

# Local Plan Representations

For Mr John Dyne | 25-489

Representations to Cheshire West Issues and Options Consultation

**Project:** 25-489  
**Site Address:** Cheshire West Issues and Options Representations  
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- EP1.** 2024 Call for Sites submission - Birch Trees Farm, Brown Heath Road, Waverton
- EP2.** 2024 Call for Sites submission - Land to the east of Brown Heath Road, Waverton



# 1. Introduction

- 1.1 This statement sets out the representations of Mr John Dyne to the Cheshire West and Chester Local Plan Review: Issues and Options consultation. Our client has an interest in relation to the following sites:
- Birch Trees Farm, Brown Heath Road, Waverton
  - Land to the east of Brown Heath Road, Waverton
- 1.2 The sites were promoted through the previous Call for Sites consultation in 2024. Copies of the submissions are enclosed at Appendices **EP1** and **EP2**.
- 1.3 These representations firstly address strategic policy matters and questions within the Issues and Options consultation (Sections 2 and 3), before turning to question SS 32 and the proposed allocation of Birch Trees Farm, Brown Heath Road, Waverton and Land to the east of Brown Heath Road, Waverton (Section 4).



## 2. Response to Section 1: Introduction

### Plan period

#### Question IN 3 Do you have any comments or views on the proposed plan period for the new Local Plan?

- 2.1 Paragraph 1.23 sets out that the Local Plan should plan for a period of 15 years.
- 2.2 Paragraph 22 of the Framework makes clear that strategic policies are those which make provision for housing, employment and other types of growth:

*“Strategic policies should look ahead over a minimum 15 year period from adoption<sup>14</sup>, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery<sup>15”</sup>*

- 2.3 It also requires strategic policies to cover a 15-year plan period **from adoption**:
- 2.4 The Council’s proposed timetable for the adoption of the Local Plan is set out in the 2025 Local Development Scheme which is as follows:
- Consultation Pre-Submission Plan (Publication stage) – Autumn 2026
  - Submission to Planning Inspectorate – by December 2026
  - Examination in Public – Spring/Summer 2027
  - Adoption – Summer/Autumn 2027.
- 2.5 On the basis of the Council’s LDS, assuming adoption in Autumn 2027, the minimum plan period will be the 31<sup>st</sup> March 2043 so that there is a full 15-year period at adoption. However, this assumes that there are no delays between now and then, which in our view is unrealistic. It is also important to note that Local Plan examinations have historically taken multiple years. Specific examples include the Cheshire East Local Plan Strategy which took over 3 years and the Halton Delivery and Allocations Plan which took 2 years. More recently, Planning Inspectors have paused public hearings being held as part of the examination into the Charnwood Local Plan 2021-2037. This demonstrates the issues and delays can take place during the examination process. This issue has also been recently by the Inspectors for the Wiltshire Local Plan and in their letter dated 27<sup>th</sup> February 2025 state:



*“The revised spatial strategy topic paper (SD/16) shows the Plan period of 2020-2038 commencing in advance of the date of the most up-to-date calculation of Local Housing Need. In that regard, the plan period would look forward around 13 years from the current date which the Council seeks to justify as being 15 years from the date of the assessments of housing and employment needs. However, paragraph 22 of the Framework (September 2023) expects strategic policies to look ahead over a minimum of 15 years following adoption of the Plan. As a result, the submitted Plan would not appear to look sufficiently far ahead to anticipate and respond to long-term requirements and opportunities.*

*We identify this matter to you at this early stage as it is clearly a matter of concern and one which will have implications for the rest of the examination, including our consideration of whether the Plan is positively prepared and consistent with national policy with respect to the overall amount of housing and employment land to be identified.”*

2.6 We consider that an element of flexibility is built in at the outset and the plan period should be to 2045.



### 3. Response to Section 5: Spatial Strategy

#### Policy SS1 Housing needs

**Question SS 1** Is there any reason for the Council not to plan for delivering a minimum of 1,914 new homes each year?

- 3.1 No. The publication of the revised Framework in December 2024 and the new Standard Method sets out a **minimum** need for 1,914 dwellings per annum. Paragraph 62 of the Framework states:

*“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”*

- 3.2 Local Housing Need is defined in Annex 2 of the Framework:

*“The number of homes identified as being needed through the application of the standard method set out in national planning practice guidance.”*

- 3.3 Paragraph 003<sup>1</sup> of the PPG states:

***“Is the use of the standard method for strategic policy making purposes mandatory?”***

*The standard method should be used to assess housing needs. However, it is recognised that there are some specific circumstances in which an alternative approach could be justified, for example as explained at paragraph 014 below.”*

- 3.4 Paragraph 14 of the PPG states:

***“Where strategic policy-making authority boundaries do not align with local authority boundaries, or data is not available, should the standard method be used to assess local housing need?”***

*Where strategic policy-making authorities do not align with local authority boundaries (either individually or in combination), or the data required for the model are not available such as in National Parks and the Broads Authority, or local authority areas where the samples are too small, an alternative approach may have to be used.*

*Such authorities may continue to identify a housing need figure using a method determined locally. In doing so authorities should take into consideration the best available evidence on the amount of existing housing stock within their planning*

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<sup>1</sup> Reference ID: 2a-003-20241212



*authority boundary, local house prices, earnings and housing affordability. In the absence of other robust affordability data, authorities should consider the implications of using the median workplace-based affordability ratio for the relevant wider local authority area(s).*

*For local authorities whose boundaries cross National Parks or Broads Authority areas, the proportion of the local authority area that falls within and outside the National Park or Broads Authority area should also be considered – for example where only a minimal proportion of the existing housing stock of a local authority falls within the National Park or Broads Authority area it may be appropriate to continue to use the local housing need figure derived by the standard method for the local authority area.”*

- 3.5 Paragraph 14 is not applicable in Cheshire West as the authority boundary aligns with the local plan boundary and there are no exceptional designations such as a National Park which apply to Cheshire West. The existence of Green Belt within the authority area does not justify any deviation from Local Housing Need and the Standard Method. Therefore, the standard method is mandatory in Cheshire West. As to whether the housing requirement can vary from the standard method, paragraph 040<sup>2</sup> of the PPG states:

***“What is a housing requirement?”***

*The housing requirement is the minimum number of homes that a plan seeks to provide during the plan period.*

*Once local housing need has been assessed, as set out in this guidance, authorities should then make an assessment of the amount of new homes that can be provided in their area. This should be justified by evidence on land availability, constraints on development and any other relevant matters.*

*The government is committed to ensuring that more homes are built and supports ambitious authorities who want to plan for growth. The National Planning Policy Framework explains that the housing requirement may be higher than the identified housing need, and authorities should consider the merits of planning for higher growth if, for example, this would seek to reflect economic growth aspirations. Where authorities plan for higher growth this should not normally have to be thoroughly justified at examination.”*

- 3.6 Paragraph 40 states that authorities, once they have made an assessment of need, then need to consider land availability, constraints on development and any other relevant matters. The only meaningful policy restraint in Cheshire West has been Green Belt around Chester, but the Government is clear that *“authorities should review Green Belt boundaries in accordance with the policies in this Framework and propose alterations to meet these needs in full, unless the review provides clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan”*. That is an ongoing process as part of the evidence base but the

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<sup>2</sup> Reference ID: 2a-040-20241212



Government is clear that a Green Belt review must be undertaken. This is the point at which Green Belt may be relevant and not when establishing the minimum housing figure. With the potential exception of the Green Belt around Chester, we do not consider that there are any constraints that would result in a conclusion that the standard method cannot be met once the HELAA and Green Belt review, including the assessment and role of relevant Grey Belt land in addressing needs as per the advice in the updated Framework, has been undertaken given the availability of land around the settlements in the Borough.

3.7 With the standard method as a minimum, the only other alternative in the PPG is a higher requirement which is expressly set out in paragraph 14<sup>3</sup> of the PPG and paragraph 69 of the Framework which states:

*“The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment”.*

3.8 As part of the local plan evidence base, a Housing and Economic Needs Assessment will be undertaken and that should form part of the Council’s consideration as to the final housing requirement and that should be the subject of consultation.

3.9 Therefore, at this stage the housing requirement should be a minimum of 1,914 dwellings per annum with the potential for a higher requirement based on economic development or infrastructure investment.

#### Question SS 2 Do you think the Council should consider a stepped housing requirement that plans for a lower level of housing delivery earlier in the plan period?

3.10 No. With the substantial shortfall in housing supply at present there will be an uplift in housing delivery as the local plan progresses so that the full annual requirement can be met in the early years with larger strategic sites that are to be allocated increasing supply throughout the plan period. In the period after the adoption of the local plan in 2015, annual completions were:

- 2015-2016 – 1,769 dwellings;
- 2016-2017 – 2,017 dwellings;
- 2017-2018 - 2,542 dwellings;
- 2018-2019 – 1,849 dwellings
- 2019-2020 – 1,849 dwellings.

3.11 That level of housing completions was against a requirement of 1,100 dwellings. Therefore, as the new local plan will allocate land for a higher number, we see no reason based on previous delivery that there

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<sup>3</sup> Reference ID: 2a-014-20241212



should be a stepped requirement. The Government’s position has been clear that there is an urgent need to address a housing crisis that exists now and that there is a need to boost housing supply. A stepped approach with a lower early figure would directly contradict that advice.

