

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD

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**Date of meeting:** 18 February 2015  
**Report of:** David Malcolm – Principal Planning Manager  
**Title:** Land to the west of Goldfinch Close, Congleton.

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### **1.0 Purpose of Report**

- 1.1 To consider the withdrawal of two of the reasons for refusal relating to planning application 13/3517C for a proposed development of land for up to 220 dwellings, access, open space and associated landscaping and infrastructure on land to the west of Goldfinch Close , Congleton

### **2.0 Decision Required**

- 2.1 That the Committee resolve to withdraw the two reasons for refusal in respect of the above and to instruct the Principal Planning Manager not to contest these issues at the forthcoming public inquiry.

### **3.0 Background**

- 3.1 Members may recall that on the 13 May 2014, Strategic Planning Board considered an application for a proposed residential development of up to 220 dwellings, access, open space and associated landscaping and infrastructure on land to the west of Goldfinch Close , Congleton, (13/3517C refers)

- 3.2 The application was refused on the following grounds:

*1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material*

*circumstances to indicate that permission should be granted contrary to the development plan.*

*2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.*

*3 The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework*

*4 The proposal by virtue of increased activity and traffic would lead to severe highways harm, at the junction of High Street/Lawton Street and Albert Place where no further capacity exists, furthermore insufficient information concerning mitigation for impacts elsewhere upon the network has been submitted. Accordingly the proposal would be detrimental to the safe operation of the public highway contrary to Policies GR9 of the adopted Congleton Borough Local Plan First Review 2005, result in severe harm contrary to Para 32 of the NPPF and contrary to Policy CO1 of the Cheshire East Local Plan Strategy - Submission Version*

- 3.4 An appeal has now been lodged and scheduled for Inquiry later in the year. A duplicate application (14/4938C refers) has also been submitted,
- 3.5 Since determination of the application the Local Plan Inspectors interim report has been received which warrants the reconsideration of reasons for refusal 1 and 2 concerning housing land supply/open countryside policy and loss of agricultural land.

### ***Open Countryside & Housing Land Supply***

- 3.6 Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements

- 3.7 This calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.
- 3.8 The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft
- 3.9 The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.
- 3.10 Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views
- 3.11 Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, the Council is unable to robustly demonstrate a five year supply of housing land.
- 3.12 On the basis of the above, the Council at this time cannot reasonably continue to rely upon the first reason for refusal for this appeal.

### ***Agricultural land***

- 3.13 It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.
- 3.14 In addition, the National Planning Policy Framework, states that:
- “where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.*
- 3.15 A survey has been provided to by the applicant which indicates that 3.69 hectares of this 13.72 hectares (27%) site is Grade 3A Best and Most Versatile Agricultural land, with the remainder being Grade 3B. Previous Appeal decisions make it clear that in situations where

authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land.

- 3.16 Taking account of the planning balance in respect of the weight that has been attached to the loss of agricultural land in other appeal decisions it is not considered that there would be sufficient justification to maintain the reason for refusal as outlined above.

#### **4.0 Conclusion.**

- 4.1 On the basis of the above, it is considered that the Council should withdraw the first 2 reasons for refusal concerning housing land supply, open countryside and loss of agricultural land and agree with the Appellant not to contest these issues at Appeal.
- 4.2 At this time, the appeal will proceed on the two other grounds that remain in respect of reason 3 (landscape character) and 4 (highways) as highlighted above.

#### **5.0 Recommendation**

- 5.1 That the Committee resolve to withdraw the two reasons for refusal in respect of the above and to instruct the Principal Planning Manager not to contest these issues at the forthcoming public inquiry.

#### **6.0 Risk Assessment and Financial Implications**

- 6.1 There is a risk that if the Council continues to pursue these reasons at Appeal, in the light of the Local Plan Inspectors Interim report, that a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour .
- 6.2 There would also be an implication in terms of the Council's own costs in defending the reasons for refusal.

#### **7.0 Consultations**

##### ***Borough Solicitor***

- 7.1 The Borough Solicitor has been consulted and recommends the withdrawal of the reasons for refusal.

#### **8.0 Reasons for Recommendation**

- 8.1 To ensure that an approved scheme for essential affordable housing within the rural area is delivered.

#### ***For further information:***

*Portfolio Holder:*      *Councillor Don Stockton*

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***Background Documents:***

*Applications 13/3517C*