
Appeal Decision

Inquiry held on 7 August 2013

Accompanied site visit made on 15 August 2013

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 18 October 2013

Appeal Ref: APP/R0660/A/13/2195201

Land off Sandbach Road North, Alsager, Stoke-on-Trent ST72EH

- 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 Gladman Developments Ltd against the decision of Cheshire East Council.
 - The application Ref: 12/4872C, dated 12 December 2012, was refused by notice dated 14 March 2013.
 - The development proposed is residential development for up to 155 residential units with associated infrastructure and access with all other matters reserved.
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Preliminary Matters

1. The application is made in outline with all matters except means of access reserved for future determination. I have considered the appeal on that basis, though recognise that the additional information submitted indicates how the Appellants would envisage development being carried out.
2. I carried out an accompanied site visit as noted above, and unaccompanied visits on other occasions before, during and after the close of the inquiry.
3. The application was refused for a number of reasons. However, prior to and during the inquiry the majority of these were resolved and these matters are no longer at issue between the parties. I agree that they are matters which no longer require my consideration. The remaining reasons for refusal are therefore:
 - Number 1, relating to the location of the site in open countryside, the 5 year housing land supply, the use of Grade 2 agricultural land, and prematurity; and
 - Number 6, relating to impact on landscape character.

Background

4. I conducted the inquiry into this proposed development immediately after the inquiry into a proposal for housing at Congleton Road, Sandbach (APP/R0660/A/13/2189733). Both of these cases have similarities in that they raise some similar issues and are located in the same local authority area. For that reason some of the evidence I heard was common to both, but each decision has been made in the light of the particular circumstances of the individual case. Nonetheless there are some matters of overlap where, for

reasons of efficiency and to speed up decision making, it has been possible to provide text which is common to both.

Decision

5. The appeal is dismissed.

Main Issues

6. There are a number of issues for consideration. These are:
- (a) Whether the Council is able to demonstrate a deliverable five year supply of housing land;
 - (b) The impact of the proposed development on the character and appearance of the locality;
 - (c) The impact of the proposal on highway safety;
 - (d) Whether the loss of best and most versatile agricultural land would be unacceptable;
 - (e) Other Material Factors including site sustainability, the provision of affordable housing, and prematurity.

Planning Policy Background

7. It is common ground that the development plan is the Congleton Borough Local Plan and its Review of 2005 (CLP). This plan covers that part of the area of Cheshire East Council (CEC) which incorporates the former Congleton Borough Council. I deal with the relevant policies shortly.
8. There is a draft Local Plan, variously described as the Core Strategy and Development Strategy, which is moving towards a position in which it can be submitted for examination. The Council is seeking to achieve this in late 2013. The current state of the plan is pre submission. It is not disputed that there are many outstanding objections to the plan, and to specific proposals in the plan. Hence it cannot be certain that the submission version of the plan will be published in the timescale anticipated. The plan has already slipped from the intended timetable. In addition there can be no certainty that the plan will be found sound though I do not doubt the Council's intentions to ensure that it is in a form which would be sound, and I acknowledge the work which has gone into the plan over a number of years.
9. Nonetheless I cannot agree that the draft Local Plan should attract considerable weight as suggested by the Council. There are many Secretary of State and Inspector appeal decisions which regard draft plans at a similar stage as carrying less weight. The Council's own plan has been afforded little weight in the earlier months of 2013, and although the plan has moved on to an extent, it has not moved on substantially. For these various reasons I consider that the draft Local Plan can still attract no more than limited weight in this case.
10. As an additional point here it is appropriate to address the matter of proximity to Stoke-on-Trent and Newcastle-under-Lyme, the boundaries of which lie a short distance to the south of Alsager. There is concern from these Councils that there should not be too much development in the southern part of the CEC area lest there is unacceptable impact on the regeneration objectives of those Councils. The duty to cooperate will no doubt be considered at the examination of the draft Local Plan, but it is material to this decision to

recognise the concerns of the adjacent Councils in relation to the quantum of development which might eventually be built in CEC. This is a matter which I return to later.