#### Flexibility/Buffer

3.12 We consider that there should be a buffer of at least 10% which is based on the Local Plans Expert Group report to the Communities Secretary and to the Minister of Housing and Planning where a 20% buffer was recommended. The report recommends at paragraph 11.4 that the Framework should make clear that local plans should be required to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term, plus make provision for, and provide a mechanism for the release of, sites equivalent to 20% of their housing requirement, as far as is consistent with the policies set out in the Framework.

3.13 The Guildford Local Plan 2019 is relevant to the issue of releasing Green Belt to provide flexibility in the housing land supply. A supply of 14,602 dwellings was provided against a housing requirement of 10,678 dwellings, equating to a flexibility allowance of 37%. Of supply, some 6,742 dwellings were to be provided on sites to be released from the Green Belt. The plan was subject to an unsuccessful Challenge<sup>4</sup> which specifically addressed this point. The Judgment draws the following conclusions under Issue 2: Was the conclusion that there were exceptional circumstances justifying the allocations of housing land, released from the Green Belt, to provide headroom of over 4,000 dwellings above the 10,678 OAN lawful, and adequately reasoned?

- Once meeting the OAN is accepted as a strategic level factor contributing to “exceptional circumstances”, it follows that the provision of headroom against slippage and for flexibility to meet changes, “future-proofing” the plan, as the Inspector put it, would also contribute to such circumstances (paragraph 91).
- The headroom figure was a judgement based on the sites which were available to meet a requirement figure somewhat over 10,678, and to do so in such a way that, over the initial and subsequent years of the plan, the rolling five year housing supply, with a 20% buffer for some years, would be maintained (paragraph 96).
- As part of the total supply, the Inspector was entitled to conclude that the plan should allocate additional sites, that may be sequentially less preferable than other sites, because they were necessary allocations in order to provide the initial five year housing land supply (paragraph 101).

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<sup>4</sup> Compton PC vs Guildford BC [2019] EWHC 3242 (Admin)



3.14 We consider that the above key points are broadly applicable to Cheshire West, and the Plan must provide sufficient flexibility and there is a need to release additional deliverable sites to provide a five-year housing land supply and ensuring the requirement is met in the plan period. Even if there were to be a degree of over-provision, there would be wider benefits of providing a level of housing in excess of the minimum requirement, namely improving affordability and meeting affordable housing needs.

#### Conclusion

3.15 Option B under SS5 states that “*the government’s new housing target of 28,170 homes*” which is the 1,914 dwellings multiplied by 15 years. However, based on the above, the plan period should be longer as the start date for a plan (which should be 2025) is not the adoption date and with the need for a plan period to 2045 in our view, the housing requirement that this Plan should be meeting is for a 20 year period and should be 38,280 dwellings. With an added buffer of at least 10%, then the Plan should be meeting at least 42,000 dwellings.

## Policy SS4 Settlement Hierarchy

**Question SS5 - Do you agree with the suggested policy approach towards the settlement hierarchy, as set out in SS 4 'Settlement hierarchy' above? If not please suggest how it could be amended**

- 3.16 STRAT2 (Strategic development) of the adopted Local Plan sets out the settlement hierarchy, which is:
- i. edge of the city of Chester and towns/urban areas of Ellesmere Port, Northwich and Winsford
  - ii. key service centres of Cuddington and Sandiway, Farndon, Frodsham, Helsby, Kelsall, Malpas, Neston and Parkgate, Tarporley, Tattenhall and Tarvin.
  - iii. An appropriate level of development will also be brought forward in smaller rural settlements which have adequate services and facilities and access to public transport.
- 3.17 Policy R1 further defines the Local Service Centres, which includes Waverton village.
- 3.18 Whilst the settlement hierarchy is generally supported, it should not be simply defined through its existing services or seek to perpetuate the approach of the existing adopted Local Plan which was seeking to address significantly different levels of need, and doesn’t necessarily address needs going forward or allow development in accordance with updated National Policy approaches, such as the use of Grey Belt land for development purposes. Opportunities to enhance the vitality of rural communities through allocating sites for development should be positively supported, as these could significantly enhance the infrastructure, sustainability and vitality within smaller settlements as well as offering a range of development opportunities across the Borough as a whole. We discuss this further below in response to Questions SS 6 and SS 8.



**Question SS 6 Should all settlements have some level of development, regardless of whether they are identified in the settlement hierarchy?**

3.19 The Policy SS4 supporting text states:

“It is recognised that smaller settlements which have a lower level of services and access to public transport could acceptably accommodate infill development and small previously developed sites to meet local needs.

In smaller settlements development should be appropriate in scale and design to conserve that settlements’ character and setting, and should not exceed the capacity of existing services and infrastructure unless the required improvements can be made.”

3.20 We support the proposition that all settlements should have some level of development and smaller settlements could accommodate infill development and proposals on previously developed land. However, there may be instances whereby local needs cannot be met on such sites, and they will need to be addressed through development outside of settlement boundaries, including within the Green Belt and on land that can also be defined as Grey Belt. The needs of smaller settlements should not go unmet where sites outside of the above two criteria are available, suitable, and deliverable. Indeed, in light of the extent of the local housing need in the borough, smaller settlements should be considered on a case by case basis in relation to their ability to accommodate housing and employment growth, and how such development would enhance or maintain the vitality of rural communities in accordance with paragraph 83 of the Framework.

**Question SS 8 Do you agree that in smaller settlements, the character should be protected and development should not exceed the capacity of existing services and infrastructure?**

3.21 The capacity of existing services should not prevent development in smaller settlements. Indeed, housing and employment development in rural communities could assist with sustainable growth, infrastructure improvements and is capable of enhancing or maintaining vitality of such areas. This approach would also be contrary to the advice in paragraph 83 of the Framework which acknowledges that development in one village may support services in a nearby village. We therefore disagree; development in smaller settlements should be assessed on a case by case basis, and capacity of existing services and infrastructure should not prevent development where there are opportunities for it to be improved.



## Policy SS5 Spatial Strategy Options

3.22 The three initial options for growth that the Council have identified are as follows:

- Option A – Retain the Green Belt
- Option B – Follow current Local Plan level and distribution of development
- Option C – Sustainable transport corridors

### Question SS 9 - Have circumstances changed since the adoption of the Local Plan (Part One), that would now justify Green Belt release?

3.23 These representations focus on Birch Trees Farm and Land to the east of Brown Heath Road, Waverton, which fall within the Green Belt.

3.24 Policy SS 5 states:

“Where an option indicates that the development of sites outside of a settlement might be necessary (possibly in the Green Belt and/or the countryside), some potential growth areas are identified in section 5.1 Potential growth areas below.

However, it must be noted that the examiner’s report(i) into the Local Plan (Part One) concluded that additional release of Green Belt land around Chester would have a significant adverse effect on the purposes of including land within the Green Belt including to the historic setting, and that the amended Green Belt boundary proposed was capable of enduring and would not need to be altered at the end of the plan period (2030).”

3.25 As identified in our response to Policy SS 1 Housing Needs, the circumstances have significantly changed since the adoption of the current development plan, and since the site selection methodology was determined ahead of the 2024 Call for Sites. The Inspector’s report is now more than 10 years old and its conclusions should not be heavily relied upon to justify the automatic discounting of Green Belt sites given the current plan making context. In addition, there will be areas of Green Belt which now fall within the definition of Grey Belt, which the Council are now obliged to consider as a means of addressing needs. This is further highlighted by the more recent direction from the Government that a Green Belt review must be undertaken.

3.26 The Land Availability Assessment – Stage One (2025) states under Stage 1D:

“Sites that are located in the Green Belt (with the exception of major developed sites in the Green Belt as set out in the current Local Plan) will be assessed for their development potential as part of the Stage One capacity assessment, and will form Green Belt a separate category of sites at the end of Stage One. **In accordance with**



**'NPPF Footnote 7' of the NPPF land designated as Green Belt should be protected, therefore Green Belt sites will be withdrawn after Stage One and may be revisited as a result of the review stage of the LAA, or as part of the plan making process."**

- 3.27 Paragraph 11(b) of the Framework is clear that the application of policies in footnote 7 should provide a strong reason for restricting the overall scale, type or distribution of development in the plan area. It does not state that sites protected through a Green Belt designation should be automatically discounted. Given the significant change in circumstances since March 2024, including the revisions to the standard method and the Government's clear aspirations to tackle the housing crisis, the current approach to the release of Green Belt sites as part of the spatial strategy is not considered appropriate.
- 3.28 It is also apparent that the majority of Local Service Centres are located within the Green Belt as indicated in the list at Stage 1B. This means that any sites adjacent to or within the 100m buffer of settlement boundaries will be discounted, thus preventing the sustainable expansion of rural settlements. This does not support promotion of sustainable development in rural areas which would enhance or maintain the vitality of rural communities, and nor does it address paragraphs 146 and 148 of the Framework which requires full assessment of potential Grey Belt sites. .
- 3.29 Our comments on the site selection methodology were also set out in the 2024 Call for Sites submissions, which are enclosed at Appendices **EP1** and **EP2**.

