

## 21/6250N Sevenoaks, Hearn Lane, Faddiley CW5 8JL

Brindley and Faddiley Parish Council is writing to **object** to the above referenced planning application.

**It is our contention that the proposed development is counter to national and county policy and would have a substantial negative impact on the amenity of the parish and its residents.**

The proposal is for

**Change use of land for siting of 4 new holiday lodges, the conversion of an existing building to a holiday lodge, and ancillary works.**

Which comprises:

- Change of land use,
- The construction of 4 new timber holiday lodges (one on stilts and one on an island) with barbecue and patio areas,
- The conversion of a recently (less than 4 years) constructed timber building into a holiday lodge with a barbecue and patio area,
- The construction of a bridge to the lake island,
- The installation of a new septic tank with drains and soak field,
- Surface water drainage to be directed into the lake,
- The demolition of an existing stables/store and land use changed for car parking,
- Connection of utilities,
- Creation of pathways to service the holiday lodges.

**In summary, the parish council's objections are:**

**1. Cheshire East Local Plan**

The proposal does not meet the criteria for acceptance of the Local Plan Strategy policies PG2, PG6, EG4, EG2, MP1, SD1 and SD2. In addition, it does not meet the criteria for Site Allocations and Development Policy RUR8 and is not supported by CECs Visitor Economy Strategy.

**2. Appropriateness of use taking account of the local area**

The development would be of a density out of keeping with the location and would amount to an increase of over 60% in residency on Hearn Lane. The site is not connected to any tourist attractions or recreational amenities, there is no link to public transport and there are no local services such as shops or pubs.

**3. Development effect on neighbouring properties**

Neighbouring properties would suffer from noise, light and odour pollution from the development. There is the potential for sewage pollution to land and properties adjacent to the proposed site, including the public highway.

**4. Government legislation and guidance**

There is no evidence that the disposal of foul sewage via septic tank has been properly planned or that the requirements of the Environment Agency for a new permit have been considered. The Preliminary Ecological Appraisal was not conducted at the optimum time of year to establish impact on protected species (in particular, great crested newts and badgers).

**5. Effect on highway safety**

Hearns Lane is a single track, winding road with no designated passing points, pavements or streetlights. The single point of access for the whole of the Sevenoaks real estate property is already used by large delivery vehicles and skip wagons. The lake on the proposed site frequently overflows onto Hearns Lane presenting a hazard to traffic. The PROW network in the area is connected by busy roads and lanes.

**6. Siting, design and compatibility with street scene**

The holiday lodges would not be screened from public view, but visible from Hearns Lane, PROWs Faddiley FP 7 and 8 and adjoining land. Their design is not in keeping with the surrounding brick built residential properties. There is no evidence that prior use for agriculture has been considered when assessing for contamination and the proposed use is sensitive to ground contamination.

**These objections are expanded on and explained in the following pages.**

When considering our objection we would ask the LPA to keep the NPPF principles at the forefront of your minds.

[National Planning Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

*12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. **Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.** Local planning authorities may take decisions that depart from an up-to-date development plan, but **only if material considerations** in a particular case indicate that the plan should not be followed.*

*185. Planning policies and decisions should also ensure that new development **is appropriate for its location** taking into account the likely effects (**including cumulative effects**) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from **noise** from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>65</sup>;*

