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Statement of Case

Appeal against the decision of Cheshire East Council to refuse an application for outline planning permission for the erection of up to 27No. dwellings with details of access (all other details reserved)

Land off School Lane, Marton

Application number: 15/2274M

Appeal Reference: APP/R0660/W/15/3138078

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1. INTRODUCTION

- 1.1. This Statement of Case (SoC) is written in support of an appeal against the decision of Cheshire East Council (CEC) to refuse an application for outline planning permission for the erection of up to 27No. dwellings with details of access (all other details reserved) on land off School Lane, Marton.
- 1.2. In accordance with para. 187 of the National Planning Policy Framework ('the Framework'), the applicant and Local Planning Authority (LPA) worked together proactively. Following negotiations during the application process, the application was recommended for approval¹.
- 1.3. The Committee Report advised Members that the application was compliant with the development plan and that from a highways perspective, "CEC Highways would have difficulty resisting the application on grounds of sustainability". Despite this, Members opted to refuse the application for the following reason:

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy GC5 (Countryside beyond the Green Belt) of the Macclesfield Borough Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy– Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance. The development is locationally unsustainable due to the lack of public transport links, facilities and infrastructure contrary to policy DC16 of the Macclesfield Borough Local Plan and policies SD1, SD2 and PG2 of the emerging Cheshire East Local Plan Strategy– Submission Version and guidance in the National Planning Policy Framework.

- 1.4. This SoC relies upon the application documents/plans, as well as the Committee Report, to demonstrate that the appeal should be allowed. The SoC comprises of:

¹ Appendix 1: Committee Report and Late Changes List

- an assessment of the Appeal Site and its Setting;
- a Planning Policy Update;
- the Case for the Appellant; and,
- Conclusions.

2. THE APPEAL SITE AND ITS SETTING

- 2.1. Detailed descriptions of the appeal site and its setting are provided in the Planning Statement, Design and Access Statement and Committee Report. These are summarised below.
- 2.2. The appeal site is some 1.28ha in extent and is predominantly greenfield land, but does include a derelict building, which was formerly a smithy. The Local Plan proposals map confirms that the site is within the countryside beyond the Green Belt and the Jodrell Bank consultation zone.
- 2.3. Despite its countryside allocation, the application site is very well contained on all sides:
 - Existing residential development lies to the immediate north;
 - To the east is Oak Lane, beyond which is further existing residential development and the Marton and District CoE Primary School;
 - To the south east, the site is bound by the rear boundaries of residential development off Oak View;
 - To the south west, the site is bound by the A34 and existing residential development;
 - To the north west the site is bound by School Lane, with existing residential development immediately opposite the site.
- 2.4. In terms of its character and appearance, the application site cannot be characterised as ‘open’ countryside. It is undeveloped, but it is enclosed on all sides by urban development and there are no clear views across the field of the open countryside beyond. Wider views into the site are also very limited.
- 2.5. Marton is an established residential community and as such, residents benefit from local services and facilities including a primary school, local shop, place of worship, a pub, a restaurant and some limited employment uses

PLANNING POLICY UPDATE

- 2.6. The Planning Statement sets out policy relevant at the time of the submission of the application. The Committee Report sets out policy relevant at the time the decision was made to refuse the application. It is not considered necessary to repeat the list of relevant Development Plan policies and other documents provided in the Committee Report.

Emerging Local Plan Strategy

- 2.7. Examination of the eLPS began on 16 September 2014, but Hearing Sessions were adjourned on 03 October 2014. The Inspector then provided 'Interim Views on the Legal Compliance and Soundness of the Submitted Local Plan Strategy' on 06 November 2014². On 17 December 2014 it was confirmed that in light of the Interim Views, the Council had formally requested the Inspector to suspend the examination³.

- 2.8. On 03/09/2015 the Programme Officer (PO) wrote to Representors (examination document RE A002) to inform them that the Examination would resume⁴. The PO confirmed that

- the Council had undertaken several work streams on core strategic matters;
- the additional evidence was endorsed by the Council's Cabinet on 21/07/2015;
- on 14/08/2015, the Inspector confirmed that he is prepared to resume the examination and the scope of the Hearings would focus on the core strategic matters.