**Question SS 13 Aside from those settlements identified in the spatial strategy options, should new housing or other development be allowed in other settlements? If so, please specify what type of development? For example, infill etc?:**

- 3.30 Smaller settlements, such as those identified as Local Service Centres, should also be considered for development. Allocation of sites in such locations would support sustainable development in rural areas, and assist with enhancing and maintaining the vitality of rural communities.
- 3.31 In context of this, our client is promoting the allocation of two sites in Waverton which are discussed further in Section 4 below.



## 4. Proposed allocations

4.1 Our client has an interest in relation to the following sites:

- Birch Trees Farm, Brown Heath Road, Waverton
- Land to the east of Brown Heath Road, Waverton

4.2 There is potential for the sites to come forward together as a wider allocation or as standalone parcels for residential and mixed uses. The sites were promoted through the previous Call for Sites consultation in 2024. Copies of the submissions are enclosed at Appendices **EP1** and **EP2** and remain relevant. The Stage One site assessments for both sites indicate that the only constraint is their Green Belt designation. We discuss this further below.

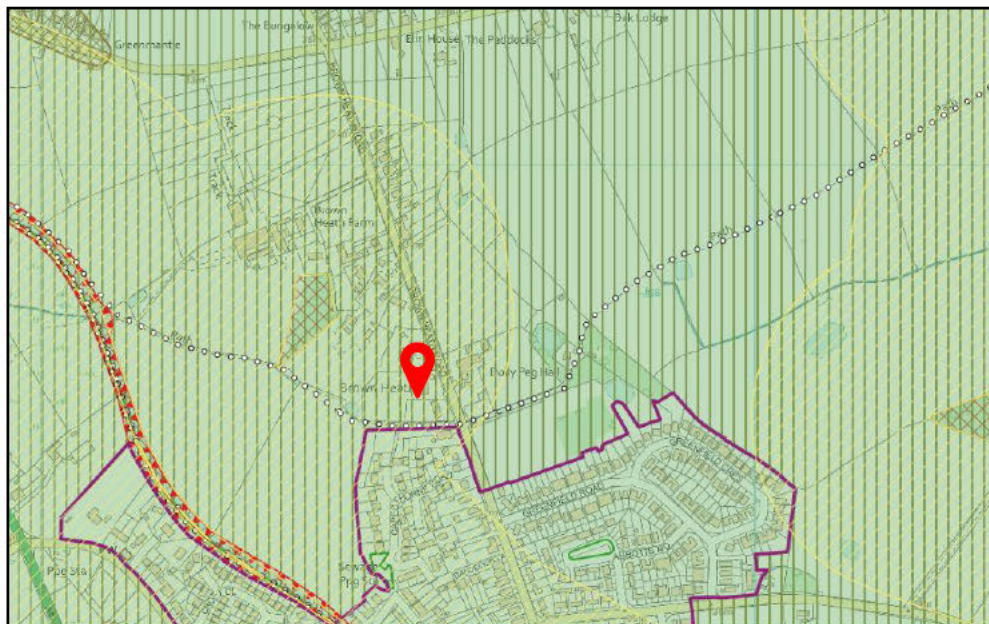
### Birch Trees Farm, Brown Heath Road, Waverton

#### Site description

4.3 The site is located to the east of Chester and north of the settlement boundary of Waverton (Easting 345596, Northing 364712). It measures approximately 0.53ha and is bound by Brown Heath Road to the west and fields to the north, east and south. A property known as Dolly Peg Hall is located to the east, approximately 140m away. The site is also read in context of the existing residential properties fronting the opposite side of Brown Heath Road. An aerial showing the site edged red is provided below.



- 4.4 The site is accessed from Brown Heath Road and benefits from two gated access points set approximately 5m apart.
- 4.5 The existing buildings comprise the farmhouse, an outbuilding and a dutch barn which are located in the northern half of the site. The existing dwelling was previously extended through conversion of stables to a residential annexe which is now connected via a kitchen and utility room. The outbuilding and dutch barn have historically been used as a boarding cattery.
- 4.6 The site is located within the Green Belt and within a restoration area as designated by Policy DM 44 - Protecting and enhancing the natural environment of the Local Plan Part Two. A public footpath runs along the southern boundary.
- 4.7 An extract from the Council's interactive planning map with a pin marking the site is shown below.



### Accessibility

- 4.8 The site is in close proximity to the settlement boundary as shown on the Local Plan extract above and would be well related to the settlement. It is situated in a sustainable location and benefits from easy access to the following services and facilities (distances are provided as the crow flies):
- One Stop convenience store – approx. 350m
  - Village Pharmacy – approx. 350m
  - Waverton Community Primary School – approx. 550m
  - Waverton Surgery – approx. 600m



- Waverton Preschool – approx. 900m
- Christleton High School – approx. 1.4km

4.9 The site is also only a 15 minute drive from Chester, or a 20 minute bus ride. Bus stops with hourly services into the village as well as to Whitchurch, Tattenhall, Malpas and Chester are located less than 100m away on Brown Heath Road. The public transport links provide easy connection to a further variety services and facilities which future residents would be able to take advantage of.

### Planning considerations

4.10 As discussed in Sections 2 and 3 above, we do not consider that sites within the Green Belt should be automatically discounted at Stage One of the site selection process. Smaller settlements, such as Waverton, would benefit from sustainable growth which could enhance or maintain the vitality of their rural communities and support or improve the services and infrastructure offer. This approach would also balance the pressure and need for development across the Borough as whole rather than concentrating development in fewer locations which only have a finite ability to address needs. The approach of the adopted Local Plan reflects that and a more comprehensive re-assessment is now needed.

4.11 Paragraph 148 of the Framework states that where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations.

4.12 The site comprises previously developed land and has been assessed as such in the 2025 Land Availability Assessment Stage One Update. Having regard to the Framework, the site should therefore be prioritised when considering the release of Green Belt land to meet the needs of the Borough.

4.13 Notwithstanding the above, the site also meets the definition of grey belt provided within the Framework:

- The site it does not perform strongly against any of the purposes at parts (a), (b) or (d) as follows:
  - (a) – The site lies adjacent to a village of Waverton, which the PPG<sup>5</sup> confirms is not considered to be a large built-up area. It therefore does not contribute to purpose (a).
  - (b) - The site lies adjacent to the village of Waverton, which the PPG<sup>6</sup> confirms is not considered to be a town for the purpose of this assessment. It therefore does not contribute to purpose (b).

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<sup>5</sup> Paragraph: 005 Reference ID: 64-005-20250225

<sup>6</sup> Paragraph: 005 Reference ID: 64-005-20250225



- (d) - The site lies adjacent to the village of Waverton. The PPG<sup>7</sup> confirms that villages are not considered to be a historic town for the purpose of this assessment. It therefore does not contribute to purpose (d).
- The policies set out at footnote 7 of the Framework do not apply to the site, therefore no strong reasons to restrict development exist.

4.14 As discussed above, the site is in a sustainable location and benefits from access to a number of services and public transport connections to surrounding settlements, including Chester.

4.15 In addition, the 'Golden Rules' at paragraph 156 could be satisfied on the site.

### Conclusion

4.16 The site comprises previously developed land and represents an opportunity to deliver much needed open market and affordable homes through either conversion of the existing buildings alongside construction of new homes, or complete redevelopment of the site. As set out above, the site is suitable for development, readily available with no ownership constraints, and deliverable in the short term. We therefore consider that the site should be allocated for residential development in the emerging local plan.

### Land to the east of Brown Heath Road, Waverton

4.17 The site is being promoted for market and affordable homes, as well as other uses such as small scale retail, employment and education.

### Site description

4.18 The site is located to the east of Chester and north of the settlement boundary of Waverton (Easting 345596, Northing 364712). It measures approximately 4.34ha and is bound by Brown Heath Road to the west, residential properties to the north and fields to the east. To the south lies Birch Trees Farm which the fields are associated with. A property known as Dolly Peg Hall is located to the south east corner of the site.

4.19 The site comprises of 5 parcels of land. The largest parcel fronts onto Brown Heath Road while the remaining parcels adjoin it to the east and south. The site is also read in context of the existing residential properties fronting the opposite side of Brown Heath Road. An aerial showing the site edged red is provided below.

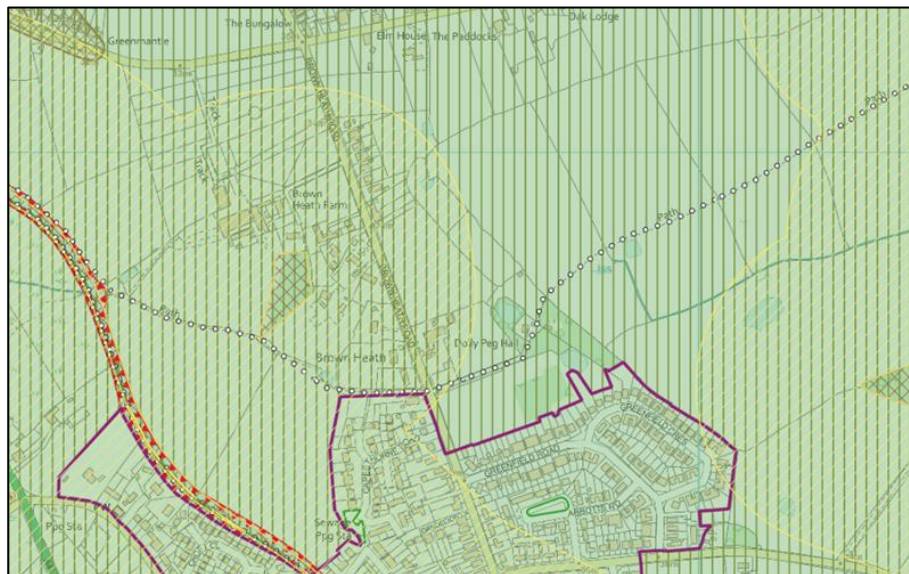
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<sup>7</sup> Paragraph: 005 Reference ID: 64-005-20250225





- 4.20 The site benefits from existing access from Brown Heath Road to the north adjacent to the existing properties, and to the south where the site adjoins Birch Trees Farm. Should the site be considered as part of a wider allocation with Birch Trees Farm, access could also be provided through that land.
- 4.21 The land is currently used for grazing but is not subject to a long term tenancy and is rented on an annual basis.
- 4.22 The site is located within the Green Belt and within a restoration area as designated by Policy DM 44 - Protecting and enhancing the natural environment of the Local Plan Part Two. An extract from the Council's interactive planning map with a pin marking the site is shown below.