11. I note that the draft Local Plan preparation has included information from the Alsager Town Strategy, which is a non statutory document intended to identify options for the future development of the town. I heard evidence at the inquiry relating to the stages of discussion and consultation which were undertaken during the consideration of the town strategy. It is clear that this document is of importance to local people as an expression of their preferences, but it is less clear that it has any basis beyond that. Whilst not seeking to take away from its significance to local people it is, in essence, an information gathering mechanism which identifies options and provides evidence which in turn informs the preparation of the Local Plan, but can of itself carry little weight.
12. Of particular note in the CLP is Policy PS4, which deals with Settlement Zone Lines (SZL) around towns, including Alsager. There was debate at the inquiry about whether this policy can reasonably be said to be related to or is a policy controlling housing land supply, and if so, whether it should be regarded as time expired given that the CLP has an 'end date' of 2011.
13. The 'headlines' of Policy PS4 are that towns are defined by a settlement zone line (SZL) and that there is a presumption in favour of development (subject to criteria) within the SZL. The preceding section of the CLP explains the purposes of the SZLs in paragraph 2.52. It is suggested by the Council that the policy has 3 purposes. These are to define the boundary between built up areas and the rural areas, to exclude land which requires protection from development either where it contributes to the character of the settlement, or where it is important to retain views of the surrounding countryside, and allow for growth to 2011.
14. It is clear, though, that the use of SZLs has an effect on where development (including residential development) is located. But the primary purpose of the SZLs is not to identify land for development in a positive sense (such as by making allocations) though the definition of SZLs would inevitably reflect allocations. Any SZL must therefore have taken account of housing land availability at the time it was drawn up, and this is signalled in the explanation at paragraph 2.53 in the CLP. That paragraph clearly indicates that the SZLs reflect the then current circumstances and allocations for the period to 2011.
15. So Policy PS4 takes account of allocations and the identified requirement for housing land at that point in time, but was not intended to do so for a longer period. In setting physical boundaries around settlements which include the land identified for development there is clearly a relationship between SZLs and land identified for development. But I do not accept that the relationship is driven by the requirement for SZLs to identify land to meet a determined supply of housing – rather it is based on the desire to protect open countryside and Green Belt once development land has been identified. Hence it is my judgement that the definition of an SZL is not a housing land supply policy per se, but a reflection of the assessment which took place at the time the CLP was produced in relation to spatial settlement priorities which include both location of development and protection of the environment.
16. I am therefore satisfied that Policy PS4 is not sufficiently directly related to housing land supply that it can be regarded as time expired for that purpose.

The policy is primarily aimed at countryside and Green Belt protection, both of which are also aspirations of the National Planning Policy Framework (NPPF). In such circumstances I regard the policy as largely in conformity with the NPPF and attracting significant weight.

17. That said there is no dispute that the proposed development would fall foul of CLP Policies PS8 and H6 which seek, respectively, to restrict development and residential development in the open countryside unless it is for one of a number of specified categories. The proposal does not fall into any of those categories.
18. More generally, there are a number of policies of the CLP which have been brought to my attention. I deal with the relevant policies under the various issues below.

Reasons

Housing Land Supply

19. Both main parties agree that the starting point for the calculation of a 5 year land supply should be the housing requirement set out in the former North West Regional Strategy (RS). Although the RS is no more, the evidence base which underpinned the housing supply figures is the only evidence which has been rigorously tested. Whilst more recent interim housing projections indicate that there may be some refinement of the housing requirement over the draft Local Plan period, there are no tested figures which relate to the whole draft Local Plan period. In addition the housing projection figures would be likely to be only one of a number of indicators and inputs which would be taken into account when setting future housing requirements. The Council has indicated that it intends to update the Strategic Housing Market Assessment alongside publication of the Local Plan, and until that process is completed there are no alternative reliable projections for housing need. I therefore agree that there is currently no sound basis for departing from the tested RS figures¹. Hence the housing requirement currently stands at 1150 dwellings per annum (dpa) for CEC. This is 5750 over 5 years. Following the advice in the NPPF requires the addition of either a 5% or 20% buffer (a matter I deal with later). The matter of previous underachievement and the subsequent backlog is also material.
20. Until a point early in 2013 it was undisputed that CEC could not demonstrate a 5 year supply of deliverable housing land in the terms set out in the NPPF. However, following the production of the revised Strategic Housing Land Availability Assessment (SHLAA) of March 2013 the Council now believes that it can demonstrate around a 7 year supply.
21. The assessment of land supply is not an exact science, and a measure of professional judgement is always required in order to reach a view on what is realistically achievable in a given period. Additionally the assessment is taking place in a dynamic environment – whenever a planning permission is granted it changes the calculations, and there have been a number of permissions granted in recent months in the CEC area. It is therefore hardly surprising that calculations changed during the inquiry, or that the Council and Appellant have reached different conclusions. It is interesting that the 5 year figure falls about

¹ I am aware of the recent case of *Hunston Properties Ltd v SoS for Communities and Local Government and St Albans City District Council*, but the case before me is distinguishable on its facts and it is pertinent that both parties agreed the relevant figures in this case.

midway between their relative assessments. As is made clear in the NPPF there must be a significant degree of confidence attached to the availability and deliverability of land for it to be included in the 5 year supply. If planning permission does not exist there should be good reason for believing that it would be forthcoming and that housing would be delivered (in whole or part) within the 5 year period.