- 2.9. In an appeal decision (2225591) dated 07/09/2015, the Inspector stated the following:

Even if the examination were to resume, the emerging policies are subject to considerable uncertainty and only limited weight can be attached to them. This is

² Appendix 2: Inspector's Interim Views on the Legal Compliance and Soundness of the Submitted Local Plan Strategy

³ Appendix 3: Programme Officer Letter re Suspension

⁴ Appendix 4: Examination document RE A002

accepted by the main parties to the appeal.

- 2.10. The Committee Report (meeting held on 07/10/15) includes emerging Local Plan Strategy (eLPS) policies under ‘Material Considerations’, acknowledging that only limited weight could be given to the policies at the time the decision was made.
- 2.11. The Procedural Meeting took place on 06/10/2015 and the Inspector stressed that the resumed Hearings (21 – 23 & 27 – 29 October 2015) would only review and assess the additional evidence on core strategic matters produced during the suspension of the examination⁵. The Inspector will issue further Interim Views in mid-November.
- 2.12. Further progress will be dependent upon the Inspector’s further interim views and the Inspector stated that the latest timetable⁶ could slip. If the Inspector’s further interim views conclude that the examination can proceed, suggested revisions to the eLPS, along with additional, amended and existing site allocations, would be subject to formal public consultation for at least 6 weeks during the winter of 2015/16.
- 2.13. The eLPS policies remain subject to considerable uncertainty and only limited weight can be attached to them at this time. In a decision on appeal 2228115⁷, dated 22/10/15, the Inspector stated “*in view of the present level of uncertainty, I do not afford this emerging plan any significant weight*” (para. 11).

Emerging Local Plan Strategy evidence on Core Strategic Matters

- 2.14. The Council prepared ‘PS E041: Schedule of Suggested Revisions to the Submitted LPS’⁸ on Core Strategic Matters during the suspension of the examination. This document confirms that:
- The original eLPS proposed to deliver at least 27000 new homes. The revised eLPS proposes to deliver at least 36000 new homes and 31400

⁵ Appendix 5: Notes of the Procedural Meeting (RE A007)

⁶ Appendix 6: eLPS Timetable

⁷ Appendix 7: Appeal 2228115

⁸ Appendix 8: Document PS E041

new jobs by 2030. This equates to a requirement for 1800 new homes per year during the plan period.

- The original eLPS proposed to deliver in the order of 2000 dwellings in the rural areas. The revised eLPS proposes to deliver in order of 2950 dwellings in the rural areas.

Marton Neighbourhood Plan

- 2.15. The Committee Report confirmed that the emerging Neighbourhood Plan (eNP) for Marton is being prepared but that it “*is not at a stage that is sufficient for it to be given weight*”. On 09/10/2015, the CEC Neighbourhood Planning Manager stated the following⁹:

The group at close to publicising the plan for the regulation 14 consultation – so at the end of stage 2, moving into stage 3 of the process as outlined by the link. [the link was to PPG Reference ID: 41-080-20150209]

- 2.16. The Steering Group must then move on to ‘Step 4: Submission of a neighbourhood plan or Order proposal to the local planning authority’. If the LPA finds that the eNP or Order meets the legal requirements it must, amongst other things, publicise the proposal for a minimum of 6 weeks. As confirmed in PPG, “*refusal of planning permission on grounds of prematurity will seldom be justified ... in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period*” (Ref. ID 21b-014-20140306).
- 2.17. It is therefore concluded that the eNP should be given very little, if any weight in the decision-making process.