## Planning considerations

- 4.23 As discussed in Sections 2 and 3 above, we do not consider that sites within the Green Belt should be automatically discounted at Stage One of the site selection process. Smaller settlements, such as Waverton, would benefit from sustainable growth which could enhance or maintain the vitality of their rural communities and support or improve the services and infrastructure offer. This approach would also balance the pressure and need for development across the Borough as whole rather than concentrating development in fewer locations which only have a finite ability to address needs. The approach of the adopted Local Plan reflects that, and a more comprehensive re-assessment is now needed. This is especially the case if both sites being promoted through these submission are combined and whereby the future needs of the wider area around Waverton could be addressed comprehensively.
- 4.24 Paragraph 148 of the Framework states that where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations.
- 4.25 The site also meets the definition of grey belt provided within the Framework:
- The site it does not perform strongly against any of the purposes at parts (a), (b) or (d) as follows:
    - (a) – The site lies adjacent to a village of Waverton, which the PPG<sup>8</sup> confirms is not considered to be a large built-up area. It therefore does not contribute to purpose (a).
    - (b) - The site lies adjacent to the village of Waverton, which the PPG<sup>9</sup> confirms is not considered to be a town for the purpose of this assessment. It therefore does not contribute to purpose (b).
    - (d) - The site lies adjacent to the village of Waverton. The PPG<sup>10</sup> confirms that villages are not considered to be a historic town for the purpose of this assessment. It therefore does not contribute to purpose (d).
  - The policies set out at footnote 7 of the Framework do not apply to the site, therefore no strong reasons to restrict development exist.
- 4.26 The accessibility of the site has been discussed above. It is considered that the site is in a sustainable location and benefits from access to a number of services and public transport connections to surrounding settlements, including Chester.

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<sup>8</sup> Paragraph: 005 Reference ID: 64-005-20250225

<sup>9</sup> Paragraph: 005 Reference ID: 64-005-20250225

<sup>10</sup> Paragraph: 005 Reference ID: 64-005-20250225



4.27 In addition, the 'Golden Rules' at paragraph 156 could be satisfied on the site.

### Conclusion

4.28 The site comprises grey belt land and represents an opportunity to provide a high-quality development in a sustainable location which could help meet the needs of the rural community. The site in our view meets the necessary criteria for allocation and should proceed to be reviewed via the Stage Two assessment. As set out above, the site is suitable for development, readily available with no ownership constraints, and deliverable in the short term. As such, we would respectfully request that the Council gives consideration to the potential allocation of the site for mixed use development through the Local Plan review.



EP1

Cheshire West and Chester Council (Planning)  
Development Management  
Cheshire West and Chester Council  
Planning Service  
4 Civic Way  
Ellesmere Port  
CH65 0BE

15 March 2024  
EP ref: 24-091

Dear Sir or Madam

**Re: CWAC call for sites – Birch Trees Farm, Brown Heath Road, Waverton**

We are instructed by, Mr John Dyne, to submit representations to the Cheshire West Call for Sites consultation. Our client has an interest in the property and land known as Birch Trees Farm, Brown Heath Road, Waverton.

The site is being promoted for development in two parts as follows:

- Birch Trees Farm and associated buildings (Appendix **EP1**) – Proposed for residential development.
- Land to the north and east of Birch Trees Farm (Appendix **EP2**) - Proposed for market and affordable homes, as well as other uses such as small scale retail, employment and education

There is potential for the sites to come forward together as a wider allocation or as standalone parcels for residential and mixed uses. These representations seek to promote the land and buildings at Birch Trees Farm for residential development. Representations relating to the Land to the north and east of Birch Trees Farm are submitted under separate cover.

**Site description**

The site is located to the east of Chester and north of the settlement boundary of Waverton (Easting 345596, Northing 364712). It measures approximately 0.53ha and is bound by Brown Heath Road to the west and fields to the north, east and south. A property known as Dolly Peg Hall is located to the east, approximately 140m away. The site is also read in context of the existing residential properties fronting the opposite side of Brown Heath Road. An aerial showing the site edged red is provided below.

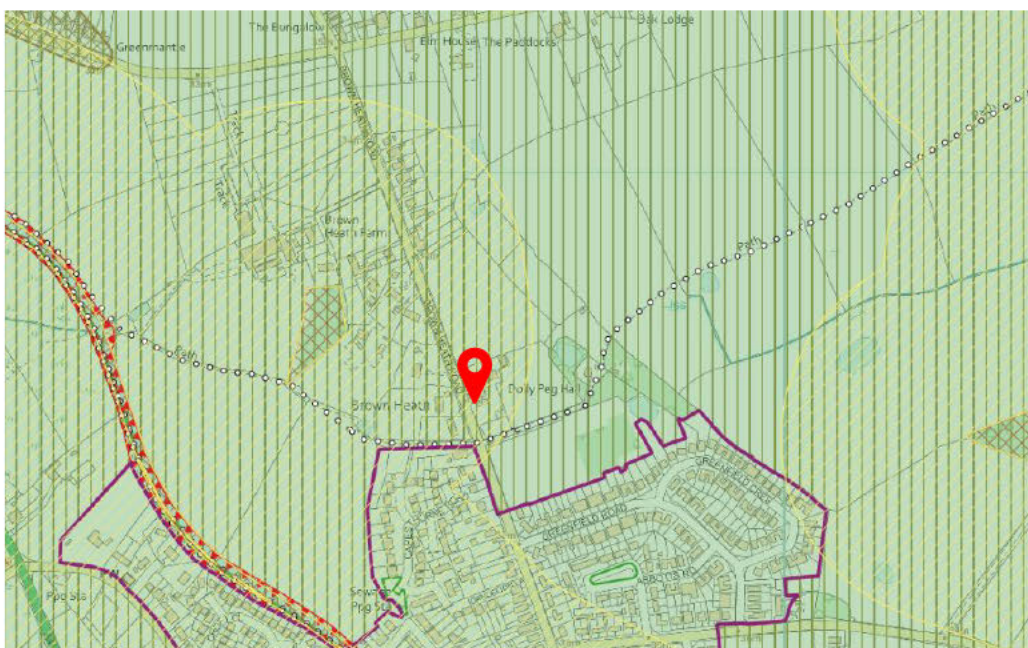


The site is accessed from Brown Heath Road and benefits from two gated access points set approximately 5m apart.

The existing buildings comprise the farmhouse, an outbuilding and a dutch barn which are located in the northern half of the site. The existing dwelling was previously extended through conversion of stables to a residential annexe which is now connected via a kitchen and utility room. The outbuilding and dutch barn have historically been used as a boarding cattery.

The site is located within the Green Belt and within a restoration area as designated by Policy DM 44 - Protecting and enhancing the natural environment of the Local Plan Part Two. A public footpath runs along the southern boundary.

An extract from the Council's interactive planning map with a pin marking the site is shown below.



## Site selection methodology

The Land Availability Assessment document indicates that the Stage One site selection was broken down into the following:

- Stage 1A - Defining sources of land and sites
- Stage 1B - The Study Area
- Stage 1C - Site criteria
- Stage 1D - Site Survey

### Stage 1A

The site has not been included in the Stage One Assessment as it has not been previously promoted. The site is being submitted through the Call for Sites consultation as land suitable for development.

### Stage 1B

The site is located outside of but partially within a 100m buffer of the settlement boundary of Waverton, a Local Service Centre in the Green Belt.

### Stage 1C

The developable site area as calculated using Table 3.1 would amount to just less than 0.5ha. based on the density assumptions made at Table 3.2, it could accommodate approximately 15 new dwellings. An alternative approach would entail conversion of the existing buildings alongside new development.

### Stage 1D

The site details and designations are as follows:

- The information relating to the site size, boundaries and location has already been provided above. The proposed site comprises previously developed land in residential and commercial use.
- The site is located in the Green Belt.
- The site is located within Flood Zone 1 and is at very low risk from surface water flooding. The Flood Map for Planning report is enclosed at Appendix **EP3**.
- The site is not located within any European or nationally designated areas but does fall within an SSSI Impact Risk Zone.
- There are no heritage assets located within the immediate vicinity of the site.
- The site does not contain and is not adjacent to irreplaceable habitats or ancient woodland. There are no trees within the site which are subject to Tree Protection Orders.
- The site is not designated as a formal sports pitch or allotment garden.

