PLAN

scale	date	drawn	checked
1:500 @ A3	04.03.25	MI	AC

job no	(category) dwg no	revision
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23-1258	(04)001	PL0
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Drawing measurements shall not be obtained by scaling. Verify all dims prior to construction. Immediately report any discrepancies on this drawing to Architect. This drawing shall be read in conjunction with associated specifications and related consultant's documents.

PROPOSED SITE PLAN

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OPEN

Northern Planning Committee

12 November 2025

Cheshire East Borough Council (Chelford – Land south of Pepper Street) Tree Preservation Order 2025

Report of: David Malcolm - Head of Planning

Ward(s) Affected: Chelford

Purpose of Report

- 1 To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 15th July 2025 at Land south of Pepper Street, Chelford; to consider representations made to the Council with regard to the contents of the TPO and to determine whether to confirm or not to confirm the Order.

RECOMMENDATIONS

The Head of Planning (Regeneration) recommend that the Northern Area Planning Committee confirm the Tree Preservation Order at Land south of Pepper Street, Chelford with no modifications.

There may be calls to review the Order following confirmation into Individuals and groups

Background

Introduction

- 2 The circumstances are that requests were received in October 2024 to protect mature trees located along the eastern boundary of a plot of land following a known change of ownership. At that time there was no perceived immediate threat to the trees.
- 3 On 10th July 2025, further communication was received reporting damage to one of the Oak trees. Following investigation, a Permission in

Principle (PIP) application (Ref: 25/0364/PIP) had been approved for the erection of a single dwelling to the north of the site.

- 4 Ongoing communication with a local resident on 15th July 2025 confirmed that tree surgeons had returned to site and were conducting further pruning; alleging further work would also be carried out, indicating preparation for future development, including claims that two additional dwellings were proposed.
- 5 An officer visit assessed the amenity of the trees and evaluated their visibility and contribution as viewed from public vantage points. It was concluded that the area comprises of extensive, mature, and high-value trees, characteristic of the sylvan setting and landscape character of the area. Given the indication of incremental removal and tree works carried out, it was considered that a credible threat to the trees existed.
- 6 An assessment of the trees has been carried out in accordance with the Council's adopted amenity evaluation checklist which establishes that the trees contribute significantly to the amenity and landscape character of the surrounding area and are therefore considered to be of sufficient amenity value to justify protection by a Tree Preservation Order.
- 7 Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 15th July 2025.

Objections/representations

- 8 The Council has received one objection to the Tree Preservation Order and the protection.
 - 8.1 **Objection 1** – A report prepared by Shields Arboricultural Consultancy (PSS/TPO/08/25) sent to the Council from A E Planning Consultants on behalf of Henty Capital Ltd
 - 8.1.1 *Absence of Individual Assessment - The Area TPO applies indiscriminately to all trees, without evidence of individual assessment of amenity value. This approach fails the proportionality requirement under statutory guidance*
 - 8.1.2 *Disproportionate and Unreasonable Restrictions - By treating all trees—whether of high quality or poor condition—as equally worthy of protection, the order imposes restrictions that are neither necessary nor reasonable*
 - 8.1.3 *More Appropriate Alternatives Exist - Selective individual or group TPOs, based on structured assessment would better align with*

statutory purpose and ensure protection of genuinely important specimens while allowing proper management of others

8.1.4 Risk to Arboricultural Health - A blanket order risks restricting necessary management of poor or declining specimens, potentially leading to decay and hazards. Removal and replacement may in some cases be the most beneficial approach, which the current order obstructs.

8.1.5 Legal Incoherence - The High Court has made clear that protections must be justified on a tree-by-tree basis, not imposed generally. The broad-brush Area TPO conflicts with this principle.

8.1.6 Improper Motivation - The evidence suggests that the order was prompted by neighbour pressure arising from and motivated by disputes and private grievances, rather than an objective assessment of arboricultural value

Appraisal and consideration of Objection 1

Absence of Individual Assessment

- 9 Government guidance (Planning Practice Guidance Tree Preservation Orders and Trees in Conservation Areas) acknowledges that TPOs may be made in respect of individual trees, groups of trees, areas or woodlands.
- 10 The Area Category is a legitimate form of protection and was used as an emergency measure due to a large branch being removed from a mature Oak, allegedly without consent from the tree owner. The contractor involved reportedly made threats of further similar works to trees along the same tree line and therefore an Area designation was deemed appropriate to safeguard all trees within a defined area. Notably Permission in Principle (25/0364/PIP) had already been granted for development of land adjacent to the northern end of the tree line and one mature tree on the road frontage was known to have been removed within that area prior to determination of the application. The Area TPO was made expediently to prevent further loss or potential damage to trees within the area. The Order will be subsequently reviewed to consider whether it is appropriate to change the designation to individual or groups based on amenity value to ensure proportionality of the Order.

Disproportionate and Unreasonable Restrictions

- 11 Government Guidance acknowledges that TPOs should not be used to impose disproportionate or unreasonable restrictions but clarifies the decision to protect trees must be based on their amenity value and potential risk of the trees being felled, pruned or damaged which would impact on the amenity of the area. Trees may also be at risk from development pressures and change in property ownership where intentions to fell trees may not be known, where it may be appropriate to make TPOs as a precautionary measure.
- 12 The TPO was made following a site visit by a qualified officer who determined that the trees in question contributed significantly to the amenity of the area and based on the reports received were potentially at risk. The order does not restrict all work to trees but ensures that any proposed work is subject to appropriate scrutiny to safeguard the trees amenity value.
- 13 The TPO does not impose unreasonable or disproportionate restrictions and provides a balanced approach, consistent with Government guidance, ensuring trees of public amenity value are protected whilst allowing for management through the application process.