22. I note at this point that I do not find the comparisons with housing delivery rates at sites elsewhere in the North-West to be especially helpful. Delivery is bound to be affected by local considerations. However, that information, together with reported national build rates and information on market areas, is useful as background material.
23. There is some degree of coming together of assessments as a result of information presented during the inquiry. However, it is necessary to examine the issues where there are remaining disagreements leading to material differences in the assessment of deliverability. Setting aside for the moment the treatment of the backlog and buffer the major differences lie in the assessment of strategic sites and sites without planning permission. Housing land supply assessments cannot deal in absolute certainties, and in estimating numbers it is necessary to take a pragmatic and holistic approach.
24. CEC have postulated that about 4000 homes can be expected to be delivered on strategic sites over 5 years. The Appellant believes it would be about 1300 homes. The sites in question are included in the draft Local Plan and it is not disputed that some are subject to objection. Nonetheless the Council is confident of them coming forward and points out that only 4 strategic sites have been the subject of more than 50 objections. However, it is not the number of objections which is of merit, but the substance, and that is not a matter for me. The very fact that objections have been submitted must temper the confidence that the Council, or indeed I, can legitimately have towards the delivery of the strategic sites in the form currently proposed.
25. Having said that it is apparent that planning permissions are being granted on strategic sites in advance of the examination of the draft Local Plan, though to a limited extent. For example this is the case in respect of 'Sandbach 1' where planning permission has been granted for 50 dwellings, subject to a S106 agreement. Similarly 'Crewe 6' (The Triangle) has planning permission for 360 dwellings subject to a S106. But more generally I share the Appellant's concerns that the Council is being over-optimistic in its assessments for some draft strategic sites, notwithstanding the desire to press ahead because of the enabling role housing is expected to play in infrastructure delivery.
26. I say that for a number of reasons. First, there is simply not enough evidence to back up some of the claims made. It is to be expected that landowners and potential developers would talk up the likely delivery of housing development in their pre-application discussions and publicity material. I am also not convinced that the expectation of an early submission of a planning application can be afforded weight; experience shows that all too often expectations do not carry through into timely delivery. This is the position with a number of sites. Delivery claims must therefore be taken cautiously.
27. Secondly, the pattern of some strategic sites across the Borough is relatively concentrated. So although developers may want to 'get in first', it is more than possible that if developments begin to take off in one area, other developers

may be reticent in instigating a development start because of potential difficulties with market saturation and competition in the immediate vicinity.

28. This in effect is the same point as the third reason, which is the projected rate of delivery used by the Council. Here it has departed from previous versions of the SHLAA (the updated version of which has been subject to objection in its revised methodology) and assumes higher delivery rates for developments of more than 200 dwellings. This in itself has been criticised as being unrealistic, and I have sympathy with that view. In my judgement it is more proper to take a cautious and conservative approach to delivery rates. The same caution should also apply to lead in times unless there is evidence to suggest otherwise, and I am not satisfied that that is the case here. Whilst there has been an upturn in the housing market generally it is far from clear that this will be sustained, or that Cheshire East will achieve a quick response and high level of completions as suggested by the Council.
29. Fourthly, some strategic sites are dependent on infrastructure being put in place, and interdependent with it, such as at Basford East. I admire the Council's confidence that all will run well and that infrastructure will be provided on time, but it cannot yet be assured. I recognise that the NPPF, in seeking to ensure that sites identified in the 5 year supply are deliverable cannot require complete certainty, but it does set a high benchmark of realism for the assessment. To be considered deliverable sites must be available now. I do not accept that a site in need of enabling infrastructure such as a link road can reasonably be assessed as being available now even if there is a clear intention to deliver that road in conjunction with housing. It may become available in 2 or 3 years time, but until then it would be unwise to place too much reliance on the potential for delivering housing requirements from such sources. Similarly there is a distinct lack of credible hard evidence that the projections for Leighton West and other sites are achievable or realistic.
30. I also note that the evidence given at the inquiry pointed out that one of the sites which is assessed as providing some deliverability within 5 years (East Shavington) is specifically noted in the draft Local Plan as being expected to deliver housing from 2020 onwards. I have not heard a convincing reason why this site has been included at all in the Council's assessment.
31. For all these reasons the Council's assessment of likely delivery on strategic sites is too great, and it should not be forgotten that if sites are excluded from calculations now, but come forward anyway, the delivery of a greater level of housing is not in itself problematic. There is no cap on numbers.
32. I turn now to the question of the backlog. It is agreed that the housing requirement has not been met for a number of years. The backlog is, cumulatively, some 1266 dwellings between 2003 and 2012, which takes into account the earlier years when there was some exceedence of targets. There is an additional shortfall in the year to March 2013 of about 500 dwellings, bringing a total in the region of 1750 to 1800. It is well known that there are 2 schools of thought on how to deal with a backlog – the so called Liverpool and Sedgefield methods. Liverpool spreads the backlog over the plan period (in this case to 2031 for the draft Local Plan) and Sedgefield over 5 years. There is no expressed preference for either method in the NPPF.
33. In this instance, however, the Council suggests that it would be appropriate to spread the backlog over the period of the RS, to 2021, or 9 years. The reason

