

## **APPEAL 3196050: LAND OFF SCHOOL LANE**

### **Response to Hollins Strategic Land Statement 20 May 2019**

1. (Ref.HSL 7) *Lodging the Appeal in spite of local and other changes in circumstances which are clearly weighted in support of the previous dismissal of an earlier appeal.*

The appellant has not provided evidence as to why Application 3196050 is fundamentally different to the Appeal 3138078 dismissed by the Secretary of State (SoS).

Following the SoS decision in April 2017 to dismiss the appeal and the lodging of appeal 3196050 by Hollings Strategic Land (HSL) in Feb 2018 a number of significant events have taken place.

(a) Cheshire East Council (CEC) has adopted its Part 1 Local Plan Strategy in July 2017 increasing the weight that can now be applied to planning policies PG6 development in Open Countryside and SE14 development will not be permitted if it impairs the efficiency of the telescopes. (see Appendix 1)

(b) The appellant refers to a development in Gawsworth application 18/5544M and the Jodrell Bank Observatory (JBO) response to this application having potential to be a material consideration in the appeal. There are striking differences between the two sites.

The School Lane site is located within the inner consultation zone and the Gawsworth site is on the extreme edge of the outer zone. Also, the School Lane site is to the South of the telescope considered by JBO as an important direction, while the Gawsworth is due East of the telescope.

A further variance relating to JBO is the Observatory's different comments concerning the two appeals. For 15/2274M/3138078 it asked of the planning authority to take into account that the additional contribution should be viewed as accumulative. In the case of 15/5637M/3196050 the observatory states "In the case of the proposal 15/5637M we oppose this development" dated 21 June 2016 (see appendix 2)

(c) At the time the SoS was considering the first appeal, Marton possessed a village farm shop which has now closed (March 2018) and remains so. This closure impacts on the ongoing sustainability of the whole village.

(d) When the SoS was considering the first appeal CEC confirmed they could not demonstrate 5 years supply of housing land and could only demonstrate 4.2 years. CEC has since shown in a number of recent documents including their Annual Monitoring Report that they can now demonstrate 7.2 years housing land.

The appellant claims the reduction from 27 dwellings to 23 has significantly reduced the conflict with the Marton Neighbourhood Plan (MNP) in respect to Policy PE3. Throughout the planning process the appellant has set out to distort the meaning of the MNP Policy PE3. There can only be one interpretation of this policy: "the paddock and Spinney in the heart of the village should be retained as **open green space**". The first sentence of the policy states "Proposals which enhance the green space between School Lane Oak Lane/Oak View at the centre of the village and the Spinney will be supported". How building a modern housing estate on the site be it for 27 or 23 houses, can be claimed to enhance the green space is not creditable.

It is difficult to see how the SoS would have reached a different conclusion on the first appeal because of a reduction of 4 houses and a small increase in POS of approx. 14%.

*2. (Ref. HSL 8) Withdrawal of the second appeal at a relatively late stage after the dismissal of an earlier appeal two years previously.*

The appeal was lodged on 15 Feb. 2018 and was withdrawn on 19 March 2019. Examination of changes during this intervening period only added weight against the appeal

(a) The CEC Local Plan Strategy had been adopted before the appeal was lodged. The position with the supply of housing land during the period has improved.

(b) JBO had already submitted a response to the planning application opposing it on 21 June 2016 followed by more comprehensive statement opposing the development posted on 13 Aug.2018.

(c) The village farm shop closed on March 2018. No other significant alteration to the facilities and shops took place between 15 Feb. 2018 and 19 March 2019.

(d) The Community Infrastructure Levy should not impact on the viability of the development, as it is MPC understanding that this replaced the previous Section 106 Agreement the cost of which was agreed and signed by the appellant.

It is difficult to understand why the appellant lodged an appeal in the first place, but by persisting up to the 19 March 2019 has resulted in the Parish Council accruing additional costs including the engagement of a planning consultant.

