

Appeal Decision

Inquiry held on 8-11 December 2015

Accompanied site visit made on 9 December 2015

by M C J Nunn BA BPL LLB LLM BCL MRTPI

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

Decision date: 22nd July 2016

Ref: APP/R0660/W/15/3012001

Land at Hassall Road, Alsager, Cheshire, ST7 2SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Cheshire East Council.
 - The application Ref: 14/4010C, dated 22 August 2014, was refused by notice dated 2 February 2015.
 - The development is described as "proposed residential development of up to 60 dwellings with access and all other matters reserved".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with all matters except access reserved for subsequent determination. In addition to my accompanied site visit, I made unaccompanied visits to the site and its surroundings on other occasions, before, during and after the Inquiry, including to the road junctions mentioned in the evidence.
3. An application for a partial award of costs has been made by the appellant against Cheshire East Council. This is subject of a separate decision.
4. A planning obligation, dated 8th December 2015, has been submitted. I deal with this in the body of my decision.

Main Issues

5. The main issues are:
 - i. the effect of the proposal on the character and appearance of the area, including the landscape;
 - ii. the effect on the safe and efficient operation of the highway;
 - iii. whether the proposal would represent a sustainable form of development; and
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- iv. in the absence of a five year supply of deliverable housing sites, whether the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.

Reasons

Planning Policy Context

6. The relevant legislation¹ requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the 'saved' policies of the Congleton Borough Local Plan First Review, adopted in 2005 ('the Local Plan'). The Council specifically refers, in its decision notice, to Policies PS8, H6, GR1, GR5, and GR9 of that document.
7. Policy PS8 deals with proposals in the open countryside, and restricts development unless it is for certain purposes. Policy H6 deals with residential development within the countryside, and precludes development unless it falls within certain categories. Policy GR1, amongst other things, expects development to be of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality. It also requires proposals to have regard to the principles of sustainable development, and sets out various matters to which regard will be had in assessing the acceptability of development.
8. GR5 states that development will be permitted only where it respects or enhances the landscape character of the area. It states, amongst other things, that development will not be permitted which would be likely to impact adversely on the landscape character of such areas, or would unacceptably obscure views or unacceptably lessen the visual impact of significant landmarks or landscape features when viewed from areas generally accessible to the public, as a result of the location, design or landscaping of the proposal.
9. Policy GR9 deals with accessibility, servicing and parking provision, and requires development to satisfy certain criteria. In addition, although not cited in the refusal notice, my attention has been drawn to Policy GR18, which is also relevant. This states that proposals will only be permitted where the scale of the traffic generated by the development is not likely to worsen existing traffic problems to an unacceptable level or includes measures, or a developer contribution towards measures, to overcome any deficiencies in the transport network as a result of the development.
10. The National Planning Policy Framework ('the Framework') sets out the Government's up-to-date planning policies and is a material consideration in planning decisions. The Framework does not change the statutory status of the development plan for decision making. Importantly, however, the Framework advises at Paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.
11. Within the Local Plan, the appeal site falls outside the Settlement Zone Line (SZL), as identified by Policy PS4, where development is more restricted, and subject to policies relating to the open countryside. However, as the appellant

¹ Section 38(6) of the 2004 Act

notes, the Local Plan is formally 'time expired', its end date being 2011. Moreover, it is not disputed that the Council is unable to demonstrate a deliverable five year supply of housing land, as required by the Framework. According to the Council, the five year supply is around 3.2 years, compared with the appellant's estimate of 2.4 years. Whatever the exact figure, either of these housing supply shortfalls is significant.