offered is that the backlog has been calculated by reference to RS figures from its publication, and the performance during the subsequent years has been measured in that light, so that it would be logical to complete the intended RS cycle. I do not agree with that suggestion. The intention of the NPPF is clear – it is to “boost significantly the supply of housing”. That aim would not be best served by being too relaxed about the need to recover the backlog. I agree with the Appellant that every effort should be made to deal with the backlog in as short a time as possible. For that reason I subscribe to the Sedgfield method. So any calculation of housing land supply must include the provision of the backlog (at present) of about 1750 dwellings.

34. That leads me to the provision of a buffer. This should be either 5% or 20% in line with the NPPF guidance. There has been much debate about what would constitute persistent under delivery so as to trigger the 20% buffer, and previous decisions take differing approaches. But the purpose of a buffer is clear. It is to assist with the requirement to “boost significantly the supply of housing”. The buffer is not extra housing as it is being moved forward in the plan period, and nor is it a penalty. Put simply, the buffer is a mechanism by which extra capacity is brought into the system now to enable housing supply to have a fighting chance of being boosted significantly.
35. There is no dispute that the supply of housing has not met targets in the CEC area since the 2008/9 year. Since that time targets have been missed to the extent that the under delivery amounts to well over 2500 dwellings. The fact that there was exceedence of targets in the preceding years is not relevant to the matter of setting an appropriate buffer since none of the targets are ceilings in any event. A modest oversupply is acceptable, but should not be offset against a pattern of subsequent under supply for the purposes of setting a buffer.
36. To persist has been defined in dictionaries as “*to continue steadily or firmly in some state, purpose, or course of action, in spite of opposition or criticism*” and “*to continue steadfastly or obstinately*”. That the housing supply numbers have fallen well below targets every year since the last oversupply in 2007/8 seems to me to demonstrate a steady course of action, which the Council would no doubt have liked to see remedied. The under delivery has been steadfast and obstinate, and no actions of the Council or others have been able to change its course. I am well aware that the years in question have coincided with the recession, and that under delivery is therefore not entirely surprising. Advice from the Planning Advisory Service suggests that the buffer should be set by reference to an economic cycle, and it is clear that presently the UK is at a low point in such a cycle. But that fact does not alter the intentions of policy. Where there has been persistent under delivery, as is quite clearly the case here, action is required to seek to redress the situation, because the need is not going to disappear. Part of that action is to increase the choice of land available by adding a 20% buffer to the housing land requirement. On balance I consider that 20% is the appropriate buffer.
37. If, therefore the housing land supply figures are re-worked with new assumptions the following situation becomes apparent. The 5 year requirement is 5750. To that must be added the backlog of about 1750, making a total of 7500. Adding the 20% buffer brings a total requirement of some 9000 dwellings over 5 years, or 1800 per annum. The fact that such a figure has rarely been reached in the past is not a reason for suggesting it is an

inappropriate target. Significantly boosting supply surely implies that ambitious targets are appropriate.