*3. (Ref. HSL 10) Providing information that was wrong and inaccurate.*

(a) The appellant has failed to produce any evidence to support the statement relating to tree (T1/T15) made in Statement of Case Addendum 19 Dec 2018 by consultants Influence page 4 section 1.26 "will be removed on grounds of health and safety". It has not been disputed that the tree's PTO was withdrawn on appeal due to the level of decay precluding the tree for formal protection. At no point during the

Planning Committee meeting was it recommended the tree should be removed for health and safety reasons. The tree has been examined on numerous occasions by qualified personnel and at no point has it been proposed that tree should be removed on grounds of health and safety. (See appendix 3)

(b) Incorrect values used to calculate the area of Public Open Space (OPS) which exaggerated the amount of POS available. The appellant has not challenged the MPC assertion that the value for POS should be 25% and not 34%.

Influence statement 15 Feb 2018 page 7 section 3.4 "This layout allows an area of 34% POS in comparison to the previous submitted plan which set development across the whole application area, allowing only 0.09ha of open space equivalent to only 7.2% of the Application site".

Planning Statement of Case Dec. 2018 page 27 section 3.53 "The master-plan shows approximately 4000 sqm of POS, which equates to 34% of the site area". Also, page 41 section 3.105 repeats the claim of 34% and states "The previous appeal proposals were to provide 0.09ha of on-site POS".

The value quoted in by the CE planning officer's report prepared for the Planning Committee meeting used 1.28ha for total site area and 0.32ha for POS which equates to for POS of 25% not 34%.

The value of 0.09ha for the previous plan is also incorrect. This value relates to the very first proposal that included a car park which was removed very early on in the scheme. The correct figure is shown by Planning Statement Dec. 2015 by Sedgwick Associates page 24 section 6.26 "The master plan shows approx. 1440 m2 equating to 11.25% of POS".

Finally, in a letter from HSL (Matthew Symons) to Richard Taylor CEC It states "The appeal scheme was for up to 27 dwellings and the indicative layout showed that on-site public open space (POS) measured some 0.14ha" and "The Concept Plan shows a reduction in the maximum amount of dwellings proposed. This enables the OGS to amount to some 0.32ha in extent which equates to 25% of the site".

These incorrect figures have been used in documents submitted to the Planning Inspectorate and could have resulted in a planning officer assessing the appeal to reach the wrong conclusion. (see appendix 4).

(c) The village farm shop closed in March 2018 and this fact was recorded in the MPC Statement 24 July 2018 page 27 "3. Farm Shop closed". However, the appellants Planning Statement of Case Dec.2018 was still referring to the existence of the farm shop (page 20 Spending in Shops and Business section 3.15 and 3.17, and also page 27 Provision of Local Sustainable Housing section 3.63).

This is a significant oversight and could have influenced an assessor of the appeal.

(d) We also refute the statement that the appellant has responded to an identified shortfall in affordable housing and in the amount of POS, both of which the Parish Council has previously demonstrated as incorrect.

4. (Ref. HSL 7) *A failure to co-operate and agree with the Parish Council and Borough Council on planning matters.*

At no time during the planning application or any subsequent appeal procedures have HSL engaged with MPC to agree any planning matters.

### **Summary and Conclusions**

The appellant has failed to provide any convincing evidence how the Appeal 3196050 is not the same or very similar to Appeal 3138078 dismissed by the Secretary of State in April 2017. The changes that have taken place only served to increase the Planning weight against the proposed development.

The chances that the appeal would not succeed were evident very early in the process, but the appellant allowed things to drift on resulting in the Parish Council incurring ever increasing costs.

The appellant has failed to address the issue that some of the information was wrong and inaccurate e.g. referring to a farm shop that no longer existed, providing inaccurate values for the amount of POS, suggesting a significant tree had to be cut down on health and safety grounds without any evidence to support the claim.

The appeal has been time consuming for the Parish Council and involved significant costs relative to the size of the Parish.

Marton Parish Council June 2019

**APPENDIX 1**

**Policy PG 6**

**Policy SE 14**



## Open Countryside

**8.65** The protection of the open countryside from urbanising development is a principal objective of the Local Plan Strategy.