⁹ Appendix 9: Email exchange with CEC Neighbourhood Planning Manager

3. THE CASE FOR THE APPELLANT

Policy context

- 3.1. The development plan for the purposes of this appeal comprises the saved policies of the Macclesfield Local Plan (LP).
- 3.2. The application was recommended for approval on the basis of it being compliant with the development plan. However, CEC considers that the proposals are compliant with all relevant LP policies other than:
 - LP policy GC5 Countryside beyond the Green Belt; and,
 - LP policy DC16 Provision of facilities.
- 3.3. Statutory duty requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Should the proposed development for housing be contrary to the LP it should be refused unless material considerations are found to outweigh the conflict with the adopted plan.
- 3.4. Among the material considerations are the policies of the eLPS. In addition to the two adopted plan policies cited above, the RfR also referred to the following eLPS policies:
 - SD1 Sustainable development in Cheshire East;
 - SD2 Sustainable development principles;
 - PG2 Settlement Hierarchy; and,
 - PG5 Open Countryside.
- 3.5. The eLPS policies are subject to considerable uncertainty and only limited weight can be attached to them, as confirmed in section 3 of this PoE.
- 3.6. Much greater weight must be given to national policy as set out in NPPF, which is centred on the achievement of sustainable development. Paragraph 14 of the NPPF states a presumption in favour of sustainable development, which means approving development proposals that comply with the development plan, or, where the plan is absent, silent or relevant policies are

out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

- 3.7. The LP was drawn up to cover the period to 2011, and the settlement boundaries it defined will have reflected the need for and supply of land for new development, particularly housing, at the time the plan was drafted. The LP proposed only 4500 dwellings over a 15-year period, the Crewe/Nantwich Local Plan proposed 7100 dwellings and the Congleton Local Plan proposed 3800 dwellings; these gave a total of 15900 dwellings, or 1000 per annum. This is significantly less than the 1800 per annum currently proposed in the eLPS. The LP is now time-expired and its definition of settlement boundaries can thus be seen as out-of-date.
- 3.8. The restriction on the location of development imposed by LP policy GC5 is relevant to the supply of housing, and is therefore out-of-date in this respect. The policies' countryside protection objective remains relevant to the decision, and is a matter to be taken into account in the assessment of the appeal proposal's sustainability. The sustainability of the proposed development is to be judged in a positively weighted balancing of the benefits and adverse impacts against the policies of the NPPF as a whole.

Sustainability of the proposed development

- 3.9. This planning balance exercise is carried out by assessing the appeal proposals against the Framework as a whole and the three dimensions of sustainable development set out in para. 7: economic role, social role and environmental role.

Economic role

- 3.10. On the basis of the Committee Report and RfRs, it is reasonable to conclude that the Appellant and CEC (see Committee Report) agree that the development would:
- Provide employment opportunities for the construction industry and benefit the wider construction industry supply chain;

- Result in spending in local shops and businesses.
- 3.11. CEC does not have the required supply of deliverable housing land and so the availability of the site to contribute to house building and economic development attracts significant weight. The site is deliverable: the appellants intend to either build the development themselves (through Hollins Homes), or partner with a housebuilder. It is anticipated the development could be built out in a year, and so the proposals would provide 1 year of economic benefits for the construction industry.
- 3.12. The permanent benefits would be to the local shops and businesses:
- Chapeau café and farm shop;
 - Davenport Arms public house;
 - Le Popote restaurant;
 - Marton Meadows golf course;
 - Marton Heath trout pools;
 - Escape Beauty and Holistic Treatments; and,
 - Bela Casa gifts and homeware shop.
- 3.13. All of these shops and businesses are within easy walking distance of the appeal site, which would help to encourage future occupiers of the proposed development to spend a certain proportion of their money in Marton. As stated in the Committee Report, the proposed development “*would assist in sustaining and potentially, increasing these amenities*”. It is of note that Marton did have a Post Office, but it closed. It is widely accepted that critical mass in rural villages is important to underpin viability of local services.
- 3.14. In addition to the aforementioned economic benefits, the appellant also considers the New Homes Bonus to be beneficial.
- 3.15. The NPPF states that LPAs should take into account the economic benefits of the best and most versatile (BMV) agricultural land. The proposals would result in the loss of 1.28ha of Grade 2 BMV land. However, as stated in the Committee Report:

Much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, within the context of recent appeals for residential development, Inspectors have attached very limited weight to this issue in the overall planning balance. Further, due to its relatively small area, shape and enclosed nature the site does not offer significant opportunities for agricultural production

- 3.16. It can therefore be concluded that, whilst the loss of some BMV land is a disbenefit, in the context of this proposal, the loss is of minor weight.
- 3.17. Given the benefits to the construction industry and to local shops/businesses, the proposals would contribute positively to the economic dimension of sustainability.

