

# Strategic Planning Board

## Agenda

---

<b>Date:</b>	<b>Wednesday, 15th April, 2009</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Committee Suite 1,2 &amp; 3, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

---

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 foot of each report.

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

1. **Apologies for Absence**

2. **Declarations of Interest**

3. **Minutes of the Meeting** (Pages 1 - 6)

To approve the minutes as a correct record.

4. **Public Speaking Time**

For more information on public speaking please contact Sarah Baxter, the Interim Democratic Services Officer.

5. **08/1626/FUL-Tesco Stores Ltd, Wheelock Street, Middlewich** (Pages 7 - 8)

To consider an application in respect of 08/1626/FUL-Tesco Stores Ltd, Wheelock Street, Middlewich.

6. **The New 'Fast Track' Householder Planning Appeals** (Pages 9 - 12)

To consider the implications for the new 'Fast track' householder planning appeals service.

7. **Appeals Synopses and Performance Monitoring Reports** (Pages 13 - 24)

---

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

**Contact:** Sarah Baxter

**Tel:** 01270 529786

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk)

To consider the procedures for the reporting of planning appeals and performance within the new Authority.

8. **Date of Next Meeting**

To confirm the date of the next meeting as Wednesday 6 May 2009.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 25th March, 2009 at Meeting Room, Alsager Civic  
Centre, Lawton Road, Alsager

### **PRESENT**

Councillor Mrs H Gaddum (Chairman)  
Councillor B Moran (Vice Chairman)

Councillors A Arnold, Mrs R Bailey, D Brown, J Hammond, D Hough,  
J Macrae, C Thorley, G M Walton and J Wray

### **Apologies**

Councillors P Edwards, Mrs M Hollins and Wilkinson

### **12 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Edwards, M Hollins and S Wilkinson.

### **13 DECLARATIONS OF INTEREST**

Members gave a general declaration of personal interest in respect of items on the agenda where an individual member was a Member of Cheshire County Council and/or one of the Borough Councils or Parish Councils. In accordance with the Code of Conduct they remained in the meeting during consideration of these items.

### **14 PUBLIC SPEAKING TIME/OPEN SESSION**

No questions had been received from Members of the public on this occasion.

### **15 MINUTES OF PREVIOUS MEETING**

At its meeting on 4<sup>th</sup> March 2009, Members of the Strategic Planning Board had requested a report regarding substitution arrangements for the Board and planning Committees. Reference to this discussion had been omitted from the Minutes in error and an amendment was sought.

RESOLVED: That the Minutes of the meeting held on 4<sup>th</sup> March 2009 be approved as a correct record, subject to the following corrections –

Minute 5 third paragraph, fifth line: the word ‘re-appointed’ be replaced with ‘confirmed’;

Minute 5 third paragraph: additional wording to be added to the end of the paragraph to read: ‘Members had raised the issue of substitution arrangements for the three Planning Committees and requested that a report on the subject to be submitted to the next meeting of the Strategic Planning Board; and

Minute 7 fourth paragraph: the words “together with the Protocol” be added to the end of the final sentence.

## 16 URGENT ITEM

In accordance with the Local Government Act 1972, business could only be transacted at a meeting if included on an agenda which had been subject to five clear days notice. The Chairman could, by reason of special circumstance, place urgent business before the Committee provided that the reasons for doing so were stipulated.

### 4a.1 Membership Changes: Northern and Southern Planning Committees

The Strategic Planning Board had agreed the membership of the Northern and Southern Planning Committees on 4<sup>th</sup> March 2009. Due to the filing of a vacancy on the Southern Planning Committee and a change to the proportionality arrangements relating to the Northern Planning Committee, a number of amendments had been put forward for the Board to approve prior to full Council on 2<sup>nd</sup> April 2009 at which time the memberships would be confirmed. On these grounds, the Chairman agreed to put the matter before Members.

A revised membership list was submitted to the Strategic Planning Board and it was -

RESOLVED: That the membership of the Northern and Southern Planning Committees be approved as follows:

#### Northern

Cllr C Andrew  
Cllr G Barton  
Cllr J Crockatt  
Cllr H Davenport  
Cllr L Gilliland  
Cllr M Hardy  
Cllr T Jackson  
Cllr B Livesley  
Cllr J Narraway  
Cllr D Neilson  
Cllr L Smetham  
Cllr D Stockton  
Cllr D Thompson  
Cllr C Tomlinson  
Cllr R West

#### Southern

Cllr D Bebbington  
Cllr T Beard  
Cllr M Davies  
Cllr B Dykes  
Cllr S Furlong  
Cllr L Gilbert  
Cllr B Howell  
Cllr J Jones  
Cllr S Jones  
Cllr A Kolker  
Cllr S McGory  
Cllr G Merry  
Cllr A Richardson  
Cllr R Walker  
Cllr J Weatherill

### 4a.2 Substitution Arrangements for Planning Board/Committees

The Chairman introduced as an urgent item, a discussion regarding substitution arrangements on the grounds that a debate on the subject was needed before the first meetings of the Board and Planning Committees post vesting day.

