



Appeal Decision

Hearing held on 4 June 2025

Site visits made on 3 and 4 June 2025

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/R0660/W/25/3359914

Land off Linley Road, Alsager, Stoke-on-Trent ST7 2PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Plus Dane Housing Ltd against the decision of Cheshire East Council.
 - The application reference is 23/2129C.
 - The development proposed is the erection of 68 affordable homes, with associated access, car parking, landscaping and public open space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As originally submitted the application was for 70 dwellings. This was reduced to 68 during determination of application. A further reduction to 67 dwellings has been proposed within the context of the appeal. This is shown on a series of amended plans. In common with the previous modification to the scheme, the change is substantive in nature. However, in this instance the reduction in the number of dwellings would be achieved by simply merging 2 of the proposed units internally. The change would not therefore result in any significant external alteration to the scheme design or be fundamental in nature. Though some more outwardly apparent modifications are also proposed, including to the width and internal layout of another dwelling, and to the dimensions of a few parking spaces, these changes would be very minor. Given the very limited nature of the differences between the amended scheme and that upon which the application was determined, I am satisfied that the interests of no party would be prejudiced by my proceeding to determine the appeal on the basis of the amended plans.
3. The application was partly refused on grounds that the scheme would not provide a suitable mix of dwellings. However, following the modifications outlined above the Council withdrew its objection. I shall therefore consider this matter no further.
4. The appeal is supported by a Unilateral Undertaking (UU) which secures provision and management of the proposed affordable housing and open/play space.

Main Issues

5. The main issues are:
 - the effects of the development on the character and appearance of the area;
 - whether the development would provide acceptable living conditions for its future

occupants in relation to the provision of private outdoor amenity space;

- the effects of the development in relation to open space provision;
- whether the development could achieve a net gain in biodiversity (BNG); and
- whether the failure to provide contributions towards health, education, sports and highways infrastructure would be acceptable.

Reasons

Background

6. The site comprises 2 parcels of former railway land currently covered by a mix of grass, brambles, trees and shrubs, and bounded on the north side by a railway line. The eastern parcel is securely fenced and inaccessible, and that to the west is open. This land forms part of a larger site straddling the railway and allocated for development by Policy LPS21 of the Cheshire East Local Plan: Strategy 2017 (the LPS) for, amongst other things, up to 550 dwellings, 30% of which are expected to be affordable. Land on the north side of the railway line has already been developed. The remaining part of the allocation falls to the east of the site and is in active commercial use. That, together with the appeal site, is described within Policy LPS21 as 'the Caraway site', a previous permission for the redevelopment of which lapsed some time ago (the previously approved scheme). With 5 years of the plan period remaining, 268 dwellings have so far been delivered across the allocation, 18% of which are affordable.

Character and appearance

7. Whilst Policy LPS21 sets out a number of requirements, no design code or brief exists for the allocation. More generalised guidance is however available in the form of the Cheshire East Borough Design Guide Supplementary Planning Document 2017 (the Design SPD).
8. The site would have 2 points of access, one off Linley Road and one off Talke Road, with the site principally located to the rear of properties facing onto the latter. These dwellings are currently served by a rear access which is also labelled Talke Road, but for sake of clarity will hereafter be referred to as 'the rear access'.
9. The layout would fall in 2 parts either side of a large central green open space described as the 'green heart'. The 2 halves would be linked via the existing rear access and the layout would feature a series of cul-de-sacs with some substantial turning heads, and parking courts.
10. The rear access is currently lined by parking space on its south side. The decision to directly mirror this in the new development would create a street backed onto by dwellings and lined by parallel parking on both sides. Combined with the prominence of rear boundaries, the street would exhibit the character of a car dominated back alley, generally lacking any meaningful surveillance or any active frontage. Though this would build upon the existing character of the rear access, the approach would hardly benefit its transformation into a street that would provide the link between the 2 halves of the development. The quality of its design would be exceedingly poor, as would be the experience for anyone using it.
11. As originally proposed, the primary means of connection between the 2 halves of the development would have been via the 'green spine', a broad and attractively

landscaped route through the development. The rationale for its subsequent truncation and transformation into a cul-de-sac is understood to have been avoidance of cutting through the green heart. However, as it stands this spinal route is now a road to nowhere, and as set out above, this has caused the status of the rear access to be elevated beyond that of the service space it would otherwise be. In neither regard have other changes made to the design been sufficient to address the resulting confusion caused to the hierarchy of streets and spaces within the development. Notwithstanding use of feature buildings to assist in wayfinding, the overall legibility of the development would consequently be poor and its layout perplexing to users.