More Appropriate Alternatives Exist

- 14 Whilst the use of selective individual or group designations for TPO's based on a structured assessment is acknowledged as a valid approach, the current Area TPO serves as a necessary and proportionate interim measure to provide immediate protection and prevent the potential loss or mismanagement of trees before a more detailed assessment can be undertaken. This approach balances the need for urgent protection and subsequent refinement of the Order to ensure important specimens are safeguarded.

Risk to Arboricultural Health

- 15 Government guidance recognises that whilst Tree Preservation Orders serve to protect trees of amenity value, they should not obstruct arboricultural management necessary for the health of trees. In such cases, the Order does not prevent reasonable and justified work and appropriate intervention for trees in declining health would be dealt with through the submission of a formal application to remove affected trees and replacement where appropriate.

Legal Incoherence

- 16 Whilst the High Court emphasises the need for tree-specific justification, this does not render Area TPOs legally incoherent provided it is used appropriately and followed by a detailed assessment as soon as practicable that produces a more refined TPO based on individual tree merit. A subsequent assessment will be carried out at the appropriate time to consider refining the TPO into individuals or groups. This current approach therefore aligns with statutory powers under Section 198 of the Town and Country Planning Act 1990 and Government Guidance.

Improper Motivation

- 17 The decision to make the Order was based on a professional arboricultural assessment of the tree's contribution to public amenity, including visual prominence and potential longevity. Whilst public representations may have drawn attention to the trees, the decision to make the order was based on objective criteria. In this case the following factors contributed to the Council's decision:

The Change of ownership of the land

- An approved Permission in Principle planning application.
- Pre-emptive felling of a high amenity Copper beech tree prior to determination of the planning application.
- Tree Works exceeding BS3998:2012 Tree work – Recommendations.
- Requests to protect the trees dating back to October 2024 further to change of ownership of the land.
- A systematic Amenity Evaluation in accordance with Planning Practice Guidance

Whilst neighbour concerns may have initiated scrutiny, the making of this TPO was based on arboricultural and amenity-based criteria and the degree of threat present at the time. These factors demonstrate that the decision-making process was transparent, evidence-led, and consistent with national guidance.

Consultation and Engagement

- 18 A TPO must be served upon anyone who has an interest in land affected by the TPO including owners and adjacent occupiers of land directly affected by it. There is a 28 day period to object or make representations

in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

- 19 The Order was served on the owner of the property and any property whose title deeds extended up to the boundary of the assessed. Copies of the Order were also sent to Ward Members and Peover Superior and Snelson Parish Council.

Reasons for Recommendations

- 20 Change of use of the land and recent activity on the site in relation to an approved Permission in Principle Application are considered to provide adequate justification for the service of this TPO to ensure that the most important trees which contribute to the landscape character are retained with the existing and future land use in mind.
- 21 The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of high amenity value.

Implications and comments

- 22 The service of the TPO is considered necessary as without the protection the Order affords the present amenity of the tree line could be detrimentally impacted in the longer term

Monitoring Officer/Legal

- 23 The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage, or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

Section 151 Officer/Finance

- 24 The Decision to confirm the Order could be challenged by applying to the High Court under Sections 284 and 288 of the Town & County Planning Act 1990 if it can be demonstrated that;
- (1) The order is not within the powers of the Town and Country Planning Act 1990

(2) The requirements of the Town & Country Planning (Tree Preservation) (England) Regulations 2012 have not been met

The costs associated with defending a challenge would be borne by the Council

Policy

25 Cheshire East Local Plan – SE5 - Trees, hedgerows and woodland

Equality, Diversity and Inclusion

26 No direct implication

Human Resources

27 No direct implication.

Risk Management

28 No direct Implications

Rural Communities

29 No direct implication

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

30 No direct implication.

Public Health

31 No direct implication.

Climate Change

32 The Order contributes to the Council's Climate Change Action Plan and commitment to reduce the impact on our environment and become carbon neutral by 2025

Access to Information	
Contact Officer:	Emma Hood emma.hood@cheshireeast.gov.uk

Appendices:	Appendix 1 – Provisional TPO document Appendix 2 – Landscape Appraisal and AEC Appendix 3 – TPO location Plan Appendix 4 – Objections
Background Papers:	Contact the report author.

Town and Country Planning Act 1990**CHESHIRE EAST BOROUGH COUNCIL
(CHELFORD – LAND SOUTH OF PEPPER STREET)
TREE PRESERVATION ORDER 2025.**

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL (CHELFORD – LAND SOUTH OF PEPPER STREET) TREE PRESERVATION ORDER 2025**

1. Interpretation

2.— (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 15 day of July 2025

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—



Julie Gregory 15 Jul 2025 16:54:57 BST (UTC +1)

.....



Seal ID: 32493

CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
A1	Trees of whatever species within the area marked A1 on the map	Standing along the eastern boundary of Wood End and southern boundary of the adjacent plot of land. Grid Ref: 379,881 – 374,448

