

Application No: 25/3510/PIP  
Application Type: Permission in Principle  
Location: Land Off Saddlers Wells, Bunbury,  
Proposal: Permission in principle for the erection of up to 2 No. dwellings (C3) and associated infrastructure works.  
Applicant: The Peckforton Estate  
Expiry Date: 29 October 2025

### **Summary**

The site lies in the open countryside adjacent to the Bunbury Settlement Boundary. The proposed development would conflict with policies PG6 of the CELPS and H2 of the BNP; however, it would be acceptable in terms of H1 of the BNP.

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

Matters relating to design, impact upon trees, landscaping, residential amenity, ecology, flood risk/drainage and highways would be dealt at the technical details stage.

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.

### **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:

*Open countryside application*  
*loss of Agricultural land*  
*Outside of settlement boundary*  
*Unadopted track, access issues*  
*Loss of privacy for properties next door.*  
*BNG Negative*

## **2. DESCRIPTION OF SITE AND CONTEXT**

- 2.1. The application site is located off Saddlers Wells, Bunbury, within the Open Countryside. Residential properties are situated to the north and west, with a Local Wildlife Site and area Tree Preservation Order located to the south. The dwellings to the north and west of the site comprise of two-storey detached dwellings. To the northeast of the site the character of the area is predominantly residential with a mixture of bungalows and detached and semi-detached dwellings.
- 2.2. Saddlers Wells is a partially adopted road connected to The Highlands and leading to School Lane. As part of Saddlers Wells the unadopted sections to the north and south form a surfaced track and serve a number of existing residential dwellings. All boundaries of the application site comprise of low-level fencing and soft landscaping consisting of hedgerows.
- 2.3. There is field gate to the site which provides access from Saddlers Wells.
- 2.4. The site is directly outside the settlement boundary of Bunbury and within the Open Countryside as designated within the Local Plan.

## **3. DESCRIPTION OF PROPSAL**

- 3.1. This application seeks Permission in Principle for the erection of up to 2 No. dwellings (C3) and associated infrastructure works.

## **4. RELEVANT PLANNING HISTORY**

The site has no planning history

## **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)

- 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. Bunbury Neighbourhood Plan

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

- H1 – Settlement Boundary
- H2 – Scale of Housing Development
- H3 – Design
- LC1 – Built Environment
- ENV3 – Environmental Sustainability of buildings

ENV4 – Landscape Quality, Countryside and Open Views  
BIO 1 – Biodiversity  
T3 – Pedestrian Footways

## **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:

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

## **8. CONSULTATIONS (External to Planning)**

8.1. **Cheshire East Highways:** No objection

8.2. **Environmental Health:** No objection, informatives suggested.

8.3. **United Utilities:** No objection, letter for the applicant/ developer's attention

## **9. Views of the Town or Parish Council**

9.1. **Bunbury Parish Council:** No comments received at the time of writing.

## **10. REPRESENTATIONS**

10.1. Letters of objection have been received from 10 households which raise the following summarised points:

- Impact upon the character of the area
- Impact upon the rural setting
- Biodiversity and ecology
- Highway issues
- Utilising unadopted track
- Lack of suitable transport in Bunbury
- Lack of Flood Risk Assessment
- Drainage issues
- Setting of precedent
- Open countryside location
- Located outside of the settlement boundary for Bunbury
- Impact upon Sadlers Wells Wood
- Insufficient capacity at the local school
- Impact upon Bunbury Footpath 13 (FP13)
- Noise and congestion
- Loss of field for agricultural use
- Access not viable for construction traffic

## 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 adjoins the settlement boundary of Bunbury to the northeastern most corner of the site but is located within the Open Countryside.
- 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 a 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 2 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. Therefore, the proposal complies with Policy H1. 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 2 dwellings would be under the 15 dwellings threshold for greenfield sites as contained in Policy H2 of the BNP and would be co-located to a previously consented site to the north located off of The Orchards.

11.19. As such, there appears to be a partial conflict with Policy H2 which needs to 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 boundart, 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). A 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 the portion of Saddlers Wells which serves a number of existing dwellings there is an existing footpath adjacent to the site leading to the adopted section of Saddlers Wells leading to The Highlands. Furthermore, the adopted section of Saddlers Wells and The Highlands has provision of a footpath and streetlighting for pedestrians.

### **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 5 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 Saddlers Wells 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 on adjacent to the settlement boundary for Bunbury. To the north of the site is a residential development with Bunbury Aldersey CE Primary beyond, to the east is a neighbouring field with residential properties located on both sides of Saddlers Wells, to the south there is an unadopted section of Saddlers Wells leading to an existing dwelling known as Ivy Cottage to the west. Beyond Saddlers Wells to the south there is an existing Local Wildlife Site and Area Tree Preservation Order known as Saddlers Well Wood.
- 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. The proposed development would be seen in the context of the adjacent housing, gardens to the north and west which are located on the edge of Bunbury and as such the impact upon the character and appearance of the countryside would be acceptable.

### **Amenity**

- 11.35. Policy HOU 12 (Amenity) of the SADPD, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution and traffic generation access and parking.
- 11.36. Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non-habitable rooms. For differences in land levels it suggests an additional 2.5m for levels exceed 2m.
- 11.37. No layout plan has been provided at this stage and would be addressed at technical details stage; however the site appears large enough to allow for two dwelling to be located in the site without resulting in significant harm to living conditions of neighbouring dwellings.

### **Highways**

- 11.38. The highways engineer has been consulted and has no objections in principle. The applicant would need to demonstrate at the technical details stage that any proposed access is sufficient.
- 11.39. In this case highways matters relating to access and layout would be dealt with at the Technical Details stage.

## **Trees**

- 11.40. Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided.
- 11.41. Policy ENV 6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows. There are no trees on the site covered by Tree Preservation Order. Whilst there are some trees located along the site edge boundary, the site appears large enough to accommodate two proposed dwellings away from these existing trees. In any case this would be assessed at technical details stage.
- 11.42. Concerns have been raised in relation Saddlers Well Wood, to the south of Saddlers Well which is protected via an area Tree Preservation Order. If permission in principle is granted, any future stage would need to demonstrate that the proposed development can be achieved without detriment to the health or amenity value of trees at the technical details stage.

## **Ecology**

- 11.43. The Council's 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.
- 11.44. It is noted that the application site is adjacent to Saddlers Well Woodland, a Local Wildlife Site with deciduous woodland priority habitats listed under the National Forest Industry 2020. However, there is an existing track which creates a buffer between the existing woodland and proposed site.
- 11.45. The Council's Ecologist has confirmed that there are no anticipated ecological concerns in respect of the location, land use and amount of development proposed, further information and constraints may be required at the technical details stage.
- 11.46. The Council's Ecologist has advised that Hedgerow is a priority habitat and hence a material consideration. It is advised that any losses to hedgerow are avoided, with proposals for suitable compensation to mitigate for any losses to be submitted with any future application.
- 11.47. If permission in principle is granted a Ecological Impact Assessment and BNG assessment will be required at the technical details stage.

## **Flood Risk/Drainage**

- 11.48. 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**

- 11.49. 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.
- 11.50. Concerns raised in terms of noise/disturbance would all be covered at the Technical Details stage and are not for determination as part of this application.

11.51. An objection has been raised by the Councils Landscape Officer due to the limited information that they can rely on at this stage and have requested a more detailed application. If permission in principle is granted, any future stage would need to demonstrate that the proposed development can be achieved without adverse visual harm in respect of Landscape, and general Landscape Character at the technical details 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 H2 of the BNP; however, would be acceptable in terms of H1 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.**