The Council's Constitution contained provisions relating to substitutes for members who were unable to attend meetings. The Strategic Planning Board

wished to reconsider those arrangements and recommend a procedure which was more suited to the Board and Planning Committees in particular, as part of an overall corporate review.

Pending consideration of the issues by full Council, the Strategic Planning Board considered that it would be preferable, as an interim measure for the party groups not to nominate substitutes to the Board or Planning Committees.

RESOLVED: That, pending consideration by Full Council of the constitutional provisions regarding substitutions, the Strategic Planning Board recommends that, as a temporary measure, Group Leaders should not nominate substitutes to the Strategic Planning Board and the Northern and Southern Planning Committees.

#### **17 PROPOSED TRAINING SCHEDULE FOR COUNCILLORS ON STRATEGIC PLANNING BOARD AND PLANNING COMMITTEES**

Members considered the report of the Head of Planning and Policy which proposed a programme of training for Councillors appointed to the Strategic Planning Board and Northern and Southern Planning Committees. Appendix 1 attached to the report set out suggested topics for inclusion in the programme and sought Members' opinion on whether the training should be specific to a particular Committee or apply to all three. Members' were also requested to consider arrangements for delivery of the sessions, the suggestion being that a half hour slot be put aside at the beginning of each Committee meeting for this purpose.

The topics outlined in Appendix 1 were welcomed by the Strategic Planning Board although it was suggested that the programme be expanded to include development management and housing provision.

The approach advocated in the report with regards to the timings of sessions was not supported by Members as in their opinion this was too short a time limit to consider subjects in sufficient detail. Instead, half day sessions were proposed to be held on a six week cycle; with an invitation to attend being extended to all planning members for each session.

RESOLVED: That a) Subject to the inclusion of development management and housing provision, the programme outlined in Appendix A be approved; b) Sessions be open to all members of the Strategic Planning Board and the Northern and Southern Planning Committees; and c) The scheduling of half day events be based on a six week cycle.

#### **18 PLANNING APPLICATION VALIDATION: LOCAL CHECK LISTS**

As part of the drive to provide a quicker and more efficient planning service, a standard electronic application form (1APP) was introduced in April 2008. To support the standard form, local authorities were able to draw up their own validation checklist to address the level of required information required to accompany the different categories of planning application. The Strategic Planning Board was invited to a set of validation checklists for Cheshire East which had been appended to the agenda noting two minor amendments.

Under the Design and Access Statements paragraphs, a number of designated areas had been set out in the national guidance which did not necessarily apply to Cheshire East and the Chairman requested, to ensure clarity, that they be removed from the document or an explanatory note explaining their relevance be added. Concern was also raised that reference had not been included in the documents to sustainability matters, the Strategic Planning Board requesting that steps be taken to rectify the omission.

Other changes were proposed as follows –

Paragraph 7.6 main report. A discussion ensued about whether it was appropriate for the authority to state that it would *decline* to determine an application in the absence of requested information when in reality, the application would fail to be registered. A request was made for the word ‘decline’ in the third line of the paragraph to be removed and substituted with ‘registered’.

To promote an inclusive approach, it was suggested that appropriate hyperlinks be included in the electronic application forms to enable applicants to link to, rather than search for, applicable reference documentations. In supporting this proposal, Members went on to raise questions as to how well the Cheshire East website and Planning Portal were interlinking and the Strategic Planning Board requested that a progress report be submitted to its next meeting.

The need to consult on changes to the local lists was questioned by Members and for the avoidance of doubt, it was confirmed that minor amendments to policy would be submitted to the Strategic Planning Board for approval, with only fundamental changes being subject to public consultation.

RESOLVED: That the Planning Application Validation Local Check Lists be approved and adopted with effect from 1 April 2009.

### **19 EQUALITY IMPACT ASSESSMENT: TIMES OF COMMITTEE MEETINGS**

Responsibility for setting the times for meetings of the Strategic Planning Board and Northern and Southern Planning Committees fell to this Board and at its meeting on 4<sup>th</sup> March 2009; it had agreed that meetings of the three bodies would commence at 2pm on Wednesday afternoons.

In making its decision, Members had not been made aware of any equality issues arising from its decision and an Equality Impact Assessment (EIA) was now submitted for completion. It was reported that although some groups would find it difficult to attend afternoon meetings, on balance it was considered to be the most appropriate arrangement.

RESOLVED: That the findings of the Equality Impact Assessment now submitted be noted and the decision of the Strategic Planning Board made on 4 March 2009 (minute number 5 refers) be reaffirmed.

### **20 DATE OF NEXT MEETING**

Members noted that, subject to final approval at Council, the next meeting of the Strategic Planning Board would be held on Wednesday, 15<sup>th</sup> April 2009.

