

Homework item #11 Sutton Village Infill Boundary

1. The Inspector's Matters, Issues and Questions Part 1 [INS/08] includes Question 35: With reference to the SIBR, is the methodology used to define Village Infill Boundaries robust? Have the criteria and judgements used to inform the choice of Village Infill Boundaries been consistently applied? Are the Boundaries justified on the basis of proportionate evidence?
2. The Sutton Parish Council Matter 2 Hearing Statement [HPS/M2/35] states:

"In responding to the question in question in relation to the boundaries for Sutton, Langley and Lyme Green, the exercise has been well undertaken except for one minor exception, which is obvious if a site visit had been undertaken.

The site lies at the western end of the infill boundary on the north side of Walker Lane in Sutton. The last house is The Old Poor House, and its garden lies to the west of the house. The Village Infill Boundary should follow the garden boundary, but it doesn't. The Infill boundary takes in a piece of grassland which provides access to a public footpath which runs from Walker Lane to Bullocks Lane. Despite recommending a site visit on several occasions, this has been ignored."
3. At the hearing session discussion of Matter 2e, the council informed the session that the piece of grassland providing access to a public footpath had originally been proposed to be included in the Sutton Village Infill Boundary in the 2018 First Draft SADPD but that this piece of land was excluded from the proposed infill boundary in the submitted plan.
4. As requested by the Inspector, the council has now looked at this issue again. Following consideration of the consultation responses to the First Draft SADPD 2018, a site visit was carried out and in line with the methodology set out for defining village infill boundaries, the draft Village Infill Boundary was at that point amended to follow the curtilage boundary of 82 Walker Lane and exclude the piece of grassland which provides access to the public footpath. This amendment was made prior to inviting representations under Regulation 19 in 2019 and 2020.
5. This issue is considered in the Consultation Statement [ED 56a] (page 137), where it is confirmed that "the verge beyond the curtilage of 82 Walker Lane is excluded from the Sutton boundary".
6. The council has now reviewed the boundary again and can confirm that it does indeed follow the stone wall garden boundary of The Old Poor House, 82 Walker Lane. The piece of grassland to the west of the stone wall garden boundary, which provides access to the public footpath is excluded from the proposed Sutton Village Infill Boundary.
7. Figure 1 shows the grass verge in question. The red 4x4 vehicle is parked on the grass verge and the public footpath runs from the pavement of Walker Lane across the verge to the stile where it then enters the field beyond. The

stone garden wall behind the red 4x4 vehicle defines the extent of the Sutton Village Infill Boundary.



Figure 1: area of land in question

8. Figure 2 shows a detailed map of the proposed Sutton Village Infill boundary at this location, including the footpath. The piece of grassland to the west of the stone garden wall boundary is clearly outside of the village infill boundary and the route of the public footpath is shown running across this piece of land to Walker Lane.

