



Appeal Decision

Inquiry held on 14 -17, 21-22 and 28 April 2026

Site visit made on 15 April 2026

by J Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2026

Appeal Ref: APP/R0660/W/25/3377118

Land to the north and south of the A533 The Hill, Sandbach, CW11 2WE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Bloor Homes Limited against the decision of Cheshire East Council.
 - The application Ref is 25/0211/OUT.
 - The development proposed is an outline application, with all matters reserved except for access, for development comprising up to 325 residential dwellings (Use Class C3), the creation of a community park located between Manor Road and the A533 The Hill, other open space, landscaping, associated infrastructure, including earthworks and drainage.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application, with all matters reserved except for access, for development comprising up to 325 residential dwellings (Use Class C3), the creation of a community park located between Manor Road and the A533 The Hill, other open space, landscaping, associated infrastructure, including earthworks and drainage at land to the north and south of the A533 The Hill, Sandbach, CW11 2WE in accordance with the terms of the application, Ref 25/0211/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline form with access, the only matter to be determined at this stage. Vehicular access points are from the A533 The Hill (the A533) into parcels D and C, a priority lane across Colley Lane for parcels C and B, and emergency only access from parcel B into/out of Coldmoss Drive. There would be pedestrian and/or cycle access points from Manor Road, the A533, Colley Lane, Hassall Road, Coldmoss Drive and a public right of way (PROW) (Sandbach Footpath 20) connection to the parcel B. Internal access is to be considered under any subsequent layout matter. An accompanying parameters plan details developable areas, access connections and storey scales across the site and the appellant has confirmed acceptance of a condition to ensure development broadly adheres to this, if necessary.
3. In advance of the Inquiry, revisions were made to a location plan, the parcels C and D access plan and the parameter plan. The location plan revisions showed inclusion of eastern boundary areas adjacent to parcel B and an agricultural track between parcel B and Hassall Road. Such areas are within the control of the appellant, shown as blue-edged land in the application submission. The change to the parcels C and D access plan related to the rerouting of a footway around

retained frontage trees on A533 (south part). The parameters plan has been revised to reflect these revisions, as well as providing clearer definition of housing, internal access roads, public open space (POS) including children's play space, reduced allotment parking area and access to the PROW.

4. Revised illustrative master (P20-3452_DE_UDM_005_002S) and landscape master (P20-3452_EN_0001I) plans show these changes. Additionally, they indicate a reduced sized allotment car park, associated landscape screening with Manor Road residential properties, wall and landscaping around the vehicular entrance into parcel D, additional hedgerow within parcel C (between housing and POS), additional landscaping and realignment of footpath and gate around Leonard Cheshire Disability (LCD) care home.
5. None of these revisions change the nature of the proposal, being for up to 325 dwellings with significant POS, and consequently, they do not fundamentally change the proposal. In any case, the illustrative plans are indicative only, just showing one way of developing the site. Considered as a separate issue, procedural unfairness to parties would not result because the proposal was re-advertised and received responses have been considered in this decision. The re-advertisement allowed for any comments on the revisions from third parties within a timescale prior to the Inquiry.
6. For clarity, the proposal is for up to 325 dwellings. At the Council's planning committee, officers recommended permission subject to a 275 dwelling restriction and the omission of certain areas of the site from built form to address heritage concerns. However, no plans were before the Council, and the proposal was refused planning permission on heritage grounds as detailed within the main issues overleaf. In addition, there are further main issues detailed by the Rule 6 Party which relate to Biodiversity Net Gain (BNG) and protected species, agent of change and compliance or otherwise of the development plan spatial strategy.
7. The Rule 6 Party comprises residents of Sandbach and Sandbach Heath, Sandbach versus Overdevelopment (an unincorporated Residents Group), LCD, Sandbach Heath Neighbourhood Forum (unincorporated) and Sandbach Town Council. At the Inquiry, the Council's heritage witness was unable to attend and with main parties' agreement, including the Rule 6 Party, the evidence was examined by way of an Inspector-led round table discussion.
8. A planning obligation pursuant to section 106 (s106 agreement) of the Act was completed on 28 April 2026. It relates to the provision of affordable housing (AH), education, POS, highway and transportation infrastructure, education, BNG and healthcare. These will be discussed within the reasoning of the decision.
9. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (consultation Draft Framework) and with a deadline for comments by 10 December 2026. This Consultation Draft Framework is afforded limited weight as a material consideration. This is relative to the published 2024 Framework to which I afford full weight as a material consideration.

Main Issues

10. The main issues are:

- (a) whether the location, nature and scale of the proposal would be acceptable in a countryside location having regard to the spatial strategy of the development plan and the character and appearance of the area;
- (b) the effect of the proposal on the settings of Grade II listed buildings, known as The Hill, Oakley House and Oakley Coach House;
- (c) whether the proposal would minimise ecological impacts and provide net gains for biodiversity, including by establishing coherent networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species;
- (d) whether the proposal would place unreasonable burdens, as an agent of change, on a specialised care home (LCD) for people with physical and learning impairments;
- (e) If there is less than substantial harm caused to a heritage asset, whether this would be outweighed by public benefits; and
- (f) If there is a conflict with the development plan, when taken as a whole, whether such conflict is outweighed by other material planning considerations.

Reasons

Location, nature and scale

- 11. The development plan comprises the Cheshire East Local Plan Strategy (CELPS) 2010-2030 (2017), Site Allocations and Development Policies Document (SADPD) 2022 and Sandbach Neighbourhood Development Plan (SNDP) (2022). On the respective Policy Maps, the site is designated as open Countryside and abuts the defined settlement boundary of Sandbach.
- 12. CELPS Policy PG 1 states sufficient land will be provided to accommodate the full, objectively assessed needs for the borough, 36,000 dwellings between 2010 and 2023, to be delivered at average of 1,800 dwellings a year. CELPS PG 7 details the spatial distribution of that growth in terms of a settlement hierarchy, with Sandbach, a Key Service Centre, accommodating 2,750 dwellings. CELPS Policy PG 6, SADPD Policy PG 9, SNDP Policies PC3 and H1 restrict development in the open countryside subject to stated exemptions. Large-scale housing is not an exemption and in terms of strategy, the proposal would conflict with these policies.
- 13. The appeal site comprises agricultural land adjacent to the built-up boundaries of Sandbach, with dwellings and gardens bordering the site to the west, north and partially to the south. It is open, undulating, with hedgerows and scattered trees, and has a watercourse on the east boundary. Parcel D is located between Manor Road and the A533, parcel C is located between the A533 and Colley Lane, and parcel B is located between Colley Lane and Coldmoss Drive. Due to its usage, landscaping and topography, the site provides an attractive rural setting to Sandbach, but it is not a 'valued' landscape as it is not out of the ordinary. No party has provided evidence to prove otherwise. The PROW is to the south of parcel B.