Social Role

- 3.18. On the basis of the Committee Report and RfRs, it is reasonable to conclude that the Appellant and Council agree that the development would:
- Contribute to market housing to meet an acknowledged shortfall;
 - Contribute to affordable housing to meet an acknowledged significant shortfall;
 - Contribute to providing housing in the rural area to meet market and affordable need;
 - Result in an increase in local residents adding to the community, utilising and enhancing local services;
 - Have the potential to provide a high quality public open space accessible to existing residents;
 - Provide housing within the rural area in very close proximity to an existing school which has confirmed capacity.
- 3.19. As confirmed in section 3 of this PoE, the eLPS is in the process of being amended significantly as a result of the Council's draft report on a revised Objectively Assessed Housing Needs recommending a figure of 36,000 dwellings (2010-2030), which is significantly higher than that proposed in the submitted plan (27,000 dwellings). This has resulted in CEC acknowledging

that the contribution of market housing is an important benefit because it does not have a 5-year deliverable housing land supply.

- 3.20. The Committee Report does not confirm what the current supply is; it only confirms that the requirement exceeds the supply that the Council is currently able to identify. The following table makes use of Table 8 of the Council’s latest ‘Five Year Housing Land Supply Position Statement’ (September 2014)¹⁰, adapting it to take account of the emerging 36,000 figure. It demonstrates that the supply is only 4.05 years.

Base Date 1st September 2014	
Element	Dwellings
Five year housing land supply need (1,800 * 5)	9,000
With 20% buffer applied	10,800
Backlog	2,370
Total housing need (Sedgefield)	13,170
Total supply as at 31 st August 2014	11,051
Total Supply	4.2 years

Table 1: Deliverable housing Land Supply

- 3.21. Even if all of the deliverable housing land supply identified by the Council in its latest housing land supply position statement (2014) were to come forward, there remains a significant shortfall of housing land. Consequently, the contribution towards the provision of a five years supply carries significant weight in support of the appeal proposals.
- 3.22. The original eLPS proposed to deliver in the order of 2000 dwellings in the rural areas, but the revised eLPS proposes to deliver in the order of 2950 dwellings. The Committee Report afforded this weight¹¹. It should also be noted that a recent appeal decision (2225591¹²) confirmed the following:

Figures produced at the Inquiry suggest that a substantial proportion of the currently projected requirement of 2000 dwellings in the rural areas remains to be

¹⁰ Appendix 10: Five Year Housing Land Supply Position Statement (September 2014)

¹¹ It should be noted that the Report stated that the requirement would increase by approx.a third. This is incorrect; the increase is by approx 50%.

¹² Appendix 11: Appeal decision 2225591

found

3.23. Furthermore, the Jodrell Bank Observatory (JBO) consultation response is of relevance to the delivery of housing in the rural area. It states that the JBO has “*carried out an analysis which takes into account the distribution of development and the effect of the intervening terrain between any location and the telescope itself*”. The Appellant has requested a copy of this analysis, but at the time of writing this SoC it had not been provided. The analysis is likely to result in swathes of the rural area being undevelopable due to the impact on the JBO; the JBO has objected to development in other rural settlements. The provision of housing at the appeal site would therefore gain added weight as the locations to deliver the (increased) rural housing requirement sustainably may become limited.

3.24. The Council also acknowledge that the affordable housing contribution is a substantial benefit. The latest ORS report has identified an annual need for affordable housing of 355 units. The LPA acknowledges that there is a clearly identified need for more affordable housing. Furthermore, Peaks and Plains (social landlord) has provided a Statement¹³ to support the appeal proposals; the key points can be summarised as:

- Peaks and Plains are a prominent social landlord that own and manage approximately 5,000 properties across Cheshire East and High Peak;
- The Trust has been providing much needed affordable homes since 2006 and in Marton they own and manage seven properties and experience a very low rental turnover.
- There is a very high demand for a mixture of accommodation and within that a specific demand for affordable housing.
- The Trust has had a limited number of properties become available since the launch of Choice Based Lettings in 2010. The majority have been for over 55's accommodation with only ten being available for general needs. The bid average on these properties was 48.5 bids per property, demonstrating high levels of demand for the area.
- The proposed development is for a mixture of family homes and these

¹³ Appendix 12: Peaks and Plains Statement

are favourable sizes for Peaks and Plains to let, who are of the opinion that the proposed unit types will help meet the housing needs of the area as identified by the SHMA.