12. In such circumstances, Paragraph 49 of the Framework is engaged and the relevant policies for housing supply should not be considered up-to-date. Given the effect of the SZLs is to constrain the supply of housing, this general policy approach cannot be considered up to date. Indeed, my attention was drawn to a Consent Order² quashing an Inspector's appeal decision³ on the adjacent site. This Order states that Policies PS8 and H6 (as well as Policy PS4) should be treated as housing supply policies within the meaning of Paragraph 49 to the extent their effect is to restrict the supply of housing development. This being so, these policies must be considered out of date and therefore should carry very little weight.
13. A question also arises as to the weight to be given to Local Plan Policies GR1 and GR5 in terms of their consistency with the Framework. I am aware that the Inspector in re-determining the appeal on the adjacent site⁴ concluded that Policy GR1 was consistent with the Framework because it is of a general nature and refers to the acceptability of development in terms of landscape, where this is appropriate. On this basis, that Inspector found the policy to carry significant weight. I see no reason to disagree.
14. Turning to Policy GR5, the issue is less clear-cut. The appellant's view is that it is inconsistent with the Framework for various reasons: it is not criteria based, it lacks a hierarchical approach, and there is no tangible measure of impact. The Inspector re-determining the appeal on the adjacent site noted that the Framework seeks to protect valued landscapes and the natural environment while recognising the intrinsic beauty of the countryside. He noted the Framework does not seek to prevent any adverse effect regardless of character, and found this element of Policy GR5 not to show consistency with the Framework. However, other Inspectors have taken a different view on Policy GR5, concluding that it is consistent with the aims of the Framework.⁵
15. I accept that the thrust of the Framework has moved away from a 'blanket protection' of the countryside, to a more hierarchical approach of consideration of landscape value. It is clear, however, that the Framework nonetheless refers to the planning system performing various roles, including an environmental one. This involves contributing to protecting and enhancing the natural, built and historic environment⁶, as well as amongst other things, taking account of the different roles and character of different areas, and recognising the intrinsic character and beauty of the countryside⁷. The Framework specifically states planning should contribute to conserving and

² Consent Order CO/8377/2013, dated 11 April 2014 (CD 10.5)

³ APP/R0660/A/13/2195201, dated 18 October 2013 (CD 9.11)

⁴ APP/R0660/A/13/2195201, dated 20 February 2015 (CD 9.9)

⁵ APP/R0660/A/14/2212604, dated 11 December 2014, Paragraph 22 (Inquiry Doc 5); APP/R0660/A/11/2158727, dated 16 August 2012, Paragraph 19 (CD 9.5)

⁶ Paragraph 7

⁷ Paragraph 17

enhancing the natural environment⁸. I do not find the requirement in Policy GR5 to respect and enhance the landscape character of areas to be in fundamental conflict with the underlying aims of the Framework, and so it can be afforded some weight.

16. A new plan is currently being prepared, the Cheshire East Local Plan Strategy – Submission Version, March 2014 ('the Emerging Plan'). This Plan was submitted to the Secretary of State for examination in May 2014. However, it has yet to be found 'sound', the Examining Inspector having raised concerns in his 'Interim Views'⁹ about the proposed level of housing provision, which he considered appeared inadequate to secure the success of the overall economic, employment and housing strategy. The Emerging Plan is still subject to various outstanding objections, and its policies may be subject to change. It is still a considerable way from adoption. In these circumstances, I cannot give its policies significant weight in this appeal.
17. I have also been referred to the Alsager Town Strategy, which has been put together by representatives of the local community working closely with the Council, Alsager Town Council and others. It was approved by Alsager Town Council in July 2012. It is intended to identify future options for development of the town, and does not identify the appeal site for development. This Town Strategy will feed into the preparation of the Emerging Plan, but is not a statutory document itself. As such, it can only have very limited weight at this stage.