The methodology set out at Table 3.4 in relation to Green Belt sites states that sites located in the Green Belt will be discounted but may be revisited as a result of the review stage of the LAA, or as part of the plan making process. Paragraph 4.16 implies that sites within the 100m settlement boundary buffer are not exempt from this exercise. We do not consider that this approach is appropriate as the majority of Local Service Centres are located within the Green Belt as indicated in the list at Stage 1B. This means that any sites adjacent to or within the 100m buffer of settlement boundaries will be discounted, thus preventing the sustainable expansion of rural settlements. This does not support promotion of sustainable development in rural areas which would enhance or maintain the vitality of rural communities. The suggested approach also pre-empts the spatial strategy when it is yet to be determined.

Notwithstanding the above, the majority of the site comprises previously developed land and it is considered that it passes the Stage One assessment and should be reviewed through Stage Two of the LAA.

### Proposed allocation – Birch Trees Farm

The site comprises previously developed land and represents an opportunity to deliver much needed open market and affordable homes through either conversion of the existing buildings alongside construction of new homes, or complete redevelopment of the site.

#### Accessibility

The site is in close proximity to the settlement boundary as shown on the Local Plan extract above and would be related to the settlement. It is situated in a sustainable location and benefits from easy access to the following services and facilities (distances are provided as the crow flies):

- One Stop convenience store – approx. 350m
- Village Pharmacy – approx. 350m
- Waverton Community Primary School – approx. 550m
- Waverton Surgery – approx. 600m
- Waverton Preschool – approx. 900m
- Christleton High School – approx. 1.4km

The site is also only a 15 minute drive from Chester, or a 20 minute bus ride. Bus stops with hourly services into the village as well as Whitchurch, Tattenhall, Malpas and Chester are located less than 100m away on Brown Heath Road. The public transport links provide connection to a further variety services and facilities which future residents would be able to take advantage of.

#### Technical considerations

It has already been demonstrated through our response to the Stage One assessment above that the site is free from any significant constraints which would prevent development from taking place.

### Conclusion

Land at Birch Trees Farm represents an opportunity to provide a high-quality development in a sustainable location. The site in our view meets the necessary criteria for allocation and should proceed to be reviewed via the Stage Two assessment. As such, we would respectfully request that the Council gives consideration to the potential allocation of the site for residential development through the Local Plan review.

Should you have any queries or require any further information then please do not hesitate to contact me.

Yours sincerely  
Emery Planning

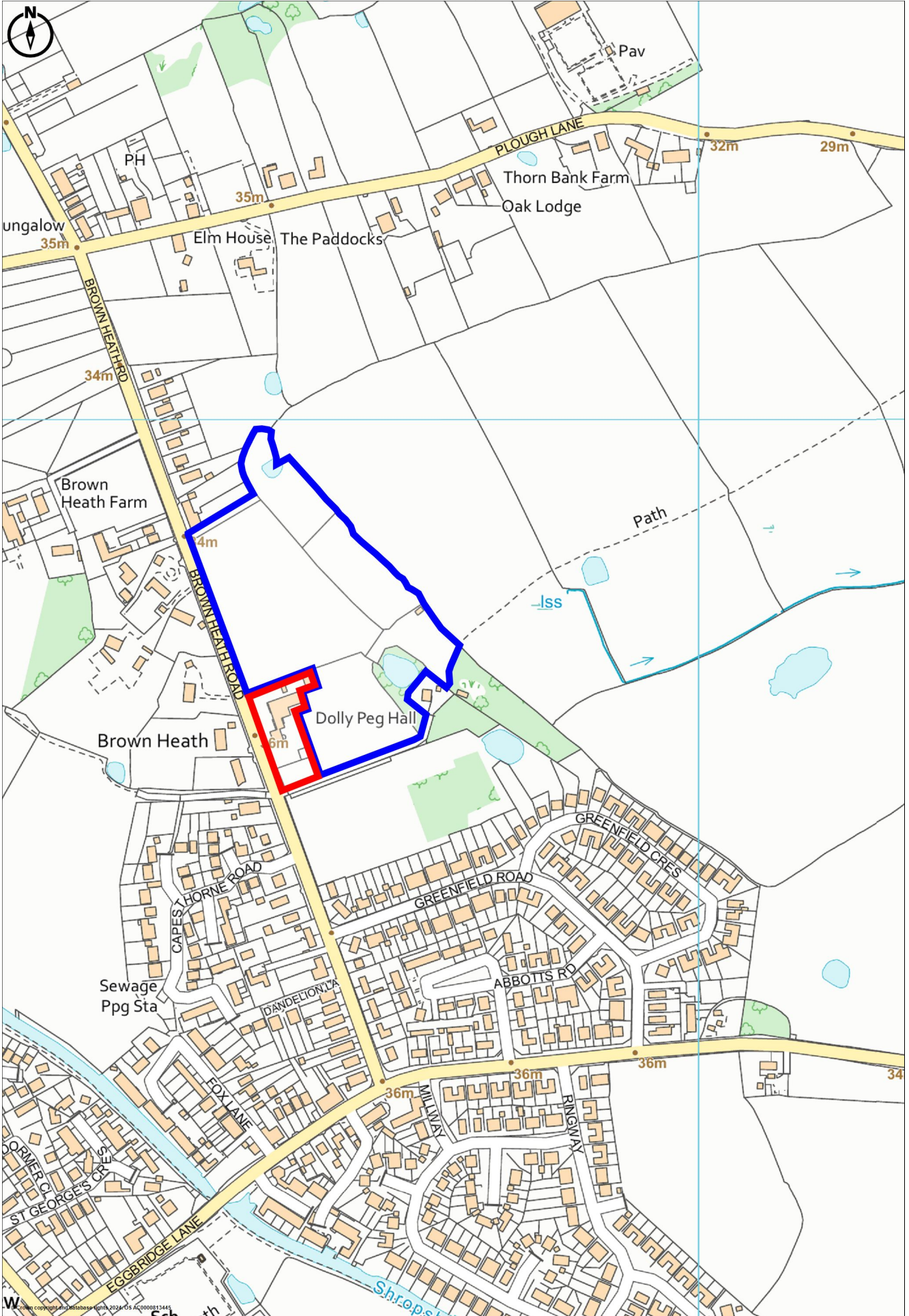


**Rawdon Gascoigne BA (Hons), MRTPI**  
Director



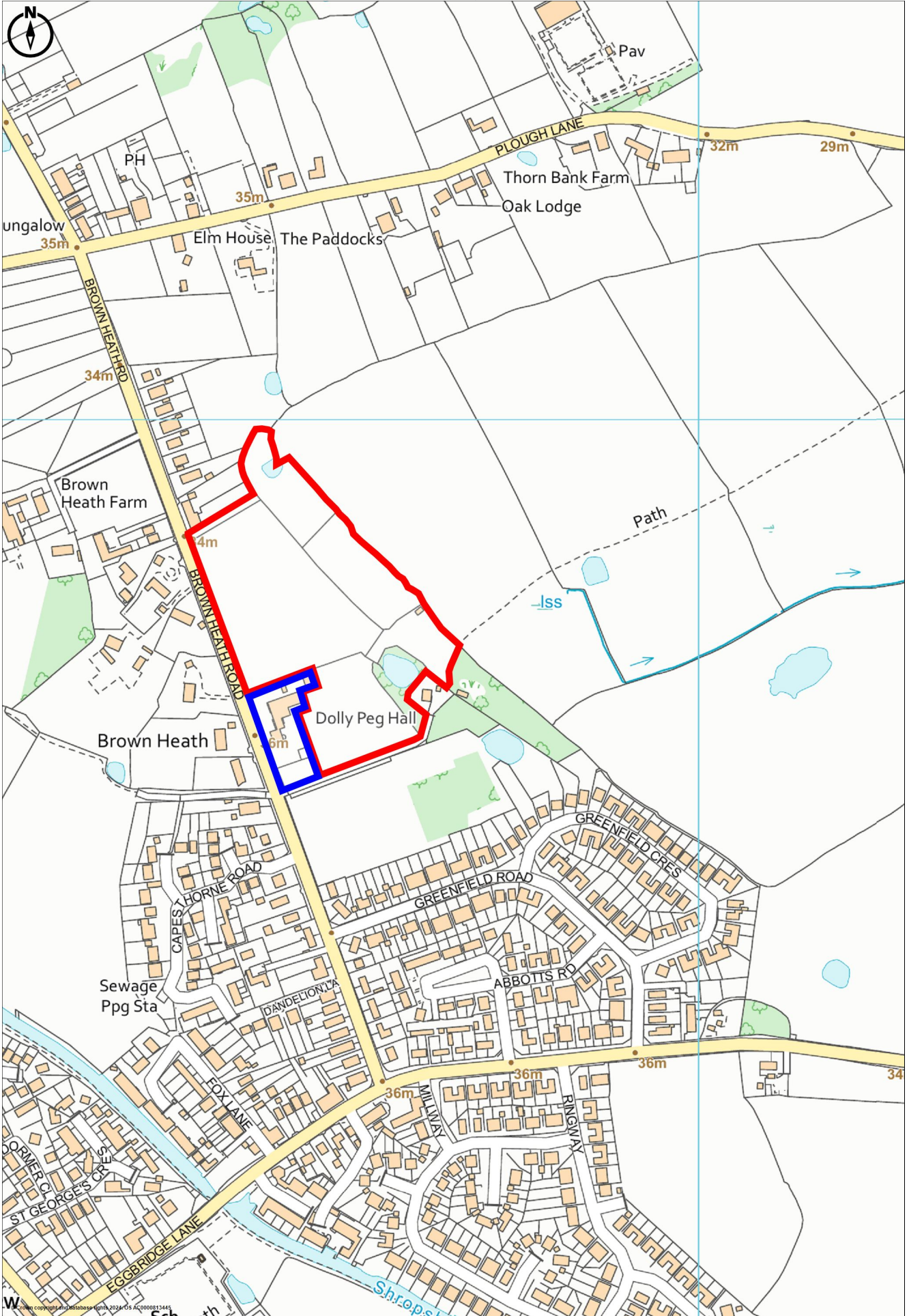
EP1 – Birch Trees Farm location plan  
EP2 – Land off Brown Heath Road location plan  
EP3 – Flood map for planning report