Groups of trees

(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

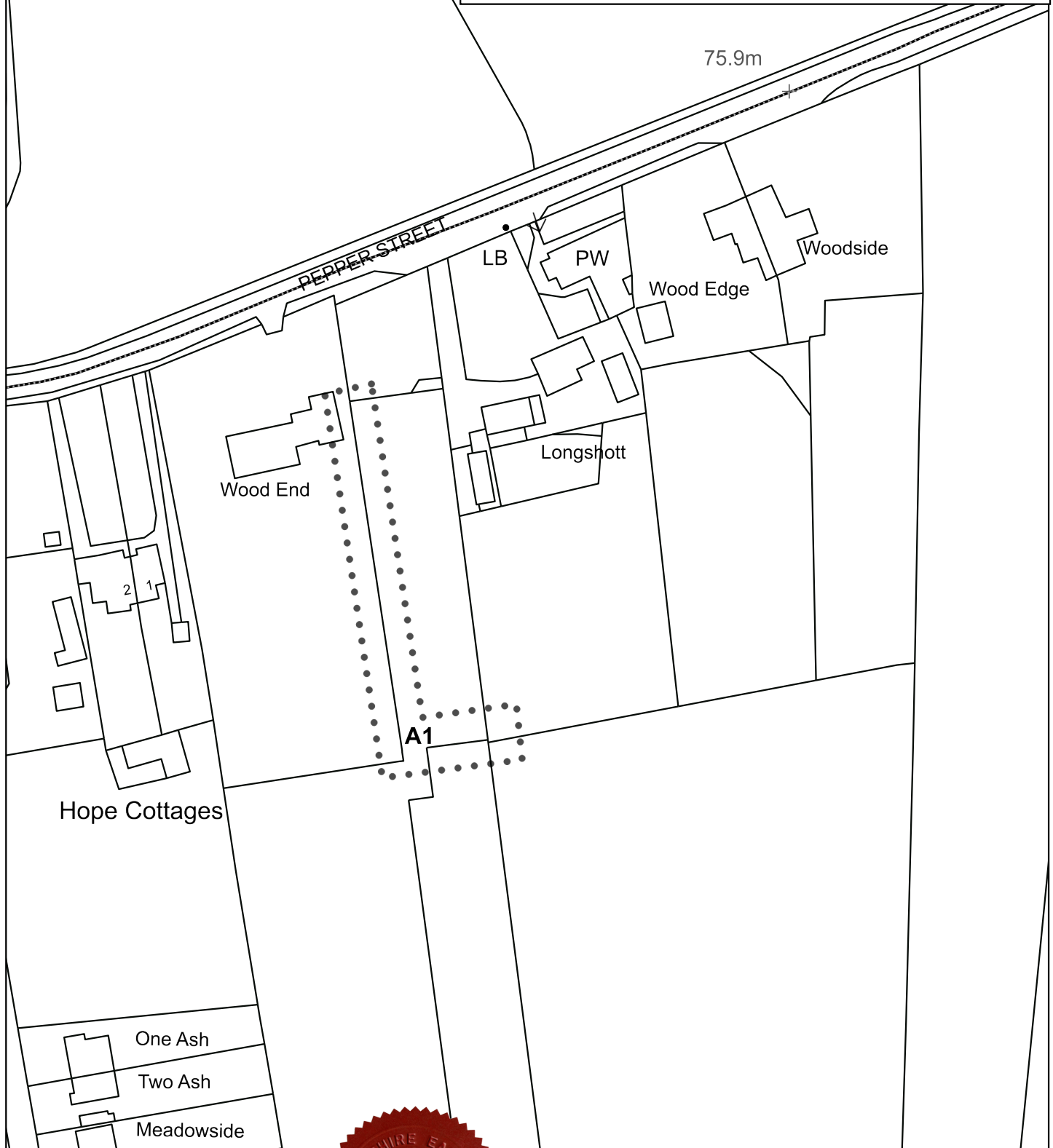
Woodlands

(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

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**CHESHIRE EAST BOROUGH COUNCIL
(CHELFORD - LAND SOUTH OF
PEPPER STREET)
TREE PRESERVATION ORDER 2025**