The meeting commenced at Time Not Specified and concluded at Time Not Specified

Councillor Mrs H Gaddum (Chairman)

This page is intentionally left blank



Application No: **08/1626/FUL**

Location: **PACE Centre, Wheelock Street, Middlewich**  
Proposal: **Proposed foodstore development with associated parking servicing, landscaping and new retail building on Wheelock Street frontage (dual access)**

For **Tesco Stores Ltd & Briden Investments Ltd**

Registered 01-Sep-2008  
Grid Reference 370093 366333

**Date Report Prepared: 2 April 2009**

**SUMMARY RECOMMENDATION: DEFER for Site Visit**

**MAIN ISSUES:**

- the principle of retail development
- the scale of the proposal
- design and appearance of the building and associated development
- impact on the character and appearance of the area, including the Conservation Area
- access and parking facilities
- loss of trees from the site
- impact on protected species
- impact on the residential amenity of nearby residents

**REASON FOR REPORT**

This application was presented to Congleton Borough Council's last Planning Committee on 24 March 2009 with a recommendation of refusal. Members voted to approve the scheme. However, under Congleton's protocol which was then in place, when this situation arose the application would be *"deferred until the next meeting to enable the Development Control Manager to draft conditions and for any further information"*. This is an unusual situation as there are no further meetings of Congleton Borough Council's Planning Committee. The application is therefore now being returned to a Cheshire East Committee and, specifically, to the Strategic Planning Board due to the uniqueness of the situation.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a piece of land totalling 1.25 hectares located within Middlewich town centre. The site has frontages onto Wheelock Street, Darlington Street and Southway and contains a number of residential and commercial buildings, all of which would be demolished as part of this proposal. The site also contains a large number of trees. Vehicular access to

various parts of the site is currently taken from Wheelock Street, Darlington Street and Newton Heath. The site rises up from Wheelock Street with a change in levels across the site of approximately 6m

#### **DETAILS OF PROPOSAL**

Planning permission is being sought for the erection of a new foodstore and for associated access and parking arrangements. The foodstore would have a gross floor area of 2646 m<sup>2</sup> and would provide a net sales area of 1700 m<sup>2</sup>. The proposed store building would be sited approximately 45m back from Wheelock Street with part of the north western elevation of the building being adjacent to Darlington Street. The entrance to the store is on the eastern elevation, fronting the proposed car park, with vehicular access and egress from newly formed junctions onto Wheelock Street and Newton Heath/St Ann's Road. Pedestrian access is provided from two points off Wheelock Street and via Southway, an existing public footpath to the east of the site. The service yard for the store is proposed between the store building and a new retail building proposed to front onto Wheelock Street. This new retail building would provide an additional total floorspace of 72.5m<sup>2</sup>, within two retail units. The proposed foodstore would generally be single storey with a staff area proposed at first floor level. The proposed new retail units would be part two storey, part single storey and would be of a traditional design.

#### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

A significant amount of additional information has been submitted during the last few weeks, and officers are still in discussion with the applicants to try and resolve some outstanding matters in the light of the previous Committee's resolution. An updated report will be presented to Members at the next meeting to enable a clear understanding of both the background and issues associated with this application. However in order to appreciate the context of the site and its surroundings it is recommended that Members visit the site.

**Report of:** David Garratt, Development Control Manager  
**Title:** The New 'Fast Track' Householder Planning Appeals  
**Service**

---

## **1.0 Purpose of Report**

- 1.1 To consider the implications for the new 'Fast track' householder planning appeals service.

## **2.0 Decision Required**

- 2.1 To note the report.

## **3.0 Introduction**

- 3.1 A number of changes to the planning appeals process come into force on 6 April 2009. One of the most significant is the introduction of the new Householder Appeals Service (HAS). The HAS is an expedited written representations service based on electronic working. The Planning Inspectorate receives approximately 6000 Householder appeals each year. Their target is to deal with 80% of cases which they process via the Householder Appeals Service within 8 weeks.

## **4.0 Scope Of The Householder Appeals Service**

- 4.1 The HAS relates to applications for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.
- 4.2 Once it has been determined that a householder appeal is within the scope of the HAS, the Planning Inspectorate will then consider whether it is 'suitable'. Suitability, or otherwise, may be clear as soon as an appeal is made, or as an appeal progresses, an alternate view is reached. It would then be transferred of the HAS.
- 4.3 For example, if an appellant raises a new material issue during the processing of an appeal, which the Council or third parties have not had a chance to comment on, this may render a case unsuitable for the HAS. In an instance like this, the Planning Inspectorate is likely to transfer the case out of the HAS and progress it down the non-expedited written representations route.
- 4.3 The following appeals will **not** be within the scope of the Householder Appeal Service:
- appeals against any grant of planning permission, consent, agreement or approval which is granted subject to conditions;

- appeals against non-determination of a householder application;
- appeals against Listed Building Consent (LBC) applications or Conservation Area Consent (CAC) applications. (It should be noted that if a LBC / CAC application is related to a householder application which is refused and proceeds to appeal, the householder application will be within the scope of the Householder Appeals Service. If an appeal against a LBC / CAC application is lodged at or around the same time as a related appeal against a householder application, the expedited procedure may not be suitable and instead the appeals are likely to be linked so that they can progress down the non-expedited route;
- appeals against lawful development certificate applications;
- appeals against enforcement notices;
- appeals against applications for advertisement consent.

## **5.0 Time limits to appeal**

- 5.1 The time limits for applicants to submit householder appeals will be shortened to 12 weeks from the date of the notice of the decision giving rise to the appeal. In all other cases, existing time limits (6 months) will apply. This includes cases which are linked to householder appeals. For example, for a householder appeal which has an associated LBC appeal, whilst the householder appeal would be subject to the 12 week time limit, the LBC appeal would be subject to the existing 6 month time limit to appeal.