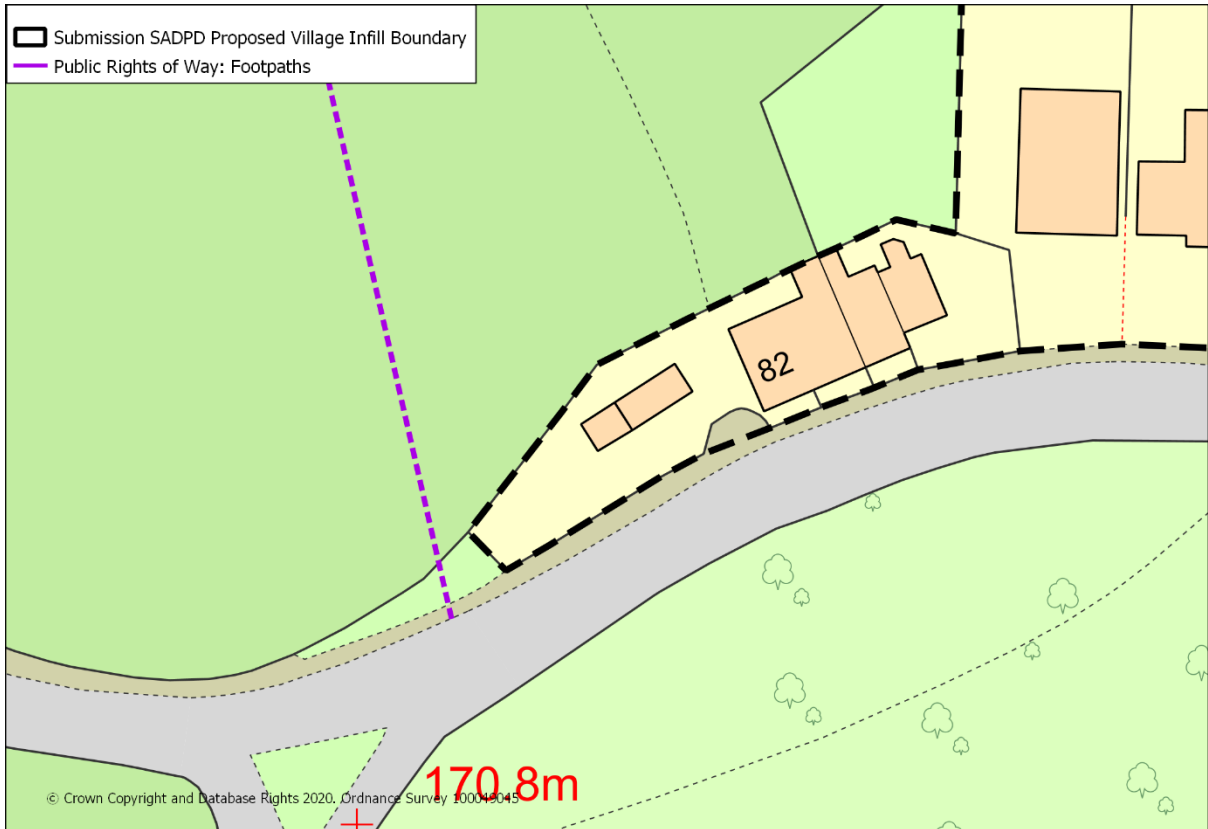


Figure 2: detailed boundary plan showing footpath

- Figure 3 is a screenshot from the Draft Adopted Policies Map (online interactive version) [ED 02], which confirms the location of the boundary, excluding the grass verge.



Figure 3: Draft policies map extract

10. The council is satisfied that the boundary is drawn in accordance with the methodology set out in the Settlement and Infill Boundaries Review [ED 06] and no further amendment is required.

Liaison with Sutton Parish Council

11. The draft note as set out in ¶¶1-10 above was provided to Sutton Parish Council via Peter Yates for comment.
12. In response, Sutton Parish Council via Peter Yates confirmed that the boundary shown in Figures 1-3 of this note reflect Sutton Parish Council's representations on the infill boundary at the western end of Walker Lane. However, further concerns were raised that this boundary line is not the one shown in the Settlement and Infill Boundaries Review [ED 06] and that page 101 of that document clearly shows the area of land the Parish Council is concerned about is included in the pecked red line which demarcates the infill boundary. In addition, concern was raised that the booklet version of the Draft Policies Map [ED 02b] Page 56 also shows this land within the infill boundary.
13. The Parish Council would like confirmation that the appropriate corrections to [ED 06] and [ED 56] will be made to correctly reflect the boundary shown in Figures 1-3 of this note.

Review following liaison with Sutton Parish Council

14. The council has further reviewed the boundary as shown in the Settlement and Infill Boundaries Review [ED 06] and the Draft Adopted Policies Map (booklet version) [ED 02b]. The maps in both of these documents were produced using the same underlying GIS data and show the exact same boundary as the Draft Adopted Policies Map (online interactive version) [ED 02a].
15. The council understands that the scale of the maps in [ED 06] and [ED 02b] means that such a small area of land may not be prominently visible; however both maps do show the grass verge in question as falling outside of the Sutton Village Infill Boundary. Figures 4 and 5 below show the grass verge circled in blue as falling outside of the proposed Village Infill Boundary.
16. The council remains satisfied that the boundary is drawn in accordance with the methodology set out in the Settlement and Infill Boundaries Review [ED 06] and no further amendment is required. Furthermore, the boundary is drawn consistently in the Draft Adopted Policies Map (online interactive version) [ED 02a], the Draft Adopted Policies Map (booklet version) [ED 02b] and the Settlement and Infill Boundaries Review [ED 06].

