

# Bunbury Parish Council

---

Clerk: Maximilian Clay

31 Williamson Drive ♦ Nantwich ♦ Cheshire ♦ CW5 5GJ

Telephone: 07514 33 49 41 ♦ Email: bunburyclerk@aol.com

---

The Inspector for Appeal Reference APP/R066O/W/23/3332521  
The Planning Inspectorate  
Via On-Line Submission

22<sup>nd</sup> April 2024

Dear Inspector

**Re Appeal Reference APP/R066O/W/23/3332521**  
***Parkside, Bunbury Lane, Bunbury, CW6 9QZ Planning appeal against the refusal of planning permission for 25 First Homes under LPA ref 22/4203N***

We write with reference to the above appeal against Cheshire East Council's (CEC's) decision of 28<sup>th</sup> June 2023, to refuse planning permission for the above proposal. We submitted an objection to this proposal, to build on a green-field site in open countryside beyond the adopted settlement boundary, on 15<sup>th</sup> December 2023 and our comments in that document stand. We would also like to draw your attention to the following matters.

The Appeal submission makes much of the fact that CEC's "professional planning officers" recommended this application for approval. At the time of the original application we were both surprised and concerned by the basis of the planning officer's recommendation, especially in the light of adopted planning policy and two previous appeal decisions upholding refusals of permissions relating to this site. We, and other speakers at the Development Committee meeting that determined the outcome of the application (28<sup>th</sup> June 2023), argued that the basis of CEC's officer's recommendation in relation to First Homes was ill-founded.

Because we were so concerned about the officer's advice, we contacted our constituency MP, Edward Timpson, to help us to seek clarification on First Homes policy. Mr Timpson was kind enough to ask the Secretary of State for Housing and Planning, Rachel Maclean MP, to consider seven points on our behalf. A very clear and comprehensive response to these points was received from the minister (dated 7<sup>th</sup> August 2023 and attached to this letter) and included the following statements:

1. It is correct that local plans and neighbourhood plans are not required to reflect the First Homes policy requirement if they were submitted for examination before 28<sup>th</sup> June 2021. Local authorities whose plans meet the above criteria can, however, develop supplementary documentation to define their First Homes policies before awaiting the next review of their local plan.
2. The most up to date NPPF was indeed published in July 2021. As the Parish Council noted on 24<sup>th</sup> May 2021 the Government introduced a new First Homes policy through a Written Ministerial Statement (WMS) and accompanying NPPF. The WMS constitutes national policy alongside the NPPF. It is a matter for the decision makers to decide the weight to be given to policy requirements for First Homes.
3. In terms of the question raised regarding potential conflicts between a planning application

and an up to date local or neighbourhood plan, we do not offer a definition of terms in the NPPF outside any explicit reference, for example in the Glossary of the above-linked PPG.

Planning decisions should be made in accordance with the local plan and any other relevant material considerations. This means that in the majority of cases planning applications that conflict with up to date local or neighbourhood plans should be refused

4. Regarding evidence for First Homes, it is the responsibility of applicants to provide the necessary evidence to support their planning application.
5. In relation to the fifth question raised, the WMS sets out that for sites that fall within the scope of the WMS a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. Accordingly, First Homes should be built on sites where an affordable housing need has been established.
6. The sixth question relates to buyer eligibility and time periods within which certain criteria apply. Beyond the national criteria, local authorities can impose additional 'local character' for purchasing First Homes in their area. This may include lower income caps, key worker criteria and indeed local connection criteria.
7. The policy on First Homes exception sites appears to apply to the final question. The PPG also sets out rules for these sites, which are housing developments that come forward outside of local or neighbourhood plan allocations to deliver affordable housing. Exception sites must primarily deliver First Homes, as set out in the WMS, but other types of housing tenures are permitted.

This very clear and helpful response from the Minister of State establishes that:

- a. *Local Plans and Neighbourhood Plans are **not** required to reflect the First Homes policy if submitted for examination before 28<sup>th</sup> June 2021.*

Both the Cheshire East Local Plan and the Bunbury Neighbourhood Plan were submitted for examination and adopted before the 28<sup>th</sup> June 2021. CEC has subsequently made it clear in one of its papers issued to launch the start of the Local Plan review process (*Homes for Everyone*, paras 4.15 and 4.16), that it does not as yet have a policy in relation to the provision of First Homes and, significantly, indicates that until there is a new housing needs assessment in place they are not in a position to consider any proposals for First Homes.