## **6.0 Changes For The Council**

### **Application publicity**

- 6.1 Unlike present notification arrangements, parties being notified about an application (e.g. neighbours) must be advised that, in the event of an appeal against the refusal of planning permission which is to be dealt with on the basis of written representations, any representations made about the application will be sent to the Secretary State, and that there will be no opportunity to comment at appeal stage. This provision will prevent interested parties including neighbours and the Parish/Town Council from submitting further evidence at the appeal stage.

### **Decision notices**

- 6.2 Decision notices issued by the Council must specify the relevant appeal time limit depending on case type (i.e. 12 weeks for

refusal of householder applications or 6 months for all other cases).

### **Delegated / committee reports**

- 6.3 For appeals dealt with through the Householder Appeals service, the principal parties (the appellant and the Council) will **not** have the opportunity to submit appeal statements. This means the Council will need to rely on delegated or committee reports, committee minutes and their decision notice to justify their determination at the appeal stage.

### **Committee overturns**

- 6.4 In instances where a Committee overturns a recommendation for approval (ie the application is refused), there is still no scope to submit an appeal statement. Therefore, it will be especially important that the reason(s) for refusal are properly and fully detailed and that the Committee minutes reflect the position. It will be particularly important to demonstrate in the reason(s) for refusal that the Committee have considered the recommendation but that other considerations have outweighed the presumption in favour of development.

### **Provision of appeal documentation in electronic format**

- 6.5 The Council will provide its appeal documentation in electronic format within 5 working days of the appeal start date to the Planning Inspectorate and the appellant. This documentation will mainly comprise an appeal questionnaire and a link to the documents comprising the application file on the Council's website.

### **Appeal decisions**

- 6.6 The Planning Inspectorate will publish appeal decisions on the Planning Portal. Third parties will not be sent copies of appeal decisions automatically. Instead, the Council will be expected to provide any third parties with a copy of the decision if they specifically request one.

### **Appeal site visits**

- 6.7 All site visits carried out by the Planning Inspectorate relating to a householder appeal will now be unaccompanied.

### **Procedural**

- 6.8 Modifications have been made to the 'back office' IT planning system. These became effective on 6 April and are applied

consistently throughout the former Councils. Applicants, consultees and neighbours will be aware of the new regulations, the relevant time limits and opportunities for submission of their views.

**7.0 Implementation**

- 8.0 The new Householder Appeals Service will apply to all applications received on or after 6 April 2009.

**9.0 Legal Implications**

- 9.1 This process becomes law for appeals affecting householder applications made to the Council from 6 April 2009 onwards.

**10.0 Recommendation**

- 11.0 The Council is obliged to adopt the new procedure, abide by its terms and to give appropriate publicity to it (as described above).
- 12.0 It is recommended that the report is noted and that the implications are reported to the Northern and Southern Planning Committees.

**Report of:** John Knight, Head of Planning and Policy  
**Title:** Appeals Synopses and Performance Monitoring Reports

---

## **1.0 Purpose of Report**

- 1.1 To consider the procedures for the reporting of planning appeals and performance within the new Authority.
- 1.2 This report also contains three current appeal summaries for Committee to note.

## **2.0 Decision Required**

- 2.1 This is a discussion document to resolve how and how often Members of the Strategic Board wish to be advised of appeal decisions and performance across the Authority.

## **3.0 Introduction**

- 3.1 It has been the practice of the former Planning Committees which now make up Cheshire East to receive regular summary reports of Appeal Decisions. In addition, Macclesfield also prepared a six monthly report to the Performance and Scrutiny panel of the former Macclesfield Council which compared appeal performance against other Cheshire Authorities and nationally.

## **4.0 The format of the Summaries**

- 4.1 The format which has been utilized in the past has varied across the Authority. An example of the Macclesfield and Congleton summary is attached as Appendix 1 and the report used by Crewe is attached as Appendix 2. Members should note that these cases are historic. The current appeals referred to in para 1.2 is attached as Appendix 3.
- 4.2 There are differences between the formats used by the former Authorities, the most important being a specific consideration of the implications that a Inspector's decision may have for the delivery of planning policy. The 'consideration of implications' section is considered extremely important and allows important issues/ new ways of considering appeals in the light of case law by Inspectors to be reported back to Committee for future reference.

## **5.0 The format of Appeals Performance and Monitoring report**

- 5.1 This report was prepared to identify trends in appeal types and performance in Macclesfield. The report was produced on a six monthly cycle. The report allowed comparison and scrutiny against previous performance and comparison against national standards. Where necessary, it allowed additional resources to be targeted at specific issues that were identified before these issues adversely affected performance. No similar performance report has been utilised at Congleton or Crewe.
- 5.2 The six monthly format allowed trends to be identified and monitored over summer periods and winter periods and allow for seasonal differences. Reporting

back on a shorter or, equally, longer period would not enable a proper consideration of seasonal differences or comparison between the same periods in different years.