- Reviewing the current housing market within Marton there are currently no two and three bedroom properties for sale or to rent.
- Previous sale properties have high sale prices and first time rents/ buyers may find it hard to stay in the local area.
- The proposed affordable units could allow people to stay in the local area rather than having no choice but to move to a more affordable location.
- Based on the information Peaks and Plains have been provided and their years of experience in letting rural properties, Peaks and Plains would like to take the affordable element of this proposed build.

3.25. The affordable housing provision included in the appeal proposals would be a significant benefit meeting an identified need.

3.26. The illustrative masterplan demonstrates that significant, attractive on-site public open space (POS) can be provided around an existing mature tree, and that it can be made accessible to existing residents as well as future occupiers of the proposed development. The masterplan shows approximately 1440m² of POS and the policy requirement is only 1080m². The masterplan also shows that residents from School Lane and Oak Lane will be able to access the POS via the proposed pedestrian links. POS is limited in Marton and the Framework confirms that “*access to high quality open spaces ... can make an important contribution to the health and well-being of communities*” (para. 73). The on-site provision is of significant benefit.

3.27. In addition to the social benefits listed in the Committee Report, the Appellant also considers that the proposals would be of social benefit to the community by

- potentially resulting in primary school aged children moving into the village and attending Marton and District CE Aided Primary School and,
- providing a footway along School Lane and a pedestrian link onto Oak Lane.

- 3.28. Prior to the submission of the application, a community consultation exercise was undertaken and the Head Teacher provided a response, stating that the Governing Body “*would welcome the proposal to build extra houses at Marton as we look forward to welcoming more children to school*”. It continues to state that “*as a school we seek ways to maintain and further increase our pupil numbers and therefore see this proposal as a positive one*”¹⁴.
- 3.29. The Masterplan shows that a footway can be provided within the site, along the School Lane frontage. There is no footway along this section of School Lane at present. The Masterplan also shows that a pedestrian link can be provided onto Oak Lane. This will provide residents of School Lane with an alternative route to the school, and will also shorten their route to local services and facilities via Oak Lane.
- 3.30. It can therefore be concluded that the proposals would contribute positively to the social dimension of sustainability.

Environmental Role

- 3.31. On the basis of the Committee Report and RfRs, it is reasonable to conclude that the Appellant and CEC agree that the proposals would enhance biodiversity at the site. The Ecological Survey and Assessment (ESA) provides measures to achieve a net gain for biodiversity and these can be secured by condition.
- 3.32. It is also considered reasonable to conclude that CEC and the Appellant agree that the:
- proposed development is acceptable in heritage terms;
 - proposed removal of trees/hedgerows is acceptable;
 - impact on the character of Marton is acceptable.
- 3.33. There are 4 No. Listed Buildings within the vicinity of the site, with the closest being Greenacre off School Lane. The Committee Report confirms

¹⁴ Appendix 13: Marton and District CE Aided Primary School Consultation Response

that the CEC Design/Conservation Officer did not object to the proposals. The submitted Heritage Statement concludes as follows:

The proposed new development will have an overall neutral impact on the significance of the listed structures and the non-designated heritage assets, with some important positive impacts. The significance of the designated heritage assets, Greenacre and Pump Cottage, as well as the non-designated heritage assets, is based upon evidential, historical, aesthetic and associative values which will remain unaffected by the permanent residential development on the proposal site. There are important positive impacts of the proposed development. Firstly, the boundary hedgerow will be replanted in areas of current loss and the derelict brick structure will be demolished. Although four trees will be lost, sixteen mature trees of good quality will be retained, with significant additional planting of trees. (Section 8.3).