14. Under the Cheshire East Landscape Character Assessment (LCA) (2018), parcels B and C fall within Higher Wooded Farmland Landscape Character Type (LCT) 11 and within this, LCA 11d Little Moreton Character Area (CA). Under the LCA, parcel D falls within Lower Wooded Farmland LCT 7 and within this, LCA 7e Brereton Heath CA. For parcels B and C, relevant characteristics of LCA 11d Little Moreton CA are gently undulating landscape, in parts agricultural intensification with an emphasis on arable farming and strongly influenced by transportation, notably the transport corridor of the M6. For parcel D, relevant characteristics of LCA 7e Brereton Heath CA are landscape predominantly of a medium scale, variations of enclosure, primarily an agricultural landscape comprising more regular shaped fields. Under the SNDP, the site mostly falls within Character Area 4 Sandbach which covers urban and countryside areas. Relevant characteristics include setting within the open countryside, topographical rise as terrain elevates from west to east, key gateways into Sandbach, including the A533 from the east and Hassall Road from the south, and a series of prominent and architecturally interesting buildings, including listed The Hill, Oakley House and Oakley Coach House.
15. The development would be substantial in scale, extent and nature changing the site's countryside character markedly on the edge of Sandbach, a historic market town. However, the landscape masterplan shows that development could be landscaped, screening and filtering views of the housing from outside the site. In this respect existing hedgerows and trees, including around the watercourse would be retained and enhanced and a significant portion of the site would be POS. My attention has been brought to other planned residential developments¹ in and around Sandbach but none are in the direct vicinity of the appeal site. For all these reasons, the overall effect of the appeal proposal, even taking into account other schemes, on character and appearance would be moderate adverse.
16. Such findings are broadly supported by the appellant's Landscape and Visual Assessment (LVA)² which concluded the proposal's effect on the site and the above character areas to be Major/Moderate and Moderate respectively in year 15 when additional planting would take effect. Visually in year 15, the LVA concluded the proposal's effect on The Hill as Moderate/Major adverse, Manor Road as Moderate Adverse, residential properties along and off Hassall Road, including Rose Way and Coldmoss Drive as Moderate to Major Adverse and the PROW as Moderate Adverse. On my site visit, it was evident that adjoining residents would experience changes in views out into the countryside as result of the development, but such views are largely private reducing significance and weight. I do not disagree with the LVA overall findings.
17. The Rule 6 Party suggests a dense development with far greater adverse effects. However, even if the illustrative plans do not show the maximum number of dwellings proposed, the developable area is significant in extent with opportunities to vary density, if required, across the 'developable' areas of the site taking into account topography. Detailed consideration to density issues will also be considered when matters of appearance, scale and layout would be considered in subsequent reserved matters. For all these reasons, there would be moderate adverse harm equating with that indicated by the Council (albeit it did not object on landscape and appearance) grounds). Accordingly, the proposal would conflict with Policy SE 4 of the CELPS, Policy ENV 3 of the SADPD and Policy PC2 of SNDP,

¹ Rule 6 Party Proof of Evidence, paragraph 9.23, Groves Town Planning Ltd.

² Landscape and Visual Assessment, Sandbach Heath, Pegasus Group, January 2025.

which collectively and amongst other matters, recognises the high quality of the built and natural environment, require the conservation and where possible, the enhancement of landscape character and quality, respect of LCA qualities, features and characteristics, consideration of cumulative effects alongside any existing, planned or committed development and protection of the identity of Sandbach.

Heritage assets

18. The Grade II listed The Hill, a house, lies to the north side of the A533 within a group of buildings, associated with LSD and separate residential dwellings, including bungalows and hard surfacing for vehicle parking and a curtilage listed former stable block associated with the house, now converted into residential use. This group of buildings are surrounded by parcel D. Oakley House and Oakley Coach House to the south of the A533 and Oakley House partly adjoins the eastern boundary of parcel C.
19. The Hill is two storeys with second floor accommodation within its slate roof behind a parapet. The National Heritage List (NHL) (entry number 1330402) details original construction in 1733, with significant alterations in 1870 and 1912. From the road, its red brick façade is attractive, with gauged brickwork, pilasters, cornice and parapet. The entry further details plain sash windows, with single glazing bars and a doorway with a flush porch in stone surround with keyblock and semi-circular head. This facade displays a pleasing 18th century symmetrical appearance with evenly spaced openings, matching fenestration and high quality architectural features. However, the remaining elevations are not of the same quality lacking such detailing and much changed due to alteration and extension.
20. The house was built by Thomas Grainger in 1733 before passing to George Grainger in 1788 before passing to George Twemlow, a surgeon, and then to Thomas Twemlow and stayed in the Twemlow family throughout the 18th century. The 1841 tithe and apportionment showed the extent of associated landholding with house as comprising parcels D and B, although the fields at parcel B were leased to others. In 1873, the house was inherited by John Fletcher Tremlow who rebuilt much of the original building significantly enlarging it. Currently, it is in residential use but was formerly a care home facility associated with LCD.
21. The listed building's age, materials and design features, in particular its façade, indicate a detached house of modest scale built in the fashionable and polite style of the early 18th century. Its age, façade's symmetrical design and features, fabric and former occupants' local connections are of value and importance, and such architectural and historical qualities contribute to its significance. In terms of the National Planning Policy Framework (the Framework), listed buildings with Grade II status denote a heritage asset of less than the highest significance.
22. The former stable block is of simple traditional historical vernacular. Its principal importance lies in its connection with The Hill and as an illustration of a form of transport for people in the 18th and 19th century. However, it is much altered through residential conversion. Consequently, its age, fabric, manner of construction and purpose are of limited value and importance, and the architectural and historical qualities contributing to its significance are limited.
23. Oakley House is a two storey red brick house with quoins at the sides and has a hipped slate roof. The NHL (entry number 1130361) indicates the building's age as circa 1820, with 3 sash windows in moulded stone architraves, with sill band. It

also has a central Tuscan porch with cornice and doorway with side lights and part-glazed divided door. It has group value with Oakley Coach House. The heritage asset has strong architectural qualities being a 19th century classical Regency style designed dwelling constructed in traditional materials. Such historical and architectural qualities, taking into account group value, contribute to its significance.

24. The coach house is two storey, red brick with its style often presented in pattern books. The NHL (entry number 1159907) indicates the building's age as circa 1840 with a casement window and pitching eye, gabled end to the road which is linked to Oakley House by way of a high wall containing arched doorway and has group value with it. It has historical interest derived from its original use reflecting the importance of horses and carriages as a form of transport in the 19th century. Architectural interest comes from the building's fabric and being a vernacular coach house. Such architectural and historical qualities contribute to its significance.

Setting

25. For The Hill, the immediate surroundings comprise the hard surfaced areas, used for vehicle parking, and lawned areas. Adjacent to the A533, there is a much-altered brick boundary wall and under historical mapping information, this would have formed part of a historical boundary. There are also the LCD buildings, bungalows and the converted stable block. To the west, there is a brick former garden wall that further defines its historical curtilage.
26. The dwelling would have been set within open, landscaped and undeveloped environs, denoting the house's country status for high class occupiers, during the 18th and 19th centuries. Via ownership, parcels B and D would have historical connection with the assets. However, the appellant's Heritage Statement³ historical maps, written accounts and aerial images show that the setting of the house has substantially changed with the loss of gardens, orchard and adjacent development. Indeed, views of The Hill are mainly from the front and rear because of recent adjoining development. In the wider area, housing has taken place on Manor Road to the north, Colley Lane and Cross Lane to the southeast.
27. Consequently, the Hill is appreciated mostly from its immediate surroundings, the A533 and parcel C, where its façade can be appreciated in terms of architectural and historical qualities. Although not in more reduced way, it is also appreciated from parcel D and in the wider area, parcel B, albeit there is no intervisibility between The Hill and parcel B, and to the east of the site. Both parcels B and D are also no longer in the same ownership as The Hill. As such, the appeal site especially parcels C and D, contribute to the understanding of the asset.
28. For the curtilage listed stable block, it adjoins the A533 to the front and parcel C beyond and parcel D to the side. For this building, its historical and architectural qualities, with bungalows to the north, hardstanding with vehicle parking separating it from The Hill and boundary wall along the A533. It's functional purpose and relationship to The Hill cannot be understood and it's setting is largely lost.
29. For Oakley House and Coach House, the curtilage comprises a driveway accessed through gated entrances at either end of a frontage wall and garden mainly to the front and rear. Substantial vegetation screens much of both assets from the road so

³ Heritage Statement, Land at Sandbach Heath, Cheshire, Pegasus Group, January 2025.

that they are only noticeable from driveway entrances. In relation to surrounding parcel C, there are walls, fencing and hedges enclosing the grounds of the assets.

30. They occupied a remote location in the 19th and early 20th Century as evidenced by historical maps contained within the HS. However, residential development has now taken place to the rear and town side of its curtilage. In understanding these assets significance, the main elements are the curtilage of the house, the A533, part agricultural land opposite on the other side of this road and to side, parcel C of the appeal site. These areas serve to help understand the significance of the assets because they convey their countryside status which would have been present during the 18th and 19th Century. In particular, parcel C highlights the rural nature of the assets and as such, the appeal site contributes positively to the understanding of the significance of the assets.