## **6.0 Recommendation**

- 6.1 It is recommended that the Appeal Summary format should follow the format used by Macclesfield and Congleton and incorporate a specific section which identifies the implications of that particular Inspector's appeal decision.
- 6.2 It is recommended that an appeals performance monitoring report which compares local performance against other similar Authorities and nationally be presented to Committee on a six monthly rolling programme.



**APPENDIX 1 – AN EXAMPLE OF THE APPEAL SUMMARY FORMAT USED BY  
MACCLESFIELD AND CONGLETON BROUGH COUNCILS**

Application number: 07/0431P

Appellant: Mr Cooke

Site Address: 47 Heybridge Lane, Prestbury, Macclesfield, SK10 4ER.

Proposal: Replacement dwelling

Level of Decision: Planning Subcommittee 4.4.2007

Recommendation: Refuse

Decision: Refused 28.3.2007

Appeal Decision: **Allowed** 12.11.2007

**MAIN ISSUES:**

The Council refused permission due to the negative impact of the development on the character and appearance of the area. The site's plot was one of the smallest in the area with the existing house taking up most of the width and sited in close proximity to the neighbouring boundary of number 49. The proposed development was considered to be overdevelopment of the site by virtue of the scale and bulk of the proposed dwelling. The overdevelopment of the area was in conflict with local plan policies for low-density housing areas, and would also be out of character with the local area. The proposal was considered to be contrary to policies H12, BE1 and DC1 within the Macclesfield Borough Council local plan.

**INSPECTORS REASONS:**

The Inspector took the view that although the dwelling would be larger and deeper than the existing house on the plot, that it would be largely screened due to being set back in the plot from the road frontage. The Inspector also felt that the replacement of the single storey wings of the house with two storey development was in keeping with the spacious character of the locality, as this derived from the large front gardens of the area, not the proximity between houses. The Inspector felt that although the development of number 47 and number 49 would be closer together than other properties in the road, it was considered that the screening provided by trees and hedges would make this less apparent and the proposal would retain a sizeable front garden. The Inspector commented that within the area other dwellings, most notably number 49, are being redeveloped and that the proposals for number 47 Heybridge Lane amounted to more of the same kind of development, as the designs incorporated many similarities. The Inspector therefore felt that the proposal did not comprise a cramped form of development which would be out of character with the area.

**IMPLICATIONS FOR THE COUNCIL**

This is a disappointing decision for the Council in that the Inspector held a great deal of store in the development adjoining the site. Whilst this is unfortunate, the issues are site specific and are not considered to have any significant implications.

## DEVELOPMENT CONTROL COMMITTEE - Appendix

### Planning Appeals Monitoring report

No of appeals 6

APP NO	APPEAL AGAINST	PROPOSAL	LOCATION	OFFICER RECOMMENDATION	DECISION	APPEAL RESULT
P07/0927	Refusal of Planning Permission	Agricultural Workers Dwelling for Lower Den Farm	Land Adjacent Higher Den Farm, Den Lane, Wrinehill, Crewe	Refused	Refused	Upheld

**Issues:** The Inspector considered the main issues of the appeal to be the relationship of the proposed dwelling to the main farm complex at Lower Den Farm, the effect of the proposal on the character and appearance of the area and on Great Crested Newts. The Inspector states that Annex A of PPS7 requires new agricultural dwellings should be sited so as to meet the identified functional need and to be well related to existing farm buildings or other dwellings. However, in this case it is clear that further development at Lower Den Farm is severely constrained by the contours of the site, the presence of services and necessity of accommodating further agricultural buildings and installations. The Inspector states that the land falls away steeply from the existing buildings on all sides and there are considerable areas of made ground. The Inspector considers that, contrary to the Council's suggestions, a location within or close to the existing building complex at Lower Den Farm is not feasible. The siting of the proposal close to the buildings at Higher Den Farm represents the next best solution and accords with the advice in PPS7 and broadly with requirements of Policy RES.5; albeit close to, rather than within a nearby group of existing dwellings. The Inspector states that the appeal site is situated 320m from and within sight of the buildings at Lower Den Farm on a road which gives access to the southern part of the appellant's land holding and thereby offers advantages in meeting the identified functional need for the dwelling, and considers that the relationship between the proposed dwelling and the main farm complex is acceptable, consolidating the existing dwellings at Higher Den Farm when viewed in association with them and seen as an integral part of the group, and would not therefore have an adverse effect on the character or appearance of the area. The Inspector also notes that the area around the appeal site supports a significant population of great crested newts; however the appellant's consultant states that there were none to be found in the ponds closest to the appeal site. The Inspector considers that a Method Statement to ensure the exclusion of newts from the appeal site while development takes place and the provision of agreed mitigation measures thereafter should be sufficient. The Inspector considered that subject to the preparation of a Method Statement and the implementation of appropriate mitigation measures, the proposed development will not have an adverse effect on a protected species, and that it will therefore be in accord with the requirements of Policy NE.9. The appeal was upheld.