*b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

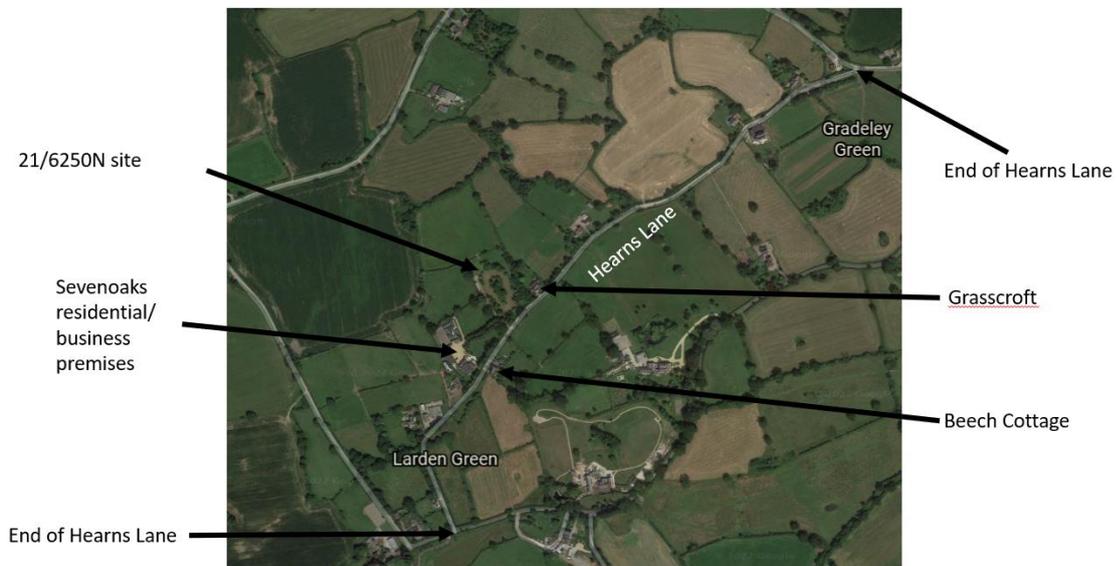
*c) limit the impact of light pollution from **artificial light** on local amenity, intrinsically dark landscapes and nature conservation.*

### Location Context

Hearns Lane is approximately 0.75 miles long. It is a winding, single track road with ditches, hedges, soft verges and designated passing points. There are 10 residential properties along the road with a population of around 25 residents. A small stables/livery business runs from Oak Tree Farm and businesses, including a dog breeding business, from Sevenoaks. Agricultural and equestrian land is accessed from the road.

**The proposed development would create 8 bedrooms which could accommodate 16 adults. This represents a 64% increase in population on Hearns Lane.**

In addition to use for agricultural access and by residents, the road is used by people to walk, exercise their dogs and horses and some cyclists include the road on their routes. There are no pavements, verges suitable for pedestrians or streetlights. Electricity and phone services are delivered via overhead cables. There is no fibre broadband. Mobile coverage is very poor/unavailable. There is no mains gas or sewerage.



## Planning Context

The site forms part of the Sevenoaks property which includes residential properties and the operation of businesses (including a dog breeding business licensed for 48 adult dogs). All access to this property and its businesses and the proposed development use the same gateway for entry and egress.

Historically the site was for agricultural use, but application P00/0841 granted change of use for equestrian use. Application P02/0166 granted change of use of adjacent land to domestic use and access, but the proposed site was not included in this curtilage.

The application states that the current use of the land is for a 'lake in landscaped grounds'. The lake was created by the current landowner some time between 2001 and 2010. It is unclear whether the land is currently classed as equestrian use or domestic.

Since the current owners acquired the site planning applications have been received by the LPA for both the domestic property and the dog breeding business (P02/0166, 16/5627N, 17/0667N, 17/1082N, 17/2157N, 20/2746N). It should be noted that 16/5627N, 17/1082N and 20/2746N were retrospective planning applications.

## 1. Cheshire East Local Plan

Local Plan Strategy 2010 – 2030

[Local Plan Strategy Development Plan Document \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

### (a) Policy PG2 – Settlement Hierarchy

The proposed location falls into the category of **Other Settlements and Rural Areas**.

**The proposed development is not commensurate with the function and character of the settlement and is in a location where it would significantly change the built-up extent of the settlement.**

### (b) Policy PG6 – Open Countryside

Point 2 (see below) is quoted by the applicant in the Planning, Design and Access Statement on p11 to indicate that the proposed development falls into the category of **outdoor recreation**.

*‘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.’*

Sport England’s report *‘Getting Active Outdoors: A study of Demography, Motivation, Participation and Provision in Outdoor Sport and Recreation in England’* (2015) defines outdoor recreation as *‘any physical activity taking place in the natural environment’*.

Recreation is an activity, the proposed development does not provide facilities for recreation, only accommodation. It is therefore incorrect for the applicant to use this as justification for the application.

**The development is for holiday lodges, which are NOT for recreation, but for tourism.**

The parish council objects to the notion that this development is **essential**. As **it does not support any of the purposes stated in the policy**.

