



Appeal Decision

Hearing held on 24 April 2014

Site visit made on 24 April 2014

by Lesley Coffey BA(Hons) BTP MRTPI

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

Decision date: 14 July 2014

Appeal Ref: APP/R0660/A/13/2206862

Land South of Newcastle Road, Hough, Cheshire CW2 5JH

- 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 Mr Thomas Bartlam against the decision of Cheshire East Council.
 - The application Ref 13/0210N, dated 10 January 2013, was refused by notice dated 11 April 2013.
 - The development proposed is fourteen affordable homes of mixed type and tenure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is an outline application for 14 dwellings with all matters except the access reserved for subsequent approval. The appellant submitted a plan showing how the development might be accommodated, but the plan is for illustrative purposes only and there could be alternative layouts for the site. It nevertheless provides a useful guide when considering the proposal before me.
3. A similar proposal was submitted by the appellant in 2011, but was subsequently withdrawn in May 2012, due to concerns raised by the Council in respect of the adequacy of the accompanying Housing Needs Survey.

Main Issues

4. I consider the main issues to be:
 - The effect of the proposal on the character and appearance of the locality with particular reference to the trees on the adjoining site;
 - Whether the proposal would be sustainable, with particular reference to its relationship with the existing settlement and access to services and facilities; and
 - Whether the principle of the proposed development on land outside the village confines is acceptable having regard to the need for affordable housing within Cheshire East.

Reasons

5. The appeal site is an agricultural field and has previously been used for grazing. It adjoins the settlement boundary for the village of Hough to the east and the grounds of Hough Hall to the west. The trees adjacent to the boundary with Hough Hall are protected by Tree Preservation Order 1972 which includes numerous trees within and adjacent to the village.
6. The indicative layout shows an 'L' shaped access road, running adjacent to the boundary with Hough Hall and terminating adjacent to the boundary with Corner Farm.

Character and Appearance

7. The appeal site is adjoined by an area of woodland that forms part of the grounds to Hough Hall. The trees are of a variety of species and ages, and a number of the trees overhang the appeal site. These trees make a significant contribution to the rural character of the area. The trees are safeguarded by an area Tree Preservation Order (TPO).
8. A survey submitted by the appellant assessed 17 individual trees and a group of trees. The survey was conducted in accordance with the methodology within British Standard BS5837:2005 which was extant at the time of the survey but has since been superseded by BS5837:2012. Of the trees surveyed, 3 were identified as category 'A' trees (trees of high quality), a hybrid black poplar was identified as suitable for felling, and the remainder were considered to be category 'B' trees (trees of moderate quality). The survey identified the extent of the root protection areas (RPA) of the various trees, but these were not plotted on a plan and no tree constraints plan was provided.
9. A further survey and an arboricultural impact assessment on behalf of local residents was conducted February 2013. This surveyed 27 trees and five groups of trees using the methodology within BS5837:2012. The results of the survey were similar to the appellant's, although it included a significant number of category 'C' trees (trees of low quality or young trees). The tree constraints plan identified the RPA of the trees and the extent of any shadow cast by them.
10. The arboricultural impact assessment was based on the indicative layout. This shows the proposed access road located close to the boundary with Hough Hall where it would encroach on the root protection areas of the adjacent trees. It would also be necessary to lift the crowns of a number of the trees in order to accommodate vehicles. In addition, the dwellings toward the south western corner of the site, in particular Plot 14, would encroach on the RPA of category A and category B trees, and much of the rear garden would extend beneath the canopy of the trees and would be subject to significant overshadowing. As such the trees in this area would be likely to restrict light within the dwelling and garden. Future occupants may regard the trees as a potential threat to the safety of their property due to their size, stature and physical proximity. This uncomfortably close relationship would be likely to lead to requests for the removal of these trees. Such requests may be difficult for the Council to resist and would harm the character and appearance of the area.
11. On the basis of the available information, the proposed access road would be likely to have a significant adverse effect on the health of these trees due to the manner in which it would encroach upon the root protection area. It may

be possible to design the access road using a road deck, which would minimise the extent of any damage to the RPA of the adjacent trees. However, this would require the finished surface of the road and footpaths to be elevated above the existing ground levels, perhaps by as much as 500mm. There is insufficient evidence before me to clearly demonstrate that an elevated road deck could be successfully incorporated into the scheme without significant harm to the appearance of the appeal scheme and the character of the surrounding area.

