

Southern Planning Committee 31st August 2016

UPDATE TO AGENDA

APPLICATION No: 16/1134C

PROPOSAL: Outline application for proposed development of 30 dwellings including open space (allotments), internal access road and car parking

LOCATION: Land Off, Marsh Green Road, Sandbach Cheshire

APPRAISAL

Other Matters

The applicant has questioned the impact of a recent appeal decision on the application proposal.

Planning application 14/1946C was an outline planning application for 75 dwellings at Land off The Hill/Manor Road, Sandbach. This was refused by Cheshire East Council for the following reasons;

- 1. The proposed residential development is unsustainable because it is located in Open Countryside, Contrary to Policies PS8 and H6 of the Congleton Borough Local Plan First Review 2005, Policy PG 5 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 creates harm to the 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 Framework.*
- 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.*

This decision was appealed and dismissed on amenity grounds.

Within para 27 of the Inspector's decision, the Inspector concluded that the weight to be afforded to the local plan and neighbourhood plan countryside policies was reduced in light of the Council's Housing Land Supply position. However, the Inspector did acknowledge that the countryside policies '*...may have a linked purpose, which is to protect the countryside for its own sake...*'

The Inspector went on to advise in para 27 that '*...although the planning system is plan led, the Government's policy as articulated by the Framework is that where the plan-led system is not delivering the required levels of housing, housing should be permitted, even if contrary to the plan's spatial strategy, unless the real world land use planning impacts of doing so significantly and demonstrably outweigh the benefits that housing may deliver.*'

In para 31 of the decision, the Inspector concluded that the scheme would not '*...appear as an incongruous incursion into the open countryside...*' and did not '*...play a significant role in the wider countryside setting of Sandbach.*'

With regards to the loss of Best and Most Versatile (BMV) Agricultural Land, also a concern with the application proposal, the Inspector concluded in para 36 that the lack of a 5-year housing land supply attracted weight as an 'other sustainability consideration' (as detailed in Local Plan Policy NE.12) in favour of the use of the appeal site for the appeal scheme. As such, it was advised that there was no inherent conflict between the appeal scheme and the loss of, in relative terms, a limited amount of BMV land.

However, it should be noted that also in para 36 of the decision, the Inspector did acknowledge that '*...if every small scale housing proposal advanced the same argument (that the development of BMV would be necessary in order to accommodate housing growth)...then the piecemeal loss of BMV land could become significant.*'

In response, each planning application is considered on its own merits as each are case and context specific, a point accepted by the Inspector in para 32 of the decision. Although the appeal proposal at The Hill, Sandbach, comprised of similar considerations to that of the application proposal, it is considered that the characteristics of each site differ.

The appeal site at The Hill had a different character to the application proposal. The application proposal is considered to be more open in nature and has a greater rural character as a result.

In the case at The Hill, the Inspector concluded that the countryside value of the application site was only limited. This conclusion was made on that site's particular characteristics. The assessment of the application proposal concludes that the impact upon the countryside is not limited for the above reasons, and therefore differs from The Hill.

With regards to the Loss of BMV Agricultural land, although it is acknowledged that there is likely to be some loss of such land to accommodate housing growth, it is considered that the loss of this parcel of agricultural land would form part of a

piecemeal loss of BMV around Sandbach which would become more significant if granted. It is also considered that the loss of Open Countryside is '*a real land use planning impact*', as is the loss of BMV Agricultural Land concern.

As a result of the above reasons, it is considered that the detrimental impacts of the scheme, significantly and demonstrably outweigh the benefits.

RECOMMENDATION

No change to recommendation