

Application No: 25/3507/PIP
Application Type: Permission in Principle
Location: Land West Of A49 Whitchurch Road, Bunbury,
Proposal: Permission in principle for erection of up to 3 No. dwellings and associated infrastructure works.
Applicant: The Peckforton Estate
Expiry Date: 12-December 2025

Summary

The proposed development would result in residential development located beyond the Bunbury Settlement Boundary and would conflict with policies PG6 of the CELPS and H1 and H2 of the BNP. This would also result in a change to the rural character of the site and a small loss of agricultural land.

The proposal is considered to be sustainably located, but despite this the proposal conflicts with the Development Plan as a whole.

However, the Council is unable to demonstrate a five-year supply of housing, and paragraph 11d of the NPPF is engaged. The NPPF seeks to boost significantly the supply of housing, and the development of 2 houses would make a small contribution to meeting the Councils housing need.

Small and medium sized sites can make an important contribution and be built out very quickly (this is emphasised in Policy HOU16 of the SADPD and paragraph 73 of the NPPF). There would also be economic benefits through the construction and occupation of the proposed development.

The adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies within the NPPF. The proposed development would benefit from the presumption in favour of sustainable development which weighs heavily in support of the proposed development. Therefore, the application is recommended for approval.

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 Southern Planning Committee.

1.2. Furthermore, the application was referred to Southern Planning Committee at the request of Cllr Posnett for the following reasons

Outside of settlement boundary

Open countryside

Loss of privacy for neighbouring properties

access track not suitable

BNG Loss

Previous refusals on neighbouring land

2. Proposed Development

2.1. Permission in Principle (PiP) is sought for the erection of up to three dwellings and associated infrastructure works.

2.2. Indicative plans show three detached dwellings accessed from the existing private track off the A49.

3. Site Description

3.1. The application site is located to the west of the A49 (Whitchurch Road), on the western edge of Bunbury. It is bound by hedgerows and trees and lies immediately behind a row of detached dwellings fronting the A49, including Highdown, Leafield, Ivy House, Newcroft House, Homefield and Mycroft.

3.2. The land is divided into two parts - the northern field appears unkempt and rough in character, while the southern section comprises more closely managed grassland.

3.3. Access is via an unadopted lane leading west from the A49 between existing properties. The surrounding area is characterised by ribbon development along the A49 and open farmland beyond. The site is not within a Conservation Area and there are no listed buildings nearby.

4. Relevant Planning History

4.1. 18/2776N – Reserved Matters approval for 2 dwellings (approved 30/07/2018).

4.2. 16/2372N – Outline application for 2 dwellings (approved 27/10/2016).

5. National Planning Policy

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has 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 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)

- 1.SADPD Policy PG 9: Settlement boundaries
- 2.SADPD Policy GEN 1: Design principles
- 3.SADPD Policy ENV 1: Ecological network
- 4.SADPD Policy ENV 16: Surface water management and flood risk
- 5.SADPD Policy ENV 2: Ecological implementation
- 6.SADPD Policy ENV 5: Landscaping
- 7.SADPD Policy ENV 6: Trees, hedgerows and woodland implementation
- 8.SADPD Policy HER 1: Heritage assets
- 9.SADPD Policy HOU 1: Housing mix
- 10.SADPD Policy HOU 12: Amenity
- 11.SADPD Policy HOU 13: Residential standards
- 12.SADPD Policy HOU 14: Housing density
- 13.SADPD Policy HOU 15: Housing delivery
- 14.SADPD Policy HOU 16: Small and medium-sized sites
- 15.SADPD Policy HOU 8: Space, accessibility and wheelchair housing standards
- 16.SADPD Policy INF 1: Cycleways, bridleways and footpaths
- 17.SADPD Policy INF 3: Highway safety and access
- 18.SADPD Policy INF 9: Utilities
- 19.CELPS Policy MP 1: Presumption in favour of sustainable development
- 20.CELPS Policy PG 1: Overall development strategy
- 21.CELPS Policy PG 2: Settlement hierarchy
- 22.CELPS Policy PG 6: Open countryside
- 23.CELPS Policy PG 7: Spatial distribution of development
- 24.CELPS Policy SD 1: Sustainable development in Cheshire East
- 25.CELPS Policy SD 2: Sustainable development principles
- 26.CELPS Policy IN 1: Infrastructure
- 27.CELPS Policy IN 2: Developer contributions
- 28.CELPS Policy SC 4: Residential mix
- 29.CELPS Policy SE 1: Design
- 30.CELPS Policy SE 12: Pollution, land contamination and land instability
- 31.CELPS Policy SE 13: Flood risk and water management
- 32.CELPS Policy SE 2: Efficient use of land
- 33.CELPS Policy SE 3: Biodiversity and geodiversity
- 34.CELPS Policy SE 4: The landscape
- 35.CELPS Policy SE 5: Trees, hedgerows and woodland
- 36.CELPS Policy SE 7: The historic environment
- 37.CELPS Policy CO 1: Sustainable travel and transport
- 38.CELPS Policy CO 2: Enabling business growth through transport infrastructure

