

CHESHIRE EAST COUNCIL

REPORT TO: STRATEGIC PLANNING BOARD

Date of meeting: 27th July 2011

Report of: Head of Planning & Housing

Title: Planning Appeals: Land at Marriot Road / Anvill Close / Forge Fields and South of Hind Heath Road, Sandbach

1.0 Report Summary

1.1 The purpose of this report is to inform the Board as to the Secretary of State's decision in respect of recent planning appeals at Hind Heath Road, Sandbach.

2.0 Decision Requested

2.1. That the report be noted.

3.0 Reasons for Recommendations

3.1. The report is for information only.

4.0 Wards Affected

Sandbach Ettiley Heath and Wheelock

5.0 Appeal Decision

5.1 The Council has been notified of the Secretary of State for Communities and Local Government decision in respect of a planning appeal in Sandbach. The Inspector who heard the appeal recommended that the appeals be allowed and planning permission be granted subject to conditions. However, the Secretary of State disagreed with the Inspector's recommendation and has decided to dismiss the appeals.

5.2 The appeal concerned the Council's refusal of planning permission for a development of up to 269 dwellings (including 40% affordable housing) on 7.5 acres of agricultural land on the southern outskirts of Sandbach. A second associated appeal related to the provision of a 3m wide shared footpath / cycleway adjacent to a section of Hind Heath Road.

5.3. The appeals were recovered for the Secretary of State's determination as it involved development of more than 150 dwellings on a site of over 5 hectares which would significantly impact upon the Government's objectives:

- To secure a better balance between housing demand and supply.

- Create high quality, sustainable, mixed and inclusive communities.

5.4 The principal appeal was refused for three reasons which can be summarised as follows:

1. Being outside the Settlement Zone Line and in the open countryside, the proposals would be contrary to the development plan. Although there was less than a 5 year supply of housing land, it would undermine the spatial vision and wider policy objectives as the site is on the edge of Sandbach, rather than Crewe.
2. The proposal development would have been contrary to PPS3 and would have prejudiced the development of brownfield sites in Sandbach.
3. The proposal would involve the removal of an 'important' hedgerow

5.5. The Inspector found that:

- The proposals would cause material harm to countryside protection policies.
- Significant weight should be given to the shortfall in Borough wide housing land supply.
- The scheme would assist in averting the risk of a 5 year requirement for new dwellings in Sandbach.
- The proposal would have a materially beneficial effect in respect of affordable housing.
- The proposal would be consistent with the spatial objectives of the development plan (in so doing he gave limited weight to the Council's Interim Planning Policy for the Release of Housing Land)
- The proposal would not cause material harm to regeneration proposals in the area involving the development of brownfield sites.
- Because of limited local employment and the site's distance from the town centre, the proposal would not be '*wholly consistent with national policies on planning and climate change*'.
- The loss of a section of 'important' hedgerow would be a disadvantage.

5.6 The Inspector concluded that the '*significant need*' for additional market housing and affordable housing outweighed the disadvantages of the development and recommended approval.

- 5.7 The Secretary of State disagreed. He considered that there was sufficient land to meet the 5-year housing requirement in Sandbach (accepting the Council's assessment of supply rather than the appellants). Although agreeing that there was no clear cut evidence, he agreed with the Council that if the appeal site proceeded it would make it extremely difficult for committed brownfield sites in the area to be developed, thus putting at risk the achievement of the Regional Spatial Strategy target of 80% of housing development on brownfield sites.
- 5.8 The Secretary of State considered that the development would be contrary to the countryside protection policies in the Local Plan outside the clearly defined settlement boundary and thus contrary to the key principles of Planning Policy Statement 7.
- 5.9 The Secretary of State also found that the location of the site, at some distance from the town centre and railway station, and with limited local employment, would not be consistent with Government policies on planning and climate change.
- 5.10 However, he did agree that there was scope for new development in a town such as Sandbach and the size of the development was consistent with the spatial objectives of the development plan.
- 5.11 Having weighed all these considerations in the planning balance, the Secretary of State reached the conclusion that the scales were tipped against the proposal in terms of its overall conformity with the development plan, its conflict with PPS7 and national planning policies for planning and climate change.

6. Implications

- 6.1 This is a key appeal decision and the Secretary of State's decision are welcomed. However, there are some aspects of the Inspector's report and the Secretary of State's decision that should be noted and taken into account in future planning decisions of a comparable nature. These are as follows.
- 6.2 The Council's case that the development would be contrary to the Spatial Vision for the area (i.e. Regional Spatial Strategy, the Local Plan, the Interim Planning Policy for the Release of Housing Land, the Local Development Framework Issues and Options report) was not upheld by either the Inspector or the Secretary of State.
- 6.3 The issue of prematurity in respect of the Local Development Framework, although raised by the Council at the Inquiry, doesn't figure in either the Inspector's or the Secretary of State's reasoning.
- 6.4 The appeal decision introduces the notion of a 5 year supply requirement for an individual town in addition to the Borough wide position. In practice

however, this could practicably only apply in the former Congleton Borough area because, of our existing Local Plans, only the adopted Congleton Borough Local Plan contains policy guidance as to the numerical distribution of housing development between the main towns.