12. I appreciate that this is an outline proposal and the layout of the site and the arrangement and size of dwellings shown on plan SK01A could alter. It may therefore be possible to design a scheme that would avoid harm to the trees on the adjacent site and provide satisfactory living conditions for future occupants. However, in the absence of any persuasive evidence to the contrary, I am not convinced that the proposal could be implemented in a manner that would avoid significant damage to the protected trees which encroach onto the appeal site.
13. I therefore conclude that the proposal would significantly harm the character and appearance of the locality and would fail to comply with Local Plan policy NE.5 which seeks to protect natural features including trees and woodland.
14. A number of residents referred to the removal of four trees at the front of the site. The Council confirmed that these trees were not subject to a TPO and due to their condition they were considered to be unsuitable for retention.

Principle Of The Proposed Development

15. The development plan for the area comprises the Crewe and Nantwich Replacement Local Plan 2011 (adopted 2005). The weight to be attached to the policies within the Local Plan, depends on the degree of consistency with the National Planning Policy Framework (The Framework).
16. The appeal site is located within the open countryside as defined by the Local Plan where policy NE.2 restricts development to specified uses which do not include housing. Policy RES.8 states that planning permission may be granted for affordable housing, as an exception to policy NE.2, subject to compliance with the specified criteria. These include that the housing will meet the needs of people previously shown to be in local need in a survey specifically undertaken for that purpose; that the site is in a sustainable location; and the scale, layout and design of the scheme is appropriate to the character of the settlement.
17. Policy NE.2 and RES.8 are consistent with paragraph 54 of the Framework which advises that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.
18. The Framework sets out the national planning policy context in relation to housing. Amongst other matters it seeks to significantly boost the supply of housing and deliver a wide choice of high quality homes. Paragraph 49 advises that policies relevant to the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites. It also states that where there has been a record of

- persistent under-delivery of housing, local planning authorities should include a 20% buffer.
19. Cheshire East comprises the former boroughs of Crewe and Nantwich, Congleton, and Macclesfield. The Five Year Housing Land Supply Position Statement was approved by the Council in February 2014. The housing requirement within it is based on the figures within the now revoked North West of England Regional Spatial Strategy (NWRS) rather than those set out at policy PG1 of the emerging Cheshire East Local Plan Strategy (Submission Version March 2014).
 20. The Council's reasons for relying on the figures within the NWRS are that these represent the most recent, objectively assessed consideration of housing need within Cheshire East. The higher figure within the emerging Local Plan is reliant on a strategy for economic growth at levels greater than previous trends. Whilst it is intended that such growth will be jobs-led, there will be a need to provide additional housing to meet the demand arising from employment growth.
 21. The annual requirement within the NWRS for 1,150 dwellings per annum exceeds that based on the 2013 Office of National Statistics projections for 1,050 dwellings. This strategy, including the proposed level of growth and any consequent land use decisions, has not yet been tested at Examination and there is no certainty that this approach will be found sound. Therefore I consider that the figure within the NWRS represents the most recent, objectively assessed consideration of housing need within Cheshire East.
 22. The Position Statement demonstrates the availability of a 5.95 year supply of housing land applying a 5% buffer, or a 5.21 year supply applying a 20% buffer. Considerable additional evidence was submitted by the Council during the Hearing (documents 5-13) to underpin its conclusions on housing land supply. This evidence was not disputed by the appellant. Therefore, in the absence of any evidence to the contrary, there is no basis for me to conclude other than that the sites identified within the Position Statement, are available, achievable and deliverable within the next five years. Consequently, given that the un-disputed evidence before me suggests that the Council is able to demonstrate a five year supply of housing land as required by paragraph 49 of the Framework, I conclude that policies NE.2 and RES.8 are broadly consistent with the Framework and I accord them significant weight.
 23. The Council adopted the *Interim Planning Statement: Affordable Housing in 2011*(IPS). It seeks to take account of the policies within the Framework and the up-to-date information in relation to housing need within the 2010 Strategic Housing Market Assessment (SHMA). These figures have subsequently been updated by the 2013 SHMA. The 2010 SHMA identifies that, based on the CLG modelling, there is a net shortfall of 1,243 affordable homes each year across the Cheshire East for the period 2009/10 to 2013/14. The updated 2013 SMHA identifies an annual affordable housing requirement of 1401 dwellings for the period up to 2017.
 24. The IPS identifies a need for a variety of affordable housing including social rented housing, shared ownership housing, discounted housing for sale and intermediate rented accommodation. On behalf of local residents, Mr Parker suggested that the effect of recent changes in the welfare system on the supply of affordable housing is unclear at the present time. These changes may