Character and Appearance

18. The appeal site forms a gently sloping field abutting the northern edge of the settlement of Alsager. Its south western boundary is defined by the rear gardens of the 1960s residential houses of Heath End Road. These gardens form a soft urban edge. The site's north western side is demarcated by a hedgerow fronting Hassall Road, and beyond to the west, is an open arable landscape. A public footpath (Footpath 1) runs adjacent to the site to the north east. Adjacent to the south east runs another footpath (Footpath 2). A pond enclosed by trees is located in the northern part of the site, close to the boundary, and is clearly visible from Footpath 1. Further to the north, outside the site, is a narrow watercourse that forms a tributary of the River Wheelock. Beyond is the wooded corridor of the 'Salt Line', a former disused railway line, now used as a recreational route. Also to the north of the site is Borrow Pit Meadows, a former waste site now remediated and managed for its wildlife and nature conservation value.
19. A series of landscape character assessments have been undertaken, ranging from the national level, to the County and District level. At a national level, the site is identified as falling within the Shropshire, Cheshire and Staffordshire Plain National Character Area. At a county level, the Cheshire Landscape Character Assessment identifies various character types. The appeal site lies at the interface of two character types, namely the 'Lower Farms and Woods' type, and the 'Higher Farms and Woods' type. The site itself falls exclusively within 'Lower Farms and Woods' type, and specifically the Barthomley

⁸ Paragraph 17

⁹ Inspector's Interim Views on the Legal Compliance & Soundness of the Submitted Local Plan Strategy (CD 8.4)

Character Area. Somewhat counter-intuitively, the lower part of the valley is within the 'Higher Farms and Woods', and the higher part falls within the Lower Farms and Woods'. Within the Landscape Assessment of Congleton Borough, the site falls within the 'Wheelock Rolling Plain'.

20. On the ground, however, there are rarely strict demarcations between character types, and areas where two types merge may display characteristics of both. It is also the case that national, county or borough wide assessments do not necessarily reflect the more fine grained local analysis that is undertaken when faced with individual development proposals such as this. Also, whilst individual proposals, because of their size, may not impact on broad character areas taken as a whole, it does not follow that they cannot have a substantial impact in a more local context. Whatever character 'label' is attached, the character of the site and surroundings is clear from site inspection.
21. The appellant's assessment is that the landscape quality is 'ordinary/good' but that this can be contrasted with other character areas in the Landscape Assessment of Congleton Borough described as 'good' or 'high'. In terms of scenic quality, the landscape is regarded as pleasant, but nothing out of the ordinary. The appellant notes the site contains no rare landscape features and is typical of the area. The trees, hedges and ponds are of some local value but are commonplace. It has no recreational value, and in terms of tranquillity is affected by Hassall Road, the recycling facility and the M6 Motorway. It also has no known associations with artists or other notables.
22. From my own observations during my site inspections, I consider that the site and its wider surroundings form part of an attractive and undulating landscape, with a gently rolling topography. The wider landscape is composed of relatively small scale pastoral fields, punctuated and peppered by intermittent deciduous tree cover and hedgerow boundaries. This creates an intimate and pleasing character. The local landscape remains intact and unspoilt, and its elements are in good condition. Indeed, the predominant impression when walking along Footpath 1 is of being within an attractive and clearly rural area, with the urban edge of Alsager, and specifically the Heath End properties, playing a minimal role.
23. Similarly, walking along Footpath 2 away from Heath End Road, one is immediately aware of entering an attractive and rural pastoral landscape, of which the appeal site currently forms a part. Again, the urban edge of Alsager, whilst present, does not dominate the site to any great extent. Nor do I consider that the recycling facility to the west, separated by trees and vegetation, impinges on the appeal site. The M6 Motorway is too far distant to have any noticeable effect, or to undermine the site's tranquillity to any degree. Indeed, the impression I formed on my site inspections was of being in a peaceful and tranquil rural location.
24. Whilst the site itself has no direct public access or recreational use, two public footpaths run adjacent or close to the sides of the site. So whilst I accept the site itself does not form a recreational function, it nonetheless provides an important setting for the footpaths, which are well used and popular with local people. The site has an important role to play in this regard. The closeness of the public footpaths to this development scheme and the proposed extensive

coverage of the existing field with new housing means views of the rural countryside from these footpaths would be seriously compromised. The intrusion of this urban built form would fundamentally alter users' experiences of these sections of the footpaths. Rather than walking past an open field which forms part of a much wider rural landscape, it would in effect become a walk past a housing estate. Most users are likely to find their experience and enjoyment of the footpaths considerably reduced by such changes to the landscape.