### (c) Policy EG4 - Tourism

Under point 3(i) the proposed development:

- a) Is **not** located within a Local Service Centre; and
- b) Is **not** located within an existing or replacement building (80% of the development is in new buildings and the existing building is less than 4 years old<sup>1</sup>); and
- c) There is **no evidence** that the facilities are required in conjunction with a particular countryside attraction.

This clearly shows that the applicant’s Planning, Design and Access Statement p11 statement that the application is for ‘tourism facilities of an appropriate scale in sustainable and appropriate locations’ **is incorrect**.

In addition, point 3(ii):

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<sup>1</sup> The parish council is unclear whether this building requires/required planning permission.

- a) The scale, design and use of the proposal is **not** compatible with its wider landscape setting and **would** detract from the character and appearance of the area; and
- b) It **would** be detrimental to the amenities of the local residential area (see objection points in **Development effect on neighbouring properties**); and
- c) The proposal is **not** served by adequate access (single track lane); and
- d) The site has **no** access to local services (see points under **SD2**).

**The development should therefore NOT be supported.**

**(d) Policy EG2 – Rural Economy**

Addressing the criteria within this policy:

- (1) There is **minimal employment** generation (1 FT and 3 PT with no indication of types of roles).
- (3) The proposal **does not encourage the retention or expansion of existing businesses**, it is a **new** business.
- (5) The new business is **not essential** to the wider strategic interest of the economic development of Cheshire East, as determined by the council.
- (6) The proposal **does not support** the retention and delivery of community services as there are no shops or public houses in the locality.

**The development is in conflict with PG6 (point vii below).**

*Does not conflict with Policies PG 3, PG 4, PG 6, PG 7, SE 3, SE 4, SE 5, SE 6 and SE 7 of the Local Plan Strategy*

**The applicant's Planning, Design and Access Statement p11 quotes CELPS Policies MP1, SD1 and SD2 as evidence that there is a provision for 'an overriding "presumption in favour of sustainable development"'.**

**(e) Policy MP1 – Presumption in Favour of Sustainable Development**

- 1. **This proposal has not demonstrated that it would improve the economic, social and environmental conditions in the area. The parish council believes that it would have an adverse effect on the social and environmental conditions in the area (see later sections).**
- 2. **This planning application does not accord with all the policies in the Development Plan (point 2), specifically PG2, PG6, EG2 and EG4 therefore MP1 does not support the application.**

**(f) Policy SD1 – Sustainable Development in Cheshire East**

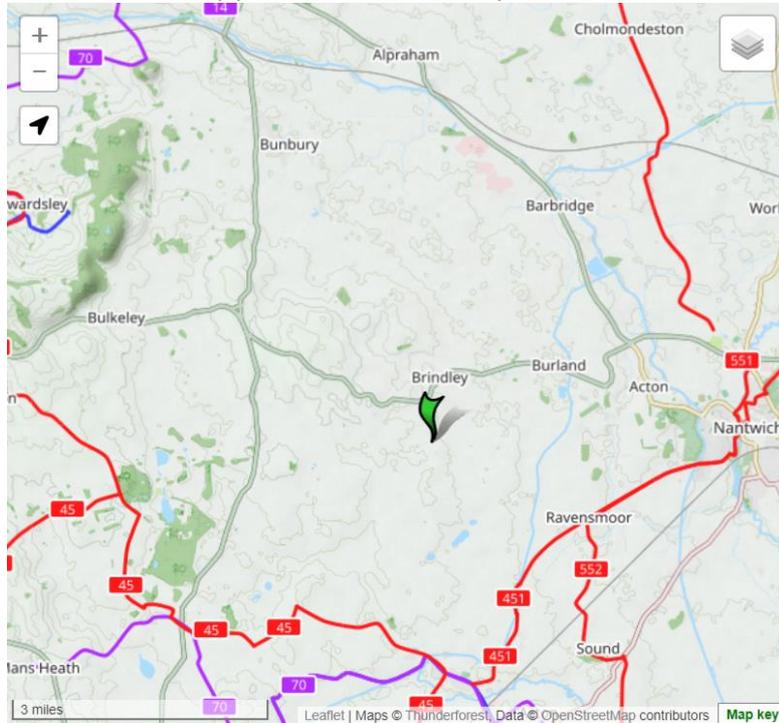
**This application does not accord with points 2, 3, 4, 6, 10, 11, 13, 15, 16 and 17 as a minimum therefore SD1 does not support this application.**

