

To	Mr Hayden
From	Ben Pycroft, Emery Planning
Date	29/10/2021
Project	Cheshire East SADPD

Re: Council's Homework re: Windfalls

Commitments at 31/03/2020

The Council's homework explains that of the 1,193 dwellings which were commitments in the LSCs at 31/03/2020, 925 dwellings were on sites which had been first granted planning permission before the LPS was adopted (in July 2017) and 268 dwellings were on sites which had first granted planning permission after the LPS was adopted. This is not a true reflection of commitments because some sites had a resolution to grant planning permission before the LPS was adopted and therefore would have been considered as a commitment at the time the LPS was examined. Examples include:

- 3175 – Chelford Cattle Market – 79 dwellings are included in the 268 figure on the basis that planning permission was first granted on this site after the LPS was adopted. However, the site had a resolution to grant planning permission for 86 dwellings at the time the LPS was examined (LPA ref: 10/3448M) and was therefore already included as a commitment in the Council's supply figures; and
- 5895 – Land at Bowe's Gate Road, Bunbury – 11 dwellings are included in the 268 figure on the basis that planning permission was first granted on this site after the LPS was adopted. However, the site had a resolution to grant planning permission for 11 dwellings at the time the LPS was examined (LPA ref: 15/1666N) and was therefore already included as a commitment in the Council's supply figures.

Therefore, the 268 figure should be reduced by 90 dwellings (i.e. 79 + 11) and this should be added to the 925 dwelling figure. The difference between the two positions is set out in the table below:

Commitments @ 31/03/2020	Council	Emery Planning
Pre-LPS adoption	925	1,015
Post LPS adoption	268	178
Totals	1,193	1,193

It should also be noted that some of the sites where planning permission was first granted after the LPS was adopted were approved at appeal. This is relevant because of the Council's reliance on windfall sites in the LSCs as discussed at the hearing sessions. Examples include:

- 4121 – Dunkirk Farm Paddock – 10 dwellings are included in the 268 figure on the basis that planning permission was first granted on this site after the LPS was adopted. However, this was at appeal. The Council sought to resist the appeal.
- 6208 – Land to the rear of Shavington Villa – 29 dwellings are included in the 268 figure on the basis that planning permission was first granted on this site after the LPS was adopted. However, again this was at appeal on the basis that the tilted balance should be engaged because of the Council's five year housing land supply at that time. The Council not only sought to resist the appeal but unsuccessfully sought to challenge the appeal decision in the court.

Completions by 31/03/2020

The Council's Homework states that there have been 36 gross and 26 net dwellings which have been completed on sites in the LSCs first granted planning permission after the LPS was adopted in July 2017 and 1,981 net dwellings. 28 of the 36 gross dwellings completed were at the Chelford Cattle Market, which as discussed above was already a commitment at the time the LPS was examined and adopted because that site had a resolution to grant planning permission at that time. On this basis, 28 dwellings should be removed from the 36 gross dwelling figure.

The difference between Emery Planning and the Council on this issue is set out in the table below:

Completions since 01/04/2010	Council			Emery Planning		
	Gross	Losses	Net	Gross	Losses	Net
Pre-LPS adoption	2176	195	1981	2,204	195	2,009
Post LPS adoption	36	10	26	8	10	-2
Totals	2212	205	2007	2,212	205	2,007