12. The layout has sought to direct parking away from street frontages and into spaces to the sides of dwelling and into rear courts. The success of courts in reducing on-street parking is debateable, and in this case, it appears that at least 2 of the courts would exceed the size recommended within the Design SPD, the largest accommodating 22 spaces. The excessive size of the latter would provide the appearance of a car park, whose substantial enclosure by rear boundaries, limited surveillance and sporadic landscaping would provide a poorly integrated and unpleasant space. Similar would be true of other courts, one of which would be tucked into the far north west corner of the site where it would be only partly abutted by the dwellings it would serve. Whilst parking courts were also a feature of the previously approved scheme, the layout otherwise differed.
13. The appellant accepts that the proposed layout contains more pavements than are essential and therefore at least partly concedes the Council's claim that it is 'overengineered'. The omission of shared surfaces has been explained in terms of costs and viability. However, as will be discussed further below, regardless of surfacing, the proposed development is not viable. How the incorporation or omission of shared surfaces in certain parts of the development would affect viability alongside other considerations is unclear, and the explanation provided thus remains somewhat unconvincing.
14. A number of the proposed units with relatively blank side elevations have been identified as failing to 'turn the corner'. The side elevations in question all either face onto open spaces, parking/turning spaces, or onto rear accesses to parking courts. Their visual function within the streetscene is therefore different to those buildings within the layout located at main junctions where side elevations face onto public thoroughfares. All the latter have dual frontages which perform a corner turning role. But even though corner turning would not serve a useful purpose in all parts of the layout, where absent adjacent to rear accesses to parking courts this would accentuate their poor level of integration.
15. Some streets and accesses would have the view along them terminated by boundary fencing, parking spaces or landscaping rather than buildings. This is partly a product of the shape of the site, and the need to provide scope to connect with adjacent land. It is also more broadly symptomatic of the decision to design the development around blunt ended cul-de-sacs and parking courts. Even in the context of a different layout closed views cannot be considered essential. However, the open-ended nature of certain parts of the proposed layout, and of the green spine in particular, nonetheless diminish its overall sense of cohesion, again reducing legibility.
16. The proposed buildings would be generally simple in design, mostly featuring a mix

of terraced and semi-detached dwellings, with elaboration reserved for a couple of larger feature buildings in more 'contemporary' style. This would reflect the mix within the immediate context, as would the palette of brick, render and cladding. Insofar as it can be said that there is a 'local vernacular', the development would exhibit a loose relationship. The fact that the dwellings themselves would be of modular construction would not alter this. Though the development would therefore achieve a minor degree of visual integration, my findings above indicate that it would represent an overwhelming poor addition to the local townscape.

17. The development would contain some attractively landscaped multifunctional green spaces, and this appears to have been an increasingly important driver behind the scheme design. However, these landscaped spaces would not make the poor quality and layout of the related built environment any more acceptable.
18. After a number of iterations, the Council's design service appears to have been generally satisfied with the scheme. Though I appreciate that the Council's refusal of the scheme on the basis of poor design was therefore unexpected and disappointing to the appellant, my overall findings above indicate that it was justified. Within this context I have no reason to believe that the design proposed is the only solution possible for the site.
19. As is set out in the National Planning Policy Framework (the Framework), good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Poorly designed development achieves the opposite. Indeed, the position as clearly set out in national policy is that development that is not well designed should be refused.
20. For the reasons outlined above I conclude that the effects of the development on the character and appearance of the area would be unacceptable due to poor design. The development would therefore conflict with Policy SD1 of the LPS which amongst other things states that development should wherever possible provide a high quality, well designed environment; Policy SD2 of the LPS which amongst other things seeks to secure development that contributes positively to an area's character and identity; Policy SE1 of the LPS which similarly seeks to secure developments whose design makes a positive contribution to their surroundings including through such measures as ensuring a high quality public realm and passive surveillance; Policy GEN1 of the Cheshire East Local Plan: Site Allocations and Development Policies Document 2022 (the SADPD) which largely reiterates Policy SE1; and Policy N6 of the Alsager Neighbourhood Plan 2020 (the NP) which again requires development to demonstrate good quality design.