**(g) Policy SD2 – Sustainable Development Principles**

Policy SD2 is quoted by the applicant to reference shops and other amenities but no distances are given. In reality, the distances are:

- a. Nearest bus stop 1.4 miles
- b. No shops within 5 miles (Nantwich)

- c. No pub within 3 miles (Cholmondley Arms, The Thatch has been closed and for sale for quite some time)
- d. Not near local attractions (e.g. Sandstone Trail (at least 7 miles), Nantwich (5 miles))
- e. Not near the canal network (2 miles to the nearest parking point to access the canal at Swanley Bridge).
- f. Not near any part of the National Cycle Network



Revised Publication Draft Site Allocations and Development Policies Document  
[Site Allocations and Development Policies Document \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk)

**Policy RUR8 – Visitor accommodation outside of settlement boundaries**

Addressing criteria 1, 2 and 3 of this policy (4 does not apply as the proposed development is not on Green Belt land):

- 1. The scale of the proposal is not appropriate to the location and setting (adds 5 residential properties in a ‘garden’ area. There is **no identified need** for this accommodation in this location.
- 2. **Criterion 1 is not supported**, in addition:
  - i. It has not been identified that the proposal requires a countryside location.
  - ii. Only 1 existing building is used.
  - iii. 80% of the proposed development is additional buildings.
  - iv. The amenity and character of the surrounding area will be adversely affected as some of the buildings will be visible from the road and neighbouring properties, the noise generated by having 5 additional families using the holiday lodges and outdoor barbecue areas will intrude significantly on neighbouring properties, the odour of barbecue use will have a negative effect on neighbouring properties, the design and appearance of the holiday lodges is not in keeping with the local area.

- v. The existing landscaping and screening will not prevent the lodges from being seen or having a negative impact on the local area.
- 3. The visitor accommodation would be physically capable of forming 5 habitable dwellings.

**This policy does not support this application, it prevents it from being successful.**

**CEC’s Visitor Economy Strategy 2016-2020**

In addition, the applicant’s Planning, Design and Access Statement p12 quotes CEC’s Visitor Economy Strategy 2016-2020 ([Visitor economy strategy - Appendix.pdf \(cheshireeast.gov.uk\)](http://www.cheshireeast.gov.uk/visitor-economy-strategy-2016-2020)) and states that *‘the Strategy also sets out strategic themes that help to guide the identification of priorities in seeking to maximise the contribution of the visitor economy, including investment in quality accommodation. The proposed holiday lodges support this’.*

<p><b>To Develop A Distinctive Rural Tourism Offer</b></p>	<p>Cycling Rambling Canals and Other Blue Spaces Unique Habitats and Wildlife Adrenalin Experiences Gardens of Distinction Farm Stays</p>	<p><b>Walking:</b> the Bollington Walking Festival, the Gritstone Trail <b>Cycling:</b> Macclesfield forest <b>Canals:</b> the Cheshire Ring <b>Unique habitats:</b> Meres and Mosses around Cholmondeley/ Merefest <b>Adrenalin experiences:</b> the Cheshire Peak District <b>Gardens of Distinction:</b> Tatton, Arley <b>Farm Experiences:</b> Cheshire Peak District</p>	<p>Marketing Cheshire National Trust Canal and River Trust</p>	<p>Visit Peak District Enjoy Staffordshire Marketing Manchester CWAC British Cycling</p>	<p>Create the first genuinely coordinated rural tourism strategy to facilitate cross sector collaboration</p> <p>Integrate existing partnerships into a joint approach and develop a highly targeted multichannel marketing campaign to reach key segments with specific propositions</p> <p>Evaluate results and revise activity accordingly</p>
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This is the section to which this refers and it can be seen that none of the locations are local to the proposed site.