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AEC – Landscape Appraisal

Photographs of Tree, The Site and Surroundings

Reference: TPO/002/25

Site Name: Land off Pepper Street, Snelson, Chelford, Cheshire,
SK11 9BG

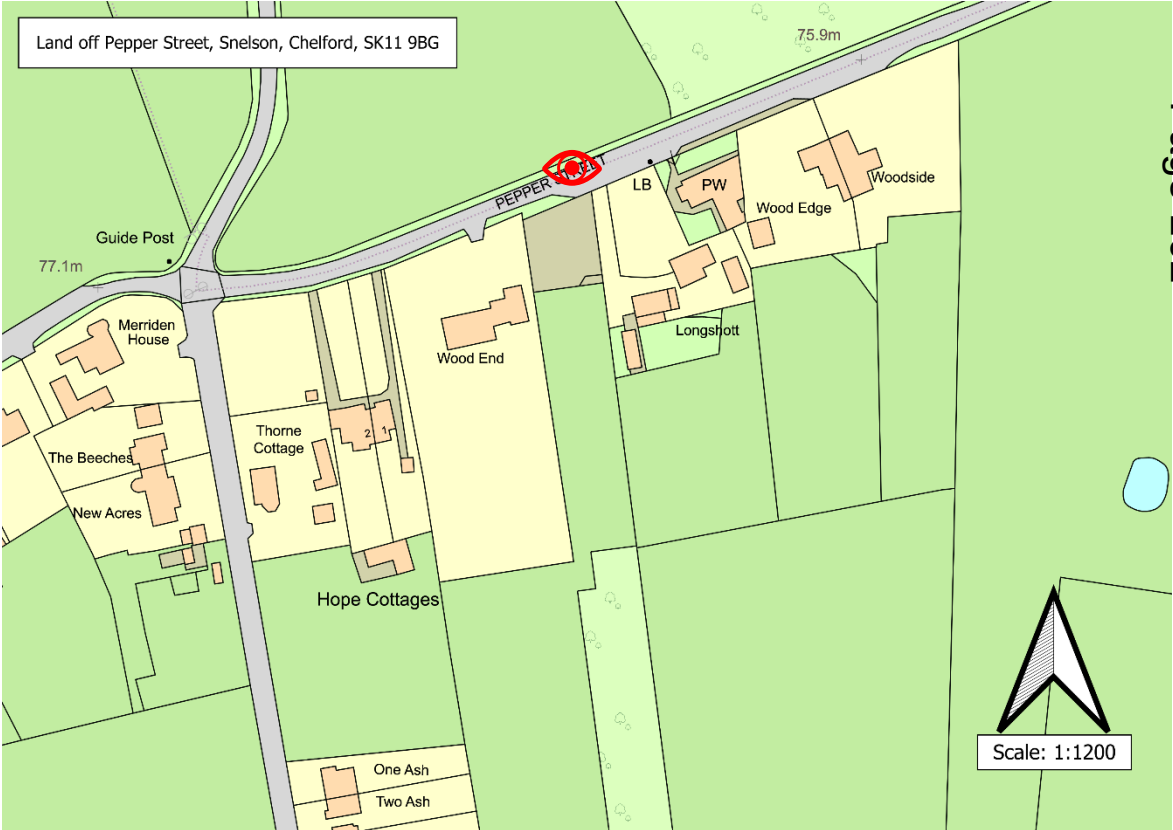
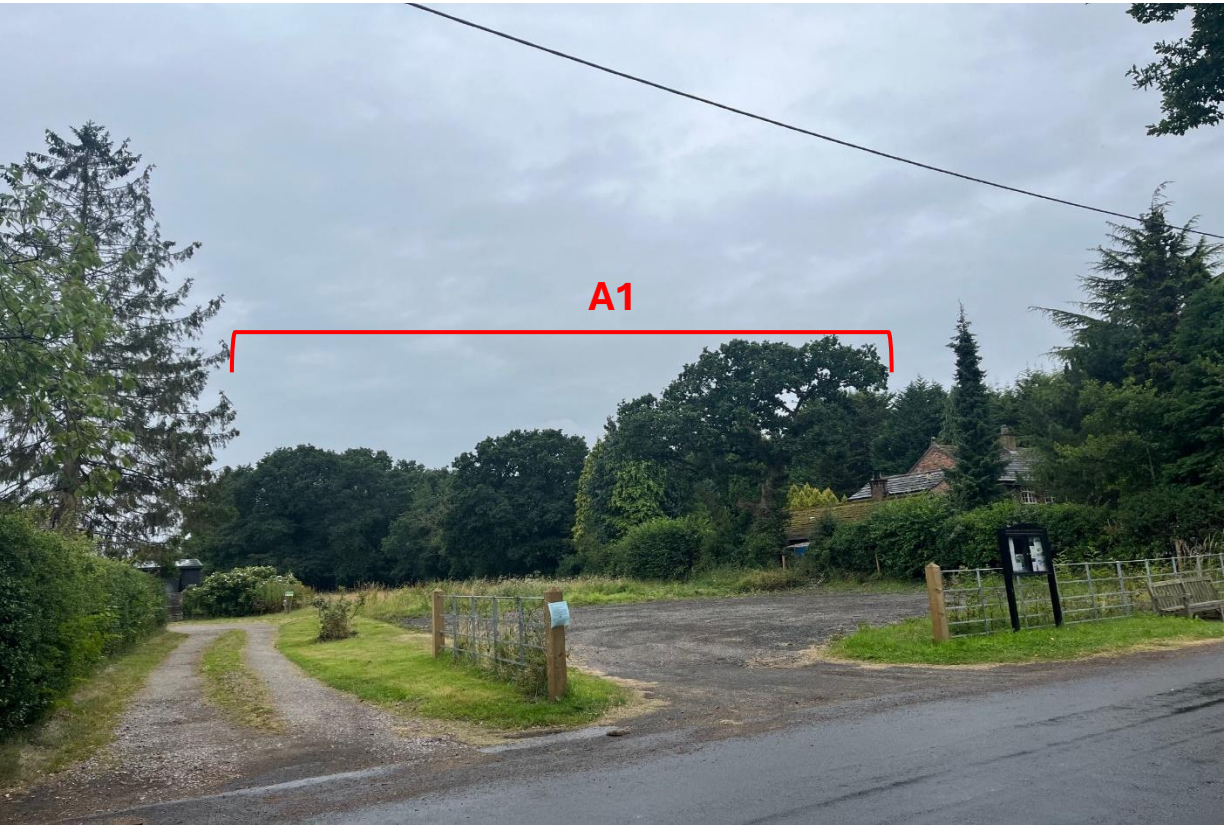
Site Visit: 17th July 2025

Completed by: E Hood

Trees Proposed for Formal Protection

A1 – Tree of whatever species within the area marked A1 on the map.

A1 looking South on Pepper Street



A1 looking South on Pepper Street



A1 looking South and West within Land off Pepper Street



AMENITY EVALUATION CHECKLIST

COMPLETED BY: Emma Hood

DATE FORM COMPLETED 17/07/2025

Reference

TPO/002/25

Address

Land off Pepper Street, Snelson

Town

Chelford

Postcode

SK11 9BG

1. BACKGROUND FILE CHECK

Any existing TPOs on or adjacent to the site/land?

No

Is the site within a conservation area?

No

Is the conservation area designated partly because of the importance of trees?

N/A

Is the site adjacent to a Conservation Area?

No

Are there any Listed Buildings on or adjacent to the site?

No

Local Plan land-use designation

N/A

Are there currently any designated nature conservation interests on or adjacent to the site?

No

Relevant site planning history (incl. current applications)

25/0364/PIP – Permission in Principle for the erection of a single dwelling. Approved 09-05-25

Are there any Scheduled Ancient Monuments on or adjacent to the site?

No

Is the land currently safeguarded under the Town & Country Planning (Aerodromes & Technical Sites) Direction 1992?

No

Does the Forestry Commission currently have an interest in the land?

No

Grant scheme

N/A

Forestry Dedication Covenant

N/A

Extant Felling Licence

N/A

Are any of the trees situated on Crown Land?

No

Are any of the trees situated on NHS land?