Amenity space

21. Policy HOU13 of the SADPD requires the inclusion of an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the development in question. Neither it, nor the Design SPD provide any specific indication of how much space is 'appropriate'.
22. The Council has instead looked to standards produced by predecessor authorities in the increasingly distant past. Two documents are referenced. The first is *Provision of Private Open Space in New Residential* 1993 (the SPG), a supplementary planning guidance note produced by the Borough of Congleton. The second is the *Extensions and Householder Development Supplementary Planning*

Document 2008 produced by the Borough of Crewe and Nantwich. As Alsager previously fell within the Borough of Congleton it appears that only the SPG is potentially relevant. The Council however instead assessed the scheme with reference to the Crewe and Nantwich SPD.

23. The 65m² standard set out in the SPG is more demanding than the 50m² claimed to be provided within the Crewe and Nantwich SPD. Indeed, it remains unclear where within the SPD such a standard occurs. The 2 documents are otherwise inconsistent in terms of the functions they indicate this space should fulfil. In each case this strays well beyond the concern of servicing amenity, including vague requirements to accommodate extensions and parking spaces of indeterminate size. Neither sets out a clear indication of how amenity space should be provided in relation to flats.
24. These documents are not in any case referenced within the LPS, SADPD or Design SPD. Their current status is therefore uncertain, and even in the event that they have not been superseded, Policy HOU13 and the Design SPD necessarily attract greater weight given their more recent adoption. For this and the above reasons I attach little weight to the standards either set out or said to be set out within the SPG and Crewe and Nantwich SPD.
25. Enclosed back garden spaces provided for houses within the development would vary between 31m² and 182m², with the smallest gardens belonging to mid-terraced dwellings. The parties generally agreed that it was reasonable to expect such spaces to accommodate a seating area, drying space, room to erect some form of storage structure, and a play space; the latter at least in relation to larger dwellings likely to accommodate families. The plans additionally detail bin stores. These requirements appear reasonable but neither party placed a figure on how much space they would need. It nonetheless appears that they could be accommodated within all plots, albeit those dwellings with more than 2-beds and with outdoor spaces below 40m², would achieve this less comfortably than others.
26. Whilst less private, most houses would also have a front garden, and dwellings at the ends of terraces would have further space to their side. All dwellings would also enjoy a good level of access to the green heart which would include a play area.
27. All flats would have access to communal open spaces, and whilst those on the ground floor would also be provided with semi-private garden spaces, upper floor flats would have access to private balconies. Again, all residents could make use of the green heart.
28. For the reasons set out above I conclude that the development would provide acceptable living conditions for its future occupants in relation to the provision of private outdoor amenity space. It would therefore comply with Policy HOU13 as set out above; Though the Council also cited Policies SE1, SD1 and SD2 of the LPS and Policy GEN1 of the SADPD in relation to this matter none directly addresses provision of amenity space.

Open space

29. Amongst other things Policy LPS21 of the LPS states that the 'existing open space on the Cardaway site will be substantially retained or improvements made to the overall open space in Alsager'. The existing open space is not specifically identified, and though the Council considers that it equates to the whole of the site,

a more limited interpretation appears appropriate. This is because the western parcel forms part of a larger area of open land separately identified as 'amenity green space' and subject of protection under Policy REC1 of the SADPD. Though Policy REC1 postdates Policy LPS21, the designation itself was carried forward from a 2005 plan serving the Borough of Congleton and was thus pre-existing. Insofar as Policy NBE1 of the NP seeks to protect all existing open space, the site itself is not specifically identified.