Effects of the proposal on designated heritage assets

31. For the Hill, the illustrative plans show the immediate part of parcel C to be POS with the retention of existing landscaping features and further planting. Beyond this POS, the plans show housing but this would be screened by hedgerow landscaping. Behind The Hill, the plans show further POS within a park, allotments and children's play space. These plans are indicative but they show how the site could be developed with extensive landscaped POS in proximity to the listed building.
32. However, despite the well-intentioned aims for the landscaping, this POS would relate to the housing development and inevitably, it would be characterised by urban features, including footways, signage, benches, manicured landscaping elements. The plans also show housing in the wider area. Therefore, there would be an urbanising influence on the setting and as a result, an adverse effect on understanding the significance of the asset as a country house. Nevertheless, the POS would largely remain undeveloped and landscaped maintaining an openness that is characteristic of the agricultural land at present. Taking all factors into account, there would be less than substantial harm at the lower end of the spectrum for the asset.
33. In terms of the curtilage listed stable block, its significance has been significantly diminished and its setting is largely lost. Given this, the proposal would have no effect on understanding significance, limited as it is, and there would be no adverse effect on its setting despite the surroundings becoming urbanised.
34. For the Oakley House and Oakley Coach House, the illustrative plans show POS within parcel D opposite and to the east within parcel C. The plans show housing beyond this within parcel C albeit with hedgerow planting to screening that housing and that beyond. Nevertheless, there would be significant housing in the wider area. For the reasons above, the POS would have an urbanising adverse effect, but this would be small given the open and landscaped nature of the POS.
35. Taking all these factors into account, there would be less than substantial harm at the lower end of the spectrum to The Hill, Oakley House and Oakley Coach House.

Biodiversity and Protected Species

36. The site covers an extensive area of approximately 20 hectares, comprising cropland (cereals), grassland (other neutral grassland), individual trees (rural

trees), native hedgerow, species-rich native hedgerow, non-native and ornamental hedgerow, and a watercourse. The watercourse straddles the west boundary of the parcels B, C and D. The site is not covered by any statutory or non-statutory nature conservation designations, nor does it possess irreplaceable habitat.

37. The statutory requirement⁴ requires a minimum 10% BNG requirement. Adapting a precautionary phased approach, the BNG metric results, based on the latest illustrative landscape masterplan indicate an approximately 16% net gain in Watercourse units, approximately 36% net gain in Hedgerow units and approximately 22.62% net gain in Habitat units.
38. The requirement grants planning permission subject to a deemed condition to secure the biodiversity objective of BNG of 10%. Such a condition states that development may not be begun unless a BNG plan has been submitted and approved by the Council. Therefore, if the post development BNG value did not show the required 10% uplift, the plan would be rejected and development cannot proceed. In cross-examination, the Rule 6 Party witness conceded that they would not object on the basis of post development habitat calculations.
39. Nevertheless, the Rule 6 Party objects that a BNG uplift cannot be achieved. There have been several reiterations of baseline but this is inevitable with changes to the plans, policy changes and corrections of minor errors and omissions. Such a process demonstrates significant attempts have been made to make BNG assessment and outcomes as robust as possible rather than suggesting a flawed assessment.
40. For the Watercourse baseline units, just over 20% of the watercourse was surveyed⁵ in accordance with the MoRPh methodology under river condition guidance⁶. In accordance with this guidance, 4 sub-reaches were surveyed, each comprising five MoRPh modules, with section lengths defined on channel width section (0.5 -2m), with each MoRPh extending 10m, in accordance with the survey guidance. In terms of the baseline calculation, the whole length of the watercourse along the eastern boundary has been included in accordance with the Statutory Biodiversity Metric User Guide (SBMUG)⁷ which indicates watercourses should be included where the redline boundary lies within 10 m of the bank top (within the riparian zone).
41. With respect to type of 'encroachment', there is uncultivated land between the riparian zone, the area extending back from the watercourse bank, and a hedge which currently borders agricultural fields. Within the metric, the watercourse is correctly classified as experiencing "major encroachment" under the SBMUG⁸ because field survey confirmed agricultural management within 1-4m of the bank top and being more than 25% of the 4-10m riparian zone. Agricultural management practices are on both sides of the watercourse. There are bridge divisions along the watercourse but there is no survey evidence of definable changes in riparian character justifying division under the SBMUG⁹. In the absence of guidance or

⁴ Schedule 7A of Town and Country Planning Act 1990.

⁵ Ecological Impact Assessment, Sandbach Health, Sandbach, Appendix 9, River Morph Methodology Assessment, Tyler Granger, August 2025.

⁶ A Guide to Assessing River Condition, Part of the Rivers and Streams Component of Biodiversity Net Gain, A.M, Gurnell, J England, S.J. Scott and L.J. Shuker, November 2022.

⁷ SBMUG, Appendix 2, page 45.

⁸ SBMUG, Appendix 2, page 46.

⁹ SBMUG, Appendix 2, page 40,

detailed evidence to the contrary, it has not been demonstrated that the Watercourse baseline is flawed.

42. For the Hedgerow baseline, significant lengths outside of the redline site boundary have been included because they have boundaries straddling the site. Irrespective of whether this approach is correct, it has no substance as it increases baseline units and consequently the extent of new Hedgerow unit creation required to meet the 10% BNG. Within the site, there are lines of trees have been classified as individual trees rather than hedgerow in accordance with habitat guidance¹⁰ because they do not have habitat on both sides due to their siting around the LCD development.
43. In terms of Habitat baseline, 9 trees meet Condition E specification (presence of ecological niches such as cavities, deadwood or ivy) within the Statutory Biodiversity Metric Condition Assessment criteria (SBMCA)¹¹. An Arboricultural Impact Assessment (AIA)¹² gives the presence of Ivy and/or deadwood and or cavities for 15 trees. However, BNG condition assessment for trees relies on other factors, such as species, structural divergence, and connectivity reflecting ecological rather than arboricultural value. Importantly, not every tree identified with Ivy under the AIA would be treated as a tree under the SBMCA criteria because some would be identified as meeting the criteria for Hedgerow units unless they were to be lost.
44. The Rule 6 Party disputed the trees areas and unit value under the Habitat baseline but the number of trees is 25 rather than 13. Based on site ecological survey, they have been assessed in terms of size and condition for which there is no equivalent evidence to the contrary. All tree girth measurements are consistent with the AIA and within the appellant's biometric calculation, the tree helper tool has calculated the appropriate area of habitat arising from trees. There are trees within the south east corner of parcel D but these are included within the Watercourse baseline units in accordance with river guidance.
45. In terms of phasing, the appellant's biodiversity metric assumes a 3 phased development with all baseline habitats (except for retained habitats) lost/cleared at the time of the implementation of phase 1. Additionally, the creation of new habitat within phases 2 and 3 have been assigned an additional multiplier to account for the delay in starting habitat creation. Such an approach represents a worst-case scenario as it is unlikely that all baseline habitats (other than those to be retained) would be lost/cleared at the same time.
46. For all these reasons, the evidence indicates that the proposal would minimise BNG impacts and would provide net gains exceeding the required 10%. It would comply with the duty in accordance with the duty section 40 of the Natural and Environment and Rural Communities Act (NERCA) 2006 to conserve and enhance biodiversity.
47. Birds of Conservation Concern have been recorded on the site, including red listed yellowhammer, skylark and lapwing which are unlikely to persist on the site once developed. However, these red listed birds have been recorded in low numbers on site and although skylark and yellowhammer are indicated as probable breeders,

¹⁰ UKHab Ltd (2023) UK Habitat Classification Version 2.0

¹¹ Statutory Biodiversity Metric Condition Assessment criteria (July 2025).

¹² Preliminary Arboricultural Impact Assessment, Sandbach Heath, January 2025.

there is no evidence of this despite 6 survey visits. There will be creation of new habitats benefitting other recorded Birds of Conservation Concern. Breeding is one aspect of a species ecology and accepting loss here could lead to similar arguments being repeated elsewhere cumulatively resulting in loss of the affected species over time. Nevertheless, every decision has to be considered on its particular merits, and in this instance, harm would be small due to the low recorded numbers of affected species.