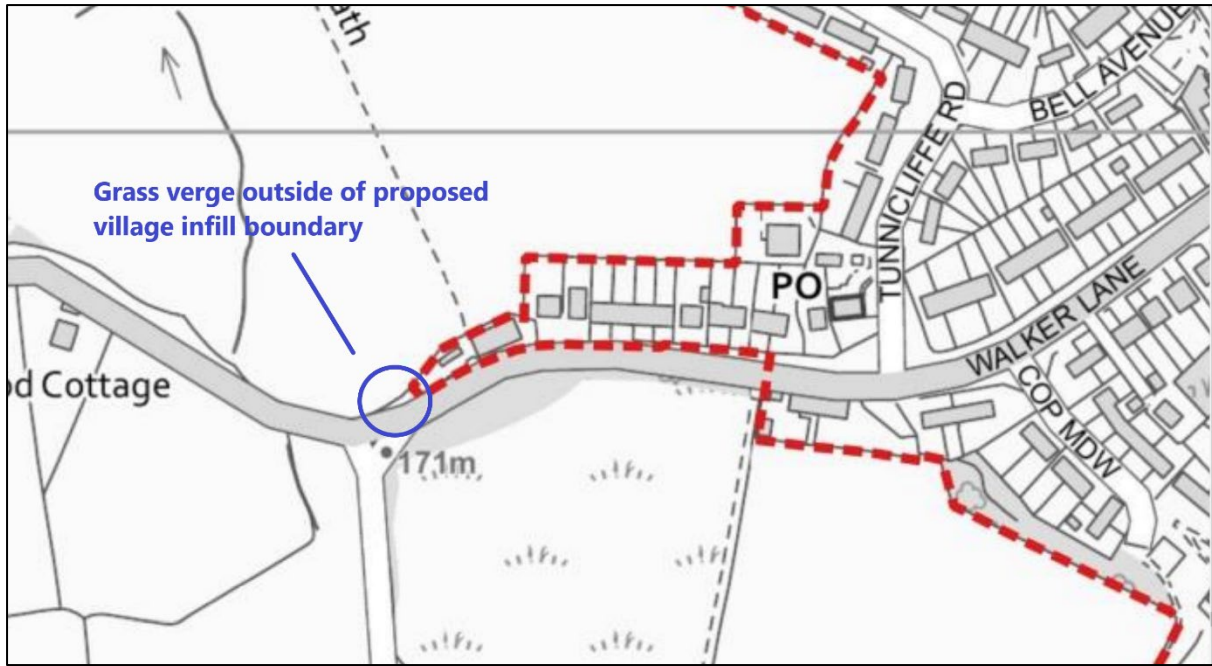


Figure 4: Extract from Settlement and Infill Boundary Review [ED 06] (p101)

