

Application No: 15/4576C

Location: Land South Of The Paddock, Booth Bed Lane, Goostrey, Cheshire

Proposal: Outline application for the erection of a single self build dwelling, garage and garden curtilage on land located to the west of Booth Bed Lane, Goostrey. The application also promotes the creation of a vehicle passing place within the site, and the minor widening of the verge to create a safer and more efficient entrance to / from Booth Bed Lane

Applicant: JOHN BEARDSELL

Expiry Date: 02-Dec-2015

## **SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits would be the loss of open countryside.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to conditions**

## **REASON FOR REFERRAL**

As the proposed development is for a house in the Open Countryside and does not fall within any of the acceptable exceptions within Local Plan policies PS8 or H6, the application represents a 'departure' from the development plan.

## **PROPOSAL**

This application seeks outline planning permission to erect No.1 dwelling. Matters of Access are also sought for approval.

Matters regarding; Layout, Scale Appearance and Landscaping are reserved for later approval.

As such, the application seeks permission for the principle of erecting 1 dwelling on this plot with consideration of the access only.

The original submission also sought approval for matters of layout and scale. However, the applicant has since decided not to pursue these matters at this time.

A revised indicative layout plan has also been submitted reducing the proposed footprint of the detached garage shown.

## **SITE DESCRIPTION**

The site relates to a small field located adjacent to and to the south of a dwelling known as The Paddock and to the north of properties on Wood Lane and Eaton Lane, Goostrey.

The site, including the proposed access onto Booth Bed Lane falls entirely within the Open Countryside as defined by the Congleton Borough Local Plan First Review 2005.

The applicant site relates to only a part of a larger, 'L-shaped' paddock which is approximately 0.2 hectares in size.

The application site also falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

## **RELEVANT HISTORY**

**28563/3** – Proposed conservatory extension (The paddock) – Approved 15<sup>th</sup> November 1996

**25353/3** - Single Storey Extension to Provide Accommodation For Disabled Mother – Approved 30<sup>th</sup> June 1993

**19412/3** - Proposed Dwelling and Turning Area – Refused 8<sup>th</sup> March 1988

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development

47-50 - Wide choice of quality homes

55 - Isolated dwellings in the countryside

56-68 - Requiring good design

### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are:

PS8 – Open Countryside

GR1 - New Development

GR2 – Design

GR4 – Landscaping

GR6 - Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision – New development

GR20 - Public Utilities

GR21 - Flood Prevention

NR1 - Trees and Woodlands

NR2 - Wildlife and Nature Conservation – Statutory Sites

H1 - Provision of New Housing Development

H6 - Residential Development in the Open Countryside and the Green Belt

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 - Presumption in favour of sustainable development

PG1 - Overall Development Strategy

PG5 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN1 – Infrastructure

IN2 - Developer contributions

SC4 - Residential Mix

SC5 - Affordable Homes

SE1 – Design

SE2 - Efficient use of land  
SE3 - Biodiversity and geodiversity  
SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland  
SE6 - Green Infrastructure  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land contamination and land instability  
SE13 - Flood risk and water management.

## **CONSULTATIONS**

**Flood Risk Manager** – No objections, subject to a condition that a surface water drainage scheme (including a scheme for the on-site storage and regulated discharge) be submitted to and approved in writing by the LPA.

**Head of Strategic Infrastructure (HSI)** – No objection.

**Environmental Protection** – No objections, subject to an hours of construction and a contaminated land informative only

**Jodrell Bank (University of Manchester)** – No comments received at time of report

**Goostrey Parish Council** – The Parish Council objects to this application for the reasons the applicant acknowledges in their Planning Statement:

- It is outside the Goostrey Settlement Zone Line so it conflicts with Policy PS5 in the Congleton Borough Local Plan and
- It is in designated Open Countryside. This is the same situation for Hermitage Lane where CE gave this reason for refusal

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

At the time of writing this report letters of objection have been received from 9 local households raising the following points:

- The application site is part of the open countryside
- Loss of rural character
- The access to the site is hazardous
- The access is too narrow
- Increased vehicular movements
- Vehicles speeding along Boot Bed Lane
- Vehicles would need to reverse on Booth Bed Lane which would be hazardous to cyclists and pedestrians
- Previous applications have been refused on this site
- The proposed dwelling would not meet the needs of local people
- Other applications in the area have been refused
- The proposed dwelling would be out of character
- Loss of privacy
- Foul and surface water drainage issues in the area