EP1



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EP2



Waverton copyright and database rights 2024. OS AC0000813445

EP3

# Flood map for planning

Your reference  
<Unspecified>

Location (easting/northing)  
345599/364699

Created  
13 Mar 2024 13:36

**Your selected location is in flood zone 1, an area with a low probability of flooding.**

You will need to do a flood risk assessment if your site is **any of the following**:

- bigger than 1 hectare (ha)
- In an area with critical drainage problems as notified by the Environment Agency
- identified as being at increased flood risk in future by the local authority's strategic flood risk assessment
- at risk from other sources of flooding (such as surface water or reservoirs) and its development would increase the vulnerability of its use (such as constructing an office on an undeveloped site or converting a shop to a dwelling)

## Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

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## Flood map for planning








Your reference  
**<Unspecified>**

Location (easting/northing)  
**345599/364699**

Scale  
**1:2500**

Created  
**13 Mar 2024 13:36**



-  Selected area
-  Flood zone 3
-  Flood zone 2
-  Flood zone 1
-  Flood defence
-  Main river
-  Water storage area



EP2

Cheshire West and Chester Council (Planning)  
Development Management  
Cheshire West and Chester Council  
Planning Service  
4 Civic Way  
Ellesmere Port  
CH65 0BE

15 March 2024  
EP ref: 24-091

Dear Sir or Madam

**Re: CWAC call for sites – Land to the east of Brown Heath Road, Waverton**

We are instructed by, Mr John Dyne, to submit representations to the Cheshire West Call for Sites consultation. Our client has an interest in the property and land known as Birch Trees Farm, Brown Heath Road, Waverton.

The site is being promoted for development in two parts as follows:

- Birch Trees Farm and associated buildings (Appendix **EP1**) – Proposed for residential development.
- Land to the north and east of Birch Trees Farm (Appendix **EP2**) - Proposed for market and affordable homes, as well as other uses such as small scale retail, employment and education.

There is potential for the sites to come forward together as a wider allocation or as standalone parcels for residential and mixed uses. These representations seek to promote the Land to the north and east of Birch Trees Farm for residential development or mixed use development. Representations relating to land and buildings at Birch Trees Farm are submitted under separate cover.

**Site description**

The site is located to the east of Chester and north of the settlement boundary of Waverton (Easting 345596, Northing 364712). It measures approximately 4.34ha and is bound by Brown Heath Road to the west, residential properties to the north and fields to the east. To the south lies Birch Trees Farm which the fields are associated with. A property known as Dolly Peg Hall is located to the south east corner of the site.

The site comprises of 5 parcels of land. The largest parcel fronts onto Brown Heath Road while the remaining parcels adjoin it to the east and south. The site is also read in context of the existing residential properties fronting the opposite side of Brown Heath Road. An aerial showing the site edged red is provided below.

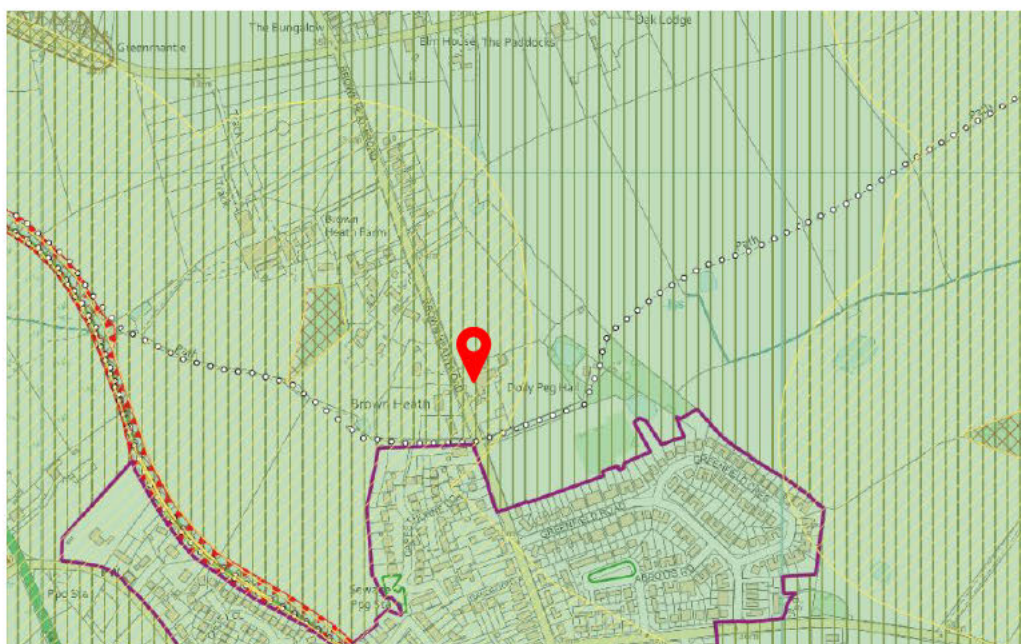


The site benefits from existing access from Brown Heath Road to the north adjacent to the existing properties, and to the south where the site adjoins Birch Trees Farm. Should the site be considered as part of a wider allocation with Birch Trees Farm, access could also be provided through that land.

The land is currently used for grazing but is not subject to a long term tenancy and is rented on an annual basis.

The site is located within the Green Belt and within a restoration area as designated by Policy DM 44 - Protecting and enhancing the natural environment of the Local Plan Part Two.

An extract from the Council's interactive planning map with a pin marking the site is shown below.



## Site selection methodology

The Land Availability Assessment document indicates that the Stage One site selection was broken down into the following:

- Stage 1A - Defining sources of land and sites
- Stage 1B - The Study Area
- Stage 1C - Site criteria
- Stage 1D - Site Survey

### Stage 1A

The site has not been included in the Stage One Assessment as it has not been previously promoted. The site is being submitted through the Call for Sites consultation as land suitable for development.

### Stage 1B

The site is located outside of but partially within the 100m buffer of the settlement boundary of Waverton, a Local Service Centre in the Green Belt.

### Stage 1C

The developable site area as calculated using Table 3.1 would amount to around 3.5ha. Based on the density assumptions made at Table 3.2, it could accommodate approximately 100 dwellings.

Alternatively, applying the 35% plot ratio/density guideline set out in Table 3.3 provides approximately 1.5ha of land for employment uses. These representations also propose the use of the site for retail and education development which could enhance the rural economy and vitality of Waverton.

### Stage 1D

The site details and designations are as follows:

- The information relating to the site size, boundaries and location has already been provided above. The proposed site comprises greenfield land.
- The site is located in the Green Belt.
- The site does not currently benefit from extant housing or employment planning permission for the purposes of Table 3.4.
- The site is located within Flood Zone 1 and the Flood Map for Planning report is enclosed at Appendix **EP3**. Very limited areas to the north of the site are at high or medium risk of surface water flooding and an extract is provided at Appendix **EP4**.
- The site is not located within any European or nationally designated areas but does fall within a SSSI Impact Risk Zone.
- There are no heritage assets located within the immediate vicinity of the site.
- The site does not contain and is not adjacent to irreplaceable habitats or ancient woodland. There are no trees within the site which are subject to Tree Protection Orders.
- The site is not designated as a formal sports pitch or allotment garden.

The methodology set out at Table 3.4 in relation to Green Belt sites states that sites located in the Green Belt will be discounted but may be revisited as a result of the review stage of the LAA, or as part of the plan making process. Paragraph 4.16 implies that sites within the 100m settlement boundary buffer are not exempt from this exercise. We do not consider that this approach is appropriate as the majority of Local Service Centres are located within the Green Belt as indicated in the list at Stage 1B. This means that any sites adjacent to or within the 100m buffer of settlement boundaries will be discounted, thus preventing the sustainable expansion of rural settlements. This does not support promotion of sustainable development in rural areas which would enhance or maintain the vitality of rural communities. The suggested approach also pre-empts the spatial strategy when it is yet to be determined.

The land off Brown Heath Road in part intercepts the 100m settlement buffer. With the exception of being in the Green Belt, it is considered that it passes the Stage One assessment and should be reviewed through Stage Two of the LAA.