48. Bats have been recorded on site through surveys but importantly, trees previously identified as having the potential for bat roots are no longer proposed for removal. With the habitat creation including grassland and retention of existing biodiversity features, including existing hedgerows, there is no evidence of harm to bat species. For Great Crested Newts (GCN), a pond near the site was dry at the time of survey but, along with the sub-optimal habitat of the agricultural land, this would indicate unsuitable breeding habitat. Another pond outside of the site was not inspected but it is separated by a watercourse acting as a barrier to GCN movement. Therefore, the site presence risk of GCN is correctly assessed as being low and furthermore, precautionary measures will be secured through a Construction Environmental Management Plan (CEMP) to avoid triggering the legislation that protects GCN from disturbance. If GCNs were found on site, there is a district licensing arrangement for their appropriate placement elsewhere.
49. For all these reasons, the evidence demonstrates biodiversity could be enhanced in accordance with SADPD Policy ENV 2, small harm to s41 species and that the risk of harm to bats and GCN would be minimal. The site's southeastern and northeastern corners fall within a wider Ecological Restoration Area identified in the SADPD Policy ENV 1 but the proposal would improve structural connectivity, resilience and function of the network in accordance with the requirements of this policy. Access to the biodiversity features would be provided by existing Public Rights of Way (PROW) and provision of pedestrian routes within the site.

Agent of change

50. LCD provide 24-hour care for residents with complex physical, neurological and learning difficulties. Profound vulnerabilities include severe autism, acquired brain injury and complex trauma histories. Such care depends on a calm, safe and predictable environment and vulnerable residents have essential need for total peace and tranquillity at all times.
51. Paragraph 200 of the Framework requires existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The paragraph further states where the operation of an existing business or community facility could have an adverse effect on new development, the applicant should be required to provide suitable mitigation before the development has been completed.
52. There would be a large number of houses within the site and construction works would take place over a long period of time. However, the revised plans show extensive landscaped POS in the immediate vicinity of the facility as opposed to housing. In terms of the POS, there would be recreation noise and noise, but this would be low-level, if not minimal, given the extensive size, nature and layout of the POS proposed. Within the POS, the children's play space could be sited away from the LCD and behind planted hedgerow as illustrated on the landscape master plan.

The presence of more people in the surroundings could cause anxiety and concern but the extent of the surrounding POS is significant aiding dispersal of people over a wide area. Lighting would be minimised in its effect given likely restrictions as a result of a condition, in the event of permission. Importantly, there is already noise generated by traffic in the vicinity using the A533 and M6 and the effect of the development would be to reduce noise from the M6¹³.

53. In terms of construction noise and disturbance, the appellant has put forward a CEMP condition to be approved by the Council to minimise noise and disturbance. Amongst its requirements, it details a scheme to manage any changes to the living conditions of LCD residents. It is appreciated that residents are particularly sensitive to changes in their environment, but it has not demonstrated how the development, with reference to its siting of POS and imposition of a CEMP condition would negatively impact upon residents.
54. There is a requirement for the LCD facility to have 24/7 access. Works outside the facility are not major, involving minor kerb widening of the kerb on the opposite side of the A533, carriageway pointing and additional designated right turn facility. In accordance with a s 278 agreement (of the Highways Act 1980), such works would result in minimal and up to 3 months interruption to the operation of LCD facility, and the turning facility being a long term benefit. There is no evidence that the housing development would result in any increased criminality risk in relation to stored medications which should be locked up securely. For all these reasons, there would be no conflict with SADPD Policy ENV 15, which amongst matters, requires new development not to place unreasonable restrictions on existing uses nor paragraph 200 of the Framework.

Other matters

55. The need for housing at Sandback and the 5 Year Housing Land Supply (5YHLS) have been disputed by third parties. Previous Council's Housing Delivery Test (HDT) have met with results well above requirements and the appellant has agreed that the Council would be likely to meet its housing requirement under CELPS Policy PG 1. However, Cheshire East's housing requirement has been increased through a change to the standard method due to recent changes in the Planning Practice Guidance (PPG). Importantly, the HDT looks back in time to assess Council's progress in meeting its plan's housing requirements rather forward as in the 5YHLS.
56. The 5YHLS does not use the methodology of the HDT rulebook and does not include previous housing undersupply or oversupply. Even if the HDT was relevant, the use of a third party's much lower housing requirement compared to that derived from the PPG standard methodology is not supported by policy as it has not been tested at plan examination. Under the HDT rulebook¹⁴, where a plan is more than 5 years old with no review, a lower annual local housing need figure can be used but this must be tested at examination. Furthermore, the housing per annum figure used by third parties is lower than that of the CELPS and fails to recognise that at the time of this plan's adoption, there was a significant housing shortfall when set against the plan's housing requirement (dwellings per annum) and this had to be accommodated over part of the plan period. The figure is also smaller than that derived from the standard method at the time (Framework, February 2019).

¹³ Appellant's Planning Proof of Evidence, Appendix AII Technical Noise/Vibration Note by JMP

¹⁴ HDT rulebook, paragraph 12, point 4.

57. Consequently, a lower housing requirement cannot be justified and in terms of supply, no evidence has been produced to show completed dwellings meet the Framework glossary definition of deliverable. For all these reasons, there is no evidence to refute the Council and appellant's position on a 5YHLS deficiency.
58. The proposal would result in the loss of both grade 2 and 3a agricultural land which is classified as Best and Most Versatile Agricultural Land (BMVAL). Both CELPS Policy SD 2 and SADPD Policy RUR 5 seek to avoid the loss of BMVAL unless there is justification. It has been estimated that the site would generate around £4.3K assuming wheat crop for the whole of the site and in agreement with the Council and the appellant, such BMVAL loss would result in limited harm which has to be weighed against the benefits of developing the site.
59. The visibility requirements have been designed in accordance with the requirements of Manual for Streets on the basis of surveyed average speeds rather than Design Guidance for Roads and Bridges. Both documents are for guidance and given the extension of the 30 mph zone along A533, such an approach is justified which was agreed with the Council's Highway consultee. There are existing capacity issues between two junctions at the A533 Old Mill Road/A534/Brookhouse Road and the A533/A534 Old Mill Road/High Street (signalised). With the proposed development, the appellant's Transport Assessment (TA¹⁵) indicates overcapacity using a 2029 date at these junctions. However, the development would secure dualling between these two junctions through funding via a section 278 agreement of the Highways Act 1980. This would complete a programme of highway improvements at the junctions funded by other developments.
60. There have been objections to the nature of works at the signalised junction and closeness of the junctions. However, the appellant has agreed methodology, used independent traffic surveys, modelling and stand-alone modelling for the junctions in agreement with the Council's highway consultee. The TA recognises that the signalised junction would operate at overcapacity but only slightly and still within theoretical capacity. The TA further indicates that there will be significant improvement in capacity at these junctions during peaks and all approaches would operate within practical capacity. In the absence of detailed evidence on traffic flows to the contrary, it has not been demonstrated that there would be an unacceptable impact on highway safety or that residual cumulative impact upon the road network, following mitigation, would be severe, taking into account all reasonable scenarios. Such a view concurs with that of the highway consultee, to which considerable weight is attached, given their statutory status.
61. Along the town boundaries of the site, there are a number of residential properties, many of which back onto the site. In terms of the parameters plan, some dwellings within parcel B are indicated to be up to 2.5 storeys adjacent these residential areas. However, the illustrative master plan demonstrates that new dwellings could mostly be stepped back from boundaries with rear gardens providing separation and for properties in Coldmoss Drive, dwellings could align to the side of existing dwellings. As a result, it has not been demonstrated that proposed housing would not fundamentally affect the principle of developing this site and furthermore, issues of outlook and privacy would be considered in any subsequent reserved matters relating to layout and scale.

¹⁵ Transport Assessment, Land at Sandbach Heath, Curtins, January 2025.