25. Turning to views in the wider landscape, I observed the site from various points along the Salt Line route. I acknowledge that views along some of this route would be filtered to an extent, but there are nonetheless clear views out towards the site. From these vantage points, the site is seen at a distance and within the context of a larger panorama. At present, the view is essentially a rural one. The development would be seen as expanding the urban edge of Alsager, especially in the winter months. The visual intrusion of built development, although more limited because of the benefit of distance, intervening vegetation and width of view, would still be harmful.
26. The appeal site is promoted on the basis that it should be regarded as essentially an area close to, and read in the context of the built development of Alsager, and the houses within Heath End Road. It is argued that the site is well-contained, and with very limited views of it from the wider landscape. Its 'Zone of Visual Influence' (ZVI) is said to be 'relatively small'. The appellant also refers to the Inspector's view, in dismissing an appeal on the adjacent site, that the site subject of this current appeal was visually separated from the main body of the adjacent site's SVI¹⁰. However, in my judgement, this current appeal site cannot be realistically regarded as self contained, substantially enclosed by vegetation, and unrelated to the wider landscape. Rather, from my observations, it forms a field that merges with the wider sweep of rural land beyond the built-up confines of Alsager. The appeal site forms an important and pleasant part of this landscape and its loss would be seriously harmful to it.
27. This proposal would project significantly into the open countryside. It would have a common boundary with the existing urban edge of Alsager along only one side – namely the gardens of the Heath End properties. The existing open, rural character of the site would be destroyed by this scheme. It would result in the removal of a significant section of hedgerow along Hassall Road to allow a new access into the site. I do not consider the proposal would mark a natural rounding off of the settlement, nor would it be adequately assimilated with it. That argument would have had greater force had the scheme on the adjacent site to the east been allowed at appeal, and if development had taken place there. However, the Inspector in that case, dismissing the scheme, took the view that the adjacent scheme would cause a very significant harmful effect on the landscape of the surrounding area¹¹. I take the view that this scheme would similarly result in a significant harmful intrusion into a currently open and undeveloped area. This would have serious adverse effects for the wider landscape.

¹⁰ APP/R0660/A/13/2195201 (CD 9.9), Paragraph 63

¹¹ APP/R0660/A/13/2195201 (CD 9.9), Paragraph 65

28. I acknowledge the scheme proposes additional structural planting along the boundaries to supplement the existing vegetation and trees in order to minimise the impact of new housing. However, I am not convinced that this, even once it has become fully established over time, would be fully effective in altering the perception of urban development behind the vegetative screening. Indeed, in the winter months when deciduous trees lose their leaves and vegetation dies down, the houses will inevitably be more obvious.
29. The appellant highlights that the site and its surroundings are not identified within the Local Plan as protected by any specific national or local landscape designation. The appellant mentions that valued landscapes should show some demonstrable physical attribute rather than just popularity¹². The Council is of the view the site cannot be classified as a 'valued landscape' in the strictest terms of the Framework¹³. All that said, there is no definition within the Framework as to what a 'valued landscape' actually means. The *Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3)* are clear that the fact that an area of landscape is not designated nationally or locally does not mean it does not have any value¹⁴. In my judgement, this landscape is attractive and of significant value in the locality. Footpaths run across this landscape, adjacent or close to the appeal site. They are well used. The landscape's attractive characteristics can be readily observed from these footpaths. So, whilst the area is not formally designated in landscape terms, it does not follow that the site is without merit or value. Indeed, the absence of a designation did not prevent the Inspector, in dismissing the scheme on the adjacent site, from concluding that that site had 'significant local value'¹⁵. I consider that this site similarly also has significant local value. Nor does the absence of a formal designation prevent the scheme having a harmful effect.
30. I am aware that the Council's Landscape Officer and Natural England did not raise an objection. I acknowledge that the Officer's report to committee recommended permission be granted, although the Council's Committee decided to refuse the scheme on landscape grounds, amongst others. It is said by the appellant that this decision was made without any professional landscape input. However, assessments in respect of impacts on the character and appearance of landscapes inevitably involve qualitative matters of judgement, and are rarely clear cut. From my own observations, and the evidence of the Council at the Inquiry, I am satisfied that the Committee's view was justified on landscape grounds. I take the view that the appellant's evidence has underestimated the impact of the proposal, as well as undervaluing the overall sensitivity and value of this site.
31. Overall, I conclude that the encroachment of new development on to this undeveloped area of open land would have very significant and adverse effects for the rural landscape. The site is close to various sensitive recreational 'receptors', particularly the Footpaths 1 & 2, and the Salt Line. The development would cause a serious incursion into the open countryside and materially harm the rural character of the locality. As such, the proposal would conflict with Policy GR1 and GR5 of the Local Plan. It would also conflict with