6.3. Relevant Policies of the Bunbury Neighbourhood Plan (BNP)

- H1: Settlement Boundary and Infill Development
- H2: Scale of Housing Development
- H3: Design
- LC1: Built Environment

- LC2: Backland Development
- BIO1: Biodiversity
- ENV4: Landscape Quality, Countryside and Open Views

7. Other Material Considerations

- Biodiversity and Net Gain SPD
- Environmental Protection SPD
- SuDS SPD
- Cheshire East Design Guide SPD

8. Consultation Responses

8.1. Highways: No objection in principle. Note absence of nearby bus routes or cycle infrastructure; access to be considered at TDC stage.

8.2. Environmental Protection: No objection, subject to standard informatives (construction hours, dust, EV charging, contaminated land).

8.3. United Utilities: No objection; surface water hierarchy and SuDS details required at TDC stage.

9. Views of the Town or Parish Council

9.1. Bunbury Parish Council: No comments received.

10. Representations

10.1. A total of 11 objections have been received from local residents. The key issues raised include:

- Conflict with Policies PG6, PG9, H1, and H2 as the site lies outside the settlement boundary within open countryside.
- Harm to rural character and the village's historic ribbon form, resulting in encroachment and suburbanisation.
- Loss of privacy, outlook, and amenity for adjacent dwellings.
- Highway safety and access concerns relating to the narrow private track and A49 junction.
- Ecological harm through loss of hedgerows and lighting impacts on wildlife.
- Fear of precedent for further expansion west of the A49 and increased development pressure.

11. Officer Appraisal

Principle of the development

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

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

- Location
- Land Use
- Amount of Development

11.3 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 Authorities cannot list the information they require for applications for Permission in Principle in the same way they can for planning permission).

11.4 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 LPA can inform the applicants what they expect to see at the technical details stage.

11.5 It is not possible to secure a planning obligation at the permission in principle stage.

11.6 Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings.

11.7 A local planning authority may not grant permission in principle for a major development. This means 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. The proposed development would not be classed as a major development.

11.8 The LPA may not grant Permission in Principle for Schedule 1 development. This proposal would not be Schedule 1 development (Schedule 1 is development which requires an Environmental Impact Assessment).

11.9 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.

Development Plan

11.10 The site is located within the Open Countryside approximately 134m from the Bunbury Settlement Boundary.

11.11 CELPS Policy PG6 (Open Countryside) states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions include:

- where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere; affordable housing in accordance with Policy SC6 or a dwelling of exceptional design.
- for the replacement of existing buildings (including dwellings) by new dwellings not materially larger than the buildings they would replace.

11.12 The proposed development would not comply with the requirements of policy PG6 of the CELPS and as such would conflict with the Development Plan.

11.13 Whilst the development would not comply with policy PG6 of the CELPS the issue in question is whether there are other material considerations associated with this proposal, which are sufficient material consideration to outweigh the policy support.

11.14 Policy H1 of the BNP advises that Planning permission will be granted for a minimum of 80 new homes to be built in Bunbury in the period from April 2010 to March 2030. Development in the Neighbourhood Plan Area will be focused on sites within or immediately adjacent to Bunbury village, with the aim of enhancing its role as a sustainable settlement whilst protecting the surrounding countryside.

11.15 Policy H2 also advises that new development will be supported in principle provided that it is small scale, and in character and when dealing with greenfield sites only a maximum of 15 new houses on any one available and deliverable greenfield site immediately adjacent to the village. Such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits from doing so.

11.16 Concerning Policy H1 of the BNP and the 80 new homes figure quoted, it is noted that this figure is a minimum and thus not limiting. Furthermore, under appeal ref: APP/R0660/W/21/3281542 the inspector concluded that whilst proposals may result in more than 80 houses within the plan area *'this is not an upper limit'*.

11.17 Whilst the current proposal seeks 3 additional dwellings, following the inspector's conclusion that the figure of 80 is clearly not a ceiling point, the same conclusion can only be reached here. It is also noted that this policy is being removed under the draft revision of the revised BNP, although this draft has only reached pre-submission consultation and as such carries very limited weight.

11.18 The proposals consisting of 3 dwellings would be under the 15 dwellings threshold for greenfield sites as contained in Policy H2 of the BNP.

11.19 As such, there appears to be conflict with Policies H1 and H2 which will be weighed in the overall planning balance against the benefits of the proposals.

Site Accessibility

11.20 Bunbury is a village with a separate settlement boundary, set in the Open Countryside as designated within the Local Plan.

11.21 The site is located on the edge of Bunbury (a Local Service Centre). The CELPS identifies that a Local Service Centre is a small town or large village which provide a range of services and facilities to meet the needs of local people, including those living in nearby settlements. They typically have a range of shops, health and leisure facilities, and employment opportunities.