### Policy PG 6

#### Open Countryside

1. The Open Countryside is defined as the area outside of any settlement with a defined settlement boundary<sup>(34)</sup>.
2. Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.
3. Exceptions may be made:
  - i. where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere; affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;
  - ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension
  - iii. for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace;
  - iv. for extensions to existing dwellings where the extension is not disproportionate to the original dwelling;
  - v. for development that is essential for the expansion or redevelopment of an existing business;
  - vi. For development that is essential for the conservation and enhancement of a heritage asset.
4. The retention of gaps between settlements is important, in order to maintain the definition and separation of existing communities and the individual characters of such settlements.
5. The acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

#### Justification

**8.66** The Cheshire countryside is highly valued by residents, visitors and businesses alike. From the sandstone ridge, across the Cheshire Plain and up to the Peak District Fringe, the borough's countryside is cherished for its scenic, recreational, aesthetic and productive qualities. Much of the land is fertile and Cheshire East is a vital area for food production. It is the preservation of the countryside that is the key objective of this policy.

<sup>34</sup> Settlement boundaries will be reviewed and defined through the production of the Site Allocations and Development Policies DPD and neighbourhood plans. Until then, the spatial extent of settlement boundaries are those defined in the saved policies and proposals maps of the existing local plans for Crewe and Nantwich, Macclesfield and Congleton and amended to include sites detailed in this Local Plan Strategy, except safeguarded land. Table 8.3 shows settlements with a boundary defined in the saved policies and proposals maps of the existing local plans and where these are amended by sites detailed in this Local Plan Strategy.



### Policy SE 14

#### Jodrell Bank

1. Within the Jodrell Bank Radio Telescope Consultation Zone, as defined on the Proposals Map, development will not be permitted if it:
  - i. Impairs the efficiency of the telescopes; or
  - ii. Has an adverse impact on the historic environment and visual landscape setting of the Jodrell Bank Radio Telescope.
2. Conditions will be imposed to mitigate identified impacts, especially via specialised construction techniques.
3. Proposals should consider their impact on those elements that contribute to the potential outstanding universal value of Jodrell Bank.

#### Justification

**13.159** The Jodrell Bank site is one of the earliest planned sites for radio-telescopes in the world and is home to the iconic Lovell Telescope (grade I listed building) which is a prominent feature within the Cheshire East landscape.

**13.160** The council recognises that Jodrell Bank is a unique site which is of significant scientific and historical value. Accessible to the general public, this site is an important contribution to the borough's tourism economy and has the potential to attract many more national and international visitors to the region.

**13.161** Jodrell Bank is on the UK National Shortlist (the tentative list) for UNESCO in a bid for World Heritage site status due to its potential outstanding universal value.

**13.162** The *Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973* sets out the zones and the type of development in which the council must consult the University of Manchester. This policy aims to make sure that the telescopes retain their ability to receive radio emissions from space with minimum interference from electrical equipment.

**13.163** The council will provide further detailed policy and advice within the Site Allocations and Development Policies Document

#### Key Evidence

1. Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973
2. Jodrell Bank Design Guide (under preparation)
3. The protection and management of World Heritage sites in England (English Heritage)
4. Jodrell Bank Management Policies (under preparation)

**APPENDIX 2**

**Jodrell Bank comments planning application 15/2274M**

**Jodrell Bank comments planning application 15/5637M**

Dear Mr Hooley,

Please find comments from Jodrell Bank on the proposal 15/2274.

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

Policy SE14 of the Cheshire East local plan states that development will not be permitted if it

impairs the efficiency operation of the Jodrell Bank radio telescopes.

Our evaluation of the potential radio frequency interference from the type of equipment commonly used at residential dwellings within the consultation zone is that it can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in the recommendation of the International Telecommunications Union 'Protection criteria used for radio astronomical measurements' (ITU-R.769) which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

For this reason Jodrell Bank Observatory (JBO) now opposes development across a significant part of the consultation zone as a matter of principle and will advise the local planning authority on its view of the degree of impact on a case-by-case basis, so that this can be taken in account as part of the planning decision.

JBO recognizes that there is significant development across the region surrounding the telescope(s) and 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. This analysis uses data provided by Cheshire east and the Ordnance Survey and uses the officially recognized propagation model provided by the ITU 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz' (ITU-P.452).