¹² APP/C1625/A/13/2207324 (CD 9.15), Paragraph 18

¹³ Paragraph 109

¹⁴ Guidelines for Landscape & Visual Impact Assessment *GLVIA3* (CD 11.6), Paragraph 5.26

¹⁵ APP/R0660/A/13/2195201 (CD 9.9), Paragraphs 65 & 66

the Framework which requires the planning system to contribute to protecting and enhancing the natural environment, as well as recognising the intrinsic character of the countryside. This weighs very heavily against the proposals.

Effect on safe and efficient operation of the Highway

32. At planning application stage, no technical objections on highway grounds were raised by officers, subject to a financial contribution and conditions. However, following the Committee's decision and as recorded in the refusal notice, the Council has concerns regarding the impact on the highway network of this scheme, taken together with other developments in Alsager. The two junctions originally of concern, and cited in the reasons for refusal, were Crewe Road / Sandbach Road / Lawton Road ('Junction F'), and Hassall Road / Crewe Road ('Junction C'). However, the Council's main concern appears to be with Junction F, rather than with Junction C. It is alleged that the proposed development, together with other developments would have a severe impact.
33. The highway impacts vary depending on what scenarios are considered. For example, whether other sites within Alsager are included, such as those with planning permission ('committed sites'); or those sites identified within the Emerging Local Plan; or 'speculative' sites (those without permission but at various stages of preparation) such as this scheme. Those different scenarios were considered in the Alsager Transport Study. A further variable is whether junction improvements take place ('do something') or not ('do minimum') as outlined in the Alsager Transport Study¹⁶.
34. This Study, amongst other things, identifies various highway improvement works that will be required to enable the delivery of developments identified in the Emerging Plan. The improvements at Junction F identified in the Study would comprise a signalisation scheme, and road widening to provide an additional lane on the Sandbach Road south arm and the Lawton Road arm. This would provide additional formalised non-blocking storage within the junction. I understand financial contributions from other permitted developments in Alsager would be sufficient to deliver those works¹⁷. It is not, therefore, unreasonable to factor these highway improvements into any assessment. The Council estimates that this proposal might typically generate in total around 35 to 38 two way traffic movements in a peak hour.
35. The Council's preferred approach is based on an assessment including committed sites, and emerging Local Plan sites¹⁸. The Council's evidence concludes that even on this basis, excluding the traffic from the appeal site, and even with junction improvements outlined above at Junction F, the three approaches would already operate over acceptable parameters in the peak periods, namely: Crewe Road – eastbound; Sandbach Road – southbound; and Lawton Road - westbound. This situation would be worsened by the additional flows arising from the appeal development, resulting in lengthy queues, blocking back on to nearby junctions. The length of the queue on the Crewe Road eastbound approach would stretch back around 330 metres, and at Lawton Road westbound would tail back some 200 metres, affecting other

¹⁶ Alsager Traffic Study March 2015 (CD 8.13.2)

