
Appeal Decision

Inquiry held on 11 – 13 February 2014

Site visit made on 11 March 2014

by Frances Mahoney DipTP MRTPI IHBC

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

Decision date: 14 July 2014

Appeal Ref: APP/R0660/A/13/2198461

Land off Dunnocksfold Road, Alsager, Cheshire ST7 2TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by The Morris Family and P E Jones (Contractors) against Cheshire East Council.
 - The application Ref 12/4146C is dated 23 October 2012.
 - The development proposed is the erection of up to 95 dwellings and formation of access point into the site to serve the development.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 95 dwellings and formation of access point into the site to serve the development at Land off Dunnocksfold Road, Alsager, Cheshire ST7 2TW in accordance with the terms of the application, Ref 12/4146C dated 23 October 2012, subject to the conditions set out at Annex A to this decision.

Preliminary matters

2. The Planning Practice Guidance (PPG) was published on 6 March 2014 after this appeal was made and heard as an Inquiry. The appellant and the Council have been given the opportunity to comment on the relevance of this guidance to their cases.
3. This is an outline application with all matters reserved other than access. Along with the site location plan (Stanfords Vector Map (red line plan)), the application was accompanied by a plan showing a possible layout (dwg no 120225600). This is an indicative plan only and I considered it accordingly, although it does show how such a development might be accommodated which does assist in my consideration of the appeal. Dwg no PM4287/P001 shows the location of the proposed development access and is relevant in this regard.
4. This appeal is against the failure of the Council to determine the planning application for the proposed development. Following the submission of the appeal (20 May 2013) the Council went on to consider the proposal on the 22 May 2013 and identified two putative reasons for refusal. In these circumstances I have treated this 'decision' as that which the Council would have made had it been empowered to do so.

5. The Council's first putative reason for refusal indicated that a 5 year supply of housing could be demonstrated. However, it then decided to reverse this position, with the Council's proofs to the Inquiry being based on the premise that they could not conclusively demonstrate a 5 year supply of housing land¹. However, at the opening of the Inquiry they announced their position had changed again and presented a Five Year Housing Land Supply Position Statement (Position Statement) (Doc 1) adopted on the 10 February 2014 to demonstrate a 5.14 year supply, including a 5% buffer. This was a fundamental change to the Council's initial proffered position in the appeal process. However, the appellants were aware of the Position Statement and had, at short notice, produced a commentary on its contents. Therefore, in these circumstances, and, with the agreement of the appellants, the Position Statement was submitted into evidence.
6. In respect of the examination of this new evidence, in the absence of any other substantive written evidence from the Council relating to their new position, the matter was dealt with by means of a hearing session held on the morning of 13 February 2014. Notes of the hearing were taken by both parties to assist my consideration of the matter (Docs 26 & 27). Therefore, I have relied upon the oral hearing evidence given, in the main by Mr Fisher (Head of Strategic and Economic Planning) on behalf of the Council, along with the contents of the Position Statement, to establish the Council's case in this particular aspect of the proposal.
7. The appellants have been working with the Council to address a number of matters relating to the securing of the provision of infrastructure related to the development. A signed and completed planning obligation under section 106 of the Town and Country Planning Act² was submitted at the Inquiry dealing with these matters;
- the provision of 30% of all the proposed dwellings to be affordable housing;
 - details of the affordable housing scheme;
 - provision of a green open space within the development, including a plan for its management ;
 - commuted education sum towards the provision of primary education places within the vicinity of the site; and
 - commuted sum to be used for improvements to Alsager Footpath 3.

This promised actual provision and contributions have been shown to be necessary and justified, in association with the proposed development in accordance with Regulation 122 of the Community Infrastructure Levy Regulations³. I do not intend to examine this aspect of the development further, a convincing case for such provision having been put to me. I can therefore take the Obligation into account in reaching my decision.

8. A number of recent appeal decisions were brought to my attention⁴, including one decided following the close of the Inquiry⁵. Some of the sites in question

¹ Para 9.3 Ben Haywood proof of evidence, para 7.11 Katrina Hulse proof of evidence

² The Council was a signatory to the agreement

³ The Community Infrastructure Levy Regulations 2010 Compliance Statement (Doc 3)

⁴ APP/R0660/A/12/2188001, APP/R0660/A/13/2195201 (Quashed 11 April 2014), APP/R0660/A/13/2189733, APP/K2420/A/13/2202261, APP/P0119/A/12/2186546 & APP/R0660/A/12/2188604

are peripheral to Alsager. Whilst I have considered the terms and reasoning of my colleagues in their consideration of the evidence before them, each decision must be made in the light of the specific Inquiry evidence pertinent to the individual case and its particular circumstances. My decision is so framed.

