

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	16 th September 2014
Report of:	Principal Planning Manager
Subject/Title:	Notice of Motion – Planning Inspectorate Decisions
Portfolio Holder:	Cllr Don Stockton, Housing and Jobs

1.0 Report Summary

- 1.1. Council resolved at its meeting on 17 July 2014 that a motion made in relation to Planning Inspectorate decisions be referred to Cabinet. The motion is set out in paragraph 10.2. This report addresses the motion.
- 1.2. Cheshire East has been under significant and unprecedented pressure from developers seeking to obtain planning permissions for housing developments due to the Council's housing land supply position. Despite rigorous and robust defence of the position at appeal Inspectors have approved the applications. Throughout this period the Leader and senior Officers have been in regular dialogue with local MP's and Government Minister's to highlight the concerns regarding unplanned development.

Recommendations

- 2.1. That Cabinet consider the merits of the motion set out in paragraph 10.2.
- 2.2. That Cabinet note the report and the on-going dialogue taking place.

3. Reasons for Recommendations

- 3.1 To enable Cabinet to consider the matter raised in the motion and to propose any further actions that Cabinet may feel is appropriate.

4. Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 All Ward Members

6.0 Policy Implications

6.1 There are no direct policy implications

7.0 Financial Implications

7.1 There are no direct financial implications.

8.0 Legal Implications

8.1 There are no direct legal implications.

9.0 Risk Management

9.1 There are no associated risks.

10. Background and Options

10.1 A motion titled "Planning Inspectorate Decisions" was proposed to Council at its meeting on 17 July 2014, by Councillor B Burkhill and seconded by Cllr D Brickhill

10.2 The content of the motion was as follows:

"In a time when we are trying to secure public trust and restore confidence in a system of democracy and priorities of acceptable locations, this Council deplores the planning inspectorate making decisions in the face of the wishes of our local committees and our parish councils. It therefore condemns the Government at Westminster for its policy on granting planning permission for sites not within the submitted local plan. It strongly recommends and requests that the Chief Executive and the Leader contact all local MPs to press them to urge withdrawal of the policy which causes this excess pressure on some Cheshire East communities."

10.3. In accordance with the Council Procedure Rules within the Constitution, Council resolved that the matter stand referred to Cabinet.

10.4. The Council has effectively been 'under siege' from developers over the last two years as they seek opportunities to obtain permissions for housing developments across the Borough due to the Council's housing land supply position. This is not unique as many other Local Authorities are similarly fighting against unplanned development but the attractiveness of Cheshire East as a place to live has compounded our difficulties.

10.5. The Council has refused permission for many applications since it adopted the latest Housing Position Statement in February this year which demonstrated a five year supply. That position has been robustly defended using the best planning QC's in the country at the

numerous Public Inquiries that have been contested over the last 6-12 months. Disappointingly however the Council has now received a number of decisions that have granted permission citing that the supply position has not been demonstrated.

- 10.6. The Council has already sought to challenge some of the earlier appeal decisions and is considering its position on more recent decisions.
- 10.7. It should be noted that there is no specific 'policy' to be withdrawn. The planning policies within the National Planning Policy Framework (NPPF) provide a presumption in favour of development particularly where the Council cannot demonstrate a five year supply of housing land. It is this element of national policy that has been contested at appeal.
- 10.8. The Leader and senior officers have been in regular dialogue with the Planning Minister and local MP's to highlight the issues in Cheshire East. The most recent focus has been on the inconsistencies of the appeal decisions. While most have been allowed, the logic and technical reasoning to support each outcome by the different Inspectors has been significantly different. This is why the Council have sought to have the decisions referred to the Secretary of State to enable a holistic view to be given. This has been rejected. However, the Council has also highlighted this by letter to Central Government and the Inspectorate which resulted in the Planning Minister sending a subsequent response directly to the Inspector. In the letter the Planning Minister noted that "differing conclusions" had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay "especial attention" to all the evidence and provide his "considered view" on the matter.
- 10.9. It is therefore evident that Minister's and Local MPs are well aware of the issue of unplanned development in Cheshire East and the implications that it has for its residents.
- 10.10. While these inconsistencies remain the Leader and senior Officers will continue to highlight these matters and keep the profile of Cheshire East at the highest level.

11.0 Access to Information

The background papers are available by contacting the report writer:

Name: David Malcolm
Designation: Principal Planning Manager
Tel No: 01270 686744
Email: david.malcolm@cheshireeast.gov.uk