¹⁷ Closing Submissions of the Council, Paragraph 36

¹⁸ Proof of Evidence, Mr Richard Hibbert, Sections 4 & 5

- nearby junctions. This, it is argued, means the junction would be under stress and would result in an unacceptable cumulative impact.
36. However, as the appellant highlights, it is clear that when the appeal traffic is disaggregated from the cumulative totals of commitments and Local Plan sites, on the basis of the 'do something' junction improvement scenario, the effects of the scheme itself would be very limited. The Crewe Road - eastbound arm would be unchanged by the appeal scheme. The greatest impact would be the addition of 4 vehicles to the queue of 17 vehicles on the Sandbach Road southbound arm in the afternoon peak. The appellant says this cannot be regarded as a 'severe' impact in terms of the Framework. I agree with that assessment.
37. Moreover, this is a 'worst case' situation, at peak hour congestion. It is also based on the assumption that all existing schemes with permission are constructed, and all emerging local plan sites gain planning permission, and are built. There is inevitably a degree of uncertainty as to what will happen in the future. Also, sites identified in the Emerging Plan would still need planning permission, and any permitted schemes would be required to address their own transport impacts. Individual Transport Assessments for each would need to be undertaken. Each scheme would be required to mitigate its own impact in order for it to proceed. If proposals cannot satisfactorily mitigate their effects, there is no guarantee that they will proceed to permission.
38. I acknowledge the Council's point that, although only modest increases in impact can be attributed to the appeal proposal alone, such an approach risks missing impacts which can arise from a series of developments that individually do not generate any harm. Indeed, I accept that an insignificant impact resulting from a scheme on its own should not automatically be regarded as acceptable because such an approach would represent a misunderstanding of the requirements of a cumulative traffic impact assessment. But given the very limited effect of the appeal scheme itself, I am not persuaded the scheme should fail on highway grounds.
39. It is argued by the Council that, although traffic junctions in Alsager are currently operating well within capacity, the town is not a major urban centre like London or Manchester, where high levels of congestion are common, and queuing is accepted as a fact of modern life. In this light, it is said there are limits to which a town such as Alsager should be expected to bear increases in traffic. It is also said that when the current low traffic base is taken into account, the cumulative effects would be unacceptable and severe. However, whilst I accept that Alsager may not be used to high levels of congestion common in larger cities, it does not follow that developments should be prevented that would, according to the Council's own assessment, only marginally increase traffic congestion.
40. To sum up on this issue, it would not be reasonable to withhold permission for this scheme on the basis of the Council's concerns in relation to highway effects. The additional effect of the appeal scheme over and above commitments and local plan allocations would be minimal. The Council's objection is based on an assessment at peak times, factoring in a hypothetical future situation of additional housing developments in Alsager. The cumulative effects of such housing cannot be fully predicted: not all Emerging Local Plan

sites are guaranteed to come forward, and future developments will need to mitigate their own effects and exploit opportunities for the use of sustainable transport modes.

41. Hence, I am not persuaded the Council's highway objections are a sound basis on which the appeal should fail. Paragraph 32 of the Framework is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. The evidence does not indicate that this would be the case here. Taking all of the above into account, I do not consider the scheme would jeopardize the safe and efficient operation of the highway. Nor do I find there would be a conflict with Policies GR9 or GR18 of the Local Plan.

Sustainability

42. A concern of the Council, as set out in the reasons for refusal, is based on the fear that the development would exceed the spatial distribution of development for Alsager, identified in Policy PG 6 of the Emerging Plan. This Policy defines Alsager as a 'Key Service Centre' and, as originally drafted, specifies in the order of 1,600 homes for Alsager. The Council argues that taking into account completions, outstanding permissions, as well as site allocations, Alsager would exceed its allocation of development. Reference is also made to the emerging Local Plan Examining Inspector's concerns about the overall distribution of development, particularly the limited amount of development directed to the northern part of the district. On this basis, it is said the proposal would be an unsustainable form of development, contrary to the Spatial Distribution of the Emerging Plan.
43. However, as noted, this emerging Plan has yet to be adopted, and is still subject to outstanding objections. Its policies may be subject to change, including Policy PG 6. Given this uncertain and evolving status, I cannot place significant weight on Policy PG 6. Furthermore, given that the Examining Inspector's key concern was that the overall level of housing provision was too low, the likelihood is that increased housing will need to be accommodated across all settlements, including Alsager. Indeed, the proposed new figure for Alsager of 2,000 units bears this out. Moreover the supporting text to PG 6 makes clear that the figures are intended as a guide, and are neither a ceiling nor a target. Some degree of flexibility is therefore required. I do not find the Council's concerns regarding spatial distribution to be sufficiently well founded to cause the appeal to fail.
44. Turning to sustainability more generally, the Framework identifies different dimensions to sustainable development, comprising economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The additional housing would be a weighty benefit for the area, by introducing much needed private and affordable housing for local people. It would boost the supply of housing in accordance with the Framework. It would bring about additional housing choice and competition in the housing market. It would create investment in the locality and increase spending in shops and services. It would result in jobs during the construction phase and, according to the appellant, result in construction spending of around £7.3 million. The new homes bonus would bring additional resources to the Council. I also accept that the site is in a relatively