No

Is the land owned by this Local Authority

No

Is the land owned by another Local Authority

No

2. MOTIVATION

Development Control

Yes

2a(1) Application Ref

25/0364/PIP

2a(2) Committee deadline

N/A

Development Control Office comments (for approved planning application)

The Forestry Officer was consulted on the application and advised that a mature Copper Beech is located close to the boundary with Pepper Street and stands as a visually prominent feature making a significant contribution to the amenity provided by the extensive tree cover along Pepper Street, and so it would be a material consideration. However, this tree has since been felled and so the particular tree is no longer a material consideration. However, there are still a number of off-site trees within influencing distance of the application site. Any subsequent technical details consent

application must include for the retention of existing trees in accordance with the relevant policies of the development plan. Any future dwelling shall be so designed to avoid the Root Protection Area (RPA) of retained trees and provide adequate separation that considers the relationship and social proximity of the tree allowing for private amenity space and daylight/sunlight to rooms.

Conservation Area Notification

No

Application ref

N/A

Date of registration

N/A

Expiry date

N/A

Emergency action

N/A

Strategic inspection

N/A

Change to Local Plan land-use

N/A

Change in TPO legislation

N/A

Sale of Council owned land

N/A

Reviewing existing TPO

N/A

Hedgerow Regulations 1997

N/A

3. SOURCE

Source

Tree officer

Site visit date

15/07/2025

Inspecting/Assessing Officer

E Hood

Site description

The site comprises of semi-rural land located off Pepper Street in Snelson, forming part of the wider landscape setting to the rear and side of the property known as *Woodend*. The land is generally flat and bounded by mature hedgerows and trees, including mature field boundary Oak along the eastern and southern boundary. These trees are visible from the public highway and neighbouring properties, contributing significantly to the local landscape character and visual amenity of the area. The setting is predominantly residential-rural in character, with open fields and tree-lined boundaries typical of the surrounding Cheshire countryside.

Description of surrounding landscape character

The surrounding landscape character of the site is defined by its traditional rural Cheshire setting, characterised by farmland, field boundaries lined with mature hedgerows and trees, and dispersed residential properties set within large garden plots. The area retains a distinct sylvan quality, with tree-lined lanes. The presence of mature broadleaf trees, including Oak, Beech, and Sycamore, adds to the visual continuity of the treescape, which forms an integral part of the local identity and character.

Historic mapping, including the 1875 Ordnance Survey plans, clearly illustrates that the treescape in this area has been a long-standing and consistent feature of the landscape, with mature tree cover evident along historic field boundaries and lanes. The longevity of this tree presence contributes to the historic landscape character, making it an important environmental asset.

Statement of where the trees are visible from

The mature Oak trees located along the eastern shared boundary of Woodend, are clearly visible from multiple public and private vantage points.

When viewed from Pepper Street, the trees are prominently from certain aspects, visible from both directions along Pepper Street, particularly when approaching from the south and east, where they form a distinctive feature along the field edge, contributing to the rural lane's enclosed, wooded character.

Although no formal public footpaths cross the site, the trees can be readily viewed across open fields from adjacent farmland and residential access points, due to the relatively flat and open nature of the surrounding landscape.

The tree group provides a significant visual backdrop to neighbouring dwellings, including Woodend itself and other properties in the immediate vicinity, offering both amenity value and screening benefits.

Given the height and maturity of the trees, they are also discernible in longer views across the local countryside, particularly from higher ground to the west and south-west.

Collectively, the visibility of these trees reinforces their public amenity value, making them a beneficial landscape feature within the local setting.

Photograph the trees, the site and surroundings

See Landscape Appraisal

Landscape function

Skyline, backdrop, glimpses between properties or through gateways, screening/buffering, biodiversity.

Visual prominence

Neighbourhood, locale, site, and immediate surroundings.

Species suitability for the site

Suitable

Condition

Good

Past work consistent with prudent arboricultural management?

No

Are past works likely to have compromised long term retention?

Yes

Will past work necessitate any particular future management requirements

N/A

Tree size (at maturity)

Medium (between 10-15), Large (more than 15m)

Presence of other trees

Medium percentage tree cover

Define visual area/reference points

Nearby road and adjacent properties.

Are the benefits current?

Yes

4. BENEFITS

Assessment of future benefits

The trees exhibit strong potential for future growth, and their protection will help secure the preservation of key specimens that significantly enhance the local amenity and hold considerable landscape value.

Assessment of importance as a wildlife habitat

Given the variety of habitats both on-site and adjacent to site, the area is likely home to a robust ecosystem. This environment provides an ideal setting for a wide range of wildlife species, contributing significantly to local biodiversity.

Additional factors

Screening/buffering (visual/noise)

5. EXCEPTIONS (TCPA 1990)

Are any of the trees obviously dead, dying or dangerous

Yes - one dead cherry tree is located within the Area Order; however the removal of this tree would be exempt from the requirement to obtain formal consent from the LPA

Are there any statutory obligations which might apply?

No

Is there any obvious evidence that the trees are currently causing any actionable nuisance?

No

Based on the trees in their current locations, is the likelihood of future actionable nuisance reasonably foreseeable?

No

Is there any Forestry Commission interest in the land?

No

Are there any extant planning approvals on the site which might compromise retention of the trees?

No

6. EXCEPTIONS (MODEL ORDER)

Are there any lapsed planning approvals which might have compromised the trees?

No

Are any of the trees obviously cultivated for commercial fruit production?

No

Are any of the trees situated on or adjacent to a statutory undertaker's operational land?

No

Are any of the trees situated on or adjacent to land in which the Environment Agency has an interest?

7. COMPENSATION

Do any of trees currently show any obvious signs of causing damage?

No

Based on the trees in their current locations, is the risk of future damage reasonably foreseeable?

Yes

If yes provide details (future damage)

Removal/pruning of select trees to facilitate future development.

Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?