In the case of the proposal 15/2274 JBO's view is that the additional potential contribution to the existing level of interference will be relatively minor. However, it is in a direction from the telescope which has less development within the consultation zone. JBO asks the planning authority to take this in to account and stresses that such additional contributions should be viewed as cumulative.

**From:** Laura Knighton <laura.knighton@manchester.ac.uk>  
**Sent:** 21-Jun-2016 12:47  
**To:** Cheshire East Planning  
**Subject:** Jodrell Bank comments on 15/637M

**15/5637M**

**Land Off, SCHOOL LANE, MARTON**

**Erection of up to 27No. Dwellings**

Background and how we calculate the impact of developments

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

The Congleton Borough Local Plan (PS10 and para 2.69) states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment.

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been

internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

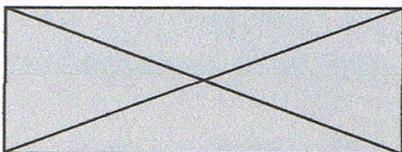
We recognise that there is significant development across the region surrounding the telescopes and have carried out an analysis which takes into account the distribution of development and the effect of the intervening terrain between any location and the telescope itself. This analysis uses data provided by Cheshire East and the Ordnance Survey and uses the officially recognized propagation model provided by the ITU 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at frequencies above about 0.1 GHz' (ITU-P.452).

Jodrell Bank Observatory now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment. We will advise the local planning authority on the degree of impact on a case-by-case basis so that this can be taken in account as part of the planning decision.

#### Our position on this application

In the case of the proposal 15/5637M, we oppose this development. Our view is that the impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. This is a general direction in which there is already significant development close to the telescope.

We would ask the planning authority to take this in to account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually.



**APPENDIX 3**

**Tree Survey Appletons 30 March 2015**

**Report re: Sycamore Tree PJ Percival MSc. BSc. Village tree warden**

Report re: Sycamore Tree

To whom it may concern.

It is my opinion that the sycamore tree on the above named site has significant visual and environmental value within the Marton village core. Furthermore I feel that it is regrettable that a TPO was recently removed from this tree. I accept that sycamores have comparatively minor environmental value compared to other native species and that the tree has a developing rotten cavity at the base, nevertheless a recent visual inspection suggests that the tree is still healthy and that there are few gaps and little dead wood in the canopy. It's position within the village core means that the tree has major structural and visual benefit within the village and it has some benefit as a habitat for owls, buzzards and smaller birds. It is not unusual for mature trees to develop rot and this does not necessarily mean that the tree is in immediate danger of falling. Given the broader regional and global environmental challenges facing us shouldn't every effort be made to maintain mature trees such as this one?

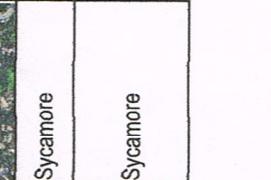
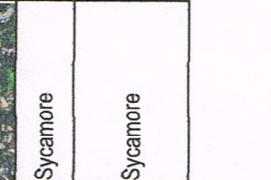
PJ Percival MSc. BSc. (Village tree warden)

**TREE SURVEY SCHEDULE**

**Site:** School Lane, Marton, near Macclesfield.

**Clients:** Hollins Strategic Land

**Surveyor:** LAC  
**Assessment Date:** 30 March 2015  
**Weather:** Cool, bright, occasionally overcast, breezy  
**Job Reference:** 1982

<b>T14</b>		14+	1200	3/5	OM	B	Very large wide spreading tree. Evenly but heavily branched. Lower limb broken exposing decay going back into main stem. Some old crown lifting over road. Strong epicormic growth. Bird box (possibly in use).	40+	B	651.53	14.40
<b>T15</b>		16	1200 – 1400	4/6	OM	A/B	Very large, attractive, wide spreading tree, set apart in field. Very old pruning stumps at base of canopy. Large hanger in canopy. Some crossing branches in lower canopy. Low branching habit. Major cavity at base, extending up centre of tree by approx 1.0m. Stable at present but requires monitoring and further assessment to ascertain structural stability (decay/ good timber ratio) and optional risk of failure in future. Dead wood and pegs in centre of canopy but otherwise good vitality within canopy. Condition downgrades tree.	20+	B	706.95	15.00
<b>T16</b>		16	1100 – 1200	4/6	M	A	Large wide attractive spreading tree. Forks at 3.0m above ground level to form 3 main primary stems. Overlooks main road and rooted on embankment. Well balanced. Minor dead wood. Good vitality.	40	A	706.95	15.00
<b>T17</b>		16	1100 – 1200	4/6	M	A	Large wide attractive spreading tree. Forks at 3.0m above ground level to form 3 main primary stems. Overlooks main road and rooted on embankment. Well balanced. Crossing branches giving rise to damage. Lost limbs over road side giving rise to pockets/potential cavities in mid canopy. Some 'bottling' at fork union. Minor dead wood. Good vitality.	40+	A	706.95	15.00