P08/0061	Refusal of Planning Permission	First Floor Extension Over Porch to Form En-Suite (In Retrospect) and Proposed Single Storey Extension to Kitchen	Gallantry Bank Cottage Bulkeley Hall Lane, Bickerton, Nantwich, Cheshire, SY14 8BA	Refused	Refused	Dismissed
----------	--------------------------------	---	--	---------	---------	-----------

**Issues:** The Inspector considered that the main issue in this case, was the effect of the proposal on the character and appearance of the existing house and open countryside by reason of its size and design. Gallantry Bank Cottage is a two storey, stone dwelling which has been significantly extended over the years and no longer appears to be a modest cottage. The retrospective first floor extension was subsequently granted planning permission in August 2008 and therefore did not form part of this appeal decision. The single storey extension proposed was to the rear of the dwelling. The Inspector states that the proposed extension would further enlarge the cottage and consolidate the harmful detraction from its character, causing the cottage to no longer be the dominant element. Therefore the design, scale and form of the proposed extension fails to respect the original dwelling, harming the character and appearance of the surrounding countryside and contrary to policy RES.11. The Inspector also considered neighbouring dwellings with extensions, and a replacement dwelling however this did not outweigh the reason above. The appeal was dismissed.

<b>P08/0132</b>	<b>Refusal of Planning Permission</b>	<b>Erection of Stable Block and Associated Access</b>	<b>Land off Wrinehill Road Wybunbury Cheshire</b>	<b>Refused</b>	<b>Refused</b>	<b>Dismissed</b>
-----------------	---------------------------------------	---	---	----------------	----------------	------------------

**Issues:** The Inspector considered that the main issues of the appeal were whether the proposal would preserve or enhance the character or appearance of the Wybunbury Conservation Area, and the effect of the proposed development on the open countryside. The appeal site is in a large field alongside Wybunbury Brook. The proposal was for a block of three stables and hay barn with an access way which would provide an area of hardstanding in front of the stables and a turning head. The proposed block would be close to and parallel with Wrinehill Road with its back to the boundary hedge. The Inspector notes that the hedge is of deciduous species and when bare of leaves the proposed building would not be well screened from the road, and the planting of evergreen species would be insensitive in this location. The Inspector considers that the proposed access and track will involve a substantial area of hardstanding, which would be clearly visible from the road. She also notes that the site layout is informed by the need to have good visibility at the access and the proposed stables on higher land which is less susceptible to flooding. However that does not justify the harm that would be caused. The Inspector states that the proposed development would fail to preserve or enhance the character or appearance of the Wybunbury Conservation Area contrary to PPG15 and Local Plan Policy BE.7. The Inspector considers that the building would be plain, functional and characteristic of a rural area, but its size and position together with the access way and intensification of use, would cause harm to the character and appearance of the countryside, contrary Local Plan Policy RT.6. The Inspector also considered the affect the development would have on the adjacent scheduled ancient monument, the British Horse Society size recommendations and the requirement for stables to be 400m or more from existing buildings. However these issues did not outweigh the above and the appeal was therefore dismissed.

<b>P08/0400</b>	<b>Refusal of Planning Permission</b>	<b>Erection of One Dormer Bungalow</b>	<b>Land adjacent to 8 Grenville Close Haslington Crewe Cheshire</b>	<b>Refused</b>	<b>Refused</b>	<b>Dismissed</b>
-----------------	---------------------------------------	--	---	----------------	----------------	------------------

**Issues:** The Inspector considered the main issues of the appeal to be the effect of the proposal on the character and appearance of the surrounding area; whether the proposal constitutes overdevelopment and if so, the effect this would have on the provision of the private amenity space for the occupiers. The appeal site is situated in an area of mixed suburban development with detached and semi detached two storey conventionally designed dwellings being the prevailing form of development along Grenville Close, with bungalows on Primrose Avenue. The appeal plot contains a detached garage and lies alongside No.8 Grenville Close, with bungalows to the rear on Primrose Avenue. The Inspector states that the plot more closely addresses the two storey form of development along Grenville Close, and in that context a small dormer bungalow would look quite out of sorts and an alien feature in the street scene

contrasting sharply with the adjacent dwelling No.8 Grenville Close, and others in the cul-de-sac. The Inspector considers that the proposed development would cause unacceptable harm to the streetscene and the character and appearance of the immediate locality, contrary to Policy BE.2. The Inspector considers that the plot is materially smaller than the others in the area and that the rear garden space proposed would be limited to a depth of between 6.5m and 3m. However, it would be the judgement of the prospective owners whether to purchase or not, and therefore he does not consider that the proposal would result in insufficient private amenity space for future occupiers. The Inspector also considers the relationship between No.8 Grenville Close and the bungalow on Primrose Avenue, and concludes that the amenity space would not be unduly overlooked or result in an invasion to the extent that the proposal would conflict with Policy BE.1, and that the development would accord with national ambitions to make better use of urban land. However, the Inspector considers that the harm caused in relation to the impact of the development on the street scene and the character and appearance of the area outweighs other considerations and therefore the appeal is dismissed.