Yes

If yes provide details (reasonable steps)

Formally protect trees under threat of removal or highly impacted.

8. HEDGEROW TREES

Individual standard trees within a hedge

No

An old hedge which has become a line of trees of reasonable height

No

Are the "trees" subject to hedgerow management?

No

Assessment of past hedgerow management

N/A

Assessment of future management requirements

N/A

9. MANAGEMENT

Are the trees currently under good arboricultural or silvicultural management

Yes

Is an order justified?

Yes

Justification (if required)

To ensure the long-term protection and sustainable management of the trees, and ensure best practice is followed.

DESIGNATIONS

Do the trees merit protection as individual specimens in their own right?

No

Does the overall impact and quality of the trees merit a group designation?

Yes

Would the trees reasonably be managed in the future as a group?

Yes

Area

Yes

Woodland

N/A

Does the 'woodland' form an area greater than 0.1 hectare?

N/A

Identify the parcel of land on which the trees are situated

As indicated on TPO Plan

10. MAP INFORMATION

Identify all parcels of land which have a common boundary with the parcel concerned

Confirmed on map.

Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime

Confirmed

11. LAND OWNERSHIP

Land ownership details (if known)

Please see list of persons to be notified of service of TPO

Land Registry search required?

Yes

12. SUPPLEMENTARY INFORMATION

Has a detailed on-site inspection been carried out?

No

Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection

No

Provide details of trees to be excluded

Other trees of lesser importance which are considered not to be impacted from the proposed development.

Additional publicity required?

No

Relevant Local Plan policies

Policy ENV 1: Ecological network

Policy SE 3: Biodiversity and geodiversity

Policy SE 5: Trees, Hedgerows and Woodland

Policy SE 6: Green Infrastructure

Statement of reasons for promoting this Order (free text)

- a) In the interests of maintaining the area in which the trees stand, in that they are considered to be a long-term amenity feature.
- b) Such amenities are enjoyed by the public at large and without the protection an Order affords there is a risk of the amenity being destroyed.
- c) The trees have been assessed in accordance with the Councils Amenity Evaluation Checklist and it is considered expedient to make provision for its long-term retention.
- d) In the interests of securing the retention and enhancement of established tree cover in accordance with the strategic goals and priorities of the Cheshire East Council Environmental Strategy and Green Infrastructure Plan.
- e) The Oak trees on the boundary are of historic interest in that they can be identified on the 1875 Ordnance Survey Map of the area

Would loss of the trees have a significant impact on the local environment?

Yes

Will a reasonable degree of public benefit accrue?

Yes

Is an Order in the interests of amenity?

Yes

Is an Order expedient in the circumstances?

Yes

Date form completed

16/05/2025

Form status

Completed

Completed by

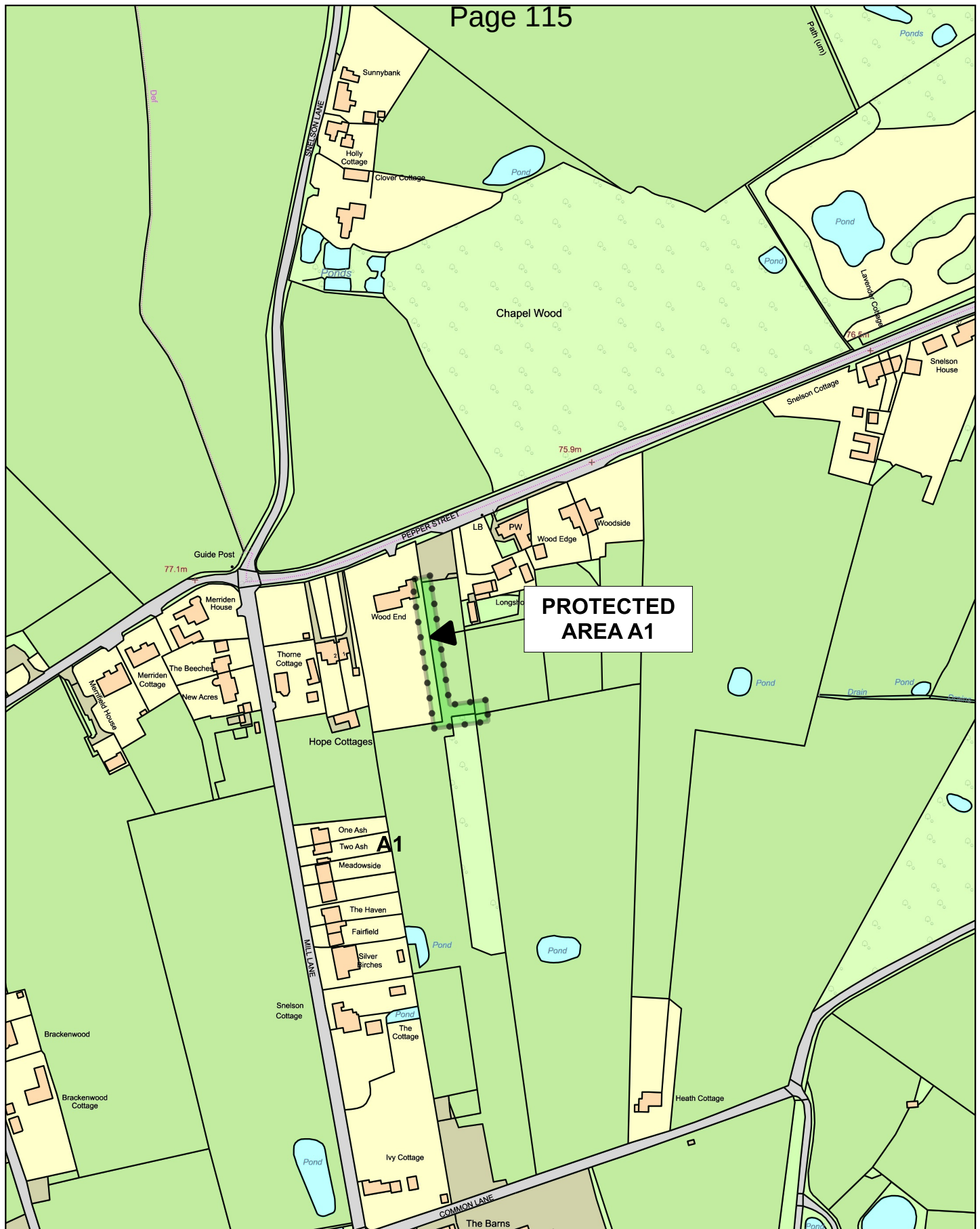
E Hood

Parish

Peover Superior and Snelson

Ward

Chelford



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Objection Tree Preservation Order