**APPENDIX 4**

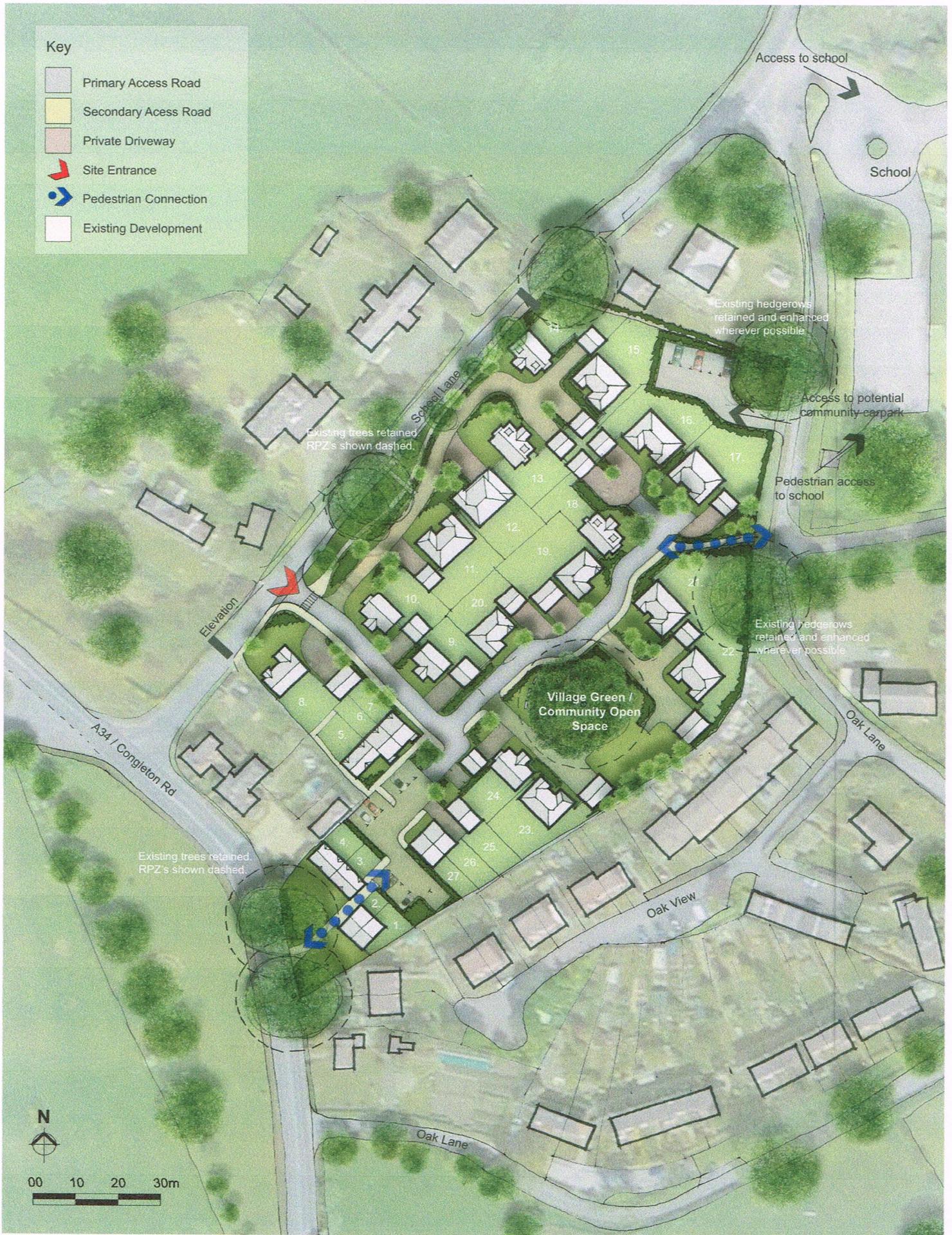
**Indicative Layout revision P1 showing car park**