<b>P08/0405</b>	<b>Refusal of Planning Permission</b>	<b>Erection of 12.5m High Telecommunications Installation (GDO Determination)</b>	<b>Readesdale Avenue/Valley Road Wistaston Crewe Cheshire CW2 6QT</b>	<b>Refused</b>	<b>Refused</b>	<b>Dismissed</b>
-----------------	---------------------------------------	---	---	----------------	----------------	------------------

**Issues:** The Inspector considered that the main issue of the appeal was the effect of the proposal on the character and appearance of the surrounding area. The appeal site is situated on a grass verge at the crossroads where Readesdale Avenue meets Valley Road, in a largely residential area of moderate sized bungalows and semi-detached houses. The Inspector states that to the north of the junction is a local centre with a Co-op supermarket and some smaller shops, which are flat roofed, single storey buildings with car parking areas to either side. The Inspector states that the associated cabinets would be higher than and protrude above the car park wall, but does not consider that they would be unduly noticeable or obtrusive in the street scene. The proposed mast would be fabricated to resemble a telegraph pole but at 12.5m tall, it would be approximately double the size of the actual poles on Valley Road. The Inspector considered that the mast would be uncharacteristically tall and would appear out-of-scale, incongruous and an alien feature in the suburban and domestically-scaled environment. The Inspector also states that there is mature evergreen on the corner of Danebank Avenue which would restrict views of the mast for the occupiers of No.9. However the other trees in the immediate area are immature or small specimens with limited screening to the properties and the proposed mast would be clearly visible to the residents of neighbouring houses in Valley Road. Therefore it would be visually obtrusive and result in a significant impact upon visual amenity, contrary to Policy NE.18. The Inspector also considered information received relating to other possible sites, and the apparent lack of a sufficient alternatives, and considers that these reasons do not outweigh the significant harm to the character and appearance of the surrounding area that would result from the proposed development, and therefore dismissed the appeal.

<b>P08/0895</b>	<b>Refusal of Planning Permission</b>	<b>Change of Use of Land into Extra Garden</b>	<b>Land Adjacent to 4 Waterworks House, Chester Road, Hurleston, Nantwich, Cheshire, CW5 6BU</b>	<b>Refused</b>	<b>Refused</b>	<b>Upheld</b>
-----------------	---------------------------------------	--	--	----------------	----------------	---------------

**Issues:** The Inspector considered that the main issue of the appeal was the affect of the proposal on the open countryside. The appeal site is a plot of land adjacent to No.4, within the compound surrounding Hurleston reservoir which includes the water treatment works and two pairs of semi-detached houses. The proposal is for the occupier of No.4 to use the site as a garden planted with grass, fruit trees, and flowers. An area of hardstanding would also be laid for parking one or two cars. The Inspector notes that the reservoir site is in a rural setting outside the settlement boundary. The Inspector then goes on to state that the appeal site is not agricultural land but mown grass similar to that of other areas of open land around the reservoir compound. The Inspector

*considers that the existing appearance of the land is maintained land which enhances the wider area and the introduction of fruit trees, other plants and a small parking place would not alter this significantly. The Inspector notes that the proposed development does not fall within the exceptions rule of rural development in Policy NE.2, but considers that the proposed development is of a minor nature which would not compromise the objectives of Policy NE.2, with the opinion that the proposal, although not within a settlement boundary, offers a genuine opportunity for development. The Inspector also considered that the views from the road and the reservoir, but considered that the development is appropriate and therefore upheld the appeal.*

## **Application for Costs**

<b>P08/0067</b>	<b>Refusal of Planning Permission</b>	<b>Variation of Condition 7 of Planning Permission 7/04314 (Opening Hours)</b>	<b>613 Crewe Road Wistaston Crewe Cheshire CW2 6PR</b>	<b>Refused</b>	<b>Refused</b>	<b>Withdrawn</b>
-----------------	---------------------------------------	--	--	----------------	----------------	------------------

*The Appellant requested an Inquiry into the refused application P08/0067, but subsequently withdrew the appeal after a successful application approved with conditions on 25<sup>th</sup> June 2008. The appellant considered that the Council had behaved unreasonably by refusing the appeal application and subsequently approving a re-submitted application for the same proposal. However the Inspector considered that the Council did not act unreasonably by causing the appellant to incur wasted or unnecessary expense in the appeal. Therefore the costs application fails and no award of costs made against the Council.*

<b>Total number of appeals</b>	<b>.</b>	<b>6</b>
<b>Number of appeals upheld</b>	<b>.</b>	<b>2</b>
<b>Number of appeals dismissed</b>	<b>.</b>	<b>4</b>

### **APPENDIX 3 – CURRENT APPEALS**

**Application No:** 08/0929P

**Appellant:** Mr Brian Jarvis, Vale and Vale

**Site Address:** Apartment 11, Kingsbury House, St. Hilarys Park,  
Alderley Edge, SK9 7DA

**Proposal:** Proposed balcony/terrace

**Level of decision:** Delegation

**Decision:** Refused

**Appeal Decision:** Allowed

### **MAIN ISSUES**

The main issue is the effect of the proposal on the character and appearance of the Alderley Edge Conservation Area. Kingsbury House is prominently located in an elevated site close the junction of 6 roads at the north-west edge of the Conservation Area. The area is predominantly characterised by substantial dwelling, of various designs, set in spacious gardens with winding access roads and plentiful trees.