Cheshire East Borough Council (Chelford – Land South of Pepper Street)
Tree Preservation Order 2025

Land at
Wood End
Pepper Street
Snelson
Cheshire

Ref:
PSS/TPO/08/25

Date:
24th August 2025

Commissioned by:
Mr A. Ellis
on behalf of
Mr P. Henty

Prepared by
S. Shields

Objection to Tree Preservation Order

Cheshire East Borough Council (Chelford – Land South of Pepper Street)
Tree Preservation Order 2025

Land at
Pepper Street
Snelson

This report, including appendices and attached plans, is the property of Shields Arboricultural Consultancy and is issued for the sole use of the client as identified in section 1.1 on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the written consent of Shields Arboricultural Consultancy. Ordnance Survey material is used with permission of The Controller of HMSO, Crown copyright 0100031673.

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2.0	Background and Context
3.0	Legal and Policy Framework: Proportionality and Necessity
4.0	Grounds for Objection
5.0	Conclusion

Introduction

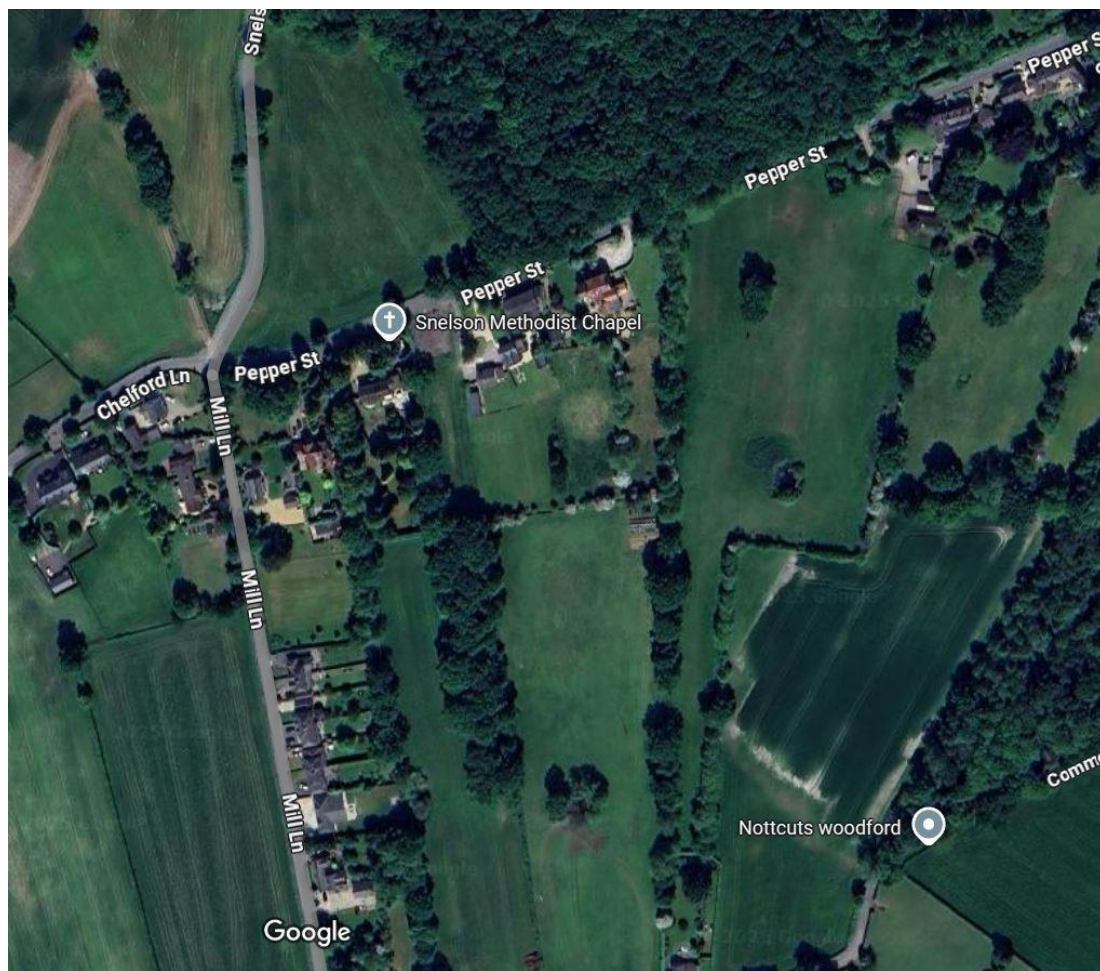
- 1.1 Shields Arboricultural Consultancy received instructions from Mr A. Ellis of A.E Planning Ltd on behalf of Mr P. Henty of Henty Capital Ltd to review a Tree Preservation Order ref: Cheshire East Borough Council (Chelford – Land South of Pepper Street) Tree Preservation Order 2025 (The Order), which has been imposed on an area of trees on or adjacent to the east boundary of Wood End, Pepper Street, Snelson, a detached residential dwelling, and prepare a formal objection to The Order on grounds that it is unnecessary and disproportionate.
- 1.2 This objection is submitted to The Order which uses an Area designation thereby including all trees regardless of size, condition or amenity value, growing within the area shown on the map at the time the order was made on the basis that the blanket designation is disproportionate, unnecessary, and exceeds what is required to safeguard the amenity and character of the area. It is further submitted that the order has been made following misleading representations by third parties with a private grievance, rather than as a balanced or evidence-based exercise of the Council's statutory powers.