Main Issues

9. Therefore, I consider the main issues are the effect of the appeal proposal on the character and appearance of the surrounding area having regard to planning policy on the location and provision of new housing; and on the historic, ecological and amenity value of the important hedgerow.

Planning Policy

10. In preparation is a new local plan, Cheshire East Local Plan, also described as the pre-submission Core Strategy (CS). This was consulted upon towards the end of 2013. The Council was to consider the submission document at the end of February 2014. The CS has now been submitted for Examination (May 2014) and it is anticipated that hearings will commence in September 2014.
11. The CS includes a number of strategic locations identified by the Council as possible allocated sites, along with a review of the Green Belt. This has resulted from an acceptance by the Council that there will be a reliance on greenfield sites to provide some of the land for future growth. I understand there is considerable opposition to some aspects of the CS. The Council could not offer an anticipated date for its adoption. In addition, it was accepted that there was likely to be some slippage in the dates proffered and consequently progress may be less timely.
12. The CS has been informed by the Alsager Town Strategy (August 2012) (ATS) as a body of evidence. This is an un-adopted, non statutory document which proffers options for the development of the town. In itself it does not form part of the development plan and has been prepared in advance of the finalisation of future housing needs for Cheshire East.
13. It is acknowledged that it is highly desirable that local planning authorities should have an up-to-date plan in place. The Council are working towards achieving this goal and have committed considerable resources to moving their CS forward.
14. Nonetheless, in such circumstances, the emerging CS and the ATS attracts limited weight in the consideration of this appeal proposal, although I do recognise the CS represents a body of recent evidence.
15. Following the revocation of the North West of England Regional Spatial Strategy (RS) in May 2013 the Council has relied upon the relevant policies of the development plan which consists of the Congleton Borough Local Plan 2005 (LP). This was drafted to cover the period to 2011.
16. LP policy PS4 identifies towns defined by a settlement zone line (SZL) within which development is concentrated to allow for sufficient growth to meet future land use needs for the plan period. Its purpose is to define the boundary between the built-up area where the settlement policies in the plan apply, and the rural area where more restrictive open countryside policies apply. It is of

⁵ APP/R0660/A/13/2196044

relevance to the supply of housing. Paragraph 2.53 of the LP sets out that SZLs are not intended as a long term boundary, but one which has been reviewed and modified for the plan period to 2011. The plan period has long since passed.

17. Outside of the SZL, development is subject to LP policies in respect of the open countryside. In this case LP policies PS8 and H6 are relevant. These seek to restrict development and residential development respectively in such areas unless it is for one of a number of specified categories. Their prescriptions do not encompass development of the kind proposed.
18. These policies have been saved. Their overall policy objective, to protect the existing appearance of the countryside, is consistent with one of the core planning principles of the National Planning Policy Framework (the Framework) of recognising the intrinsic character and beauty of the countryside.
19. In this regard I find the terms of these relevant policies to be in even step with national guidance, albeit that their relationship with LP policy PS4 is an uncomfortable one in respect of defining the countryside edge. They are relevant policies for the supply of housing within the meaning of paragraph 49 of the Framework. In addition, in this case no strong case was promoted that the appeal site did not form part of the countryside setting of the town and I have considered it accordingly.
20. However, the Council has already acknowledged that some future residential development will need to be located outside of the LP defined SZLs and has recently permitted residential developments in the countryside.
21. Having identified that the SZLs require revision in the interests of housing supply now and into the future, the Council is using the CS process to identify land for development to the end of the new plan period of 2030. In the meantime it is reasonable to conclude that whilst LP policy PS4 does relate to housing supply its rigid application to development in the countryside not permitted by LP policies PS8 and H6, would be an out-dated policy response serving only to restrain development. In these circumstances, any policy contradiction in this regard should be afforded little weight in the balancing of the elements of this appeal. The fact the Council has not relied upon this particular LP policy adds weight to this conclusion.