30. Whilst the inflexible protection conferred by Policy NBE1 is at best generic, Policy REC1 provides scope for loss of the protected space subject to certain criteria. In the absence of an assessment demonstrating that the space is surplus to requirement, and given that the development is not for sports or recreation provision, its replacement by equivalent or better space in terms of quantity and quality is expected. Given viability constraints no scope for replacement exists. A conflict would therefore arise with Policy REC1, and also with Policy SE6 of the LPS which defers to the SADPD in relation to open space protection.
31. The part of the protected space which falls within the site was lightly maintained by the Council in the past and is at least in theory publicly accessible. Indeed, its original identification as amenity green space appears to have been chiefly based on its availability for informal public recreation. The fact that it is no longer maintained and that it is in large part covered by an impenetrable mass of brambles makes no difference to its protection. It does nonetheless greatly reduce its recreational value, and this is likely to decline further as the parcel becomes both progressively overgrown and more inaccessible.
32. The Council confirmed that under the terms of Policy REC1 the provision of a similarly overgrown parcel of unmaintained land elsewhere in Alsager would make loss of that on site acceptable. However, from a recreational standpoint aside from satisfying the policy, the value of such required 'compensation' appears questionable.
33. Perhaps in recognition of the above the Council has sought to confer broader value on the site in relation to climate change and biodiversity. Whilst neither is relevant in relation to Policy REC1, these are broader concerns covered by Policy SE6 of the LPS which partly addresses 'green infrastructure assets'. Despite the Council's suggestion at the Hearing that the site should be considered as such, the site was not identified as a green infrastructure asset when the application was assessed, and nor was this asserted in the Council's appeal statement. The Council otherwise noted that the scheme's provision of green infrastructure was acceptable, and that its provision of open space would comply with Policy SE6.
34. The provision of public open space would indeed exceed the minimum level required by Policy SE6. Though obviously smaller in area than the existing space, that provided would be carefully landscaped, more accessible, more visually attractive, and multifunctional, would contain play facilities and would be subject of maintenance secured within the submitted UU. Consequently, the value of the retained space as green infrastructure would be enhanced, with a resulting improvement to the overall open space in Alsager. This would satisfy both the terms of Policy NBE5 of the NP which seeks improvements in green infrastructure, and Policy LPS21 as set out above.
35. Though the Council sought to interpret Policy LPS21 along similar lines to Policy

REC1, Policy LPS21 does not explicitly require the compensatory provision of space elsewhere, and within this context it does not exclude the site from the 'overall space' in Alsager. For this reason and given my findings above, I place greater weight on the scheme's compliance with Policies LPS21 and NBE5 and its broad compliance with Policy SE6 than upon its conflict with Policies REC1 and NBE1.

36. I therefore conclude that the effects of the development in relation to open space provision would be acceptable.

BNG

37. Policy SE3 of the LPS generally requires development to aim to positively contribute to the conservation and enhancement of biodiversity, and this is reflected in Policy NBE5 of the NP. Policy ENV2 of the SADPD more specifically states that development should provide for a net gain in biodiversity in line with the expectations of national policy, and be supported by a biodiversity metric calculation. Whilst Policy ENV2 does not explain how a 'gain' should be understood, the supporting text refers to the metric for the biodiversity offsetting pilot 2012 or any subsequent publication. It thus appears to provide scope to use any version of the metric published from 2012 onwards.
38. The application pre-dates the mandatory requirement for BNG, and both national policy and the metric have evolved since adoption of the SADPD. The statutory regime is far more demanding than Policy ENV2, and to achieve a gain under the current metric requires compliance with trading rules. Whilst this enables gains to be demonstrated in qualitative as well as quantitative terms, it was not a feature of the original metric or anticipated by Policy ENV2. As such, Policy ENV2 does not provide a basis to require rigid compliance with the trading rules for schemes falling outside the statutory regime. I therefore find that for the purposes of Policy ENV2 it would be sufficient for the scheme to demonstrate a quantitative gain.
39. For the above reasons, and notwithstanding the fact that the metric supplied by the appellant shows that the trading rules would be failed given a minor overall loss of medium distinctiveness habitats, I attach greater weight to the scheme's delivery of considerable gains in habitat and hedgerow units.
40. I therefore conclude the development could achieve a net gain in biodiversity, thus achieving compliance with Policy SE3 of the LPS, Policy NBE5 of the NP, and Policy ENV2 of the SADPD as set out above.