62. The site would be drained using sustainable urban drainage techniques with discharges minimised and the detail of this could be secured by conditions. Given this, the development would not exacerbate the contamination problems of Malkins Bank. Furthermore, the Local Lead Flood Authority (LLFA) has raised no objection. The Police authority have not been consulted on this application but at the outline stage, any response would be of limited value given the outline nature of the application.
63. My attention was drawn to 81/83 Manor Road owned by Fletcher Twemlow Royds family. A porch plaque indicates construction in 1886 and there is a trackway to the rear linking it and the curtilage listed stable block of The Hill. However, No. 81 has been altered and extended, with a further permission granted for a sizeable extension. Even if these dwellings were considered a non-designated heritage asset, their significance is limited and the proposal would result in open landscaped POS behind them. As such, there would be no harm to any significance. At 101 Manor Road, the house contains a core building dating back to 1600s and 'Cruick' construction but there is limited information on any heritage significance given more recent development and it has not been demonstrated how the proposal would affect the qualities of this building.
64. The Midland Meres and Mosses – Phase 1 RAMSAR (Bagmere SSS1 Component) and Midland Meres and Mosses – Phase 2 RAMSAR (Oak hanger Moss SSS1 Component) are approximately within 4.5km of the site. International important features include pools, mires and peatland sites at risk of harm through pollution. There are no direct impacts due to habitat and hydrological connections nor opportunities for dust and air borne transmission contamination. Given separation distances, there are no increased risk of nitrogen enrichment, confirmed by the appellant's air quality assessment¹⁶. Natural England has confirmed no significant adverse effects on statutorily protected nature conservation sites or landscapes. There would be no likely significant effect on the international important features of the RAMSAR designations, alone or in combination with other plans and projects.

Section 106 agreement

65. CELPS Policies EN 1 and EN 2 require new and improved social and community facilities, utilities infrastructure and other infrastructure to be provided in a timely manner and developer contributions to ensure delivery of such infrastructure.
66. Up to 98 (30%) AH units would be provided at a ratio 65% rented and 35% intermediate in accordance with SADPD Policies HOU2 and HOU8 and SNDP Policy H4. An obligation clause requires a full affordable housing scheme to be submitted and approved prior to the commencement of development. POS would comprise informal open space, including a community park, children's play space, and allotments and contributions towards off site enhancements at football, rugby union, hockey and cricket clubs. Obligations would secure maintenance of the on-site POS by way of a management company and the contributions for off-site sports facilities. Such requirements would be in accordance with Policy SE6 of the CELPS and Cheshire East Developer Contributions Supplementary Planning Document (SPD)
67. CELPS Policies C02 and C03 encourage public transport, cycling and walking and support for new development that are well connected and accessible enabling

¹⁶ Air Quality Assessment, Bloor Homes, Land East of Sandback, Wardell-Armstrong, January 2026.

development by supporting transport infrastructure. An obligation sets out a highway contribution towards improving the nearest local bus service, which runs along Hassall Road, The Hill and Manor Road for a period of 5 years. Third parties have suggested long 10 minute walking times for elderly people or pram users, but these stops would be within about 5 minutes walking time for able bodied people from the access points on the site. Additionally, there would be an obligation securing connection of the south part of the site with the PROW and enhancements to it.

68. The Council's Education consultee has concluded development would generate new secondary places and SEN places and these children cannot be accommodated due to capacity issues with relevant schools in the immediate area, although a temporary solution to accommodate the 'in year' children from the development is proposed. Although this is disputed, the consultee response has further confirmed the capacity of existing primary schools can accommodate anticipated demand for places from the development. The consultee response is based on methodology in accordance with government policy for which no contrary comparable evidence has been produced.
69. There are triggers for payments for these infrastructure contributions but given the extent of the proposed housing, with delivery in phases and construction lead in times to occupation, such triggers are reasonable. The Council has further submitted a CIL Compliance Statement in addition to policy and SPD support. For all these reasons, these obligations would meet the statutory tests of the Community Infrastructure Levy regulations 2012 (as amended) and those of paragraph 58 of the Framework. They are necessary, directly related to the development, and fairly and reasonably related in scale and kind.
70. An obligation would secure contributions towards reconfiguration works at Ashfields Primary Care Centre to create more clinical space to accommodate patients generated from this housing proposal. This and the nearby surgery are operating well above capacity¹⁷. Whilst both surgeries are accepting new patients, this does not indicate spare capacity, and Integrated Care Board (ICB), in conjunction with its property services section, has detailed a reasonable bespoke costings for the works involved. However, the ICB assumes the development will generate demand from all of the new residents with no adjustments for those coming from the local area (already being registered with the local surgeries).
71. Not all people would fit this scenario because they could come from within the local area and already be registered at either local surgery. It is argued that even if this was the case, people moving into the new resident's prior property would be from outside the area but again, there is no certainty that this would be case as again, they could be people from local area already registered at either local surgery. Without a reasoned and justified methodology to take account of such considerations, it cannot be ascertained that the contribution obligation would be reasonably related in scale and kind. Importantly, contributions cannot be used to remedy existing deficiencies as this would not relate to the development proposed. Consequently, it fails a statutory test and has not been given weight in my decision.
72. In summary, the obligations relating to AH, POS, highway and sustainable transport, education meet the CIL Statutory tests as well as the paragraph 58 of the

¹⁷ CIL Compliance Statement Addendum, Land to the north and South of The A533, Table A.

Framework. However, the obligation relating to healthcare contribution would not be fairly and reasonably related in scale and kind to the development not meeting the statutory test and paragraph 58 of the Framework and hence this obligation has no effect in this decision.

Benefits of the proposal

73. Both the Council and the appellant have agreed that a deliverable 5 Year Housing Land Supply (5YHLS) cannot be demonstrated. The Council and appellant have agreed shortfall of 4,449 dwellings (3.3 years) and 6,154 dwellings (2.66) respectively, with a base date of 2025. The emerging local plan is at early stages of preparation, with a call for sites having taken place in February 2026, the date for submission for an Examination in Public planned for September 2028 and adoption in March 2029, and therefore, a new plan would not address this shortfall. Any new plan would have to plan for a greater number of dwellings which will inevitably require greenfield releases. For all these reasons, substantial weight should be attached to the housing benefits of the proposal.
74. The proposal would result in the significant delivery of AH in accordance with Policy SC 5 of the CELPS. S106 obligations would provide a ratio of 65% rented and 35% intermediate in accordance with requirements. Together with market housing, this would contribute to a mix of housing tenures, types and sizes in accordance with Policy SC 4 of the CELPS. The Council has a strong record of delivering AH but the need to provide affordable housing remains very strong given housing waiting lists. In addition to this list focussed on rental accommodation, there will also be need for other types of AH, including shared accommodation. Although slightly outdated, the Sandbach Housing Needs Report March 2021 further indicates the area fell short of providing sufficient AH, with only 19% new builds being affordable tenures since 2010. As such, significant weight is attached to AH benefits.
75. There will be delivery of up to 98 (30%) M4(2) (accessible and adaptable) 20 (6%) M4(3) dwellings (wheelchair adaptable dwellings) in accordance with SADPD Policies HOU2 and HOU8, and SNDP Policy H4. The provision of accessible homes would accord with local policy and regulation but the 2021 Census data highlights a high proportion of households with disabled persons within Sandbach Heath and East Ward. Within Sandbach Heath, there has also been no significant degree of built housing development since the CELPS and SADPD, with Muller/Anwyl to the south of the Old Mill Road roundabout not delivered yet. For all these reasons, significant weight is attached to such an accessible home benefit.
76. The proposal would provide significant amounts of POS, including a new community park which in total amounts to over 3 times the local policy requirement. There would be allotments in an area where existing facilities are temporary and some distance from the area. Irrespective of whether the POS overprovision is due to the constraints of the site, neighbouring residents would be able to make use of such recreational facilities and there would be a community benefit attracting moderate weight.
77. Off-site highway works on the A533 where there are existing and longstanding capacity issues will create additional highway capacity. Other highway benefits include improved connectivity within the area, reduced speed limit along the road, the provision of a Toucan crossing, the downgrading of Colley Lane for pedestrian/cycle use. A s106 contribution would improve frequency of a local bus

service. Such highway and sustainable transportation improvements would attract moderate weight.