- reduce the future requirement for affordable housing and perhaps the size of dwellings required.
25. Cheshire East is identified as the eighth least affordable district in the North West. Moreover, the IPS acknowledges that there will be insufficient opportunities on the supply side to meet the identified need for affordable housing, therefore the targets within its emerging LDF policies aim to secure a balance between the provision of affordable and market housing to reflect the needs within Cheshire East. Therefore, should the need for affordable housing reduce in the future, it is likely that there would nevertheless remain a significant un-met need for the foreseeable future.
 26. The SHMA identifies a number of sub-areas for the delivery of affordable housing. The appeal site is located in the Wymbunbury and Shavington sub-area where there is an identified need for 54 affordable homes each year for the period 2013/14 -2017/18.
 27. Section 7 of the IPS sets out the Council's approach to rural exception sites. This is similar to the approach of Local Plan policy RES.8 in that both aim to stimulate the provision of affordable housing in suitable locations to meet specific local needs. The IPS requires local housing needs to be assessed by means of a survey of all households in the Parish. It states that priority will be given to sites within, or on the edge of villages with a reasonable level of services and public transport. Whilst not part of the development plan the IPS is nevertheless a material consideration in relation to the appeal proposal and I accord it moderate weight.
 28. Both the appellant and the Parish Council submitted rural housing needs surveys. These were similar in terms of content. The appellant's was originally prepared in support of the previously withdrawn application. It was based on the Parish of Hough, in which the appeal site is located, and the neighbouring Parishes of Shavington and Wymbunbury which form part of the same SHMA sub-area. Of the 150 households surveyed, 25 were within Hough, 75 in Shavington and the remainder in Wymbunbury. There was a response rate of 25%. Of these 39 % were in favour of affordable housing being provided within their settlement. Of those in favour about 4 households were from Hough.
 29. The Council suggest that in order to accord with the guidance within the IPS the survey should have been confined to the Parish of Hough and Chorlton. However, the IPS differs from policy RES.8 in that it expects any assessment of rural housing need to be based on a survey of all households in the parish, whereas the accompanying text to policy RES.8 refers to 'local need' which it defines as 'the Parish where the site is located, or the immediately adjoining Parishes.'
 30. In this context I do not consider the inclusion of Shavington and Wymbunbury to be unreasonable in itself, particularly since the boundary with Shavington lies very close to the appeal site. Nevertheless, the purpose of the survey was to identify whether there was a need for affordable housing within Hough. A survey that involves just 25 of the 336 households, with responses from about 6 households cannot be considered to be representative of the Parish overall, nor does this survey demonstrate any significant demand for affordable housing in Hough.