- 3.34. The Illustrative Masterplan demonstrates that the trees to be protected by a Tree Preservation Order¹⁵ (TPO) can be retained within the proposed development, as could the large sycamore centrally located within the site which will not be protected by a TPO¹⁶. A small number of trees will be removed, along with a section of hedgerow. However, hedgerow and trees can be planted as part of the development and this can be secured at reserved matters stage. The CEC Arboricultural Officer did not object.
- 3.35. The Committee Report states that “*the proposed development would change the village in respect of increasing the number of existing dwellings and residents relatively significantly*” and that this is to be balanced against the benefits of the proposal. Marton comprises of 54 dwellings and 250 residents. The proposals would result in up to 27 additional dwellings and 65 residents (on the basis of 2.4/dwelling. However, the proposals would respect the character of the area, as confirmed in the Committee Report and by the CEC Landscape Officer and Design Officer. The proposed density of 21 dwellings per hectare (dph) “*is consistent with, and appropriately fits in with, the residential development that surrounds the site*” (Committee Report); it is further

¹⁵ Appendix 14: Tree Preservation Order

¹⁶ Appendix 15: TPO Letter

justified in the Design and Access Statement (DAS) which states that it will “ensure an effective transition between the low density development along School Lane and the higher density development to the south”.

3.36. However, CEC and the Appellant disagree on the RfR, both parts of which relate to the environmental role of sustainable development. The first part of the RfR states that the proposals are unsustainable and create harm to interests of acknowledged importance because the site is within the open countryside. The weight to be afforded to the loss of land allocated as open countryside must be assessed.

3.37. The Committee Report confirms that the site is “surrounded by residential development” and that its development “would not significantly harm the wider landscape/countryside in this location”. The CEC Landscape Architect stated did not object to the proposals and stated that “the proposed development would not have any significant landscape or visual impacts”.

3.38. The following extract is taken from appeal 2228115 and is relevant to the appeal proposals:

But the NPPF does not seek to protect all countryside from development; it concentrates on the protection of “valued” and “distinctive” landscapes, for example, those subject to specific designations; and seeks to encourage development on previously developed land. This site is not subject to any specific landscape designations; and although it is obviously valued by local residents, I do not consider that it falls within the category of a “valued landscape” as I understand the NPPF to use the phrase.

3.39. The appeal site is not subject to a specific landscape designation, nor is it a valued landscape, as confirmed by the Committee Report and CEC Landscape Architect. The Appellant also considers that the site is not classic ‘open countryside’. It is very well contained by existing development, again as confirmed by the Committee Report and CEC Landscape Architect, and views of classic open countryside to and from the site are limited.

3.40. It can be concluded that little weight should be attributed solely to the site

being located in the countryside and thus, in this respect, the development being contrary to LP policy GC5 (or eLPS policy PG5).

- 3.41. The second part of the RfR states that the development is locationally unsustainable due to the lack of public transport links, facilities and infrastructure, contrary to LP policy DC16 (and eLPS policies SD1, SD2 and PG2). It is not confirmed which aspects of infrastructure the Council considers are lacking, but Members at the Committee Meeting suggested that drainage is an issue and cited the absence of mains gas.
- 3.42. On the matter of infrastructure, it should firstly be noted that United Utilities (UU) did not object to the application; nor did the CEC Flood Risk Officer. The submitted 'Flood Risk Assessment and Drainage Strategy Management' confirms that the proposed development can be appropriately drained. For a site in the rural area, it is particularly well served in terms of drainage with existing sewers surrounding the site. Furthermore, Peaks and Plains has confirmed that the absence of mains gas does not dissuade them from managing the affordable housing units¹⁷. It is quite normal for rural area housing to be serviced by other means of heating.
- 3.43. On the matter of locational sustainability, it should firstly be noted that the CEC Highways Department confirmed that it would “*have difficulty resisting the application on the grounds of sustainability*”. Additionally, the Committee Report states the following:

Although the site is not located within the desired proximity to a bus stop, a multi-functional open space and a convenience store, as desired in emerging policy SD2, it does provide access to other services/facilities/amenities desired within policy SD2, i.e., Public Rights Of Way, a Primary School, outdoor sports facilities and a Public House; in addition there is a place of worship, local shop, restaurant, some limited employment opportunities and access to the National Cycle Network (via Route 55). It is acknowledged that use of the car is likely to be the most likely dominant mode of transport for future residents. However, a Travel Plan which includes steps to reduce the use of the car can be submitted as

¹⁷ See Appendix 12

part of a reserved matters application. Overall, the location, existing infrastructure, services, facilities and amenities are aspects that form only part of the overall assessment of whether or not the proposed development is a sustainable form of development or not.