78. An Economic Benefits Assessment (ECB)¹⁸ details the creation of site jobs and in the wider economy and the generation of over gross added value to the economy over the expected 7-year build programme. Once built and occupied, the ECB would generate further spend into the local economy. There would be increased council tax income and a significant CIL contribution that can be spent on required social and physical infrastructure. S106 contributions on education and sporting facilities would generate social benefits. Such economic and social benefits would attract moderate weight. and generate substantial income to the economy. Additionally, there would be benefit from BNG provision attracting small weight.

Heritage and planning balance

79. There would be less than substantial harm to The Hill, Oakley House and Oakley Coach House at the lower end of the spectrum for each of the heritage assets. In accordance with paragraph 215 of the Framework, this type of harm should be weighed against the public benefits of the proposal for each of the heritage assets.
80. For each of the designated heritage assets, s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. In each case, considerable importance and weight is attributed to the less than substantial harm, even at the lower end of the spectrum. However, the extent and scale of the public benefits, especially the boost to housing supply and the provision of AH would be overriding and of sufficient weight to outweigh the less than substantial harm in each of the heritage balances.
81. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
82. In terms of heritage impacts, the proposal would be acceptable following a heritage balance and proportionate heritage evidence has been put forward. There is compliance with Policies SE 7 of the CELPS, HER 1 and HER 4 of the SADPD, and HC1 of SNDP, which collectively and amongst other matters, require proportionate justification, special regard to the statutory duty, the weighing up of less than substantial harm against the public benefits of the proposal and in accordance with paragraph 215 of the Framework.
83. The limited harm from the loss of BMVAL would be outweighed by the benefits, especially in relation to housing and AH, and there would be compliance with CELPS Policy SD 2 and SADPD Policy RUR 5. The proposal would comply with SADPD Policies ENV 1 (in respect of ecology matters) and ENV 2 because the proposal would improve the structural connectivity, resilience and function of an Ecological Restoration Area, and achieve BNG. With the siting of the POS and the imposition of a CEMP condition, it has not been demonstrated that housing would put unreasonable restrictions upon LCD in conflict SADPD Policy ENV 15.

¹⁸ Economic Benefits Assessment,

84. However, the proposal's countryside location would conflict with settlement hierarchy Policies PG 1 and PG 6 of the CELPS, PG 9 of the SADPD and PC3 and H1 of the SNDP. Although the harms to these conflicts would be limited, these policies are central to the strategy of the development plan in directing built development to the most suitable and sustainable locations and for defining the relationship between settlements and the countryside. There would be moderate harm caused to the character and appearance of the area in conflict with Policies SE 4 of the CELPS, ENV 1 of the SADPD and PC2 of the SNDP. For all these reasons, there would be conflict with the development plan, taken as a whole.
85. In terms of other material considerations, there are no policies in respect of the protection of areas or assets of importance which would provide a strong reason for refusal under the Framework. With the absence of a positive 5YHLS, paragraph 11 d) ii of the Framework applies. There would be adverse impacts of the development due to it not being within a settlement boundary of Sandbach, a sustainable location within the plan's settlement hierarchy of the plan, the character and appearance of the area, heritage assets, loss of protected species and the loss of BMVAL.
86. The harm to settlement strategy of directing developments to sustainable locations is limited because the location of the development is on the edge of a built-up area, with opportunities for residents to use sustainable modes of transport, including by foot, cycle and bus. The impact on intrinsic character and beauty of the countryside would be moderate. Whilst the Framework places great weight on the conservation of a heritage asset, the impact of proposal on them would be moderate.
87. However, the range of benefits would be wide ranging and overriding. In particular, the boost in housing supply and the provision of AH would each attract substantial and significant weight, even with higher Council 5YHLS figure. Other benefits include the provision of accessible homes being of significant weight whilst the provision of POS, highway and sustainable transportation, social and economic benefits, and BNG would cumulatively be of great weight. Therefore, having regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable housing, the adverse impacts of granting permission would not significantly and demonstrably outweigh the identified benefits.
88. There have been significant public objections to the proposal. The development plan benefits from statutory primacy but in this case, there is a presumption in favour of sustainable development concluded here. As a material consideration, this is sufficient weight, in this case, to indicate that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, outline planning permission should be granted.

Conditions

89. Suggested conditions have been considered in light of the tests of paragraph 56 of the Framework and policy in the PPG. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the tests and guidance. There are pre-commencement conditions for the approval of details where they are a pre-requisite to enable the development to be constructed.
90. A condition requiring development be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the

avoidance of doubt. Given the size of the development, conditions are necessary to set out phasing, broad compliance with the Parameters Plan and a Detailed Design Code to ensure development has a sense of place. For the sake of clarity, landscaping conditions are required to ensure boundary treatments and Arboricultural Impact Assessments for each phase. Given the topography of the site, a condition is necessary requiring the implementation of acceptable ground and floor levels. In the interests of heritage, a condition requiring the erection of approved information boards is required.

91. To safeguard bats, a lighting scheme shall be submitted with reserved matters. To protect the living conditions of existing and new residents, a noise assessment, with mitigation measures, and CEMP shall be submitted, approved and implemented. To remedy any polluted land, contamination conditions are required, including soil coming onto site. To address flooding and climate concerns, conditions requiring acceptable drainage based on SuDs are necessary. Conditions are required to update protected species surveys, wildlife measures and BNG (due to development phasing), to address ecology. To ensure highway and sustainable transportation, conditions requiring cycle/pedestrian connections, connection with a PROW, vehicular access, gateway and speed reducing measures and travel plan are necessary. Finally, a condition requiring the provision of accessible homes is necessary given need within the area. A condition requiring dwellings be designed in accordance with storey levels in the parameter plan is not necessary because this would be considered at a subsequent reserved matters stage.

Overall Conclusion

92. For the reasons given above and having regard to all other matters raised, the appeal should be allowed.

J Parsons

INSPECTOR

Schedule of attached conditions

- 1) Details of the appearance, landscaping, layout, and scale [(including internal road and pedestrian/cycle way layout) (thereafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of reserved matters shall be made to the local planning authority for each phase of development shall be obtained from the local planning authority before any development is commenced.
- 3) The development hereby permitted shall be begun either before the expiration of five years from date of this permission or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is later.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (P20-3452_DE_UDM_002G); Access Arrangement Plots B (86549-CUR-00-XX-DR-TP-75003-P05) and Access Arrangement Plots C&D (86549 -CUR-00-XX-DR-TP-75004-P07).
- 5) An initial phasing plan for the entire site shall be submitted for approval in writing by the local planning authority with the first Reserved Matters Application and shall be updated for approval in writing by the local planning authority upon the submission of any subsequent Reserved Matter Applications for each phase. The development shall be carried out in accordance with the approved phasing plan for each subsequent Reserved Matters Application.
- 6) The areas of the site to be developed for housing and internal roads to be approved through subsequent reserved matters applications shall be consistent with the ‘Net Developable Area’ as defined on the Parameters Plan (P20-3452_DE_UDM_023_700 Rev C).
- 7) Any reserved matters application(s) pursuant to this outline planning permission shall be in broad accordance with the design principles set out in the following documents: Masterplan (P20-3452_DE_UDM_005_002S and Landscape Masterplan (P20-3452_EN_0001I).
- 8) The reserved matters to be submitted in condition 1 shall be supported by a Detailed Design Code which shall be in broad conformity to the Masterplan and Landscape Masterplan cited in condition 7.
- 9) The landscaping matter to be submitted under condition 1 for each phase shall include details of boundary treatments.
- 10) An updated Arboricultural Impact Assessment, Tree Protection and Method Statement shall be submitted with each phase and reserved Matters application detailing layout and landscaping. The development hereby permitted, shall be carried out in accordance with the approved details.
- 11) The reserved matters to be submitted under condition 1 for each phase shall include details of existing ground levels and finished ground levels, and their

relationship to surrounding land, and finished floor levels. The development shall be carried out in accordance with the approved details.