31. Shavington is not classified as a rural village due to the size of its population. At the Hearing the appellant acknowledged that for the purposes of a rural exception site, the survey should focus on Hough, and this was a consideration in his decision to withdraw the previous application. It was his intention to carry out a more specific survey to meet the requirements of the Council, however, in the interim, Hough and Chorlton Parish Council had carried out its own assessment of need.
32. Hough and Chorlton Parish conducted a Rural Housing Needs Survey in 2012 and the results were published in August 2012. All households within the Parish were surveyed and there was a 56% response rate. The majority (90%) of those surveyed were against the provision of affordable housing within the Parish, with 4% in favour.
33. The appellant considers that there are anomalies in the Parish Council's survey. In particular he refers to the unusually high response rate and the low proportion of households in favour of the provision of affordable housing by comparison with other parishes within Cheshire East. The response rate of 56% compared with an average of 38% and the proportion in favour was considerably lower than the average of 48% across Cheshire East. He was also concerned that the results were verified by the Parish Council which was responsible for organising the opposition to the appeal proposal.
34. The Parish Council survey formed part of the LDF process, and similar surveys were carried out in a number of other parishes at about the same time. It was a survey into overall housing needs within the Parish, and surveyed all of the households within the Parish. Similarly high response rates were obtained in other parishes. The response rate is comparable with that of Hatherton and Walgherton and is lower than that for Doddington. Moreover, in view of the previous planning application which was subject to a high volume of objections, it is likely that the residents within Hough and Chorlton Parish would be more engaged with the survey process by comparison with other Parishes.
35. Whilst the level of support for affordable housing is much lower than many other areas, there is no evidence to suggest that the need for affordable housing within the Parish differs from that shown within the survey. Therefore I am satisfied that the Parish Council survey provides a reasonably accurate assessment of the housing needs of the Parish. Consequently, there is no compelling evidence, in either survey to indicate a need for affordable housing with Hough and Chorlton Parish.
36. Notwithstanding the absence of any clearly identified need within Hough, there remains a considerable need for affordable housing throughout Cheshire East. The 2013 SHMA identifies a need for 54 affordable homes each year for the period 2013/14 -2017/18 within the SHMA sub area in which the appeal site is located. At present within this area there are 44 dwellings currently under construction and about a further 340 with permission. Together these will make a significant contribution towards the supply of affordable housing within this part of Cheshire East.
37. I have found above that there is no clearly identified need for affordable housing in Hough. Therefore the proposal would not comply with Local Plan Policy RES.8 which states that affordable housing within rural areas will only be

permitted on land outside a defined settlement where there is a demonstrated need.

Sustainability

38. Amongst other matters, Local Plan Policy RES.8 requires proposals for affordable housing to be situated within a sustainable location. It aims to steer development towards the settlement boundaries of villages designated by policy RES.4, which do not include Hough. However, sustainability is not merely about distances to services or access to sustainable transport. The Framework advises that there are three dimensions to sustainable development - economic, social and environmental.
39. Hough is a small village with a public house, two areas of open space and a village hall. There is a daily bus service, however, due to the hours and frequency of its operation it is unsuitable for those who need to access employment or education in adjoining settlements. The appeal site is situated a short distance from Shavington which benefits from a wider range of facilities including primary and secondary schools, a GP surgery and shops.
40. Whilst the site is within walking distance of Shavington, the footpath on the opposite side of the road narrows in the direction of Shavington, which would make it difficult for those with young children, prams and buggies, or those using mobility scooters to negotiate. Although the proposal includes a footpath to the front of the appeal site, it would not overcome this constraint. I therefore consider that residents would be reliant on the use of a car for most of their journeys. Therefore the proposal would fail to comply with one of the core principles of the Framework, namely to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
41. Although there is insufficient evidence to suggest a need or demand for affordable housing within Hough, given the acknowledged shortfall in affordable housing provision across Cheshire East, the proposal would fulfil a social role through the provision of affordable housing. In addition, it would add to the population of the village, and in doing so would help to enhance the vitality of the local community. Economically, the development would bring short term advantages in respect of jobs, and in the longer term it would ensure that housing is provided to meet housing needs and support growth. I therefore consider that the proposal would be socially and economically sustainable.
42. Environmentally the proposal would encroach onto open land and I have found above that it would be likely to harm the TPO trees on the adjoining land. In doing so it would significantly harm the character and appearance of the area. Therefore the proposal would not be environmentally sustainable.
43. Overall, whilst the proposal would be economically and socially sustainable, it would not be environmentally sustainable. It would also fail to facilitate the use of sustainable modes of transport. Therefore looked at in the round I consider that the proposal would not represent sustainable development.