- b. *Planning decisions should be made in accordance with the Local Plan and other material considerations - the majority of planning applications that conflict with an up-to-date local or neighbourhood plan should be refused.*

This is what has happened in this case (and in past applications on this site) and, in addition to the Local and Neighbourhood Plans, we would draw attention to the Cheshire East Housing SPD adopted in July 2022, Application of First Homes in Cheshire East; Paragraphs 6.27 to 6.30. Paragraph 6.29 states; '*Under transitional arrangements the Council does not need to require First Homes as part of the affordable housing mix until the requirement is included within an updated and adopted Local Plan/made neighbourhood plan.*'

The Adopted Local Plan Policy SC6 sets out Rural Exception Housing for Local Needs and establishes eight criteria, all of which need to be met by such proposals. The criteria include a limitation on the number of houses to 10 Dwellings or fewer, the need for submission of site option appraisals, and the need for submission of an up-to-date Housing Needs survey. Clearly the appeal proposal fails against these three criteria alone and, contrary to another of the appellant's assertions, makes clear that the Local Planning Authority is quite justified in applying a limit to the number of such houses in a proposed development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that development should be in accordance with the development plan unless material considerations indicate otherwise (the planning balance). The adverse impacts of allowing development that conflicts with the Local Plan and Neighbourhood Plan would significantly and demonstrably outweigh the benefits of allowing development on this site. This application conflicts with

the development plan because it is in open countryside, outside the settlement boundary, is for 25 dwellings, would result in a cramped development of one type of housing, would impact upon the character and appearance of the immediate area and be unsustainable. We would therefore argue that as neither the original application nor the appeal submission offer any material considerations to justify departing from the policies in the Cheshire East Local Plan or the Bunbury Neighbourhood Plan the appeal should be rejected.

- c. *First Homes should be built on sites where a need for such housing has been established and it is the responsibility of the applicant to provide any evidence of that need to justify their application.*

Part of this appeal seems to rest on the mistaken belief that the local authority should provide evidence relating to the need for First Homes, whereas it is clearly necessary for the applicant to supply any evidence that exists. In this case we would argue that such evidence cannot exist and we would highlight the fact that the appellant's appeal submission cites only anecdotal comment which is both unsupported and unsupportable by fact.

In fact, there is little sign of unmet demand in Bunbury. Since the Bunbury Neighbourhood plan was made 110 new houses have been built in accordance with the policies contained therein. This includes 35 'affordable' houses for rent or shared ownership. It is of particular relevance that two 30% market-discount houses on a development in the centre of the village (Pulford Place) were on the market for some considerable time from October 2023 and whilst one such house eventually sold after five months the other is still for sale at the time of writing.

Finally, we would like to highlight some other relevant facts specific to the locality:

- ◆ Footpaths along Bunbury Lane from the proposed site to the centre of the village (where the small number of facilities are situated) are intermittent and, where present, are often very narrow and there is insufficient road width for new paths.
- ◆ There is very little employment, negligible public transport, and only a single shop in the village, meaning that occupants of new houses would be dependent upon private car travel to meet many day-to-day needs and to get to and from work.
- ◆ CEC has stated, within papers relating to the forthcoming review of its Local Plan, that it will be reviewing the Hierarchy of Settlements based upon a number of factors including facilities, public transport, retail role, population size and distance from other facilities. Given the loss of facilities at Bunbury, especially its butcher's shop and timely public transport, it is quite possible that its current status as a local service centre will be downgraded.
- ◆ The primary school and doctors' surgery both serve a very wide area including a recent development of over 200 new houses at Beeston, just across the administrative boundary into Cheshire West.

This Council therefore argues and requests that this appeal should be dismissed for the reasons set out in the original decision notice and those referred to above.

Yours faithfully



Clerk to Bunbury Parish Council