38. The Council suggests that it can show a supply of something over 9000 dwellings in any event. However, I have already observed above that I consider the Council to be too optimistic. There is uncertainty surrounding the Local Plan itself. A large proportion of its identified supply is on strategic sites, and in my judgement delivery there is unlikely to come forward as quickly as the Council contends. Given that projections are inevitably estimates based on landowners and developers current thinking, on the understandable desire to 'talk up' the chances of delivery, and on professional judgement, it would not be a worthwhile exercise to try to deal forensically with every site in this case.
39. Both main parties to this appeal have provided expert assessments and the difference on strategic sites is marked – for the Council a delivery estimate of some 4000 dwellings, and for the Appellant about 1300 dwellings. The outturn is likely to be somewhere between the 2, and I consider that a realistic figure is likely to be closer to the Appellant's figure than the Council's. However, for the purpose of this exercise I propose to allow leeway to the Council and assume a delivery on strategic sites of some 3000 dwellings. That removes about 1000 from their estimated supply, and brings it to about 8000.
40. There are other detailed differences between the Council and the Appellant in relation to the likely delivery from, for example, sites awaiting the signing of S106 agreements. One of these is the former Albion Chemical Works, which has been subject to a resolution to grant planning permission for some years, and has acknowledged delivery difficulties. The Council is optimistic of early delivery, but there is no concrete evidence to back up that optimism. Again it would be an academic and uncertain exercise to seek to examine each site in detail in this instance. Suffice to say that my judgement more closely aligns with that of the Appellant, and these further consequential reductions in likely supply would bring the ultimate total to a lower level. I consider a figure of 7000 to 7500 to be realistic, but at the top end of the scale.
41. The appeal decision for the previous inquiry relating to Congelton Road, Sandbach (APP/R0660/A/13/2189733) would alter the figures to a small degree, in that an extra 160 dwellings would be added to the deliverable figures. But that decision would not make a material difference to the 5 year supply.
42. I am therefore satisfied of the following:
- There is a housing requirement, including backlog and buffer of some 9000 dwellings over 5 years or 1800 per annum;
 - There is currently a demonstrable supply, taking a generous approach to Council estimates, and including Congleton Road, Sandbach, which is likely to be in the region of 7150 to 7650 dwellings at most.
 - The demonstrable supply relating to the circumstances pertaining to this appeal therefore equates to a figure in the region of 4.0 to 4.2 years.
43. As noted in paragraph 49 of the NPPF, therefore, the Council's policies relating to housing supply cannot be considered to be up to date, and there is a requirement to consider applications in the context of a presumption in favour of sustainable development. This is dealt with in more detail paragraph 14 of

the NPPF. It is worth pointing out that even had I applied a 5% buffer (which I do not regard as appropriate) the Council's supply would still fall below 5 years on the optimistic scenario I have used. Before carrying out the balance required by the advice of the NPPF I will turn to the other issues.

Character and Appearance

44. The appeal site forms the northern slopes of a small valley to the north of Alsager. The site straddles 2 landscape character types as identified in the Cheshire Landscape Character Assessment. These are 'Lower Farms and Woods' and 'Higher Farms and Woods'. Somewhat counter intuitively the lower valley part of the site is within the latter character type (Higher Farms and Woods) whilst the higher part of the site above the steeper valley slope is with the former (Lower Farms and Woods). There is no landscape designation as such but that does not mean that there is no value here.
45. In reality there is little necessity to focus on the character type 'labels' since the character of the site and its surroundings is clear from site inspection. The undulating nature of the landscape, combined with the relatively small scale pastoral fields, the intermittent tree cover, and the hedgerow boundaries, presents an intimate and attractive character which contrasts markedly with the hard edge of the urban form to the south. In the context of Alsager I consider the location to be a high value and sensitive resource.
46. The site itself would project into the open countryside and would effectively have a common boundary with existing development on only one side, the south-west. The roadside boundary is of a semi rural to rural character, and those to the north and west abut wholly open land. I do not consider that it would be a natural rounding off of this part of the town but would be a significant intrusion into a currently undeveloped area. I note that similar comments have been made in the past when the site has been considered in the context of a local plan inquiry.
47. Any viewer standing or walking along the footpath to the west of the site (and indeed where that footpath crosses the corner of the site) would immediately understand the character of the land. The urban area would be apparent, but because it is concentrated on and over the brow of the valley side the predominant feeling is of being within, or entering an area of deeply rural character. The urban area plays a diminished role here and is separated from the site by significant landscape features which reduce its prominence.
48. From the footpath close to the Salt Line, from parts of the Salt Line itself, and from the recently created recreational area to the west at Borrow Pit Meadows, there would be views into and over the site. I acknowledge that these views would be filtered by existing and proposed vegetation, but nonetheless the intrusion of built development would be clear. The development proposed would result in the land taking on an urban character. Despite the fact that conceptual information submitted shows how landscaping and other features could be introduced to provide mitigation I have no doubt that the proposal would lead to a significant and adverse impact on the character of the locality.
49. I agree that the zone of visual influence is relatively small here, but that is not in itself a measure of the significance of impact. Indeed the small zone of visual influence reflects the character of the area – intimate and small scale, almost like a hidden valley. To impose a housing development in these

circumstances would be a major change to landscape character. This major change would not impact on the whole of the landscape character areas concerned, but the significance of the change would be substantial in a localised area.

