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## DECISION NOTICE

Application No: **21/2412C**

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

**Reserved Matters for approval of access, appearance, landscaping, layout and scale following outline approval 14/1193C for the erection of 160 dwellings, car parking, public open space and associated works**

Location

**Land South Of, OLD MILL ROAD, SANDBACH**

for **Mr C R Muller, Muller Property Group**

In pursuance of its powers under the above Act, and following the grant of outline planning permission under reference 14/1193C the Council hereby REFUSES to approve the reserved matters referred to in the above application and accompanying plans submitted by you for the following reasons:

1. This is a prominent site in Sandbach. The Council has undertaken a Building for Life Assessment which finds that the proposed development does not result in the creation of a high quality, beautiful and sustainable place and on this basis the development should be refused. The proposed development is contrary to Policy SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, Policy H2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.
2. The application site is of a very challenging topography in a prominent location. The application includes an engineered retaining walls/structures

and minimal landscape mitigation. The development would not work with the flow and grain of the landscape and cause harm to the character and appearance of the area. This approach runs counter to the need to work with topography and landscape as described by the National Design Guide, Building for Life, the Cheshire East Borough Design Guide and Policies SD2, SE1 and SE4 of the Cheshire East Local Plan Strategy, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.

3. The proposed Public Open Space is located adjacent to the A534 and is sited at a lower level to the proposed dwellings which generally back onto the open space. The proposed development does not integrate the open space/play area into the development and the area is likely to be the subject of anti-social behaviour. The proposed development is contrary to Policies SE6, SE1, SD1 and SD2 of the Cheshire East Local Plan Strategy, and Policy H2 of the Sandbach Neighbourhood Plan.
4. The proposed development will result in a significant change to the character of footpath FP19 which would be heavily influenced by the urban character of the development, particularly where it runs along the spine road and through the open space. As a result, there would be conflict with Policies SE1 and CO1 of the Cheshire East Local Plan Strategy, Policy GR16 of the Congleton Local Plan, and Policy PC5 of the Sandbach Neighbourhood Plan as the development has not taken into account the existing footpath network, would not achieve a high-quality public realm that enhances conditions for pedestrians, would not be pleasant to access on foot.
5. The proposed development does not provide a full mix of open market housing to help support a mixed, balanced and inclusive community. The proposed development is contrary to Policies SC4 of the Cheshire East Local Plan Strategy, H3 of the Sandbach Neighbourhood Plan (Second Edition) and HOU1 of the Cheshire East Site Allocations and Development Policies Document.

Informative: The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:

- a) Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions
- b) Securing revised plans during the course of the application which have

overcome initial problems

c) Despite advice a solution has not been reached that overcomes the environmental harm identified in the reasons for refusal.

This decision relates to the following plans;