**Therefore the assertion in the applicant’s Planning, Design and Access Statement is incorrect and misleading.**

**2. Appropriateness of use taking account of local area**

- a. The cumulative effect of the development on the broader Sevenoaks property, in which the development site sits, over the last 20 years has been significant in comparison with development on the rest of Hearn Lane. There has been significant development of the residential properties, the erection and growth of the dog breeding kennels and this development of the holiday lodges would further develop a site which is designated as open countryside.
- b. There is no public transport to Hearn Lane, the nearest bus stop being over a mile away on Wrexham Road and the service here is not good enough to satisfy visitors.
- c. There are no shops within 5 miles (visitors would need to travel into Nantwich).
- d. There is no pub or restaurant within 3 miles as The Thatch is closed and for sale and the Cholmondeley Arms is 3 miles away, while The Farmer’s Arms at Ravensmoor is 3.3 miles away.

- e. For 4 visitors to travel to and from Nantwich by taxi would cost a minimum of £25. Chester would be a round trip cost of £100, making it more likely that visitors would use the barbecue and patio areas (see objection 3. Development effect on neighbouring properties b and d).
- f. The site is not near local attractions (e.g. Sandstone Trail, Nantwich, Cholmondeley Castle, BeWILDerwood). Travel to any of these would either have to be by car or bicycle. Cycling with children along any of the routes would be hazardous due to the narrowness of the lanes. The cycle route planner available on the Cheshire East website ([Cycle maps | Travel Cheshire](#)) shows that all routes to amenities are at best Very Busy and at worst Very Hostile).

Routes for **Hearn's Lane, Burland to Cholmondeley Arms, Cholmondeley** Journey no. #79,532,243

Choose a route:  Fastest route  Quietest route  Balanced route

**Quietest route option**

If you decide to follow the suggested journey below please take extra care on unfamiliar sections; proceed at your own risk (route quality cannot be guaranteed).

- Turn-by-turn directions below
- Give feedback on route problems
- Journey time: 22 minutes
- Distance: 3 1/4 miles
- Calories: 71 kcal [?]
- CO<sub>2</sub> avoided: 0.95 kg [?]
- Quietness: Very hostile
- Route has very busy sections**
- Print view
- Fly in Google Earth [?]
- GPS device export (GPX) [?]

Elevation profile:  
Hearn's Lane Burland Quietest route Cholmondeley Arms Cholm

400 Feet above sea level  
350  
300  
250  
200  
150  
level

0 0.5 1 1.5 2 2.5 3  
Start Journey distance (miles) Finish

- g. The site is not near the canal network, the nearest parking point to access the canal network is at Swanley Bridge, 2 miles away. It takes over an hour to walk to the nearest canal using PROWs.

### 3. Development effect on neighbouring properties, contaminations, amenities and privacy

- a. The applicant's Planning, Design and Access Statement p7 lists a constraint as the 'impact on nearby residential amenity – Grasscroft and Sevenoaks'. There has been no consideration of the impact on Beech Cottage, which is the same distance from the proposed site as Sevenoaks.
- b. The **noise** of 16 additional adults (and some children?) going about their holiday activities will have a negative impact on the lives of residents. The parish council has particular concerns about the noise from:
  - i. Additional traffic
  - ii. Holidaymakers using the barbecue and patio areas (especially as there are no pubs or restaurants within 3 miles, see (g) Policy SD2)
- c. The Sevenoaks real estate property has, in the last two years, had significant additional external lighting installed to illuminate the trees on the drive and on the site. Additional lighting around the lake will have a cumulative effect on the **light pollution** in an otherwise unlit environment.



- d. The inclusion of barbecue areas would mean that local residents would suffer **odour** pollution from the proposed site.
- e. The waste generated by the holidaymakers has not been considered in the Application Form section 14, but would inevitably lead to additional waste disposal vehicles entering and exiting the site (currently all waste from the Sevenoaks properties and businesses is disposed of using skips which are delivered and removed by wagons at least once a week, see section 5), so adding to the noise in the locality.