### Proposed allocation – Birch Trees Farm

The site represents an opportunity to deliver much needed open market and affordable homes or employment, retail or education provision to enhance the vitality and economy of Waverton. The site could be developed for just one of these uses or brought forward as a mixed use allocation.

The site well contained by Birch Trees Farm, the properties to the north and to the west. It is read within their context and provides an opportunity to deliver an attractive mixed use development which would aid the sustainability credentials of Waverton, support the local economy and assist with expanding the services and facilities provision.

#### Accessibility

The site is within 100m of the settlement boundary as shown on the Local Plan extract above and would be closely related to the settlement. It is situated in a sustainable location and benefits from easy access to the following services and facilities (distances are provided as the crow flies):

- One Stop convenience store – approx. 450m
- Village Pharmacy – approx. 450m
- Waverton Community Primary School – approx. 650m
- Waverton Surgery – approx. 700m
- Waverton Preschool – approx. 1km
- Christleton High School – approx. 1.2km

The site is also only a 15 minute journey by car from Chester, or a 20 minute bus ride. Bus stops with hourly services into the village as well as Whitchurch, Tattenhall, Malpas and Chester are located less than 200m away on Brown Heath Road. The public transport links provide connections to a variety of further services and facilities which future residents would be able to take advantage of.

#### Technical considerations

It has already been demonstrated through our response to the Stage One assessment above that the site is free from any significant constraints which would prevent development from taking place.

## Conclusion

The Land off Brown Heath Road represents an opportunity to provide a high-quality development in a sustainable location which could help meet the needs of the rural community. The site in our view meets the necessary criteria for allocation and should proceed to be reviewed via the Stage Two assessment. As such, we would respectfully request that the Council gives consideration to the potential allocation of the site for mixed use development through the Local Plan review.

Should you have any queries or require any further information then please do not hesitate to contact me.

Yours sincerely  
Emery Planning

[Redacted signature]

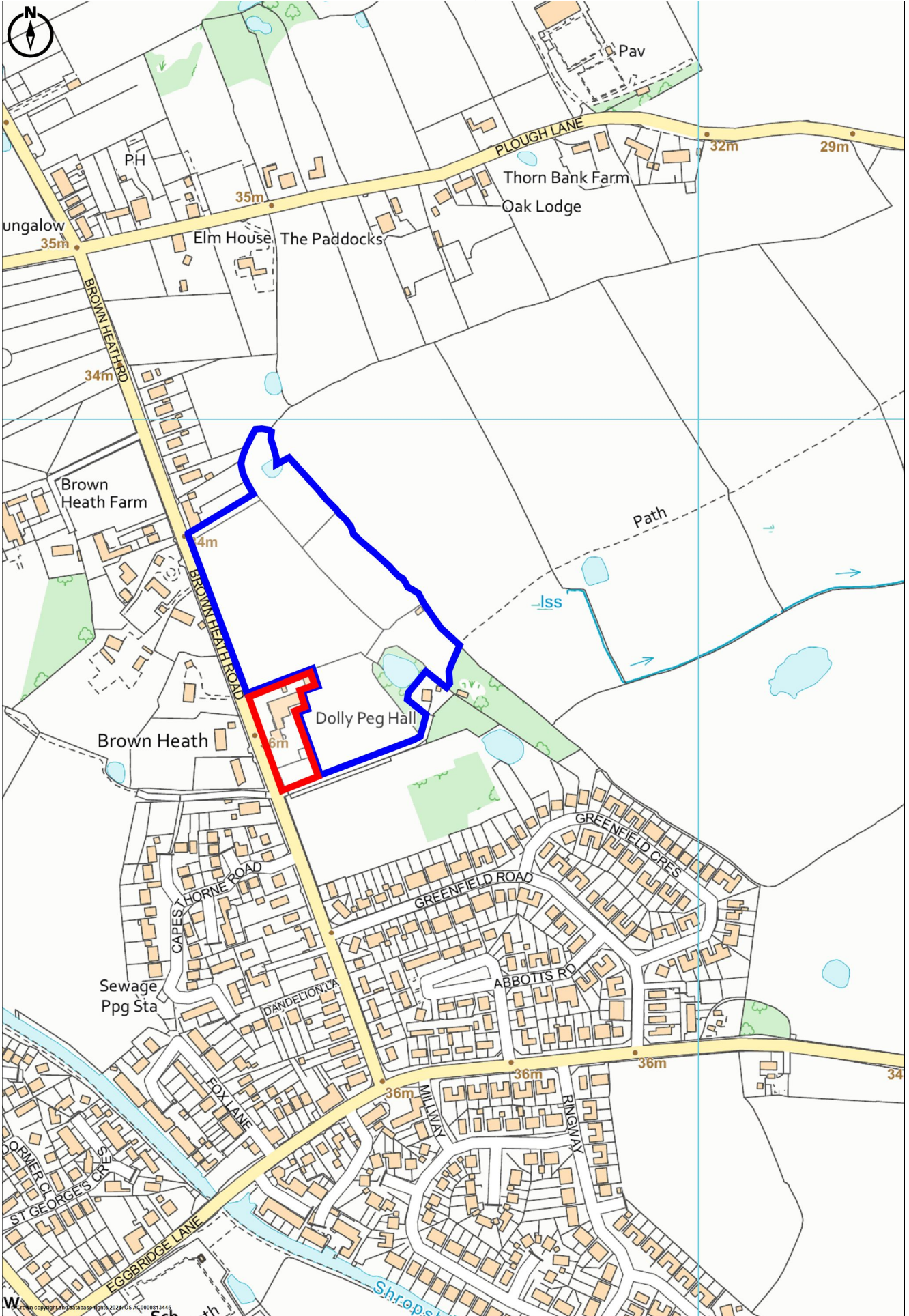
**Rawdon Gascoigne BA (Hons), MRTPI**  
Director

[Redacted contact information]

Enc.

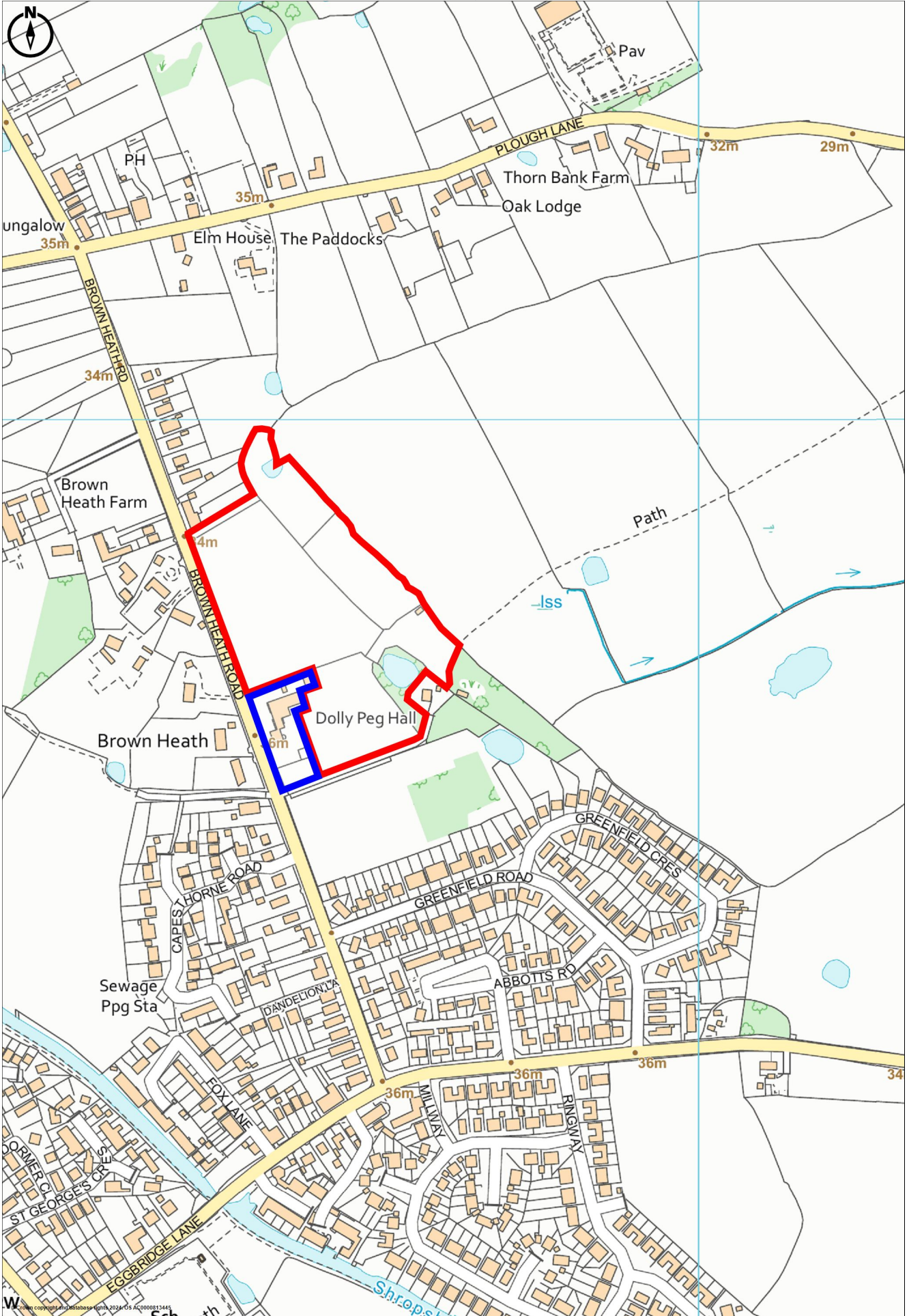
- EP1 – Birch Trees Farm location plan
- EP2 – Land off Brown Heath Road location plan
- EP3 – Flood map for planning report
- EP4 – Surface water flooding map extract

