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# Appeal Decision

Site visit made on 8 June 2015

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 June 2015**

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**Appeal Ref: APP/R0660/W/15/3013651**

**Land south of Sandfield House, Station Road, Wrenbury CW5 8ER**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Hollyhead Estates (Wrenbury) Ltd against the decision of Cheshire East Council.
  - The application Ref 14/5260N, dated 10 November 2014, was refused by notice dated 27 February 2015.
  - The development proposed is residential development of up to 18 dwellings to include means of access.
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## Decision

1. The appeal is allowed and outline planning permission is granted for a residential development of up to 18 dwellings to include means of access at Land south of Sandfield House, Station Road, Wrenbury CW5 8ER in accordance with the terms of the application, Ref 14/5260N, dated 10 November 2014, subject to the conditions set out in Annex A.

## Application for costs

2. An application for costs was made by Hollyhead Estates (Wrenbury) Ltd against Cheshire East Council. This application is the subject of a separate Decision.

## Procedural Matter

3. The application was submitted in outline with the means of access to be determined at this stage. I have dealt with the appeal on this basis treating the plans which show the layout of the site as illustrative. However, I note that prior to the determination of the application, it was agreed by both parties that the description of development should be amended to indicate that the maximum number of dwellings would be 18.

## Main Issue

4. The main issue in the appeal is whether or not the proposal would represent a sustainable form of development.

## Reasons

5. The appeal site is a field located in the open countryside immediately adjacent to the village of Wrenbury. In order protect the character and appearance of the countryside both national and local policies seek to restrain new development in such areas unless it meets specific criteria. Policy NE.2 of the

*Crewe and Nantwich Local Plan 2011 (adopted February 2005)* (CNLP) sets out when new development in the open countryside is acceptable, and Policy RES.5 provides the specific circumstances when new housing in the open countryside is allowed. It is no part of the appellant's case that the proposal would meet the criteria in either of these policies.

6. The *National Planning Policy Framework* (the Framework) sets out in paragraph 47 that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. It is accepted by both main parties that the Council cannot do this. In such circumstances paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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. Paragraph 7 of the Framework identifies that there are 3 dimensions to sustainable development: economic, social and environmental.
7. The construction of up to 18 houses would enhance the economy of the local area by the creation of jobs associated with the construction phase, and the spending by the new residents would also be beneficial to the economy of the area. In addition, the local authority would benefit from increased Council tax as well as receiving money through the New Homes Bonus to spend on local services. Whilst the modest scale of the development would limit these contributions, nonetheless, the proposal would have positive economic benefits, and the scheme is sustainable in terms of the economic dimension.
8. Although most matters of detail are reserved, the plans illustrate that the site would be able to provide a range of housing types that would help to meet the needs of present and future generations. It is indicated that 30% of the dwellings would be affordable, and a Unilateral Undertaking has been provided to secure this in line with Policy RES.7 of the CNLP. This would help to maintain diversity within the local population. An area of open space is also shown on the plans, although it is likely that this would mainly be used by future occupiers.
9. A core planning principle of the Framework is to focus significant development in locations which are, or can be made, sustainable. With the aim of promoting sustainable development in rural areas, paragraph 55 directs housing to areas where it will enhance or maintain the vitality of rural communities. In general, new residential development is most appropriate in locations where there is access to services, opportunities for employment, and alternative modes of transport than the private car (paragraphs 30 and 37).
10. The village of Wrenbury contains a good range of services and facilities and the site is within walking distance of these. In addition, the village is served by both bus and train services which provide access to larger local settlements, and both are within walking distance of the site. Therefore, future occupiers would not be totally reliant on the private car to meet their day to day needs, and the development would help to maintain the vibrancy of local services. Consequently, the site is in an accessible location and overall the proposal would be sustainable in terms of the social dimension.
11. The site is currently an open field with a small agricultural building in one corner. It is not covered by any statutory or local landscape designations. A

Landscape and Visual Appraisal of the site was submitted with the application. This concluded that whilst there would be a significant effect on the landscape in the immediate vicinity of the site, the low lying nature of the site, and the extensive existing screening around it, means that in the wider landscape the impact would not be significant. Consequently, the scheme could be accommodated on the site without any significant impact on the landscape character of the area.