- Concerns that this will be the first of many applications on this site
- The development would be contrary to the local plan
- The development does not represent sustainable development
- Increased noise and disturbance
- Increased pollution/smells
- Increased light pollution
- Impact upon Bats
- The proposal is contrary to the NPPF
- The proposal is contrary to the emerging Cheshire East Local Plan
- The scale and height of the building is not appropriate
- The housing needs for Goostrey are to be provided in Holmes Chapel
- There is limited facilities in Goostrey with no supermarket, banks, garages or secondary school
- Poor medical provision in Goostrey
- Capacity issues at local schools
- Lack of employment provision in Goostrey
- Lack of sustainable travel options in Goostrey
- Loss of outlook
- The footprint of the proposed dwelling is out of character
- The access cannot be widened
- Loss of biodiversity
- Impact upon the adjacent trees
- The development does not reflect the existing building line
- Concern that the proposed garage could be converted into a second dwelling
- Separation distances are not provided to all of the adjoining dwellings
- The siting of the house is not clear on the submitted documents
- Loss of agricultural land
- The proposed dwelling is too large
- The access is close to where the speed limit changes

## **APPRAISAL**

The key issues are:

- The principle of the development
- Sustainability including the proposal's Environmental, Economic and Social role
- Planning Balance

## **Principle of Development**

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these categories. As such, 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 objection. These are considered below.

### Housing Land Supply

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.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

This is a material consideration in support of the proposal.

### **Sustainable Development**

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14.

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Environmental Role**

### Open Countryside Policy

In the absence of a 5-year housing land supply open countryside policy is considered to be out of date. However, Policy PS8, seeks to protect the intrinsic character and beauty of the countryside in line with the framework. It is therefore necessary to assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

In this particular case the harm to open countryside would be minimal as the site is surrounded by existing development and makes minimal contribution to its intrinsic character and beauty.

### Sustainability of Location

Although a locational sustainability assessment has not been provided by the applicant for this scheme, the application site lies directly adjacent to the boundary with the Goostrey Village Inset Boundary Line. As such, it is within walking distance, via an existing footpath, to the village's facilities including; a local shop, play area, church, primary school, community sports facilities and public house.

It also has good bus links to Sandbach, Holmes Chapel, Northwich and Goostrey Railway Station.

Furthermore, other proposals for dwellings on the edge of Goostrey have been considered to be locationally sustainable by the Local Planning Authority for the above reasons.

As such, it is considered that the proposed application site is sited within a sustainable location.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

## **Environmental role**

### Landscape Impact

The application site forms part of a small field associated with and to the south of 'The Paddock' in the Open Countryside. The Goostrey Village Settlement Boundary is located immediately to the south and forms the southern boundary.

On the northern boundary of the site are outbuildings associated with 'The Paddock'. To the east and south are the properties on Eaton Land and Wood Lane respectively.

As the application site is largely enclosed by built form, it is not considered that the development of built form in this location would have a detrimental impact upon the wider landscape. This conclusion is supported by the Council's Landscape Officer.

### Trees and Hedgerows

The submission is supported by a tree survey and indicative Arboricultural Impact Assessment (AIA) dated October 2015.

As an outline with only access to be determined, the full implications for trees would only be realised at Reserved Matters stage, nevertheless, the Council's Tree Officer has advised that it would appear that a length of overgrown Leylandii hedge and a small group of Silver Birch would be removed to achieve access and a passing space and with a layout as indicated, there would be hard surfacing within the root protection area of the off site Weeping Willow and a Silver Birch.

It is further advised that it appears the site has the capacity to accommodate a single dwelling without significant arboricultural issues. Nevertheless, the Council's Tree Officer has concluded to advise that a reserved matters application and finalised layout would need to be supported by a package of arboricultural information in accordance with *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. This could be covered by condition.

### Design

The proposed development is for 1 new dwelling. Matters of layout, scale and appearance are not sought for approval as part of this application. This proposal therefore considers the principle of 1 dwelling on the site only based on the indicative layout plan.



The submitted updated indicative layout plan shows that the proposed dwelling would have an L-shaped footprint and be located to the north-west of the plot facing in a north-easterly direction. Within the updated Design and Access Statement it is advised that the dwelling would not exceed 7.5 metres in height.

A new access point would be created to the north-eastern corner which would link the site to the private driveway of The Paddock to the north, which would link to Booth Bed Lane to the east.

A detached garage block, of a smaller scale than originally shown, would be sited on the southern boundary on the opposite side of the site to the proposed access.

The proposed layout, although indicative, would not appear incongruous within a site which is enclosed by dwellings facing in various orientations and would be neatly sited adjacent and parallel to an existing rural building.

The development indicates the provision of a detached dwelling which would also respect the form of the immediate surrounding properties.

With regards to scale, according to the submitted indicative plans, the dwelling would have a footprint of approximately and height that would not appear incongruous. However, the detail of all of the above would be considered at reserved matters stage.