EP1



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EP2



W Promap copyright and database rights 2024. OS AC0000813445

EP3

# Flood map for planning

Your reference  
<Unspecified>

Location (easting/northing)  
345637/364824

Created  
13 Mar 2024 17:34

**Your selected location is in flood zone 1, an area with a low probability of flooding.**

You will need to do a flood risk assessment if your site is **any of the following**:

- bigger than 1 hectare (ha)
- In an area with critical drainage problems as notified by the Environment Agency
- identified as being at increased flood risk in future by the local authority's strategic flood risk assessment
- at risk from other sources of flooding (such as surface water or reservoirs) and its development would increase the vulnerability of its use (such as constructing an office on an undeveloped site or converting a shop to a dwelling)

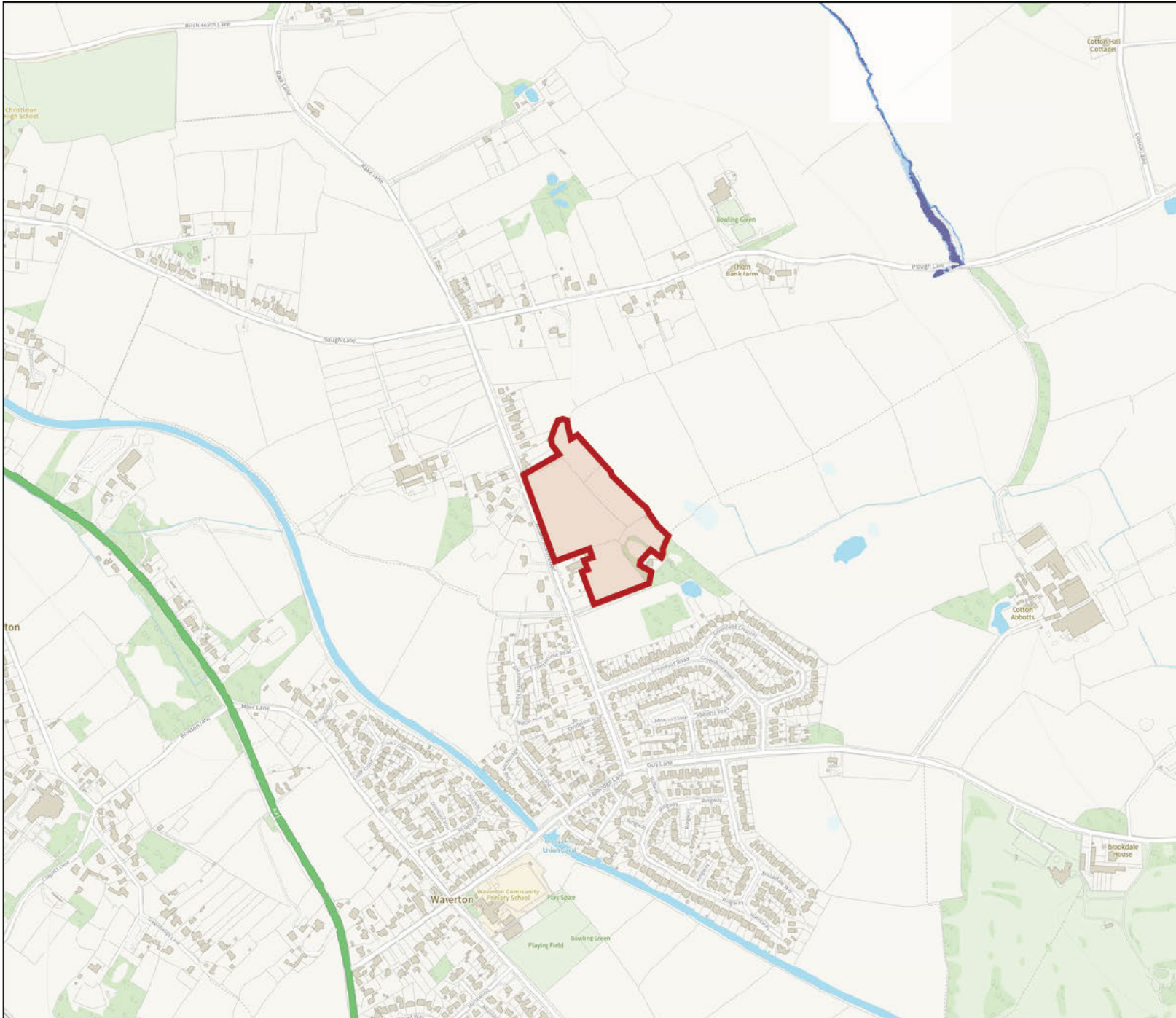
## Notes

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### Flood map for planning

Your reference  
**<Unspecified>**

Location (easting/northing)  
**345637/364824**

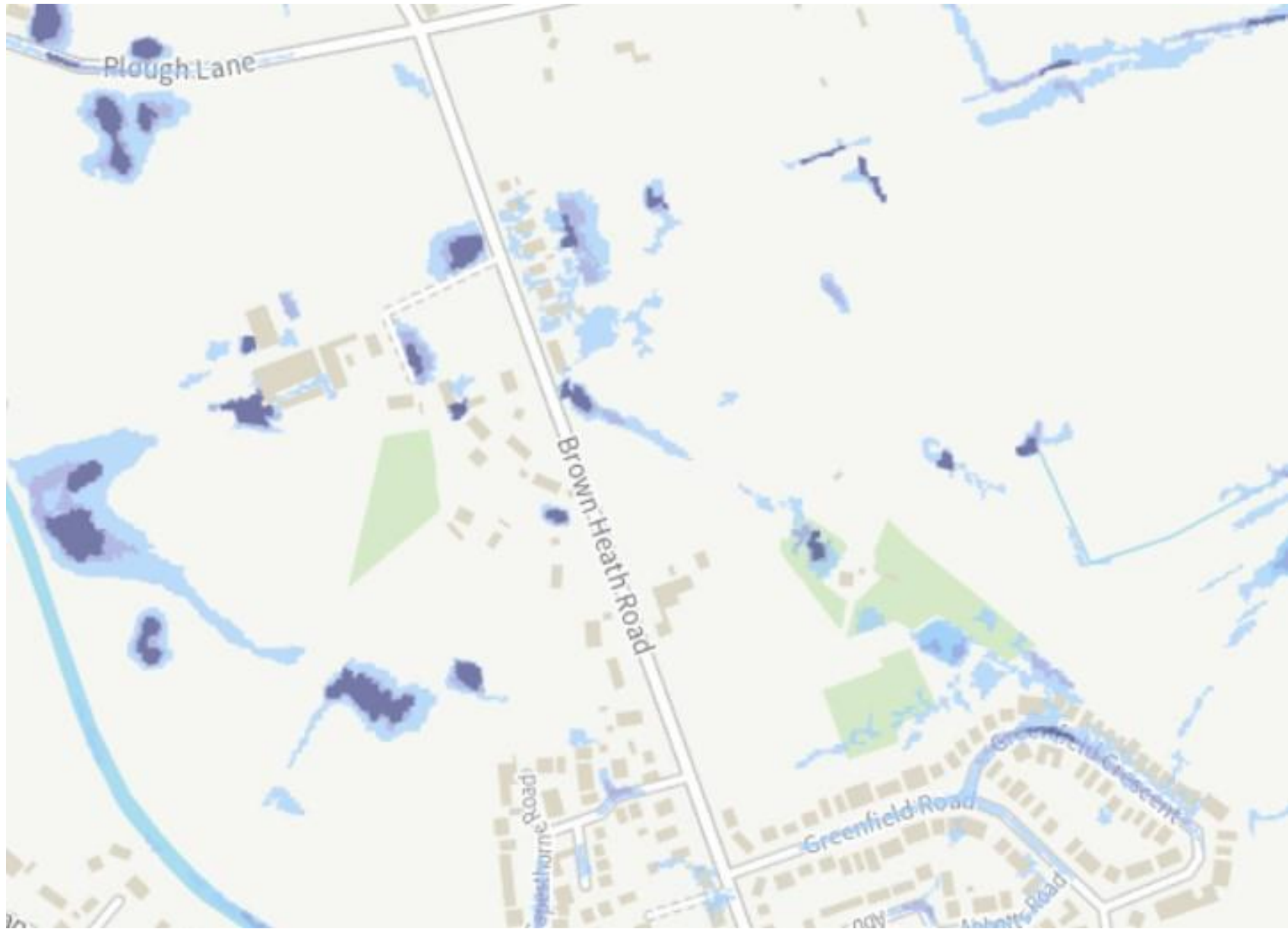
Scale  
**1:10000**

Created  
**13 Mar 2024 17:34**

-  Selected area
-  Flood zone 3
-  Flood zone 2
-  Flood zone 1
-  Flood defence
-  Main river
-  Water storage area



EP4



# emery

PLANNING

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