Other Matters

44. A number of residents were concerned that the proposal could have an adverse effect on highway safety due to the proximity of the appeal site to the junction

with Pit Lane. Newcastle Road is subject to a 40 miles per hour speed limit. Residents provided anecdotal evidence of a number of accidents within the vicinity of the appeal site. The proposed access would provide a visibility of 120 metres in the direction of the bend. At the time of my visit I noted good visibility in each direction. The Highway Authority does not object to the proposal, and I understand that a safety audit at the time of the previous application did not identify any specific safety concerns. Visibility for pedestrians crossing from the other side of the road is limited by the blind bend whilst the speed of the traffic adds to safety concerns. However, the appeal proposal would be unlikely to exacerbate this situation, moreover, the scheme includes provision for a footpath adjacent to the front of the site which would be a benefit of the proposal.

Conclusion

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

Lesley Coffey

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

David Taylor BA Hons MRTPI MCMI Agent
Thomas Bartlam Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Daniel Evans BA MCD MRTPI Principal Planning Officer
Vicki Jeffrey MCIH DMS Senior Policy Officer Strategic Housing
Ann Donkin Landscape Architect

INTERESTED PERSONS:

Councillor Janet Clowes
Chris Pywell
David Parker
Debbie Hewitt
Mr Bevan
Neil Davies
Barry Milnes
David Rock
Mrs Roberts
Jonathon Roberts
Mr Taylor
Derek Inskip
K R Barnard
Gavin Scott-Brooker
Maureen Allen
Catherine Bevan
Roger Benson

DOCUMENTS

1. Note from Scott Preece submitted by the submitted by the Local Planning Authority
2. Update in relation to housing sites submitted by the Local Planning Authority
3. Five Year Affordable housing targets/requirements submitted by the Appellant
4. Policy extract from borough of Crewe and Nantwich Replacement Local Plan 2011 submitted by the Local Planning Authority
5. Five Year Housing Land Supply Statement submitted by the Local Planning Authority
6. Court of Appeal Judgement Ref:C1/2013/2734 (Hunston) submitted by the Local Planning Authority submitted by the Local Planning Authority
7. High Court Judgement Ref: CO/11301/2013 (South Northamptonshire Council) submitted by the Local Planning Authority
8. Housing Completion figures for period ending December 2013 submitted by the Local Planning Authority
9. Letter From Nick Boles MP dated 6 January 2014 submitted by the Local Planning Authority

10. Appeal decisions Ref: APP/R0660/A/11/2158727, APP/R0660/A/12/2188001 & APP/R0660/A/13/2196044 submitted by the Local Planning Authority
11. Details of Housing Completions submitted by the Local Planning Authority
12. Correspondence from Housebuilders in relation to completion rates submitted by the Local Planning Authority
13. High Court Judgement Ref: CO/3629/2013. CO/3626/2013,CO/7880/2013 submitted by the Local Planning Authority
14. Note on Sustainability submitted on behalf of the Residents' Action Group
15. Note on the environmental impact and road safety aspects of the proposal submitted on behalf of Hough Residents
16. Letter from Ben Heywood dated 2 June 2011 Local Planning Authority
17. Statement submitted on behalf of the Hough and Chorlton Parish Council.

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