As a result of the above reasons, it is considered that 1 dwelling of a scale, layout and appearance which would respect the local character could be accommodated within this plot. As such, it is considered that the proposal would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

### Access

Access is sought for approval as part of this application.

The layout plan demonstrates that the proposal seeks the creation of a new access point which would link into the private driveway of The Paddock, to the north. Sufficient parking space would be provided for at least 200% parking.

The Head of Strategic Infrastructure (HSI) has reviewed the submitted information and has stated that the access is a long access drive that already serves a residential property and a number of stables. Given the long access drive there does need to be some facility for vehicles to pass one another. The applicant has proposed some improvements to the access drive and also the provision a passing bay.

Given that the access currently serves a small amount of development, the Head of Strategic Infrastructure does not have any objections to the additional dwelling subject to the improvements proposed being implemented.

As such, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

## Ecology

The application is supported by an Ecological Assessment.

At the time of writing this report comments were awaited from the Council's Ecologist and an update report will be provided in relation to this issue.

## Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

The Council's Flood Risk Officer has reviewed the application and advised that they have no objections, subject to a condition seeking the prior submission of a surface water drainage plan.

As such, subject to the above, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

## Environmental Conclusion

The proposed development would not create any significant landscape, hedgerow, design, access, flooding or drainage concerns. The impact upon protected trees would be acceptable, subject to a number of conditions.

An update will be provided in relation to the ecological implications of this development.

As such, it is considered that the proposed development would be environmentally sustainable.

## **Economic Role**

It is accepted that the construction of a house, although minor, would bring the usual economic benefit to the closest shops in Goostrey for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

## **Social Role**

The proposed development would provide 1 market dwelling which would be a social benefit.

## Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space)

sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of; No's 12 and 14 Wood Lane and No's 8 and 10 Eaton Lane.

According to the submitted indicative layout plan, the proposed dwelling would be sited to the north-western corner of the site and would be orientated so that none of its elevations would lie directly parallel with any of these neighbouring properties.

The closest neighbouring property to the application dwelling would be No.14 Wood Lane which, according to the indicative layout plan, at its closest point (rear elevation), would be approximately 17 metres from the side/rear corner of the proposed unit.

Due to the offset relationship between the proposal and this neighbouring unit, which would result in the vast majority of the built form not lying directly to the rear of this neighbouring property, it is not considered that the occupiers of No.14 Wood Lane would be significantly impacted by the proposed development with regards to loss of privacy or visual intrusion should this layout be pursued at reserved matters stage.

As the application unit would be to the north of this dwelling, no significant issues in relation to loss of light should be created for this neighbour either.

All other neighbouring dwellings would be over the minimum 21.3 metre separation standard based on the indicative layout.

The application also indicates a proposed detached garage. The indicative layout plan shows that this would be sited to the south-east of the plot and would lie parallel with the southern boundary.

The indicative plan demonstrates that this garage would be located over the 21.3 metre separation distance standard with the rear elevation of No.8 Eaton Lane and 16.4 metres from the rear elevation of No.12 Wood Lane.

Given the proposed use of the building as a garage and the above separation distances, it is not considered that the provision of this garage in this location would have a detrimental impact upon the privacy, light or visual intrusion of these neighbouring dwellings, subject to the scale being appropriately considered at reserved matters stage.

The Council's Environmental Protection Team have advised that they have no objections to the development subject to an hours of construction and a contaminated land informative only.

With regards to the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a useable, private amenity space of at least 65 square metres.

As such, it is considered that a detached dwelling and a garage could be accommodated within the plot without creating significant amenity concerns. The proposal is therefore considered to adhere to Policy GR6 of the Local Plan.

## **Other Matters**

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

## **Planning Balance & Conclusion**

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits would be the loss of Open Countryside.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions;

- 1. Standard Outline 1**
- 2. Standard Outline 2**
- 3. Standard Outline 4**
- 4. Plans**
- 5. Surface water drainage scheme – Prior approval required**
- 6. The access improvements shall be constructed as shown on Dwg B1065 prior to occupation.**
- 7. Reserved matters application shall include an arboricultural impact assessment**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Head of Planning (Regulation) in consultation with the Chair (or in there absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



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THE Paddock

LAND NORTH OF

WOODSIDE COTTAGE

WOODSIDE 21

RUSTIC COTTAGE 19  
THE SPINNEY

STREET VIEW

THE WOODLANDS 13

THE CONIFERS

MYRTLE COTTAGE 9

WESTFIELD 55

Eaton Lane

Wood Lane

PLAYING FIELD ADJACENT

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SANDY LAND 43