50. I share the Council's view given in evidence that the Appellant has underestimated the impact of the development (whilst noting some differences in Officers' views as reported to the Planning Committee). I agree that in an area of high value, which is highly prized by local people, and close to the Salt Line recreational way, the receptors (when using local public rights of way) should be classified as being of high sensitivity. Consequently the assessment by the Appellant is, in my judgement, less reliable than that of the Council.
51. In addition I do not share the view that future landscaping development and growth associated with the development would bring any benefit in visual impact over time. Landscaping would of course mitigate the development over the years, but it would not be able to replace what is currently open countryside such that a benefit could be shown in landscape and visual terms. The suggestion that any benefit would flow from the development in landscape terms I find difficult to accept.
52. I was able to view the site from 2 residential properties which directly abut it. From here there would be a significant change to the outlook from the properties, and I am satisfied that to a greater or lesser extent that situation would be replicated at other dwellings which face the site. However, it is a well known tenet of planning that there is no right to a view, and I have seen no evidence to suggest that the loss of outlook at any property would make that property an unacceptable place in which to live. So whilst I recognise that occupants would find the development unwelcome in relation to their living conditions, those conditions would not be affected in a way which can weigh against the proposal.
53. But this latter point does not detract from my overall conclusion that the proposed development would introduce a significant and harmful change to the character and appearance of the countryside. This would be in conflict with CLP Policies GR1 and GR5, which taken together, amongst other things seek to avoid damage to landscape character.

Highway Safety

54. The Appellant and Council have reached agreement on highway matters based on the submission of a S106 Obligation, which I deal with below. However, local residents continue to have concerns in this respect. These concerns relate primarily to the alignment and construction of the highway close to the site access.
55. There is no dispute that the access itself could be constructed to a satisfactory standard, but the gradients and bends in either direction lead to residents fearing an adverse impact on safety. It is certainly true that to the north of the Salt Line the highway would be unsafe for pedestrians, but that is in the direction away from the town. When walking towards the town centre there are footpaths alongside the carriageway. I have noted the comments about walkers, cyclists and horse riders being in conflict with vehicles, but it seems to me that the traffic flows from the appeal site would not materially impact on that situation.

56. Traffic congestion is a matter which is raised frequently in planning cases, and this case is no different. There would be extra flows from the site and this would add to the existing situation in and around Alsager. But in light of the improvements which would be facilitated by the S106 Obligation I am satisfied that the impact of the proposal would be satisfactorily mitigated. Overall I have no reason to disagree with the CEC professional advice that the proposed access is acceptable, and would provide a safe means of access to and egress from the site. There is therefore no conflict with development plan policies GR9, 10, 14, 15 and 18 which, taken together, seek to ensure that development is acceptable in highway terms.

Loss of Agricultural Land

57. The latest information confirms that about 30% to 40% of the site is made up of the best and most versatile (BMV) agricultural land. This is a finite resource and the NPPF makes it clear that the economic and other benefits of such land must be weighed in the balance.
58. In this instance the loss of BMV land would be modest at worst. The Officer's report to the Planning Committee indicates that a reason for refusal could not be sustained on the basis of loss of BMV land alone. Much of Cheshire is acknowledged to fall into that category and in the light of the acknowledged need for housing it seems inevitable that some land of the higher quality will be required for development even when previously developed land is prioritised. Many of the Council's current strategic sites are themselves greenfield sites in part or in whole. In addition it is self evident that the proposed development would bring some economic benefit during the construction phase and to the town in the longer term, as well as social benefit in the provision of affordable housing. Whilst the loss of some BMV land is a disbenefit, in the context of this proposal the loss is of minor weight.