12. From my own observations I see no reason to disagree with these findings. Moreover, as the site is bordered by residential uses to the north, the development would be seen in the context of this and would not be seen as physically or visually isolated from the village.
13. The illustrative layouts show that the protected trees on the site can be incorporated into the scheme satisfactorily. Whilst the creation of the access would result in the loss of some of the attractive hedging along the Station Road frontage, replacement hedging could be secured within the landscaping of the site at reserved matters stage.
14. The Phase 1 Environmental Survey noted the presence of protected species near to the site, but it was concluded that the development would not have significant impact on any of these. Subject to this being reviewed at reserved matters, and the implementation of the suggested enhancement measures, I am satisfied that the development would not have a detrimental impact on wildlife or biodiversity.
15. It is unclear whether the site is classified as Grade 3a or Grade 3b agricultural land, although it is indicated that it is more likely to be Grade 3b, and so would not be the best and most versatile agricultural land. However, even if it was Grade 3a, given the limited size of the field, it would not represent a significant loss.
16. Reference has been made to a mound in the vicinity of the site which is recorded in the Historic Environment Record as possibly being either a prehistoric burial mound or a windmill mound. However, the Council's Archaeological Advisor has stated that the development would not have any effect on this feature, and I have no reason to disagree with this conclusion. Therefore, overall the scheme is sustainable in terms of the environmental dimension.
17. Having considered the economic, social and environmental dimensions of the scheme, I consider that the proposal would be sustainable development. As such the presumption in favour of sustainable development set out in paragraph 14 of the Framework does apply. I return to this matter in my conclusion.

### **Other Matters**

18. The appellant has submitted a signed Unilateral Undertaking which includes contributions for off-site ecological enhancements, and towards secondary education. However, I have been provided with no policy justification for these contributions, and so I am unable to ascertain if the Unilateral Undertaking meets the requirements of the Community Infrastructure Regulations 2010 or the Framework. As such I give these elements of the Unilateral Undertaking no weight in my decision making.

19. A number of concerns have been raised regarding highway safety. The proposed scheme would be accessed by a new junction on Station Road, and would also improve the footway along this road. The illustrative layout shows that off-street parking can be provided for each dwelling. Due to the proximity of the village primary school, I appreciate that at particular times of the day the levels of traffic and parking in the area are significant. I also note that both farm traffic, and lorries associated with the small industrial estate near the station, regularly use the road. However, I note that there is no objection to the scheme from the Highways Engineer. In the light of this, and my own observations on site, I am satisfied that the proposal would not significantly harm highway or pedestrian safety in the area.
20. Whilst details of design and layout are not to be determined at this stage, the illustrative layout shows that adequate separation distances can be provided between the houses, and also with the existing houses. Therefore, I am satisfied that the development can be accommodated within the site without resulting in a loss of privacy or light to neighbouring residents, and without causing an increase in noise and disturbance. Moreover, whilst the views of various residents may change, the scheme would not have an unacceptable impact on the outlook from nearby houses. In addition, given the wide variety of dwellings and layouts in the village, I consider it would be possible to design the scheme so that it would not be detrimental to the character and appearance of the village. Given the modest number of houses proposed, I do not consider that the proposal would have an adverse impact in terms of light pollution.
21. Concerns have been raised about drainage and flooding. A 'Highway, Drainage and Flood Risk Assessment' was submitted with the application and I note that, subject to conditions, there is no objection to the scheme from United Utilities, or the Council's drainage engineer. Given that there is no substantive evidence to the contrary I am satisfied that the proposal would not have any significantly adverse effects in respect of these issues. It has been put to me that existing services such as doctors and primary school are already full. However, I have not been given any detailed evidence which quantifies the extent of any local shortage, or the need for new facilities. In fact the education authority has stated that the primary schools are forecast to have surplus places.
22. I note the concern that the scheme would cause a reduction in property values. Nevertheless, I have not seen any convincing evidence that this would be the case, and given that I have concluded that the proposal would not cause any harm, I am not persuaded that this justifies the refusal of permission for the scheme.
23. It has been suggested that the appellant may seek to develop other land which they own in the area for housing. Be that as it may, such schemes are not before me at this appeal, and the acceptability of any future housing schemes on other land in the village would have to be considered by the Council. As such, this does not constitute a reason for refusing the application that is before me.
24. My attention has been drawn to the 'Parish Plan' which sets out various guidelines for new development in the village. Whilst the evidence indicates that this is not a formal Neighbourhood Plan, I have been given no indication

regarding the status of this document, how the guidelines were drawn up, and whether any consultation was undertaken on it. As such, I give it little weight.