Contributions

41. The development would give rise to an increase in population which would place additional pressure on local infrastructure. Accordingly, Policy LPS21 seeks financial contributions towards a number of identified projects and services. Policies IN1, IN2 and SD2 of the LPS and H3 and TTS6 of the NP set out the more general requirement for developer contributions. Within this context Policies SE6 and SC2 of the LPS, and Policy REC2 of the SADPD more specifically focus on sports and recreation. Insofar as Policy SD1 of the LPS is concerned with the overarching achievement of sustainable development it implies some scope for flexibility, listing provision of infrastructure as something development 'should' provide 'wherever

possible’.

42. Within this context the parties are agreed that the scheme is not viable and therefore the provision of contributions towards health, education, sports and highways infrastructure would not be possible. Moreover, the Council’s assessment establishes that this would be the case even if affordable housing provision was scaled back to the minimum 30% required by Policy SC5 of the LPS, and if the benchmark land value was considerably reduced. It remains to be demonstrated whether a viable scheme of residential development is possible on the site. However, at least in theory it appears that the only way in which the scheme could potentially provide some level of contribution would be if the amount of affordable housing was reduced well below 30%. Though this is something allowed for by Policy SC5 of the LPS, it would be at the cost of exacerbating the underdelivery of affordable housing across the allocation. There is no indication within the development plan that this should be considered a more acceptable proposition than non-payment of contributions.
43. In this instance the viability gap would be closed by a combination of cross subsidy from the appellant’s other housing schemes and grant funding; resources which may not be available within the context of a wholly different scheme. The proposed development therefore represents a good opportunity to unlock and to further advance delivery of the allocation, and to both rectify and enhance the provision of affordable housing across it. The fact that the Council has a generally good record of affordable housing delivery means that the need for affordable housing is not as pressing as it might otherwise be. The above points nonetheless remain important considerations, particularly given the continued existence of a large local waiting list for affordable housing.
44. In the absence of contributions, the development would fail to mitigate the increased use of infrastructure by future occupants. The Council however acknowledges that it would look elsewhere to cover the shortfall. For this reason and given my findings above I place moderately greater weight on the scheme’s provision of and contribution towards the achievement of policy compliant affordable housing, than I do its failure to provide policy compliant contributions.
45. I therefore conclude that the scheme’s failure to provide contributions towards health, education, sports and highways infrastructure would be acceptable.

Other matters and considerations

46. Whilst I have identified a number of areas in which the scheme would, on balance, be compliant with the development plan, my findings in relation to design indicate that the scheme would conflict with the development plan read as a whole.
47. The Council however acknowledges that it does not have a demonstrable 5-year supply of deliverable housing sites, with current supply placed at 3.8 years. For the purposes of decision making the policies most important for determining the application are thus deemed ‘out of date’. Even so, the policies/relevant parts of the policies with which I have identified conflict in relation to design are broadly consistent with key policies for securing well-designed places set out within the Framework. This conflict attracts substantial weight. Though the scheme would be broadly consistent with key policies directing development to sustainable locations, making effective use of land, and providing affordable homes, none of these policies, taken either on their own or in combination provide a direct justification to

accept poor design. Indeed, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. All the above objectives could be met within the context of a well-designed development. So too could the delivery of any related social, economic and environmental benefits, including a modest boost to the delivery of housing within the context of both the shortfall and the allocation. Thus, whilst these considerations collectively attract at the very least moderate weight in favour of the scheme, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

48. For the reasons set out above the scheme would be unacceptable and would conflict with the development plan read as a whole. There are no considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR

Richborough

APPEARANCES

For the Appellant

Ellie Greatorex	(Appellant) Plus Dane Housing
Gillian Harrison	(Architecture and design) Levitt Bernstein
Louise Leyland	(Planning) PWA Planning
Siobhan Moore	(Appellant) Plus Dane Housing
James Stacey	(Affordable housing) Tetlow King Planning

For the Local Planning Authority

James Baggaley	(BNG) Cheshire East Council
Diane Owen	(Open Space) Cheshire East Council
Stephanie Reader	(Affordable Housing) Cheshire East Council
Gareth Taylerson	(Planning) Cheshire East Council

Interested parties

Sue Helliwell	Local resident/Alsager Town Councillor
---------------	--