sustainable location, within reasonable range of shops, services and facilities within Alsager. There are public transport services available including bus services and, at a greater distance, a railway station. To that extent, I agree that the scheme would comply with the economic and social dimensions of sustainability.

45. However, I have serious concerns in respect of the environmental dimension, specifically the very significant and adverse effects for the rural landscape, identified above. I appreciate that it is proposed to create an area of open space accessible to the proposed residents of the scheme as well as existing residents. A financial contribution would be made to improve footpaths as well as enabling the construction of a car park for visitors to Borrow Pit Meadows Country Park. An equipped play area is proposed. The existing pond within the site would be retained and improved. These are benefits of the scheme. I acknowledge that it is intended that the dwellings would be high quality and energy efficient. However, these environmental benefits do not outweigh the serious overall harm that would result to the landscape character of the area.
46. A further consideration under the environmental dimension relates to the contention that the development is unsustainable because it would lead to a loss of the best and most versatile (BMV) agricultural land. However, much of Cheshire falls within that category and, given the acknowledged need for housing, it is highly likely that BMV agricultural land will be required for development. The loss of BMV agricultural land is undesirable, and clearly reduces the site's sustainability credentials. However, given the above, it cannot in itself, weigh heavily against the proposal.
47. To sum up on this issue, I agree that the site meets the social and economic dimensions of sustainability, but not the environmental dimension, as set out in Paragraph 7 of the Framework.

Other Matters

48. The appellant has completed a planning obligation dated 8 December 2015. The obligation secures the provision of affordable housing at a rate of 30%. Based on 60 dwellings, this would equate to 18 affordable units. It also secures provision of open space and play equipment for children, as well as a car park for visitors of Borrow Pit Meadows. It secures financial contributions towards highway improvements (£46,154); towards primary school education (£119,309); towards the upgrade of Footpath 2 (£3,430) and towards the Council's costs of improvements to the surface of Footpath 1 within the Borrow Pit Meadows Country Park (£13,125).
49. I have no reason to believe that the formulae and charges used by the Council to calculate the various contributions are other than soundly based. In this regard, the Council has produced a detailed Compliance Statement¹⁹ which demonstrates how the obligations meet the relevant tests in the Framework²⁰ and the Community Infrastructure Levy Regulations²¹. Specifically, the level of provision of affordable housing would comply with Policy H13 of the Local Plan, as well as the Interim Planning Statement on Affordable Housing, adopted in

¹⁹ Community Infrastructure Levy Regulations 2010 Compliance Statement

²⁰ Paragraph 204

²¹ Regulation 122 & 123

2011. The Compliance Statement also sets out how the primary school education contribution has been calculated, and confirms it would be spent in schools close to the development. It also gives details of how monies proposed in respect of the footpaths would be spent. During the Inquiry, it was confirmed by the Council that the highway contribution of £46,154 was no longer required, as sufficient funding had already been secured through other permitted schemes. Therefore, I have not taken this aspect of the obligation into consideration in my deliberations.

50. The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of the obligation, excluding the highway contribution, are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework and the Community Infrastructure Levy Regulations.