25. Both parties have drawn my attention to other appeals involving housing in the open countryside. I do not have the full details of these cases and so cannot be sure how comparable they are to the appeal scheme. In any case they highlight that each application and appeal must be determined on its own merits, and on the basis of the evidence provided.
26. A number of residents have suggested that the site is in the Green Belt but the Council have not given any indication that this is the case. In addition, I note the concerns regarding various inaccuracies in the documents submitted with the application. Nevertheless, I am satisfied that these have not unduly affected the determination of the application, or the appeal, in any way.

### **Conclusion and Conditions**

27. The workings of the presumption in favour of sustainable development are set out in paragraph 14 of the Framework. This states that the presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, the presumption means approving proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
28. In terms of harmful impacts, the proposal would cause limited harm to the character of the landscape through the development of open countryside. This does not significantly and demonstrably outweigh the benefits of the scheme which include the provision of market and affordable housing in an accessible location, the opportunity to enhance the vitality of this rural community and the boost to the local economy. The presumption in favour of sustainable development therefore applies to the proposed development. For this reason, I conclude the appeal should be allowed.
29. In addition to the standard implementation and reserved matters conditions, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. As the application was made for up to 18 houses I consider it is reasonable to condition the maximum number of houses that can be built on the site.
30. I have not been given any detailed evidence regarding potential contamination of the site but given the sensitive nature of the end use, I consider it would be appropriate to have a condition to assess the potential for contamination, and to outline measures of how any contamination would be dealt with. A condition requiring an Environmental Management Plan is necessary to protect residential amenity.
31. For reasons of highway safety a condition is required to ensure the provision of an adequate access to the site before the development commences. To ensure the satisfactory drainage of the site it is necessary to control details of the disposal of foul and surface water from the site.

32. As recommended in the Officer's report, a condition to ensure an update to Protected Species Survey is provided at reserved matters stage is required. In the interests of nature conservation conditions are necessary to ensure that enhancements measures for wildlife are carried out as part of the development and that a survey for nesting birds takes place.
33. As the other conditions suggested by the Council relate to matters that are reserved for future consideration, I consider that it is neither necessary, nor appropriate, to apply them at this stage.

*Alison Partington*

INSPECTOR

## **Annex A**

### **Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Dwg no HEWL-01; Site Plan Dwg No HEWL-02; Preliminary Access Arrangements Drawing Number T17355-100; and Constraints Plan Dwg No HEWL-03.
- 5) The development hereby permitted shall be for no more than 18 dwellings
- 6) No development shall take place until:
  - i) a contaminated land Phase 1 report to assess the actual/potential contamination risks at the site has been submitted to, and approved in writing by, the local planning authority;
  - ii) should the Phase 1 report recommend a Phase 2 investigation is required, a Phase 2 investigation report shall be submitted to, and approved in writing by, the local planning authority;
  - iii) should the Phase 2 investigations indicate that remediation is necessary, a Remediation Statement shall be submitted to, and approved in writing by, the local planning authority. The remediation scheme in the approved Remediation Statement shall then be carried out in accordance with the approved details and timescale; and
  - iv) Should remediation be required, a site Completion Report detailing the conclusions and actions taken at each stage of the works, including the validation works, shall be submitted to, and approved in writing by, the local planning authority prior to the first occupation of any part of the development hereby approved.
- 7) No development shall take place until an Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The plan shall include piling techniques, vibration and noise limits, monitoring methodology, screening and detailed specifications of plant and equipment to be used and construction routes. Development shall be carried out in accordance with the approved plan.
- 8) No other development shall take place until the access to the site has been completed.
- 9) No development shall take place until a foul and surface water drainage scheme for the site has been submitted to, and approved in writing by,

the local planning authority. The approved scheme shall be implemented prior to the first occupation of the dwellings and retained as such thereafter.

- 10) Any future reserved matters scheme shall include an updated protected species survey.
- 11) The development hereby permitted shall be carried out in full accordance with the enhancements measures contained within the Phase 1 Environmental Survey by Greenscape Environmental Ltd dated October 2014.
- 12) Prior to any works taking place that involve the loss of any hedgerow (or part thereof), tree or shrub between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey shall be undertaken by a suitably qualified person to check for the presence of nesting birds and the results submitted to, and approved in writing by, the local planning authority. Where nesting birds are found, a 4m exclusion zone shall be created around the nest until nesting is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report shall be submitted to, and approved in writing by, the local planning authority before any works involving the removal of the hedgerow (or part thereof), tree or shrub take place.