- 3.44. Marton does not currently have a bus stop or railway station and it is acknowledged that use of the car is likely to be a dominant mode of transport for future residents. However, Marton does have a good range of existing services, all of which can be easily accessed on foot from the appeal site. The existence of these services/facilities, and in particular the school, will reduce the number of trips that need to be made by private motor vehicle. The Travel Plan will also include steps to reduce the use of the private motor vehicle, as will the site's proximity to the National Cycle Network (Route 55).
- 3.45. The Committee Report refers to eLPS policy SD2, which states that residential development will be expected to provide access to a range of forms of public transport, open space and key services and amenities. Footnote 45 of the eLPS confirms that "*a range is considered to be within the maximum recommended distance of a bus stop; a multi-functional open space; and a convenience store, in addition to four or more other services or amenities, dependent on location*". The Committee Report rightly highlights "*dependent on location*".
- 3.46. The Framework confirms that the "*Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas*" (para. 29). Para. 34 is also relevant and states the following:
- Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.*
- 3.47. The appeal site has good access to services/facilities, particularly as it is within the rural area. It must be reiterated here that the eLPS proposes 2950

houses in the rural area. Furthermore, it is demonstrable that Marton is one of the best served settlements in the rural area. The Council's document entitled 'Determining the Settlement Hierarchy' lists the settlements in the rural area and sets out the facilities in these settlements. Of the 103 settlements in the rural area, only 7 have more services/facilities than Marton¹⁸.

- 3.48. It can therefore be concluded that the appeal site, as a site within the rural area (where a significant amount of housing is proposed in the eLPS), is locationally sustainable. In this regard, the proposals are compliant with LP policy DC16 as well as eLPS policies SD1 and SD2.
- 3.49. It can therefore be concluded that the proposals would contribute positively to the environmental dimension of sustainability.

Planning Balance

- 3.50. It is evident from the above assessment of the economic, social and environmental roles, that on balance, the proposal is sustainable development within the overall meaning of paragraphs 18 to 219 of the Framework. It is acknowledged that the proposals would have the following adverse impacts:
- Loss of land allocated as open countryside; and,
 - Loss of 1.3ha of BMV agricultural land.
- 3.51. However, for the reasons set out above, these should be given minor weight and are to be weighed against the following benefits:
- Provision of employment opportunities for the construction industry and benefit the wider construction industry supply chain;
 - Result in spending in local shops and businesses;
 - Result in a New Homes Bonus payment;
 - Contribute to market housing to meet an acknowledged shortfall;
 - Contribute to affordable housing to meet an acknowledged significant shortfall;

¹⁸ Appendix 16: Rural Area Settlements Services/Facilities

- Contribute to providing housing in the rural area;
- Result in an increase in local residents adding to the community and assisting local services;
- Have the potential to provide a high quality public open space accessible to existing residents;
- potentially resulting in primary school aged children moving into the village and attending Marton and District CE Aided Primary School and,
- providing a footway along School Lane and a pedestrian link onto Oak Lane.
- Enhancement of biodiversity;
- Enhancement of the significance of the Heritage Assets;
- Provision of locationally sustainable housing.

3.52. It is therefore concluded that there are no adverse impacts which would significantly and demonstrably outweigh the benefits and so, the appeal should be allowed.

4. CONCLUSIONS

- 4.1. The application was recommended for approval by the LPA on the basis of it not offending the development plan policies, delivering a number of planning benefits, including the delivery of market and affordable housing in circumstances where there is a shortfall in housing land supply. However, it was refused by the Planning Committee as being contrary to development plan LP policies GC5 and DC15. The appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2. The policies of the adopted development plan have to be seen in the context of the shortfall in housing delivery and the presumption in favour of sustainable development given by the Framework's para 14. The eLP policies are material considerations, but only limited weight can be afforded to them. Much greater weight must be given to NPPF which requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole.
- 4.3. This Statement has assessed the sustainability of the proposed development against NPPF as a whole and it has been demonstrated that the proposals would contribute positively to the economic, social and environmental dimensions.
- 4.4. It is acknowledged that the proposals would result in the loss of land allocated as open countryside and the loss of BMV land. However, it has been demonstrated that these should be given minor weight and must be weighed against a significant number of benefits.
- 4.5. The adverse impacts would not significantly and demonstrably outweigh the benefits and it is therefore concluded the appeal should be allowed.