Reasons

Character and appearance

22. Alsager is a small town set in the open green landscape of the gently undulating Cheshire countryside. It lies close to, but distinct from, the urban centres of Crewe and Sandbach. Nonetheless, it still retains the character of a rural settlement.
23. Dunnocksfold Road bounds the northern edge of the town, with development on its southern side being predominantly residential in character. Property type, age and size vary but mature garden planting, including hedges and trees, contribute to the verdant appearance of the street. The green leafy nature of the road is further enhanced by the line of the mature hedgerow which, with very few interruptions, follows closely the northern highway edge. On this side of the road, whilst still including sporadic groups of buildings, open countryside takes over from residential development. The nature of this wider

open countryside landscape, punctuated by woodland groups and hedgerow divisions within a patchwork pattern of small to large fields, creates a pleasant rural landscape. However, this markedly contrasts with the dense urban development of the town⁶. This background landscape pattern of dispersed settlement is important in establishing the character and appearance of the rural setting of this urban centre.

24. The appeal site lies outside the built up area of Alsager on the northern side of Dunnocksfold Road. It comprises an L-shaped field, in the main, delineated by a mature hedgerow. It has been used in the past as meadow land, but more recently has been ploughed for an arable crop. To the north open fields adjoin. To the west a house with what appears to be a much extended open garden area, bounds the site. To the east are the playing fields of the disused Manchester Metropolitan University Alsager Campus (MMU). Whilst, these playing fields continue to be managed, still maintaining the appearance of a recreational facility, their open nature reflects that of the adjoining arable field and wider countryside setting. However, the MMU site has been identified within the CS as a strategic site for a mixed use development, including some 300 dwellings. Should such a development proceed, clearly the character and appearance of this large site would change. However, whilst a development brief has been produced, this proposal has yet to progress significantly giving no certainty of this institutional site's short term future. The concentration of campus buildings is towards the Hassall Road frontage. Therefore, with the playing fields bounding Dunnocksfold Road and the appeal site, these contribute, in combination, to the open verdant appearance of this side of the road.
25. Views from Dunnocksfold Road north to the open countryside are foreshortened by frontage buildings, including those of the MMU site, and the dense roadside hedge. Views across the appeal site out to the countryside beyond are similarly restricted. Footpath 3 skirts part of the north western boundary of the appeal site. From here views across the appeal site back towards the town, and beyond to the disused MMU are discernible.
26. The effect of the proposed development would be to introduce up to 95 dwellings, including supporting infrastructure, on what is essentially an arable field. In distant views from the north and east, the new development would be seen in the context of the backdrop of the existing residential development of the town and the buildings and structures of the MMU. Such views would also be filtered through existing hedgerows and trees.
27. The removal of part of the frontage hedgerow to create the access point would create a significant break in the otherwise continuous nature of this part of the hedgerow. However, as part of a housing development this natural boundary would no longer be a field hedgerow but would allude to its bygone origins and with appropriate replanting, even taking into account any necessary re-location, the character of the hedgerow could be maintained.
28. For those living or travelling along Dunnocksfold Road there would be a significant change in the character and appearance of the site, although, as already indicated, built form in the nature of housing or institutional buildings are not uncommon on this side of the street.

⁶ Source - Cheshire Landscape Character Assessment (November 2008) – Barthomley Landscape Character Area, a sub-set of the Lower Farms and Woods Landscape Character Type.

29. Nonetheless, the open nature of the field itself would be lost. Even given its close proximity to built development and the flat nature of the landscape, its character and appearance is more closely akin to that of the open countryside to the north.
30. Therefore, the appeal proposal would erode the open nature of the countryside causing material harm to its verdant, green, pastoral character and appearance contrary to the terms of LP policies PS8 and H6. In this way the intrinsic character and beauty of the countryside would not be protected, which, as a planning principle identified within the Framework, carries significant weight in the consideration of this appeal.

Impact on the hedgerow - historic, ecological and amenity

31. Much of the boundary hedgerow dates back to the early part of the 19th century. The tithe map of Alsager, surveyed in 1833 shows the appeal site divided into 3 fields, the likely hedgerow delineation of which has long since been removed. It is a remnant of a wider field system which has been lost overtime through changes in farming methods as well as neighbouring land being taken up for other uses.
32. The remaining boundary hedgerow is not continuous around the site. It varies in quality, much being dense, with hawthorn being the predominant woody species. It is likely to provide shelter and foraging for wildlife but the proximity of the frontage hedge to the road would make this section less attractive to wildlife than the wider field hedgerow and trees.
33. The early 19th century origin of the field boundary hedge is the main factor which leads to its classification as an important hedgerow under the terms of the Hedgerow Regulations 1997.
34. The proposed development, whilst in outline, does not promote the removal or significant diminishing of the overall hedgerow. Any detailed design of layout, at the reserved matters stage, could take into account the need to safeguard the hedgerow.
35. However, the proposed access onto Dunnocksfold Road would require the removal of a length of hedgerow in the order of 25 metres. The indicative layout plan shows that additional tree and hedge planting on the frontage would form part of the overall landscaping strategy for the development, sympathetically consolidating other parts of the hedgerow where gaps exist. This would enhance the appearance of the hedgerow and could be secured by condition.
36. Further, whilst the important hedgerow has been regularly managed in recent years, it would benefit from a proactive hedgerow management plan to safeguard its long term wellbeing and encourage its development as a habitat. This would be a positive factor in favour of the development and, similarly, could be secured by condition.
37. The section of the frontage hedgerow proposed for removal is only a small part of the overall extent of the important hedgerow. Its removal would not diminish the historic line of the hedgerow which would still be discernible, following the line of the road and still traceable in the landscape.