23219 008 Rev Y received by the Local Planning Authority on 15th July 2022

23219 009 Rev E received by the Local Planning Authority on 15th July 2022

23219 010 Rev D received by the Local Planning Authority on 15th July 2022

23219 011 Rev R received by the Local Planning Authority on 15th July 2022

23219 013 Rev E received by the Local Planning Authority on 15th July 2022

23219 016 Rev B received by the Local Planning Authority on 15th July 2022

23219 017 Rev A received by the Local Planning Authority on 15th July 2022

PP01.00 Rev F received by the Local Planning Authority on 15th July 2022

PP01.01 Rev F received by the Local Planning Authority on 15th July 2022

PP01.02 Rev F received by the Local Planning Authority on 15th July 2022

PP01.03 Rev F received by the Local Planning Authority on 15th July 2022

PP01.04 Rev F received by the Local Planning Authority on 15th July 2022

PP01.05 Rev F received by the Local Planning Authority on 15th July 2022

PP01.06 Rev F received by the Local Planning Authority on 15th July 2022

PP01.07 Rev F received by the Local Planning Authority on 15th July 2022

PP01.08 Rev F received by the Local Planning Authority on 15th July 2022

PP01.09 Rev F received by the Local Planning Authority on 15th July 2022

PP01.10 Rev F received by the Local Planning Authority on 15th July 2022

PP01.11 Rev F received by the Local Planning Authority on 15th July 2022

SCP/18217/SK10 Rev B received by the Local Planning Authority on 10th March 2022

18217-0000-001 Rev B received by the Local Planning Authority on 10th March 2022

18217-0000-001 Rev C received by the Local Planning Authority on 10th March 2022

18217-0000-002 Rev B received by the Local Planning Authority on 10th March 2022

18217-0000-002 Rev C received by the Local Planning Authority on 10th March 2022

SCP/18217/SK02 Rev D received by the Local Planning Authority on 10th March 2022

SCP/18217/SK03 Rev C received by the Local Planning Authority on 10th March 2022

SCP/18217/SK09 Rev B received by the Local Planning Authority on 21st February 2022

SCP/18217/SK08 Rev A received by the Local Planning Authority on 25th October 2021

SCP/18217/SK10 Rev A received by the Local Planning Authority on 25th October 2021

SCP/18217/SK11 Rev A received by the Local Planning Authority on 25th October 2021

SCP/13111/F07 Rev A received by the Local Planning Authority on 29th April 2021

23219 125 Rev A (M+ Floor Plans) received by the Local Planning Authority on 15th July 2022

23219 126 Rev A (M+ Elevations) received by the Local Planning Authority on 15th July 2022

23219 123 (House Type F+) received by the Local Planning Authority on 21st February 2022

23219 124 (House Type J+) received by the Local Planning Authority on 21st February 2022

23219 100 Rev A (House Type A1 and A2) received by the Local Planning Authority on 1st March 2022

23219 101 Rev A (House Type A1 and A2) received by the Local Planning Authority on 1st March 2022

23219 104 (House Type D) received by the Local Planning Authority on 29th April 2021

23219 120 (House Type P Alternative) received by the Local Planning Authority on 29th April 2021

23219 113 (House Type M Elevations) received by the Local Planning Authority on 29th April 2021

23219 121 (House Type T Alternative) received by the Local Planning Authority on 29th April 2021

23219 109 (House Type K) received by the Local Planning Authority on 29th April 2021

23219 115 (House Type S Floor Plans) received by the Local Planning Authority on 29th April 2021

23219 102 (House Type B) received by the Local Planning Authority on 29th April 2021

23219 110 (House Type K+ Floor Plans) received by the Local Planning Authority on 29th April 2021

23219 116 (House Type S Elevations) received by the Local Planning Authority on 29th April 2021

23219 107 (House Type H) received by the Local Planning Authority on 29th April 2021

23219 108 (House Type J) received by the Local Planning Authority on 29th April 2021

23219 114 (House Type P) received by the Local Planning Authority on 29th April 2021

23219 105 (House Type E) received by the Local Planning Authority on 29th April 2021

2021

23219 119 (House Type H Alternative) received by the Local Planning Authority on 29th April 2021

23219 112 (House Type M Floor Plans) received by the Local Planning Authority on 29th April 2021

23219 103 (House Type C) received by the Local Planning Authority on 29th April 2021

23219 118 (Garage) received by the Local Planning Authority on 29th April 2021

23219 117 (House Type T) received by the Local Planning Authority on 29th April 2021

23219 111 (House Type K+ Elevations) received by the Local Planning Authority on 29th April 2021

23219 106 (House Type F) received by the Local Planning Authority on 29th April 2021

Dated: 08/08/2022



Signed

**Authorised Officer for**  
**Cheshire East Borough Council**

We enclose our decision notice in respect of the application you recently submitted to us.

You should read the notice carefully. It is your responsibility to ensure that you comply with the terms of any conditions which are attached to it. Where conditions require you to submit further information to us you will need to pay a fee and submit a separate application. The notice doesn't convey or grant consent for anything other than the application you made under the terms of the Town and Country Planning Act 1990.

If you are aggrieved by our decision to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. You must submit your appeal within:

- 12 weeks of the date of this notice in the case of householder applications
- 8 weeks of the date of this notice for advertisement applications or
- 6 months of the date of this notice in all other cases

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appeals can be made online at <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on 03034445000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

#### Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.