**Indicative Layout revision P2 showing increased area for Village Green/Community Open Space (car park removed)**

**Drawing Number N0469 (03) 001 layout for 23 dwellings**

**Sedgwick Associates December 2015 section 6.26**

**Letter dated 27 April 2017 from Matthew Symons (Hollins Strategic Land) to Richard Taylor (Cheshire East Council)**



**School Lane, Marton**  
 Indicative Layout revision P1



**School Lane, Marton**  
 Indicative Layout revision P2



Legend

-  Proposed Building Plots
-  Retained Trees
-  Proposed Trees
-  Public Open Space
-  Proposed Rear Gardens
-  Proposed Wildflower/Meadow Area
-  Proposed Hedging
-  Proposed Adopted Highway
-  Private drives
-  Local Area of Play (LAP)
-  Bulb Planting in Swathes
-  Pedestrian entrances



Drawing not to scale

Drawing Number:  
N0469 (03) 001

# School Lane, Marton

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.

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

6.26. 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 1440m<sup>2</sup> of POS and the policy requirement is only 1080m<sup>2</sup>. 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.

6.27. In addition to the social benefits listed in the Committee Report, the applicant 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.



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Our reference:  
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**Mr Richard Taylor**  
Development Management  
Cheshire East Council  
PO Box 66, Municipal Buildings  
Earle Street, Crewe  
CW1 9HP

27 April 2017

Dear Richard,

### **APPLICATION 15/5637M: LAND OFF SCHOOL LANE, MARTON**

I am writing to confirm that we have decided not to withdraw application 15/5637M.

It is our opinion that the resubmission provides us with an opportunity to respond positively to the comments made by the Secretary of State (SoS) in his decision on appeal 3138078. The possibility of being able to do this was of course the reasoning behind the numerous extensions of time we agreed with the LPA for application 15/5637M.

I have enclosed a Concept Plan which illustrates how the site could provide up to 23 dwellings while retaining a significant amount of 'Open Green Space' (OGS). Please accept this Plan in place of the current 'Indicative Layout revision P2'.

#### **Wheatcroft Principle**

It is our opinion that the amendments we have made to the application proposals can be accepted by the LPA. As you will see, we have simply reduced the maximum amount of development by 4 dwellings and reconfigured the illustrative layout. These amendments would comply with the *Wheatcroft* Principles. Similar amendments have been accepted by the LPA on other occasions and the LPA could of course consult local residents if it were deemed necessary.

If the LPA chose to refuse the application based on the current Indicative Layout, we could ask the Inspectorate to accept the Concept Plan in light of *Wheatcroft* and could carry out our own consultation exercise to be sure that we would not deprive those who should have been consulted on the changed development of the opportunity of such consultation. We have adopted this approach successfully for a number of schemes, including one in Cheshire East, but would rather work with the LPA on the amended Concept Plan.

We would therefore ask that the LPA accepts the amended proposals and we would of course be willing to agree to a further extension of time if you considered it necessary.

#### **The amendments to the Concept Plan**

In dismissing the appeal, the SoS went against the Inspector's recommendation and decided that the benefits of the scheme would be significantly and demonstrably outweighed by the adverse impacts, focussing upon the conflict with Neighbourhood Plan (NP) policy PE3.

The SoS stated that NP policy PE3 "*indicates that the site should be retained as open green space*" (para. 22). The NP states that this is because the Landscape and Settlement Character Assessment (LSCA)

made a “central recommendation” that “the paddock in the heart of the village should be retained as a green space” (section 3). The LSCA did not actually do this and instead focused on the importance of the large sycamore within the site, which was later found to be suffering from decay and was not protected by the Tree Preservation Order (TPO) imposed in 2015.