### **INSPECTOR'S REASONS**

Kingsbury House is a recently constructed large apartment development replacing a former school at the south end of the village centre. Due its large mass, careful design was required to avoid issues of over dominance. A principal feature of the development, in views from the north, is an Italianate turret, which makes a strong visual statement. The design of the existing gable feature to Apartment 11 is purposely well proportioned to fall in the overall composition of the block and to ensure the due prominence of the end turret. The proposed increase in height would challenge and potentially compromise the dominance of the turret. The inspector considered that the presence or absence of a larger gable with a terrace in the roof area would not have a negative effect on the visual impact of the corner turret because that would remain clearly separate and on different faces of the building.

The inspector concluded that the proposal would respect the height, bulk and general form of the original building, it would be secondary to the original building and the extension would not reduce the garden size, a significant feature of this area. The proposal would at least preserve the character and appearance of the Alderley Edge Conservation Area in conformity with the objectives of the saved policies BE1, BE3 & BE12 of the Macclesfield Borough Local Plan 2004.

**IMPLICATIONS FOR THE COUNCIL**

Whilst disappointing this is a site specific decision which further demonstrates the subjectivity of design in planning terms. There are no policy implications for the council.

**Application No:** 08/0188P

**Appellant:** Mr Edward Johnson

**Site Address:** 6 Links Road, Wilmslow

**Proposals:** Two-storey side(s) and single storey rear extension

**Level of decision:** Delegated

**Recommendation:** Refusal

**Decision:** Refused 02.04.2008

**Appeal Decision:** Dismissed 20.02.2009

**MAIN ISSUES:**

The main issues to be considered are the effect the proposal would have on the street scene and the character and appearance of the wider area; the implications for neighbouring amenity; and whether the development would result in additional on-street parking to the detriment of highway safety.

**INSPECTOR'S REASONS:** The Inspector considered that the scheme differs from most other extensions in the area as it would occupy a corner plot. Although the existing dwelling already extends somewhat forward of the existing Church Road building line, the current development would increase this markedly and visually encroach on the junction to a far greater extent, when viewed from all directions. The Inspector was also mindful that it would make it extremely difficult for the Council to resist a similar proposal on the opposite side of the Church Road, thereby adding to the built prominence and reducing the sense of openness around the junction.

Raising the overall height of the building to facilitate a full hipped roof over the right hand extension, whilst not having a profound effect, adds to the height and visual dominance of the structure and is a further negative point. The scale and disposition of the appeal project would be intrusive in the street scene and adversely affect the character and appearance of the wider area. The brick wall proposed around the junction would appear alien and intrusive in an area where boundaries are almost exclusively constructed from natural materials. The proposed development is therefore considered to be contrary to policies BE1, DC1 and DC2.

In respect of neighbouring amenity, the 11-metre separation of the buildings to the gable wall of No. 21 Church Road falls below the 14-metre distance given in Policy DC38 and as such, the Inspector was in no doubt that the proposed extensions would add to the visual dominance and cause an



unacceptable overbearing effect on No. 21. Also, the proposed extensions would reduce sunlight to the front windows and garden of No. 21 and would be contrary to Policy DC3.

Modest changes to the internal layout would result in a sufficient level of off-street parking and therefore the Inspector did not find this to be a determining issue.

The Inspector concluded that 'a raft of Local Plan policies would be breached' and firmly believed that the appeal should fail.

**IMPLICATIONS FOR THE COUNCIL:** This is a site specific decision, however, does re-enforce the Council's adopted planning policy.

**Application No:** 08/0846P

**Appellant:** Mr Alistair McNulty

**Site Address:** The Old Stables, Hollin Farm, off Jackson Lane,  
Kerridge, Macclesfield, SK10 5BE

**Proposal:** CONSTRUCTION OF ACCESS TRACK

**Level of Decision:** Delegated

**Recommendation:** Refusal

**Decision:** Refusal

**Appeal Decision:** **Allowed** 05.03.2009

### **MAIN ISSUES**

The track would be approx. 70m in length and pass to the rear of the dwelling. The track would replace an existing track/vehicle right of way that runs by the front of the dwelling. The site lies within the Green Belt and Kerridge Conservation Area. The key issues are: 1) whether the proposed amounts to inappropriate development within the Green Belt and 2) whether it would cause harm to policies designed to protect the Green Belt and the Conservation Area.

### **INSPECTOR'S REASONS**

The Inspector opined that the proposed track would have a neutral effect on the openness of the green belt and would not fail to safeguard the countryside from encroachment (as the site lies within the built-up limits of Bollington and is surrounded by residential and commercial development, which separates it from open countryside). The Inspector concluded that the proposed did not constitute inappropriate development within the Green Belt and would not cause harm to any policies designed to protect the Green Belt.

The Inspector noted that, following refusal of the appeal application approval was given for an access track taking a different line through the application site. However, in the Inspector's opinion, the appeal scheme was the appellant's preferred route and he regarded the possibility of both tracks being constructed as remote.

### **IMPLICATIONS FOR THE COUNCIL**

In this instance it is considered that the Inspector's interpretation of Green Belt policy differs to that of the Council's. It is, however, a stand alone decision that, whilst disappointing, does not set any precedent for future applications.