- 12) The landscape and layout reserved matters to be submitted in condition 1 for parcels C and D (as shown on the Site Location Plan under Condition 4) shall include example heritage information boards and the location of these boards. The boards shall set out relevant historic and architectural information associated with The Hill, Oakley House and Oakley Coach House Grade II Listed Buildings. The boards shall be installed prior to the first occupation / use of the respective areas of open space and thereafter retained.
- 13) The reserved matters to be submitted under condition 1 for each phase shall include details of the proposed lighting scheme. The lighting scheme should reflect the Bat Conservation Trust Guidance Note 08/23 (Bats and Artificial Lighting in the UK), or if superseded, equivalent document. The lighting scheme should consider both illuminance (lux) and luminance (candelas/m²). It should include dark areas and avoid light spill upon bat roost features, bat communising and foraging habitat (boundary hedgerows, trees, watercourses, etc.) aiming for a maximum of 1 lux light spill on those features. The scheme should also include a modelled lux plan, and details of:
 - a) Proposed lighting regime;
 - b) Number and location of proposed luminaires;
 - c) Luminaire light distribution type;
 - d) Lamp type, lamp wattage and spectral distribution; and
 - e) Mounting height, orientation direction and beam angle.

The approved lighting strategy to be implemented in full unless otherwise approved in writing by the local planning authority.

- 14) The Reserved Matters to be submitted in condition 1 for each phase shall include a Noise Assessment. The assessment shall include noise surveys covering periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours and identify appropriate noise mitigation measures. All residential units shall be designed so as not to exceed the noise criteria based on BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings, or if superseded, equivalent document. The noise mitigation measures shall be installed prior to the occupation of each dwelling and shall be retained as approved thereafter.
- 15) No development (including any construction or engineering works) of the relevant phase (as approved under condition 5) shall commence until a Construction and Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall include details relating to:
 - a) Construction access;
 - b) Hours of construction (The hours of activities are likely to generate noise beyond the boundary of the site and shall be restricted to: Monday – Friday

08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; and not at all on Sundays and Public Holidays;

- c) A scheme of any piling works and floor-floating operation details (Piling works should be limited to Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; and not at all on Sunday and Public Holidays);
- d) Routing of HGVs;
- e) Delivery times;
- f) Construction programme;
- g) Arrangements for the control of surface water and contamination/pollution prior to the completion of the approved drainage strategy;
- h) The location of the contractors' compounds, cabins, loading and unloading areas, plant/material storage areas and contractors' parking;
- i) A site-specific dust management plan for the management and suppression of dust and mud from construction activities, including the provision of a vehicle wheel wash, dust suppression measures, and methods to monitor the emissions of dust arising for the duration of the project. The plan shall be retained at the development site and made available for inspection upon request in writing by the local planning authority;
- j) A scheme for the management of residential amenity of the adjacent Leonard Cheshire Disability Care Home, including details of direct consultation with the Care Home, the contact details of a Site Construction Liaison Officer, and programme of ongoing engagement during the construction process;
- k) A Construction Noise Mitigation Scheme which shall include plans and details of temporary acoustic fencing / construction hoardings to be provided to on the site during the construction process alongside an accompanying construction noise assessment, which accounts for all other details and information provided within the CEMP;
- l) Measures to prevent pollution during construction activities (in relation to run-off, dust, and noise) to mitigate disturbance to retained habitats, designated sites, and protected or notable species;
- m) Methods for safeguarding the watercourse during construction; and
- n) Measures to mitigate impacts on nesting birds if vegetation on the site is to be removed between March and August.

All site operations shall then be undertaken strictly in accordance with the approved CMP for the duration of the construction programme.

- 16) No development of the relevant phase shall commence until:

A Phase II ground investigation and risk assessment for that relevant phase has been completed to assess the nature and extent of any contamination on

the site. A Phase II report shall be submitted to, and approved in writing by, the local planning authority and:

B If the Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the local planning authority. The development shall thereafter be carried out in accordance with any approved Remediation Strategy.

- 17) No part of the development of the relevant phase shall be occupied or in use prior to the submission and approval in writing by the local planning authority of a Verification Report. This shall be prepared in accordance with the local planning authority approved Remediation Strategy that covers that part of the development to be occupied or used.
- 18) No development of the relevant phase shall commence until a revised Drainage Strategy for the site has been submitted to and approved in writing by the local planning authority. The revised Drainage Strategy should include:
 - a) Surface water run-off rates, including greenfield Qbar and post-development runoff estimates, ensuring greenfield rate run-off is matched, unless proven unfeasible, or 50% betterment for brownfield sites, with a restricted discharge rate not exceeding 5l/s per hectare and not lower than 2l/s per hectare;
 - b) Details of hydraulic design up to 1 in 100+CC% Storm Event in accordance with Gov.uk Climate Change Allowances;
 - c) Details of any boundary drainage to ensure any flooding remains within the site. If calculations show flooding on site, that developments/properties will be safe;
 - d) Designed in accordance with the drainage hierarchy (Non-Statutory Sustainable Urban Drainage System (SuDS) Technical Standards Guidance (2016) Paragraph 3.7);
 - e) Provision of pipe diameters, slope angles, cover levels and invert levels;
 - f) Demonstrates that foul and surface water drain via separate systems;
 - g) Provision of hydraulic modelling for all storm durations, detailing the critical storm duration, from 15 minutes to 7 day, with the 1 in 100+CC% Storm Event also utilised Implementation of SuDS as the primary method of the management of surface water that provide multifunctional benefits where possible. Cheshire East SuDS SPD mandates that SuDS features are maximised. Considerations and evidenced descriptions for each of the 'Four Pillars of SuDS' must be presented to the local planning authority and approved in writing prior to the commencement of development; and
 - h) Details of the means of ensuring the existing sewer that is laid within the site boundary is protected from damage alongside any necessary mitigation measures, which shall be implemented in full in accordance with the approved details.

- i) Provision of full management and maintenance schedule for the drainage strategy to cover the lifetime of the development, including the contact details of the responsible party and any inspection and test plans

For each relevant phase of the development, the revised Drainage Strategy shall be implemented in accordance with the approved details or in accordance with a timetable approved in writing by the local planning authority.

- 19) No development of the relevant phase shall commence until a written scheme of archaeological investigation (WSAI) has been submitted to and approved in writing by the local planning authority. The WSAI should include a statement of significance, research objectives, the programme and methodology for the site investigation, and the name of the person(s) and/or organisation undertaking the agreed works. The work shall be undertaken in strict adherence to the approved details. Prior to the occupation/use of the respective phase of development, a programme for post-excavation assessment and (where required), analysis, publication, and archiving shall be submitted to and be approved in writing by the local planning authority.
- 20) No development of the relevant phase shall commence until updated surveys for badger and water vole/otter have been submitted to and approved in writing by the local planning authority. Any mitigation measures identified in the updated surveys shall be implemented.
- 21) No development of the relevant phase shall commence until ecological measures have been submitted to and approved in writing by the local planning authority. Such measures shall include the provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs, brash piles and hedgehog domes. The development shall be implemented in accordance with the approved details, and they shall be retained as approved thereafter.
- 22) No development shall commence until an 'Overall Biodiversity Gain Plan' has been submitted to and approved in writing by the local planning authority. The Overall Biodiversity Gain Plan shall demonstrate compliance with Part 1 of Schedule 7A of the Town and Country Planning Act. The Overall Biodiversity Gain Plan shall include the following:
 - a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 - b) the pre-development biodiversity value of the entire onsite habitat;
 - c) any registered offsite biodiversity gain allocated or proposed to be allocated to the entire development and the biodiversity value of that gain in relation to the development;
 - d) any biodiversity credits purchased or proposed to be purchased for the entire development;
 - e) the post-development biodiversity value of the onsite habitat for the entire development and each phase of development;