Background and Context

- 2.1 The land in question is known locally as *Snelson Chapel Car Park* together with an adjoining acre of land. It was used as a car park for over fifty years but abandoned by the Methodist Church approximately three years ago, before being purchased by the current owners around 18 months ago. At the time of purchase, the site was dominated at the roadside verge by a large, self-seeded beech tree, the roots of which had deformed both the roadside and the car park. Following confirmation from the Council that no TPO was in place on this tree, it was removed and replaced with traditional iron farm fencing and a new beech hedge. Shortly afterwards it is advised that disputes arose with the adjoining neighbours. The owners report that during this period:
 - The neighbours erected a fence some two metres outside the correct boundary line, effectively extending their garden into the land. Surveyors subsequently reinstated the proper boundary line with marker posts.
 - The neighbours affixed forged "TPO notices" to trees on the land, despite no such designation existing at the time.
 - The same neighbours had previously requested that a branch from a boundary oak tree be removed as it overhung their shed. This work was carried out by the owners at their own expense. Ironically, the same tree later became the subject of objection.
- 2.2 Most recently, during an inspection of the group of trees on the boundary of Wood End, tree surgeons identified a large oak branch as hazardous due to rot and a significant split. On safety and insurance grounds, the owners instructed its removal, demonstrating that the trees are under good arboricultural management. While this work was

being undertaken, the neighbour intervened, insisting that a TPO applied, despite no valid order existing. The intervention caused delays until the works were safely completed.

- 2.3 Against this backdrop, the Council has now imposed an area designation TPO (The Order) covering the group of tree along the boundary of Wood End, apparently influenced by these neighbour complaints and the suggestion that the granting of permission in principle for development on the adjacent car park justified additional protection for the trees albeit that the land subject to the planning permission in principle approval is to the north of the area of trees affected by The Order and would not affect or be affected by the majority of trees within the area designation.
- 2.4 The wider area is already characterised by high levels of tree cover, including individual specimens, established groups, and areas of woodland set within a pastoral landscape.



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025

Legal and Policy Framework: Proportionality and Necessity*Statutory and National Guidance*

- 3.1 Tree Preservation Orders should only be made where it is expedient in the interests of amenity. Government guidance emphasises that designations must be proportionate and targeted, discouraging blanket orders. Tools such as TEMPO or in house amenity assessment systems are recommended to ensure that only trees making a significant contribution to public amenity are protected (GOV.UK). Similarly, the National Planning Policy Framework (NPPF) requires conditions to be necessary, relevant, precise, and reasonable. These tests provide an appropriate analogy when assessing whether an Area TPO, akin to a wide-ranging condition, meets the statutory threshold.

High Court Clarification

- 3.2 The case of R (Wellingborough Walks Action Group Ltd) v North Northamptonshire Council [2024] confirmed that where planning permission exists, tree works may only proceed under exceptions if they are strictly necessary and after all conditions are discharged. This judgment supports the principle that TPOs should be applied carefully and specifically, rather than via sweeping, generalised designations.

Grounds for Objection

- 4.1 This objection is made to the above Tree Preservation Order. While the objector recognises and supports the principle of protecting trees that make a significant and demonstrable contribution to public amenity, it is considered that the scope and blanket nature of this Area TPO extends considerably further than is necessary to achieve the stated aims and is unnecessary as the trees are not at risk of harm or removal and are under good arboricultural management. The objection is therefore advanced on the following grounds and that the imposition of a blanket designation and exceeds what is reasonably required to safeguard the amenity and character of the area

Ground 1: Absence of Individual Assessment

- 4.2 The Area TPO applies indiscriminately to all trees, without evidence of individual assessment of amenity value. This approach fails the proportionality requirement under statutory guidance.

Ground 2: Disproportionate and Unreasonable Restrictions

- 4.3 By treating all trees—whether of high quality or poor condition—as equally worthy of protection, the order imposes restrictions that are neither necessary nor reasonable.

Ground 3: More Appropriate Alternatives Exist

- 4.4 Selective individual or group TPOs, based on structured assessment would better align with statutory purpose and ensure protection of genuinely important specimens while allowing proper management of others.

Ground 4: Risk to Arboricultural Health

- 4.5 A blanket order risks restricting necessary management of poor or declining specimens, potentially leading to decay and hazards. Removal and replacement may in some cases be the most beneficial approach, which the current order obstructs.

Ground 5: Legal Incoherence

- 4.6 The High Court has made clear that protections must be justified on a tree-by-tree basis, not imposed generally. The broad-brush Area TPO conflicts with this principle.

Ground 6: Improper Motivation

- 4.7 The evidence suggests that the order was prompted by neighbour pressure arising from and motivated by disputes and private grievances, rather than an objective assessment of arboricultural value.

Conclusion

- 5.1 For the reasons above, it is respectfully submitted that the Local Planning Authority should:
- Withdraw the Area-wide TPO; and
 - Undertake a structured assessment to apply TPOs only to trees with demonstrable public amenity value and that can reasonably be considered to be at risk from inappropriate management or development pressure.
- 5.2 This balanced approach would ensure proportionate protection of genuinely important trees while avoiding unnecessary restrictions on ordinary or poor-quality specimens and would restore confidence that TPO powers are being exercised fairly and lawfully rather than as a tool for neighbour disputes.

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