38. Therefore, the likely effects of the proposed development could be mitigated against as well as securing an enhancement to the existing landscape feature both in terms of ecology as well as amenity. In this way the terms of LP policy NR3, which seeks to afford appropriate protection to features of nature conservation, where possible securing their enhancement, would not be compromised.

Other considerations

Housing need and supply

39. To boost significantly the supply of housing, the Framework identifies that Councils should ensure that their local plans meet the full, objectively assessed needs for market and affordable housing in the housing market area as far as is consistent with the policies of the Framework.
40. In addition, they must identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of either 5% or 20% (moved onward from later in the plan period), to ensure choice and competition in the market for land. Over the last year the position of the Council, as to whether it has an identified supply of housing land, has swung backwards and forwards finally settling on the morning of the Inquiry opening in a positive position.
41. The Council's Position Statement identifies that a target is required upon which to base the assessment of the five year housing land supply. Despite the revocation of the RS the Council has based their target on the RS housing figure (1150 per annum) dating from prior to 2008. Their justification for this is that it had been objectively assessed and tested through the process of the RS examination. However, with the passage of time⁷ the RS target has become historic as is the evidence upon which it was based⁸.
42. The emerging CS sets out an overall development strategy of providing over the CS period (2010-2030) sufficient land to accommodate at least 27000 homes. This provides an annual housing target of 1350 per annum which the CS (Doc 18) at paragraph 8.18 confirms is considered necessary by the Council to meet their own and Government's growth agenda.
43. The CS also identifies that the key evidence to assess housing need has come from the Strategic Housing Market Assessment (SHMA) 2010 and 2013 update, the Strategic Housing Land Availability Assessment (SHLAA) 2010 and population forecasts. All of this evidence post-dates that used to establish the RS target. I appreciate the target and approach taken within the CS has yet to be tested, but nonetheless it does reflect the Council's own most recent evidence base and has been produced taking into account the requirements of the Framework in this regard.
44. Therefore, taking a pragmatic approach, the emerging CS housing target offers a more reasonable assessment of housing need for the Council until such time as it has completed its passage through the process of examination to final adoption. Consequently from the evidence before me, I agree with the appellants that the CS housing target of 1350 per annum (6750 units as a five

⁷ The RS was published in 2008

⁸ Some of which dates back to the early part of the last decade.

year requirement) should be the base figure from which to establish whether the Council can demonstrate a five year housing land supply.

45. In the recent appeal decision at Elworth Hall Farm⁹ I am aware that my colleague settled on the RS housing requirement being the only rigorously tested evidence base to establish need. In that case the parties were in agreement on this point. I have determined this appeal on the basis of the evidence put before me which I do not find, in the circumstances of this case and for the reasons set out above, support a conclusion in the same vein.
46. I am also mindful that the Framework places emphasis on the use of up-to-date evidence to achieve an objective assessment. Whilst the revocation of the RS does not expunge the evidence base or the resultant housing target from the past, its use to ascertain the objectively assessed need is a question of judgement for the decision maker. On the evidence before me I conclude that for the Council to put aside their promoted CS housing target based on recent evidence within their SHMA and SHLAA in favour of a historic housing target from a revoked plan is a flawed approach¹⁰.

Backlog

47. It was common ground between the parties that in assessing any shortfall of homes delivered from the plan period to date¹¹ as compared with the base figure requirement, this should be added to the total for the next five years (the Sedgfield approach). Such an approach is in the spirit of the Framework to significantly boost housing supply. There is a difference between the parties in their calculation of the backlog¹². However, the Council has measured the backlog against the RS based requirement of 1150 dwellings per annum. Having concluded that such an approach is flawed, the appellants' backlog figure in completions (1 April 2010 to 31 December 2013) of 2913 is more credible.
48. By factoring in the backlog figure this gives a five year requirement of 9663 or 1933 dwellings per annum.