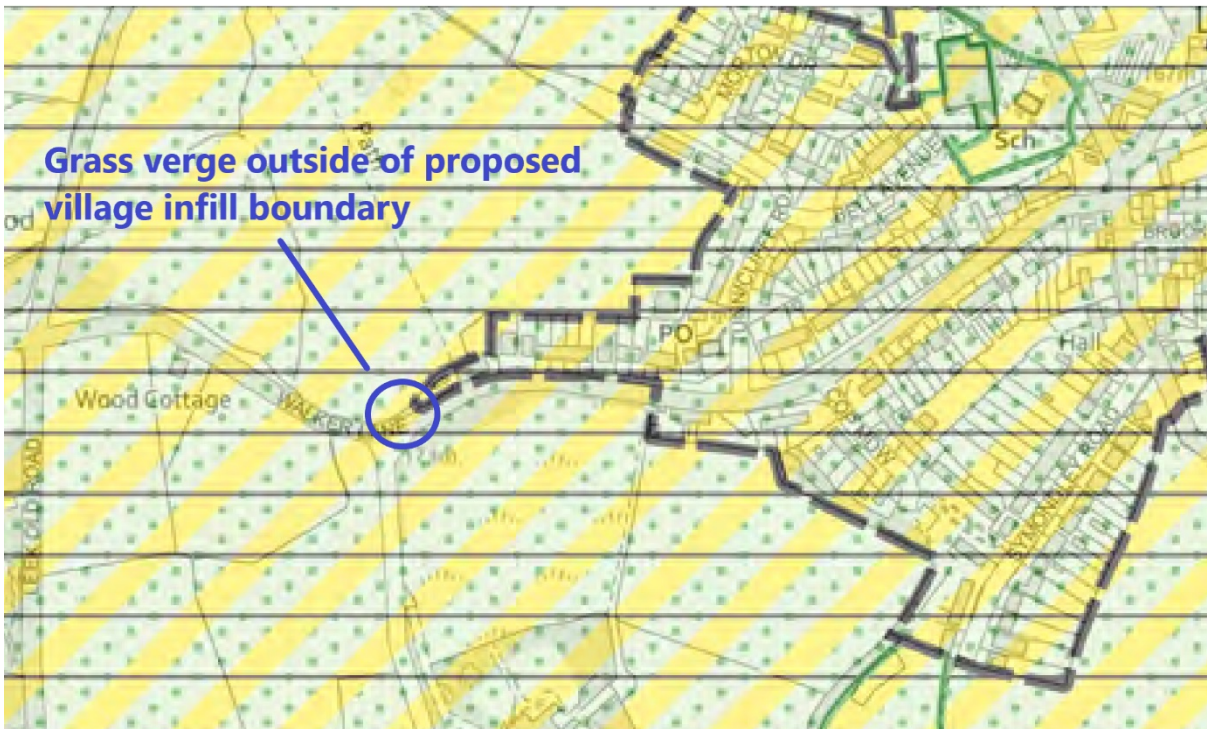


Figure 5: Extract from Draft Adopted Policies Map (booklet version) [ED 02b]

Further liaison with Sutton Parish Council

17. A revised draft note as set out in ¶¶1-16 above was provided to Sutton Parish Council via Peter Yates for further comment.

18. In response, Sutton Parish Council via Peter Yates stated that they do not agree that the boundaries shown in Figures 4 and 5 of this note are the same boundary as shown in Figures 1-3 of the draft note.
19. The reason for this is that as stated in ¶4 of the note, the grass verge in question provides access to the public footpath. As shown in Figure 1, the stile which gives access to the footpath is clearly beyond the garden wall and the infill boundary. This is a fixed and common feature which is clearly visible on Figures 2, 4 and 5.

Further review following further liaison with Sutton Parish Council

20. The council has again reviewed the boundary as shown in the Settlement and Infill Boundaries Review [ED 06] and the Draft Adopted Policies Map (booklet version) [ED 02b] (shown in Figures 4 and 5 of this note). The council reiterates that the boundaries on all three maps are drawn using the same GIS data for the village infill boundaries and they show the same (correct) boundary.
21. On looking at the issue again, it seems that the difference of opinion regarding whether the correct boundary is shown arises from the fact that the route of the public footpath is not shown correctly on the Ordnance Survey basemaps.
22. The Ordnance Survey basemaps in Figures 2, 3, 4 and 5 all show the incorrect route of the footpath stopping at the northern curtilage boundary of 82 Walker Lane, near to the north west corner of the house itself (rather than stopping at Walker Lane to the west of the curtilage boundary as it is on the ground). Figure 2 also shows (as a purple dashed line) the correct route of the footpath as recorded on the council's definitive map of public rights of way.
23. The difference between the correct route of the footpath and the route as marked on Ordnance Survey maps can also be seen on the working copy of the definitive map¹.