#### 4. Government legislation and guidance

- a. The Application Form states that foul sewage will be disposed of using a septic tank. It is unclear whether this is a new septic tank and drainage or new drainage to an existing septic tank. The [General binding rules: small sewage discharge to the ground - GOV.UK \(www.gov.uk\)](http://www.gov.uk) apply and must be met as of 2015.
  - i. If a new septic tank and soak field is to be used then there is no planning application for this as yet – is it required by Cheshire East? If so, this will need to be considered alongside or incorporated into this application. **This application should not be considered until suitable foul sewage disposal has been planned in the detail required.** Building control regulations must also be applied.
  - ii. Under the General Binding Rules the increase in flow from the 5 holiday lodges is sufficient to require a new Environment Agency permit. This has been calculated using British Water's Flows and Loads guidance.
  - iii. The application makes no reference as to how foul sewage will be removed from the holiday lodge on the island.
  - iv. Additionally, as evidenced by the man-made pond the area is on shallow clay so for the soak field to meet required permeability tests is extremely unlikely or even not possible and any existing soak field may not accommodate the new discharge leading to contamination of land and/or water.
  - v. Finally for environmental management and longer-term sustainability the council is asked not to support continued use of septic tanks in new uses. A packaged treatment plant is more suitable in order to reduce the possible impact on the environment. This should be included in the applicant's planning application.
- b. Another independent ecological consultant recommends the timetable for conducting an ecology survey seen below.

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Badgers												
Bats (Hibernation Roosts)												
Bats (Summer Roosts)												
Bats (Foraging/Commuting)												
Birds (Breeding)												
Birds (Over winter)												
Dormice												
Great Crested Newts												
Invertebrates												
Natterjack Toads												
Otters												
Reptiles												
Water Voles												
White Clawed Crayfish												
Habitats / Vegetation												

**Legend:**  
■ Optimum Survey Time  
■ Sub-Optimum Survey Time

**Important:**

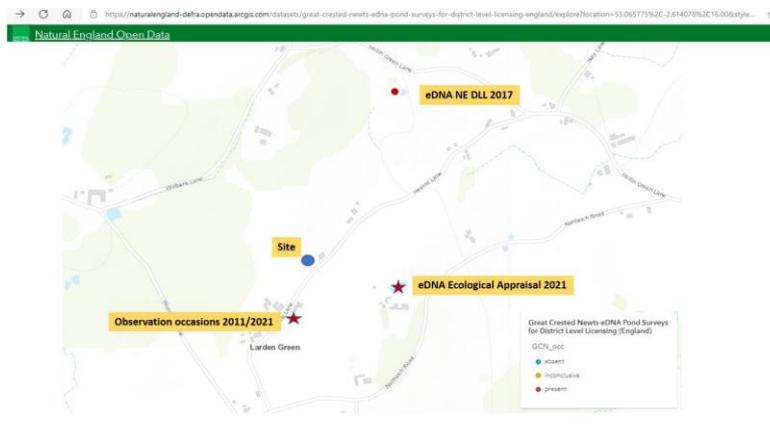
- Some surveys can be carried out throughout the year; however, as the timetable illustrates, certain species require surveys to be carried out at specific times to ensure the most reliable results are obtained. Surveys carried outside of these times may therefore be unreliable, i.e. a great crested newt survey carried out over the winter season would be unlikely to provide the required information.
- A negative result achieved from a survey outside the optimum period should not be interpreted as showing an absence of a particular species – further work may be required within the optimum surveying season. This is especially important on sites where existing surveys and records show that a particular species has been found either on the site previously, or in the surrounding area. An application may not be valid until this survey information is gathered in the optimum time for that particular species.
- The absence of evidence of a species does not necessarily mean that the species is not active on a site, or that a particular site is not protected – for example, a bat roost is protected regardless of whether any bats are present.
- Species surveys can also be highly weather dependent, so surveys should be planned, or postponed, to fit in with weather forecasts; for example heavy rain can mean that an otter survey can yield less accurate results, as can very cold or wet weather for bat surveys.

The applicant’s Preliminary Ecological Appraisal 3.18 states that the survey was ‘undertaken at an optimal time of year’ (29 June 2021) this is not the case for badgers or great crested newts.

The applicant’s Preliminary Ecological Appraisal was conducted at the end of June 2021, with the eDNA test sample for great crested newts being taken 29 June 2021. This is right at the end of the GCN breeding season and does not prove absence.