Additional buffer

49. A further factor to be added into the overall calculation of need is an additional percentage buffer moved forward from later in the plan period to ensure choice and competition in the market for land¹³. There is dispute over whether this should be 5% or a 20% buffer. A 20% buffer would be applied where there has been a record of persistent under delivery of housing.
50. Historically development plan targets, which have changed over time, have been, in the main, consistently met until 2008/09. From here to date there has been an under provision¹⁴ which, with only 497 units having been delivered up to the end of 2013, is likely to continue for the year 2013/14. This would give an under provision for at least the last 5 years. However, PPG (3-035) requires a longer term view to be taken bearing in mind the peaks and troughs of the

⁹ APP/R0660/A/13/2196044 (Doc 30)

¹⁰ City and District of St Albans v Hunston properties Ltd & SOSCLG (2013) – Judgement of Sir David Keene, Lord Justice Maurice Kay & Lord Justice Ryder – dated 12 December 2013

¹¹ Start date of the CS is 2010

¹² Council 2,165 & Appellant Company 2,913

¹³ Paragraph 47 of the Framework

¹⁴ Whether measured against the Council's 1150 target figure or the appellant company's 1350.

housing market cycle. The policy of constraint (housing moratorium) in relation to housing provision in the mid years of the last decade, and the delivery rate before and after this period, are legitimate considerations in reaching a judgement on this aspect of the assessment of the housing need.

51. The moratorium was lifted in 2008 in response to the RS and is not expected to occur again. This period of restraint may explain some historic under provision. The recession, too, is undoubtedly a further factor to be considered.
52. The introduction of the Framework and its requirement, specifically relating to housing provision, was in response to the affects of the recession and the objective aim of boosting the supply of housing. The Council has responded through the promotion of its CS housing target. In addition, it has not been slow in granting permission where considered appropriate. I consider the current undersupply should be considered alongside the historic and cumulative robust long term record of delivery.
53. In this context, an additional buffer of 5% is reasonable and justified.
54. Therefore, with a 5% buffer, the five year housing land supply requirement increases and rests at 10146 units or 2029 per annum.

Supply

55. The Council's Position Statement with amendments (Doc 28) sets out that over the five year period the land supply could accommodate 9897 residential units. This is made up from a number of sources of supply including sites under construction; sites with full planning permission; sites with outline planning permission; sites awaiting section 106 agreements; strategic sites; sites in the adopted LP; small sites; sites without planning permission and windfall allowances.
56. However, I have concerns regarding the robust nature of the evidence within the Position Statement. The sites, which are considered to be deliverable within the five year supply, and of which the Council is aware, form the database from which the SHLAA is produced. However, there are a number of contributing sites for which unrealistic assumptions regarding delivery have been made.
57. On a number of sites the Council has assumed 2 or 3 developers working when in reality it is only 1. Although another builder may come on-board in the future, this creates uncertainty relating to the Council's anticipated rate of delivery sufficient to cast serious doubt on the realistic prospect of that housing being delivered in the five years. This would slow down the assumed rate of delivery overall.
58. Some planning permissions have been ascribed greater numbers of units in the Position Statement than they actually have planning permission for. On one site in Crewe the Council assume 10 units would be built. In reality a supermarket has now been developed on the site. On another the Council assumes 10 units but has refused planning permission for the development of the site. The Council made adjustments to the land supply figure at the Inquiry to take into account these less than certain assumptions and factual inaccuracies (Doc 28). Nonetheless, they still give me cause for concern about the overall robust nature of the base data and assumptions made by the Council in their calculation of their housing supply.

59. The Council has included some of the strategic sites identified in the CS. Whilst these have yet to be tested through the examination process, the sites' inclusion in the CS does show some sense of commitment on the part of the Council to taking them forward to fulfil the future needs of their Borough. I am aware that there are objections to some allocations which will be considered through the CS examination process. However, as the housing requirement has its origins within the CS it would seem reasonable to include sites of similar provenance in the supply calculation at this stage. Nonetheless, the anticipated time scale for the adoption of the CS, lead-in times and build rates for these strategic sites, which, in the main, have yet to gain planning permission, may be optimistic.
60. Some sites from the LP have also been included. Since their allocation progress towards delivery has not happened. It is unclear why. It is also unclear as to what is the change of circumstances which would now bring these sites forward when they have lain dormant for so long.
61. The Council has included windfall sites as a contributor in their Position Statement. Paragraph 48 of the Framework sets out that to make an allowance for windfalls in the five year supply, the Council must have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. No such compelling evidence of historic rates and future trends has been provided to me. Therefore, the inclusion of windfalls seems unjustified.
62. The lead-in times and build rates promoted by the Council in relation to their SHLAA and the Position Statement were the subject of consultation with the Housing Market Partnership. The Council contend their use was found to be acceptable. Anecdotal evidence of a member of that group does not bear that out, and this is confirmed in appeal decision APP/R0660/A/13/2196044 at paragraph 26.
63. All of the above factors under the heading supply give me little confidence that the overall assessment of land available to meet a five year housing land supply is robust and can be relied upon. The Council's optimism that the sites upon which they rely as presenting development opportunities with a realistic prospect that housing will be delivered on the sites within five years is at best questionable and at worst unfounded. The appellants have applied a reality check to the Council's evidence and I find that to be more credible in this regard.