- f) name and address of the person completing the plan, and (if different) the person submitting the plan;
 - g) a description of the development and planning permission reference number (to which the plan relates);
 - h) pre-development plans showing the location of existing onsite habitat and drawn to an identified scale and showing the direction of North;
 - i) the relevant date, for calculating the pre-development biodiversity value for the development, and if proposing an earlier date, the reasons for using this earlier date;
 - j) completed biodiversity metric calculation tool(s) stating the publication date of the biodiversity metric used and showing the calculation of the pre-development and post-development biodiversity values;
 - k) arrangements for the maintenance and monitoring of significant onsite habitat enhancements;
 - l) a description of how the Biodiversity Gain Hierarchy will be followed and where to the extent one or more actions in that hierarchy are not followed, the reasons if not;
 - m) a statement whether habitat degradation has taken place, and if it has:
 - i. a statement to this effect,
 - ii. the date immediately before the degradation activity,
 - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
 - iv. any available supporting evidence for the value
- 23) No development of the relevant phase shall commence a 'Phase Biodiversity Gain Plan' for that phase have been submitted to and approved in writing by the local planning authority. Each Phase Biodiversity Gain Plan shall include:
- a) the post-development biodiversity value of the onsite habitat for the phase of the development (which is the subject of the Plan);
 - b) the post-development biodiversity value of the onsite habitat for each other phase of the development (whether begun or otherwise);
 - c) any registered offsite biodiversity gain allocated to the entire development and the biodiversity value of that gain for the development prior to the submission of the phase plan;
 - d) any registered offsite biodiversity gain which is proposed to be allocated to the entire development and the biodiversity value of that gain in relation to the development;

- e) any biodiversity credits purchased for the entire development prior to the submission of the phase plan;
- f) any biodiversity credits proposed to be purchased for the entire development;
- g) name and address of the person completing, and (if different) the person submitting the plan;
- h) description of the development and planning permission reference number (which the person submitting the plan considers is relevant to the phase of development);
- i) post-development plans for the phase of development showing the location of existing onsite habitat and drawn to an identified scale and showing the direction of north;
- j) a completed biodiversity metric calculation tool(s) stating the publication date of the biodiversity metric used and showing the calculation of the predevelopment and post-development biodiversity values;
- k) information about the steps taken or to be taken to minimise the adverse effect of the phase of development on the biodiversity of the onsite habitat;
- l) arrangements for the maintenance and monitoring of significant onsite habitat enhancements;
- m) a description of how the Biodiversity Gain Hierarchy will be followed and where to the extent any actions in that hierarchy are not followed, the reasons if not;
- n) How the 'Phase Biodiversity Net Gain Plan' for each phase complies with the 'Overall Biodiversity Net Gain Plan'.

The development for each phase shall be carried out in accordance with the relevant 'Phase Biodiversity Net Gain Plan'

- 24) The landscape and layout reserved matters to be submitted under condition 1 in relation to parcel D (as shown on the Site Location Plan under Condition 4) shall include details of the alignment and construction of a 3 metre wide surfaced and lighted pedestrian/cycle path to provide a connection with The Hill and Manor Road. It shall be designed to an adoptable standard to be agreed with the local planning authority in writing and shall be fully constructed and delivered in line with the phasing plans approved under Condition 5 and shall be maintained to the approved adoptable standards thereafter.
- 25) No development in relation to parcel B (as shown on the Site Location Plan under condition 4) shall commence until a Public Rights of Way (PROW) scheme of management has been submitted to and approved in writing by the local planning authority in relation to the proposed connection point to FP20 located to the south of parcel B. If relevant, the scheme shall include provision for:

- a) the design of access of any new PROW routes within the development and their surfacing, widths, gradients, landscaping and structures;
- b) any proposals for the temporary closure of any PROW, along with alternative route provision.

The line of any new or temporary/alternative PROW shall be marked out on the development site prior to the commencement of and during the development of parcel B and post-completion condition surveys of the surface of any new PROW within the site shall be undertaken and any degradation identified shall be restored.

- 26) Prior to the occupation of the relevant phase, access shall be implemented in accordance with the approved Access Arrangement Plots C&D 86549-CUR-00-XX-DR-TP-75004-P07, which also includes the Toucan Crossing and the approved Access Arrangement Plots B 86549-CUR-00-XX-DR-TP-75003-P05.
- 27) The reserved matters to be submitted in condition 1 in the relevant phase shall include details of the gateway and speed reducing measures including speed limit changes. They shall be implemented prior to the occupation of the relevant phase and be retained as approved thereafter.
- 28) Prior to the occupation of any development, Phase 3 of the Old Mill Road Improvement Works, which refers to the full dualling of the section of Old Mill Road between the Old Mill Road/The Hill junction and the “Waitrose Roundabout” to create two lanes in each direction and facilitate additional link capacity, as shown on drawing no.C068-CEH-HGN-ZZ-DR-D-9000103 shall be fully constructed.
- 29) Prior to the occupation of any development, a travel plan which shall be submitted to and approved in writing by the local planning authority and thereafter operated in accordance with the agreed details. The travel plan shall include information about local bus services, walking and cycling routes for both leisure and travel purposes that shall be provided to new residents and set clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update.
- 30) Any soil or soil forming materials to be brought to site for use in soft landscaping shall be tested for contamination and suitability for use, in line with the current version of ‘Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination’ or if superseded, equivalent local policy document (in the absence of any other agreement for the development). Prior to the occupation of the relevant phase hereby permitted, evidence and verification information shall be submitted to, and approved in writing by the local planning authority.
- 31) If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and confirmation of this shall be reported to the local planning authority. Prior to any further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme agreed in writing by the local planning authority.

- 32) At least 30% of the dwellings in the housing development should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings. At least 6% of the dwellings in housing development should comply with the requirement M4(3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

End of Conditions

Richborough

APPEARANCES

FOR THE APPELLANT

G Cannock, KC	Kings Chambers (instructed by Bloor Homes Limited)
S Tibenham MTCP MRTPI	Pegasus Group (Planning)
K Curtis BA (Hons) MSc MCILT	Pegasus Group (Landscape and Appearance)
M Thorley BA (Hons) MSc MCILT	Curtins Consulting (Highways and Transport)
C Goodman-Smith MBiolSci MCIEEM	Tyler Grainger (Ecology)
L Garcia BA (Hons) MCifA	Pegasus Group (Heritage)
T Hudson BA PGDip MA MRICS	Bloor Homes Limited
S Li Beng MSc MRTPI	Pegasus (Planning)
C Nicolls LLB (Hons)	Freeths

FOR THE LOCAL PLANNING AUTHORITY

J Neil, Barrister	Landmark Chambers (instructed by Cheshire East Council)
D Hallam BSc DipTP DipUD MRTPI	Cheshire East Council (Heritage)
T Hampden BSc MA MRTPI	Context Planning (Planning)
R Law BA (Hons) DipTP	Cheshire East Council (Planning)
P Griffiths	Cheshire East Council (Infrastructure)

FOR THE RULE 6 PARTY

J Groves BA(Hons) MRTPI	Groves Town Planning Ltd
Professor T Shreeve	Ecological Consultant
K Swan BSc MRICS MRAU	Leonard Cheshire Disability

INTERESTED PARTIES

Councillor S Corcoran	Cheshire East Council
Councillor M Muldoon	Cheshire East Council
Councillor C Tapper	Betchton Parish Council
T Murfin	Resident
H Smith	Resident
S Bradley	Resident
R Hamilton	Resident
S Morris	Resident
S Buckley	Resident
M S Gioseffi	Resident
S Helliwell	Resident

INQUIRY DOCUMENTS

1. Appellant Opening Statement
2. Local Planning Authority Opening Statement
3. Rule 6 Party Opening Statement
4. Councillor S Corcorran Statement
5. T Murfin Statement.
6. H Smith Statement
7. Councillor M Muldoon Statement
8. S Bradley Statement
9. Councillor C Tapper Statement
10. R Hamilton Statement.
- 11a S Buckley Statement
- 11b S Buckley Statement – Figures
12. S Helliwell Statement
13. Inquiry Timetable V3
14. LVA Agenda
15. Sandbach conditions track
16. Sandbach conditions clean
17. M S Gioseffi Statement
18. Inquiry Statement V5
19. Appellant's response to ID11
20. Appellant's response to ID11
- 21 Sandbach S106 – Engrossment
- 22 Comparison report Sandbach S106 – Engrossment
- 23 Tottenham Hotspur High Court Case
- 24 CIL Compliance Statement Addendum
- 25 Appendix 1 CIL Compliance Statement Addendum
- 26 Correspondence from NHS
- 27 Heritage Agenda
- 28 S106 agreement 28 April 2026, with evidence of title.