Other Matters

59. **Sustainability.** The first reason for refusal encompasses the assertion that the site is not sustainable. The NPPF sets out 3 strands of sustainability. These are economic, social and environmental. In relation to environmental matters I have made it clear above that the proposal would cause significant harm to the natural environment, and would involve some disbenefits through the use of BMV land. On the other hand the intention of the Appellant is that the development should make provision for 10% of energy use to be from renewable sources, thus helping adaptation to climate change. But this latter point would not outweigh the harm to the character and appearance of the landscape.
60. Economically the development would bring jobs during the construction phase, and would add to the population using town facilities and services, thereby increasing vitality and viability. The new home bonus would also bring some resources to CEC. There is likely to be a net gain in this respect.
61. The provision of more housing would clearly fulfil a social role. Furthermore, the Appellant presented evidence on the benefits to be gained from the provision of affordable housing, which would be at the Council's preferred rate of 30%. This is an important factor and adds significant weight to the Appellant's arguments. There would be a community building on site, and this too is likely to provide some social benefit, though of a minor nature.

62. In addition the site is reasonably well located in relation to Alsager town centre, and a bus service passes by the site. Local services are also relatively nearby. However, as was pointed out at the inquiry, Alsager does not have a large employment base, and building on the site may well have a propensity to encourage out commuting to adjacent areas.
63. Taking these matters in the round it is my judgement that the site has some sustainable credentials. I note that the Council's Officers reached a conclusion that the site is sustainable. However, there remains a serious concern in relation to the impact on the natural environment. Hence I conclude that there is no clear cut case on sustainability of the site and this weighs neither in favour nor against the proposal.
64. **Prematurity.** I do not underestimate the work which has taken place on preparing the draft Local Plan to date. But the submission draft has not yet been published and there are many outstanding objections. It has been made clear in many decisions that a plan at this stage of preparation cannot carry more than limited (or even little) weight. The outcome of examination in due course cannot be predicted. Guidance (both extant and emerging) on this matter is clear. Refusal on the basis of a prematurity argument is rarely justified. In any event the size of development proposed here is not of a scale which would be likely to compromise the strategy of the plan.
65. I also do not accept that a decision to grant planning permission in this case would assist any of the other development proposals around Alsager or elsewhere (any more than the permission south of Crewe Road is a precedent in this case) except, potentially, in relation to the assessment of housing land supply. But even then each decision must be made in the light of the evidence which is presented, and housing land supply is a dynamic area which changes constantly. Other material considerations will also play an important role on a case by case basis. Hence I do not consider that a precedent would be set in this case which would impart undue influence on other decision makers.
66. **Impact on adjoining authorities.** The adjoining Councils (Stoke-on-Trent and Newcastle-under-Lyme) have been consulted in relation to the draft development strategy and have made it clear that there are reservations in relation to development close to the common boundaries of a scale which might prejudice regeneration in their areas. However, there is no specific objection lodged to this particular proposal. I bear in mind that the final version of the CEC Local Plan has yet to be examined and the matter of the duty to cooperate with neighbouring authorities will no doubt form part of that examination. So whilst I cannot indicate that granting permission on this site would cause difficulties for regeneration elsewhere, it would seem wise, in this part of the Borough, not to proceed with development which would go beyond the draft strategy at this stage. This matter is not determinative in its own right, but is a matter which adds caution to the process of decision making.
67. **Other Benefits.** The Appellant has rightly pointed out that the proposal (to the extent indicated on the scheme concept) could deliver public open space, a fully equipped play area, habitat creation, and enhanced links to Borrow Pit Meadows. These would offer some benefits, but in my judgement are at the margins of positive weight in the balance.
68. **Other Decisions.** As I noted in relation to the preceding appeal I have been provided with many appeal decisions by both main parties which are produced to support their cases. But it is rarely the case that appeal decisions on other

sites will bring to light parallel situations and material considerations which are so similar as to provide justification for decisions one way or another. That is certainly the case here. I am well aware of the emerging situation in relation to housing land supply, and to the treatment of that issue both in the CEC area and elsewhere. But my decision is based squarely on the evidence put before me. For that reason I do not accept that appeal decisions brought to my attention can have a determinative influence on this case.

Overall Balance

69. In this section I balance the determinative matters at issue. I start from the position that the Council cannot yet, in my assessment, demonstrate a 5 year supply of deliverable housing land. This is an important and substantial material consideration, and in light of the NPPF it would normally lead to a grant of planning permission unless significant and demonstrable impacts would outweigh the benefits of the scheme. The benefits also include the provision of affordable housing – a significant matter. But there is no material support from the sustainable credentials of the site or any of the other benefits listed above.
70. On the other hand there would be serious harm resulting from the impact of the proposal on the character and appearance of the countryside, and consequent conflict with the development plan policies noted earlier, which carry significant weight. This harm to character and appearance is significant and is demonstrable. Such harm is not to be taken lightly and has, in my judgement, been underestimated by the Appellant.
71. The lack of a 5 year supply of deliverable housing land does not provide an automatic 'green light' to planning permission, even if accompanied by affordable housing and other minor benefits as in this case. A balance must still be struck. In this instance I am satisfied that the balance lies with the harm to character and appearance of the countryside, and is so significant that it outweighs the lack of housing land supply and other identified benefits. It would not matter if I had decided that Policies PS8 and H6 were out of date as I consider that the harm in this case is such that the appeal must fail.