Conclusion on housing need and supply

64. As a result and taking into account all of the above matters, whilst allowing for some limited development on strategic sites, the overall supply position is one of 7340 units over a five year period. In applying the identified annual housing target from the CS + the backlog figure + the 5% buffer (2029 units) the resultant years supply would be 3.62 years. Even using the Council's own assessed supply figure of 9897 it would only provide 4.8 years of land with a 5% buffer.
65. Therefore, I conclude that the Council has not demonstrated a five year supply of deliverable housing sites in the Borough. Framework paragraph 49 sets out that in such circumstance relevant policies for the supply of housing should not be considered up-to-date. Whilst a lack of a five year land supply of

deliverable housing land does not provide an automatic 'green light' to planning permission a balance must be struck. The deficiency in land supply would carry substantial weight in that decision balancing exercise.

66. Based on the evidence and circumstances in this case it is reasonable to conclude that the appeal proposal would contribute to the identified unmet housing need within the Borough and this should weigh positively in the balance of the decision. In such circumstances, the Framework sets out that a presumption in favour of sustainable development applies.

Contribution to the achievement of sustainable development

67. The ATS identifies the provision of affordable housing as important infrastructure to deliver the vision and strategy proposed. The appeal scheme would provide some 30% of the proposed development as affordable homes secured under the terms of the S106 agreement. The Council welcome the affordable element of the development.
68. In combination, the proposed housing would fulfil a social role by contributing to the support, strengthening and vibrancy of the local community by providing towards the supply of housing required to meet the needs of present and future generations. These are positive considerations weighing in favour of the development.
69. The proposal would enhance the economy of the community by the creation of jobs associated with the construction stage, and new residents are also likely to support existing local services and businesses.
70. In addition, I heard from the appellants, as the developer, that the appeal site is readily available and their intention is to start work as soon as possible. The prospect that the housing could be delivered on the site within five years would be strong. Having sufficient land available of the right type in the right places and at the right time to support growth and innovation is part of the economic role in achieving a sustainable development.
71. Alsager benefits from a well served town centre, including banks, supermarkets, medical facilities, library and civic centre. It also has primary and secondary schools in the town. There is also ready access to public transport both by train and bus. The appeal site lies within walking distance of many of these facilities. Therefore, in respect of location and a movement to a low carbon economy, the sustainability of the appeal site is positive.
72. The proposed development would include the management of the existing important hedgerow and the improvement of Footpath 3. This would enhance the natural environment fulfilling an environmental role.
73. However, in respect of the environmental role, I am conscious that the identified harm to the character and appearance of the countryside is a negative factor in its assessment.

Other matters

74. Paragraph 112 of the Framework identifies that the economic and other benefits of the best and most versatile agricultural land should be taken into account. Significant development of agricultural land, where demonstrated to be necessary, should utilise areas of poorer quality land in preference to that of

a higher quality. In this case the appeal site is in active use for agricultural purposes. However, it is grade 3b¹⁵ and therefore considered to be of poorer quality. The Council has already indicated that it is likely in meeting their housing need, greenfield sites, including agricultural land, will have to be developed. Such a poorer quality site would be preferenced over one of higher quality.

75. Concern has been expressed by residents in relation to the impact of traffic generated by the proposed development on the existing highway network, including nearby junctions. However, evidence¹⁶ shows that when viewed against existing traffic flows the impact of the development is predicted to be light. The analysis indicates spare capacity in much of the local network. On this basis the Council, as highway authority, has not raised an objection in this regard at this outline stage. I have no reason to question their approach and from my own observations, in general, even at the peak morning time at the road junction close to the Alsager School, traffic flows were busy but very short lived. I do not consider this to be a weighty factor in considering the development both in respect of highway safety considerations and traffic generation.
76. The proposed site is sufficiently distant to neighbouring dwellings so as to minimise any material harm to the outlook or privacy of existing residents. The indicative layouts submitted give me confidence that a layout can be produced as part of any reserved matters application which would appropriately accommodate a new housing environment juxtaposed with that existing.