11.22 Whilst currently Bunbury does not currently have a dedicated bus service it is a local service centre with a good range of local services. This includes a school, health centre, public houses, shops, community facilities, sports provision and places of worship.

11.23 Although there is no pavement along this side of Whitchurch Road, there is a pavement on the opposite side. Whitchurch Road is not considered to represent a barrier to sustainable travel and the speed limit is 30mph. Directly opposite the site on Whitchurch Road is PROW Bunbury FP12 which provides a direct link to School Lane and a more direct route to the services and facilities within Bunbury.

Efficient Use of Land

11.24 Policy HOU14 of the SADPD states that residential developments will generally be expected to achieve a net density of 30 dwellings per hectare. The proposed development would achieve a density of 25 dwellings per hectare and would fall below the density suggested within Policy HOU14.

11.25 However, the density would not be out of character with the character of development along Whitchurch Road and given the edge of settlement location is considered to be appropriate.

Housing Land Supply

11.26 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.

11.27 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.

11.28 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.

11.29 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.

11.30 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%.

11.31 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.

11.32 Please note that paragraph 11d) has been revised, particularly 11d) ii. which highlights the need have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Character and Appearance

11.33 The application site is undeveloped and is located between the existing ribbon development fronting Whitchurch Road and a detached dwelling to the rear

11.34 The layout, scale, and appearance of the development is not for determination. There would be some loss of the rural character of the site through the proposed residential development (as there would be with any housing development located beyond a settlement boundary). However, the proposed development could be designed in a way that would not appear intrusive.

11.35 Although outside the boundary, the site is immediately behind existing frontage dwellings and forms part of the village's transitional edge rather than open, undeveloped countryside. It is also well-contained by boundary vegetation, neighbouring curtilages and the existing built form along Whitchurch Road. Importantly, whilst the development would introduce built form to the rear of existing properties, it would remain broadly aligned with the depth of surrounding residential curtilages. As a result, it would read as a contained addition within the existing settlement envelope rather than a noticeable westward push into the wider open countryside. These characteristics significantly moderate the landscape and countryside impact.

11.36 The 2023 refusal under 23/3348N, located on the opposite side of the access track, is materially different. That scheme positioned a single dwelling deeper into an open paddock, visually separate from the built form and perceived as an isolated encroachment into the countryside. By contrast, the current site is more visually contained and lies directly behind a group of established residential curtilages. Although the development would sit further west than some nearby properties, it would do so in a manner that remains closely related to the existing pattern of backland depth and does not appear as a detached or isolated projection into open fields. Its spatial and visual connection to the village is significantly stronger than in the 2023 case, meaning the circumstances of that refusal are not directly comparable and do not indicate that similar harm would arise here.

11.37 Given the site's contained nature, its relationship with surrounding development, and the modest scale of up to three dwellings, any residual landscape effects are limited and manageable. At the TDC stage, the use of:

- native planting,
- sensitive boundary treatments,
- considered building orientation, will ensure the development integrates appropriately with the surrounding landscape.

11.38 Accordingly, the proposal is judged to represent a modest rounding-off of the settlement rather than a harmful expansion into open countryside.

Ecology

11.39 The Councils Ecologist has confirmed that 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.

11.40 If permission in principle is granted a Ecological Impact Assessment and BNG assessment will be required at the technical details stage.

Flood Risk/Drainage

11.41 The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. The drainage implications can be considered at the Technical Details stage

Other Matters

11.42 The proposal would result in the loss of a small parcel of agricultural land but given its small size it is not considered that any harm would be determinative within the planning balance.

11.43 Other matters such as amenity, design and the highways implications have not been considered in detail at this Permission in Principle stage but would need to be fully addressed at the Technical Details Consent (TDC) stage.

12. Planning Balance/Conclusion

12.1. The proposed development would result in residential development located beyond the Bunbury Settlement Boundary and would conflict with policies PG6 of the CELPS and H1 and H2 of the BNP. This would also result in a change to the rural character of the site and a small loss of agricultural land.

12.2. The proposal is considered to be sustainably located, but despite this the proposal conflicts with the Development Plan as a whole.

12.3. However, the Council is unable to demonstrate a five-year supply of housing, and paragraph 11d of the NPPF is engaged. The NPPF seeks to boost significantly the supply of housing, and the development of 2 houses would make a small contribution to meeting the Councils housing need.

12.4. Small and medium sized sites can make an important contribution and be built out very quickly (this is emphasised in Policy HOU16 of the SADPD and paragraph 73 of the NPPF). There would also be economic benefits through the construction and occupation of the proposed development.

12.5. The adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies within the NPPF. The proposed development would benefit from the presumption in favour of sustainable development which weighs heavily in support of the proposed development. Therefore, the application is recommended for approval.

13. Recommendation

APPROVE

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