Planning Obligation

72. As briefly noted earlier a S106 Obligation was submitted by the Appellant. This would have the effect of triggering contributions for various purposes in the event of planning permission being granted. I have no reason to believe that the terms of the obligation would not accord with the requirements of Regulation 122 of the Community Infrastructure Regulations. However, given that I have reached the conclusion that the appeal should be dismissed there is no need for me to consider this matter in greater detail.

Final Conclusion

73. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Humphreys

Queens Counsel

He called

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M.TPI MRTPI

Head of Strategic and Economic Planning,
Cheshire East Council

Mr I Dale BSc(Hons)
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Heritage and Design Manager, Cheshire East
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FOR THE APPELLANT:

Mr J Barrett

Of Counsel

He called

Mr J McKenzie MSc
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Ms L Tilston BSc(Hons)
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Mr P Rech BA(Hons)
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Mr G Venning

Director, Levvel Ltd

INTERESTED PERSONS:

Mr M Kingsley

Resident of Cheshire East

Cllr S Jones

Local Councillor

Cllr D Hough

Local Councillor

Mr C Howard

Alsager Residents Action Group

Mr D Bould

Honorary Alderman of Cheshire

Mr D Longhurst

Local Resident

DOCUMENTS HANDED IN AT THE INQUIRY

From the Council

CEC 1 Opening statement on behalf of the Council

CEC 2 Plan showing the route of HS2 south of Crewe

CEC 3 Council minutes of 11 February 2013 (Cabinet Member for Strategic
Communities)

CEC 4 Council minutes of 20 February 2013 (Strategic Planning Board)

CEC 5 Extract from LDF report on determining the settlement hierarchy

CEC 6 Extract from the Planning Statement relating to Congleton Road,
Sandbach

CEC 7 Basford West S106 and triggers

CEC 8 Bundle of documents relating to Fox Strategic Land and Property – land

- off Abbey Road and Middlewich Road, Sandbach
- CEC 9 Appeal decision – land off Alfred Street, Irchester
- CEC 10 Bundle of documents relating to the Alsager Town Strategy
- CEC 11 Letter from Stoke-on-Trent and Newcastle-under-Lyme Councils relating to levels and location of growth
- CEC 12 Submission by Marc Hourigan on the Loachbrook Farm appeal
- CEC 13 Extract from the CLP on Settlement Zone Lines
- CEC 14 Plan of the approximate ZVI relating to the appeal site
- CEC 15 Plan of the former Manchester Metropolitan University campus in Alsager
- CEC 16 Extract from the draft CLP relating to the Area of significant Local Environmental Value
- CEC 17 Papers on Housing Market Partnership and on data shared with the HMP
- CEC 18 Plan of trees in relation to access
- CEC 19 List of possible conditions
- CEC 20 Table of site allocations and commitments
- CEC 21 Closing statement on behalf of the Council

From the Appellant

- APP 1 Opening on behalf of the Appellant
- APP 2 Report to the Strategic Planning Board - proposed alterations to a S106 agreement relating to land at Parker's Road, Crewe
- APP 3 Draft S106 unilateral undertaking
- APP 4 Planning Advisory Service publication on assessing housing need
- APP 5 Position Statement on 5 year housing supply
- APP 6 Drawing of development framework at Loachbrook Farm
- APP 7 Drawing of planning layout at Loachbrook Farm
- APP 8 Correspondence on additional ecological information
- APP 9 Statement relating to ecological information (14/8/2013)
- APP 10 Comments on Rightmove house price data
- APP 11 Executed S106 Unilateral Undertaking
- APP 12 Application boundary and illustrative masterplan, Loachbrook Farm
- APP 13 Closing on behalf of the Appellant

From Other Parties

- OP 1 Statement of Mr Kingsley
- OP 2 Statement of Cllr Hough
- OP 3 Statement of Mr Howard
- OP 4 Statement of Mr Bould
- OP 5 Statement of Mr Longhurst

Statements of Common Ground

- SCG 1 General Statement of Common Ground
- SCG 2 Highways Statement of Common Ground
- SCG 3 Contamination Statement of Common Ground
- SCG 4 Ecological Statement of Common Ground