Final liaison with Sutton Parish Council

24. Sutton Parish Council have confirmed that so long as the infill boundary on the adopted policies map is as shown on Figures 1-3 in this note, then they would be satisfied. However, they would like the footpath shown in the correct position on any paper version of the adopted policies map. The final email correspondence is shown in Appendix 1 to this note.

1

https://maps.cheshireeast.gov.uk/ce/webmapping?&e=392339.73&n=370912.01&layers=TN_V_ROWFootpaths_LINE_CURRENT.TN_V_ROWBridleways_LINE_CURRENT.TN_V_ROWRestrictedByways_LINE_CURRENT.TN_V_ROWBywaysOpenToAllTraffic_LINE_CURRENT&s=5000.00&bm=colour

Conclusion

25. Cheshire East Council's position is that Figure 3 is a screenshot of the draft adopted policies map [ED 02a] and the boundary as shown on Figures 2, 3, 4 and 5 is the exact same boundary. Therefore, the correct boundary is shown on all maps, which is drawn in accordance with the methodology set out in the Settlement and Infill Boundaries Review [ED 06]. Therefore, no change is needed.
26. The council will investigate how to report the error on the basemap (showing the incorrect route of the footpath) to the Ordnance Survey to see if this can be corrected in future releases of the mapping.

Appendix 1: Email Correspondence

HOUSE, Stewart

From: Peter Yates. <[REDACTED]>
Sent: 25 October 2021 09:12
To: HOUSE, Stewart
Subject: Re: Infill boundary for Sutton

Hi Stewart,

Thanks for the time and effort you have put into sorting this out.

As long as the Infill boundary is shown as on your Figures 1-3 on the Adopted Policies Map, so there is no room for interpretation, I am sure the Parish Council will be satisfied.

It is a pity that the other maps show the Public Footpath in the wrong position. If the Adopted Policies Map is to be available in paper form, perhaps you can make sure the footpath is shown in the correct position.

Kind regards,
Peter.

Peter Yates BA (Hons) M Phil MRTPI.
Planning & Development Consultant.
[REDACTED]

-----Original Message-----

From: HOUSE, Stewart <Stewart.House@cheshireeast.gov.uk>
To: Peter Yates. <[REDACTED]>
Sent: Fri, 22 Oct 2021 15:14
Subject: RE: Infill boundary for Sutton

Hi Peter,

The public footpath is not shown in the correct location on the Ordnance Survey mapping. I don't know why but perhaps it was diverted in the past?

The footpath marked as a dashed purple line on Figure 2 in the draft note is Sutton Footpath 3 as recorded on the council's definitive PROW map and is the correct line of the right of way, crossing the field boundary at the stile and then crossing the grass verge to Walker Lane. You can also see on Figure 2 that the Ordnance Survey basemap erroneously shows the line of the footpath as a dashed line stopping at the rear curtilage boundary of number 82 almost at the northwestern corner of the house itself. As you know the area well, you will be aware that the footpath joins Walker Lane to the west of the curtilage of 82 Walker Lane and it does not stop at its northern curtilage boundary (by the northwest corner of the house itself) as shown on the Ordnance Survey map.

This erroneous line of the footpath is also shown on the Ordnance Survey basemap in Figure 4 and Figure 5 of the note. You can see (particularly in Figure 4) that this erroneous line of the footpath runs almost to the northwest corner of the house itself as it does in Figure 2. In Figures 4 and 5, the small triangle of land shown in the blue circles outside of the infill boundary is the piece of land we are referring to (west of the curtilage boundary of 82 Walker Lane) and there is no error on any of the maps (other than the OS basemap error showing the incorrect route of the footpath).

If you wish to satisfy yourself further that the OS map shows the footpath in the wrong place, then you can look at the definitive map here: [Public Map Viewer \(cheshireeast.gov.uk\)](https://publicmapviewer.cheshireeast.gov.uk) which clearly shows the correct route of Sutton Footpath 3 in purple diverging from the OS basemap route.

I do hope that we can now agree that all of the maps do show the correct line of the village infill boundary.

Kind Regards,
Stewart