Overall Conclusions and Planning Balance

51. I have found certain of the Council's objections not sufficiently well founded to cause the appeal to fail. These include objections in relation to the effect on the highway network, and the concerns over the spatial distribution of development. I am satisfied that the planning obligation (minus the highway contribution) accords with the Framework and relevant regulations, and I have taken it into account in my deliberations. All that said, and very importantly, I have found the scheme would cause very serious harm to the character and appearance of the area, including the landscape. This would conflict with Policies GR1 and GR5 of the Local Plan, as well as the requirements of the Framework to contribute to protecting and enhancing the natural environment²² and recognising the intrinsic character and beauty of the countryside²³.
52. The Framework states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by the economic, social, and environmental dimensions and the interrelated roles they perform. In this case, the contribution of the site to both market and affordable housing requirements of the district is a matter of substantial importance, carrying significant weight. The scheme would generate economic and social benefits. The scheme has other advantages, including financial contributions to improve the footpaths as well as enabling the construction of a car park for visitors to Borrow Pit Meadows Country Park. An equipped play area is also proposed. Not only would these mitigate adverse impacts of the development, they would also convey benefits to the wider population. There is no reason why the development would not be well designed and energy efficient. However, I consider the proposal would have very serious and harmful consequences in terms of the environmental dimension of sustainability with regards to the impact on landscape character. As such, I do not consider the scheme as a whole can be regarded as a sustainable form of development.

²² Paragraph 7

²³ Paragraph 17

53. Importantly, the Council cannot demonstrate a five year supply of housing, although the exact extent of this shortfall is disputed between the parties. This factor attracts substantial weight in favour of granting permission for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. However, the absence of a five year supply cannot override all other considerations. As noted above, one of the Core Planning Principles of the Framework is to take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside. There is no compelling reason why the additional development required to assist in making up the 5 year deficit has to be sited at this particular location.
54. I have carefully weighed the significant shortage in housing supply in the balance as well as other benefits that would arise from the scheme. I have considered the contribution of the proposals towards addressing the undersupply of housing, both market and affordable. However, in this case, I consider that the adverse impacts of granting permission, specifically the serious material harm to the rural character of the locality and incursion of development into the countryside would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

Matthew C J Nunn

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE COUNCIL:

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Instructed by Cheshire East Council

He called

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Richard Hibbert

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Ben Haywood

Team Leader, Major Applications, Cheshire East

FOR THE APPELLANT:

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Instructed by Laura Tilston, Gladman
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INTERESTED PERSONS

Councillor Derek Hough

Cheshire East Council

Councillor Shirley Jones

Alsager Town Council

John Rowland

Local resident

Elizabeth Hayhurst

Local resident

Guy Hayhurst

Local resident

Sue Helliwell

Local resident

Sarah Anderson

Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Appeal decision APP/R0660/A/14/2227135, Land off School Lane, Bunbury, Cheshire CW6 9NR
2. Appeal decision APP/R0660/A/14/2229034, Land to the east of Broughton Road, Crewe, Cheshire, CW1 4NS
3. Stroud District Council v SSCLG and Gladman Developments Ltd [2015] EWHC 488 (Admin)
4. Addendum Appendix to Landscape Proof of Evidence by Mr Stuart Ryder (December 2015)
5. Appeal decision APP/R0660/A/14/2212604, Land to the South of Old Mill Road, Sandbach, Cheshire
6. Submissions of Councillor Derek Hough
7. Submissions of Councillor Shirley Jones
8. Submissions of Mr John Rowland
9. Submissions of Ms Elizabeth Hayhurst
10. Submissions of Dr Guy Hayhurst
11. Submissions of Ms Sue Helliwell
12. Submissions of Ms Sarah Anderson
13. Note of Mr John Rowland
14. Cheshire East Council, Strategic Highways, comments regarding Land adjacent Yew Tree Farm, Close Lane, Alsager
15. Draft Schedule of Conditions, dated 9th December 2015
16. Planning Obligation, dated 8th December 2015
17. Community Infrastructure Levy Regulations 2010 Compliance Statement, by Cheshire East Council
18. Application for Costs on behalf of the Appellant
19. Response of Cheshire East Council to Application for Costs
20. Appellant's Reply to Cheshire East Response on Costs