The appealed scheme was for up to 27 dwellings and the indicative layout showed that on-site public open space (POS) measuring some 0.14ha in extent was to be provided around the existing large sycamore to the rear of the site. The POS would only have been visible from within the proposed development and housing would have fronted onto School Lane. The sense of the site forming OGS would essentially have been lost from School Lane.

The Concept Plan shows a reduction in the maximum amount of dwellings proposed. This enables the OGS to amount to some 0.32ha in extent, which equates to 25% of the site. This will be located right along the School Lane frontage, ensuring that the OGS is highly visible and retains the village lane character. This aligns with the aims of the NP and retains a strong sense of OGS along School Lane. Furthermore, in compliance with NP policy PE3, it enhances the OGS by making it publicly accessible. It may also include a Local Area for Play (LAP) and would be landscaped in an attractive manner that enhances biodiversity and is managed in perpetuity.

### **Planning Balance**

It is our opinion that the amendments made in the Concept Plan tip the planning balance back in favour of the development of the site.

#### *Factors weighing against the proposals*

The primary concern for the SoS was the conflict with NP policy PE3. The conflict with the first part of NP policy PE3 has been significantly reduced given we are retaining a large area of OGS along the School Lane frontage and the proposals would also enhance the OGS, in compliance with the second part of PE3.

The SoS also stated that “moderate negative weight attaches to the loss of open countryside and landscape impacts, and that the loss of BMV land carries little weight” (para. 36). The loss of BMV still carries little weight and the negative weight applied to the loss of open countryside and landscape impacts must be reduced because the amended proposals retain a larger area of OGS along the School Lane frontage. Furthermore, the negative weight applied to the potential impact on Jodrell Bank Observatory (JBO) must also be reduced as there will be less dwellings to potentially interfere with its operation. Of course, the LPA confirmed in its representations to the SoS that the impact on JBO would not be a determinative factor.

Finally, the SoS considered that limited weight should be given to the site not being within the desired proximity to some services and facilities as set out in emerging Local Plan Strategy (eLPS) policy SD2. This factor retains limited weight.

#### *Factors weighing in favour of the proposals*

The SoS found that “the provision of housing carries substantial weight in favour of the proposal” (para. 35) and this must continue to be the case, although it is acknowledged that there is a slight reduction in the amount of market and affordable housing now proposed. The economic benefits must also retain moderate weight and the provision of a footway and pedestrian link must retain limited favourable weight.

The Inspector also afforded significant weight to the locational sustainability of Marton given it “is relatively well served in comparison to other rural settlements” (IR para. 275). This was considered in the context of CEC committing to the SADPD providing another 1250 dwellings in the ‘Other Settlements and Rural Area’ (OSRA). HSL recently submitted Representations on the emerging SADPD in relation to Marton. The Representation provided additional information to that considered by the Inspector and SoS and demonstrates that:

- Marton is one of the most sustainable settlements in the OSRA and only 7 of the 103 OSRA settlements have more facilities than Marton;

- Of those 7, 4 are within the Green Belt and 1 is within the Peak District National Park (PDNP);
- There are only 5 OSRA settlements, including Marton, with 4 or more facilities that are not severely constrained by the Green Belt, JBO, an Area of Special County Value (ASVC) or the PDNP;
- The settlements with 1 – 3 facilities are also severely constrained; and,
- There remains an affordable housing need in the Macclesfield Rural Area.

All of these factors point to the locational sustainability of Marton being afforded more weight than that afforded via the appeal decision.

*Summary of planning balance*

The conflict with the NP has been significantly reduced and the negative weight to be afforded to open countryside, landscape and JBO has all reduced. The provision of market and affordable housing retains significant weight and the locational sustainability gains weight. As a result, it is our opinion that there are no adverse impacts which significantly and demonstrably outweigh the benefits and the resubmission can be approved.

We would welcome a meeting with you to discuss the resubmission proposals. If you are willing to meet, please do suggest some times/dates.

I look forward to hearing from you.

Yours sincerely,

**Matthew Symons BA MPlan MRTPI**  
**Planning Manager**  
**On behalf of Hollins Strategic Land**

*Enc.*