

DAVENHAM PARISH COUNCIL

Clerk: Vicky Stock, 6 Grovemount, Davenham, Northwich, Cheshire CW9 8LY Tel: 07443 579 057
Clerk email: clerk@davenhampc.org.uk

8 March 2016

Ms Antoinette Sandbach
Unit 23 and 25,
The Verdin Exchange
High Street
Winsford
Cheshire
CW7 2AN

Dear Antoinette,

**Re: Planning Inspectorate Appeal Ref: APP/A0665/W/15/3005148
Land Adjacent to 28 Church Street, Davenham, Cheshire CW9 8NE**

It with disappointment that we feel we must write to you again about the approval of another inappropriate development in Davenham village, by the Planning Inspectorate. The approval raises further questions about the National Planning Policy and the burden it places on local communities who do not have the infrastructure in place to absorb it. Sadly, it seems that the prerequisites, in view of the Government, are a willing developer and a land owner prepared to sell.

We felt the case raised by Cheshire West and Chester (CWAC) against this development of 20 dwellings within the Conservation Area in Church Street, the oldest part of our village, was exceptionally strong, but confess we have lost all confidence in the appeal process due to the precedent set by the Planning Inspectorate that if a case goes to appeal it will be granted regardless of the impact on the local community.

Summary

The Planning Inspectorate requires clear guidance about their decision making process when a Local Plan is in place and the Authority can evidence in excess of 5 years housing supply. We raise the following points of concern:

- Development detrimentally impacting Community Character building in a Conservation Area
- The CWAC Local Plan policies being ignored
- Benefit Analysis being abused
- Plan Led development being ignored at the behest of Developer Led planning

It is clear from the correspondence between the Planning Inspectorate, Downing Street and other Government bodies that the Planning Inspectorate is being used as a political tool by central Government. We request your support in defending our community and your constituency from further unnecessary environmental and community harm.

Building in a Conservation Area

Unlike previously approved developments locally, in this case the Planning Inspector has taken a step further in arbitrarily deciding to destroy an area of Conservation land at the heart of Davenham village. This land helps to define the village character that should be protected under the National Planning Policy Framework (NPPF) and lies in a defined Conservation Area, as ratified via the CWAC Local Plan. A ratified Neighbourhood Plan would not have offered any further protection as the NPPF does not allow local communities to designate Local Green Space protection (the equivalent to Green Belt protection) to areas of land which have already been subject to other protection designations. What is the point of any protection designation when it can be overturned so easily by an Inspector?

It seems therefore that the lack of a ratified Neighbourhood Plan is irrelevant to this point and the overriding of Local Plan policies in this case is a travesty to be challenged at a central Government level.

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Local Plan Policies Ignored

The Church Street decision substantially ignores CWAC Local Plan that has been ratified by our local representative and which provides good policies for sustainable development and protection of the countryside.

This Inspector's decision, like the previous decisions in Davenham, acknowledges the Local Plan, makes a good case for rejecting the appeal, and then for no apparent reason allows the appeal. This is an affront to our local representative putting in place and ratifying a Local Plan, especially given the argument above that there is nothing more a Neighbourhood Plan could have done other than vocally support the CWAC Local Plan.

Benefits Analysis is being Abused

Benefits Analysis is intended to ensure that the positive objectives of a plan do not outweigh the negative impacts. However, no guidance has been made public as to what constitutes a 'positive benefit' and what constitutes 'harm'.

The decisions witnessed by Davenham Parish Council to date suggest anything that involves the destruction of the countryside, promotes transient job creation, actively promotes commuting, harms the local community and makes a negligible contribution to the woeful capacity of the local services to absorb the additional housing is, in the eyes of the Planning Inspectorate, a clear benefit.

In contrast, the indicators that allow the Planning Inspectorate to actively identify the harm being done to our communities and environment are being ignored, i.e. that CWAC have a 5 year housing supply and the ratified Local Plan identifies sensible policies that protect our environment, promote the healthy benefits of green fields and green spaces, and there are significant areas of brownfield sites in the local area.

As such, it can only be concluded that the Planning Inspectorate are being directed to use the Benefits Analysis section of their reports to accentuate the economic benefits of a development, however tenuous, while dismissing the environmental harm which is being created to our natural and community environment through the short sighted destruction of our countryside being pursued by the current administration.

Plan Led Development is a fallacy

A central element of current planning policy focuses on Plan Led Development, whereby local authorities and communities identify their needs and wants within the confines of the current requirement to increase the number of houses being built. In the case of CWAC, there is such a plan in place against which this area can grow sustainably.

In addition, by adhering to these plans that contribute economic, health and service provision, CWAC can manage the development of the region for the benefit of current and future residents in a pro-active manner.

In contrast, by following the current approach being taken by the Planning Inspectorate the consequences for local communities are significant. Such irrational decisions, as seen with Church Street, take the ability of local councils to actively manage a coherent plan. For the Planning Inspectorate to grant permission on no greater cause than a land owner willing to sell and a developer willing to build, is to undermine the ability of UK councils to manage their own sustainable growth.

Conclusion and requested actions

Assessing the information within the Planning Inspectorate Reports, compared to the requirements of the NPPF and CWAC Local Plan provisions, it is clear that the Planning Inspectorate are being used as a political tool to foist unwanted and un-necessary additional houses on communities who do not have the

infrastructure in place to deal with the requirements. That a single Inspector with no connection to the areas being blighted has the authority to overturn the democratic process is wrong on so many counts. The

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current situation only goes to strengthen our belief that under the present set of guidance, that can only have come from central Government, the Planning Inspectorate is not fit for purpose or in fact independent.

As our locally elected representative we are looking for you to champion change that redresses the balance between the destruction of the environment and local communities by an unelected body, by promoting:

- Plan Led development to take precedence at a Local Plan level as well as a Neighbourhood Plan level
- Support to change the guidance given to the Planning Inspectorate to ensure that local community cohesion, infrastructure and desires are given significantly more weighting than is currently the case by upholding Local Plan policy whether there is a Neighbourhood Plan in place or not
- Champion the Localism Act as having greater influence over planning decisions, again whether a Neighbourhood Plan is in place or not
- Due weight given to emerging Neighbourhood Plans
- Clear guidance given to inspectors about their decision making process when a Local Plan is in place and the authority can evidence in excess of 5 years housing supply
- Clarification on the NPPF definition of 'sustainable' development and how it can be measured
- Consideration of the cumulative impact of other nearby approved developments and at what point a location becomes 'unsustainable' for new development

You will be glad to hear that the Davenham Neighbourhood Plan has passed its Strategic Environmental Assessment and is due to go for Regulation 14 consultation in March. Like many other local communities, we have worked tirelessly to ensure we have a robust Plan that fits the needs and wishes of this community. That said, we are losing all faith in the appeal process and sincerely hope that the work that ourselves and many members of our community have undertaken is not in vain.

We look forward to hearing from you in the near future.

Yours sincerely

Katie Mattinson
Chair
Davenham Parish Council

Enc DPC letter to CWAC regarding the Church Street Decision