The applicant’s Preliminary Ecological Appraisal goes on to state in 4.4 that ‘no previous NE EPSL for GCN or bats have been recorded within 2km of the site’. However, as acknowledged in 4.5 Natural England does record some great crested newts approximately 450m (although the report has this as 450km) from the site. [Great Crested Newts eDNA Pond Surveys for District Level Licensing \(England\) | Great Crested Newts eDNA Pond Surveys for District Level Licensing \(England\) | Natural England Open Data Geoportal \(arcgis.com\)](#)

The image below shows that great crested newts will, in all likelihood, be using the proposed site as a migration route as a minimum.



In addition, a bat survey for Planning Application 18/2220N contains evidence of bats roosting in the area (350 metres from the proposed site). [07991072.pdf \(cheshireeast.gov.uk\)](#)

c. EV charging

The parish council notes that the response from Cheshire East Environmental Protection ([327f9be6-3dd4-427e-8bde-7b6d2ffbe428.doc \(cheshireeast.gov.uk\)](#)) places a condition on the development for the provision of an EV charging point. The parish council supports this requirement.

5. Effect on highway safety

- a. Hearn's Lane is a winding, single track road with soft verges and ditches and no passing points. Vehicles needing to pass will face hazards.
- b. Large delivery vehicles and skip wagons regularly (residents of Hearn's Lane report this as several times per week) go in and out of the only entrance to the Sevenoaks property. These vehicles will present a hazard to the visitors using the holiday lodges.



- c. There are no pavements along Hearn's Lane and there is an intermittent ditch along the southern side, presenting a hazard to visitors unused to road safety in such an environment.
- d. The PROW footpath network only connects lanes and main roads. In order to reach any amenities a visitor would have to walk along busy roads for several miles.
- e. The lake on the site overflows for much of the year with the overflow going across Hearn's Lane and along its edge. Where this occurs the structure of the road has degraded and continues to do so. This presents a hazard, especially during icy weather. Application Form Section 11 (assessment of Flood Risk) indicates that surface water will be disposed of into the pond/lake. The parish council believes the proposed development will lead to a heavier load of surface water which will in turn lead to more water running on to the lane with the potential to cause accidents, particularly in icy conditions. The disposal of sewage to land also may increase the leakage of water to the lane.



**Video from 26 December 2021 additional file**

- f. There are no streetlights on Hearn's Lane or any of the neighbouring roads, vehicles needing to pass each other on the single track roads can find themselves having to reverse quite some distance. Additional traffic coupled with the ditch would increase the risk of an accident.
- g. There is a stretch of Hearn's Lane which has been collapsing into the ditch outside Grasscroft for several years (regularly reported to the Highways Department). The increased traffic would accelerate this process and potentially make the road impassable.

**6. Siting, design and compatibility with street scene**

The parish council is concerned that the designs presented in the application do not address:

- a. The proposed development does not follow the design of any of the properties on Hearn's Lane, which are all brick built residential properties.
- b. The holiday lodges will be visible from the entrance to Sevenoaks, through the hedgerow during winter and from PROW routes Faddiley FP7 and FP8 all year round.
- c. The potential contamination of the land from prior agricultural use.
- d. The existing overhead electricity supply currently serves the population of Hearn's Lane, the applicant has not provided a case that the additional power needs of the development can be accommodated, including (e) below.
- e. Provision for the charging of electric vehicles.
- f. The location is a well-known mobile 'not spot' which would present problems for visitors who needed to summon the emergency services in a hurry.
- g. How safety for children and vulnerable adults would be ensured around the lake.
- h. Adaptations for disabled visitors.
- i. The Arboricultural Impact Assessment listed on the is Application Form but there is only a diagram on Cheshire East Planning Portal. Section 10 of the Application Form (Trees and Hedges) indicates that the Assessment is required. There is no accompanying text so the reader can have no understanding of the impact of the development.

### Additional points

Application Form Section 24 (Authority Employee/Member) has been answered 'Yes' but no details have been provided of name, role or relationship. This prevents the decision-making process being open and transparent. The parish council reported this to the Planning Department who informed us that the agent's son works in the planning administration team but is 'not the administrator assigned to this application'.

### Conclusion

Brindley and Faddiley Parish Council object to this planning application.

**The application conflicts with the Cheshire East Local Plan on multiple policies and there are no material considerations in this case which indicate that the plan should not be followed.**