Conclusion and balance

77. The proposal would be contrary to LP policies PS8 and H6 in respect of the resultant harm which would ensue from the development on the character and appearance of the countryside. However, in the circumstances of a lack of a readily available and practically deliverable supply of housing, when measured against established housing requirements, the appeal proposal would assist in the provision of much needed housing in the local area and Borough in general.
78. It would also have a social and economic role to play in achieving positive growth now and into the future. Its environmental role would be less weighty due to the impact of the proposal on the character and appearance of the countryside. Nonetheless, when the three dimensions to sustainable development are weighed together, as well as the other relevant elements of the Framework, I find that the appeal proposal would constitute sustainable development and I give this considerable weight in the overall balance of this decision.
79. Therefore, the combined weight of the contribution of the appeal site to boosting significantly the supply of housing, contributing to the delivery of a wide choice of high quality homes and amounting to a sustainable form of development weigh more heavily in favour of the proposal than its conflict with the development plan. For this reason the appeal should be allowed subject to conditions.

¹⁵ Agreed by the parties at the Inquiry

¹⁶ Transport Assessment

Conditions

80. A list of potential conditions was discussed at the Inquiry and, as result, a number were deleted with the agreement of the parties. I have amended and amalgamated a number for clarity, elimination of duplication, and taking into account guidance in this regard.
81. It is reasonable and necessary to require reserved matters approval within the standard timetables. For clarity a condition specifying the approved drawings is imposed. Although evidence is limited regarding whether there is any contamination of this agricultural land an initial report indicates a Phase II investigation would be advisable. Therefore, for this reason the condition is imposed. Conditions relating to surface water run-off and flooding are also deemed necessary to ensure adequate arrangements are in place to respond to local concerns and on the advice of the Environment Agency.
82. Conditions relating to the protection of birds, bats, trees and the hedgerow are required both in the interest of amenity as well as biodiversity. For the same reason conditions dealing with the future management; long term wellbeing of the hedgerow and trees; and their protection during the construction phase are necessary.
83. The condition relating to the Construction Management/Method Plan and Statement is required in order to protect the amenities of nearby residents and general amenity. For the same reason the condition relating to the ground/slab levels has been imposed.

Frances Mahoney

Inspector

Annex A – Schedule of conditions

- 1) Details of the appearance, landscaping, layout (including a pedestrian footway along the front boundary of the site with Dunnocksfold Road), 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 approved plans Stanfords Vector Map (red line plan) and Dwg no PM4287/P001 in so far as it locates the site access.
- 5) No development shall take place until:
(a) A Phase II contamination investigation has been carried out in accordance with a scheme to be submitted to and approved in writing by the local planning authority; (b) If the Phase II contamination investigation indicates that remediation is necessary, then a Remediation Statement shall be submitted to the local planning authority for its approval in writing. The remediation scheme in the approved Remediation Statement shall then be carried out. (c) If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to and approved in writing by the local planning authority prior to the first use or occupation of any part of the development hereby approved.
- 6) No development shall take place until a scheme to limit the surface water run-off generated by the proposed development has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until such time as a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) No development shall take place until details of features suitable for use by breeding birds (including house sparrows) and bats and a timetable for installation, have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented in accordance with the approved timetable and shall remain as permanent features of the development.
- 9) No development shall take place until a detailed survey to check for nesting birds prior to undertaking any works between 1st March and 31st

August in any year has been carried out and submitted to the local planning authority. Where nests are found a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to and approved in writing by the local planning authority before any works involving the removal of any hedgerow, tree or shrub takes place.

- 10) Prior to the commencement of the development a landscape management plan, including long term design objectives and management responsibilities shall be submitted to and approved in writing by the local planning authority. The management scheme shall include details for the long term management of the boundary hedgerow. The management plan shall be implemented as approved and its requirements adhered to thereafter.
- 11) No development, including the setting up of compounds, delivery of materials and access by machinery or plant, shall begin until a Tree/Hedge Protection Plan has been submitted to and approved in writing by the local planning authority (hereinafter called the approved protection scheme). The approved protection scheme shall show trees and hedges for removal and retention, and be produced according to BS5837:2012. No tree/hedge shall be damaged, felled or pruned other than as expressly permitted by the approved protection scheme.
- 12) No development or other operations shall take place until tree/hedge protection fencing and/or temporary ground protection has been installed according to the approved protection scheme. No access or works will be permitted within a protected area unless they are required in fulfilment of an approved Arboricultural Method Statement. The approved tree/hedge protection fencing and/or temporary ground protection shall remain intact for the duration of the development phase and shall not be removed or realigned without the prior written permission of the local planning authority or unless required by an approved Arboricultural Method Statement.
- 13) No development shall take place until a Construction Management/Method Plan and Statement with respect to the construction phase of the development has been submitted to and approved in writing by the local planning authority. Development works shall be undertaken in accordance with the approved Construction Management/Method Statement. The details shall include, amongst other things, hours of work/piling; contractors parking areas, compounds and details of wheel washing facilities; minimisation of dust emissions arising from construction activities on the site; and details of the responsible person (site manager/office) who can be contacted in the event of a complaint.
- 14) No development shall take place until details of the existing and proposed ground levels across the site and the levels of the proposed floor slabs shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Straker QC	Instructed by Cheshire East Council
He called	
Ben Haywood BA(Hons) MA MBA MRTPI MCIM	Principal Planning Officer
Katrina Hulse BA(Hons) MA MRTPI	Director DLP Planning Ltd
Adrian Fisher BSC(Hons)	Head of Strategic and Economic Planning

FOR THE APPELLANT:

Paul G Tucker QC	Instructed by David Short, Group Planning Divisional Director, the Emerson Group
He called	
David Short BSc DipTP MRTPI	Group Planning Divisional Director, the Emerson Group
Ben Pycroft BA(Hons) DipTP MRTPI	Senior Consultant Emery Planning Partnership
Neil Elliot CMLI	Senior Landscape Architect at RSK Environmental Ltd

INTERESTED PERSONS:

Cllr Derek Longhurst	Member of Alsager Town Council
Cllr Derek Hough	Member of Alsager Town Council and ward member for Alsager Cheshire East Council
Alderman Derek Bould	Local Resident and President of the Alsager Action Group
Charles Howard	Chairman Alsager Action Group
Christine Peake	Local Resident
Dr Margaret Wakelin	Local Resident
Jill Kelsall	Local Resident
Peter Yates	Local Resident

Mr Rowley Local Resident

Rafe Wakelin Local Resident

DOCUMENTS

- 1 Cheshire East Council Five Year Housing Land Supply Position Statement – base date 31 December 2013
- 2 Planning Obligation by deed of agreement dated 13 February 2014
- 3 Community Infrastructure Levy Regulations 2010 Compliance Statement
- 4 Extract from re-development proposal for the Manchester Metropolitan University Alsager Campus
- 5 Local facilities plan including bus timetables
- 6 Alsager Town Strategy
- 7 Alsager Sports and Leisure Needs Assessment
- 8 Statement of Derek Longhurst (Alsager Town Councillor)
- 9 Email dated 3 February 2014 from Neil Jones to David Colley including copy letter from David Colley to Neil Jones dated 15 January 2014
- 10 Statement of Councillor Derek Hough
- 11 Statement of Alderman Derek Bould, Local Resident and President of the Alsager Action Group
- 12 Statement of Charles Howard
- 13 Statement of Dr Margaret Wakelin
- 14 Letter from Patrick Downes Director Harris Lamb Ltd to Paul Tucker QC
- 15 Letter from Martyn Twigg of Gladman Developments Ltd
- 16 Suggested conditions
- 17 Policy extracts from Congleton Borough Local Plan First Review 2005
- 18 Pre-submission Core Strategy November 2013
- 19 Judgement of Sir David Keene dated 12 December 2013 (The Hunston Case)
- 20 Evidence pack submitted by Alsager Residents Action Group
- 21 Factual completions
- 22 Email from Ben Pycroft to Ben Haywood dated 11 February 2014
- 23 Speaking notes of Jill Kelsall
- 24 Amendments to Five Year Land Housing Position Statement
- 25 Appeal decision APP/R0660/A/12/2188604 including cost decision
- 26 Notes of hearing session – 13 February 2014 - Appellant
- 27 Notes of hearing session – 13 February 2014 – Council
- 28 Council's final adjustments on five year land supply
- 29 Letter from David Colley to David Short dated 13 February 2014
- 30 Appeal decision APP/R0660/A/13/2196044
- 31 Judgement of the Honourable Mr Justice Stuart-Smith dated 25 March 2013 (Wainhomes (South West) Holdings Ltd)

PLANS

- A Location of foul and surface water sewer
- B Developer Interest – Housing February 2014