

**MINUTES OF PLANNING COMMITTEE OF HATHERTON & WALGHERTON PARISH COUNCIL
HELD ON 10TH APRIL 2026
THE TIN SHED**

PRESENT: Councillor C Knibbs (Chair)
Councillor J Du Pavey
Councillor J Sansom
Councillor G Laxton
Councillor C Ward

IN ATTENDANCE: Cllr J Clowes – Wybunbury Ward Councillor

01 APOLOGIES FOR ABSENCE

Cllrs Dibben, Clinton, Bennion, Mitchell were not in attendance.

02 DECLARATIONS OF INTEREST

Members were invited to declare any non-pecuniary or disclosable pecuniary interest (DPI) which they had in any item of business on the agenda, the nature of that business and in respect of disclosable interests to leave the meeting prior to the discussion of that item.

There were no declarations of interest.

04 PLANNING APPLICATIONS

To review current planning applications within and close to the Parish requiring a response before the next meeting of the Parish Council.

26/1058/FUL Land At Lodge Lane, Hatherton, CW5 7LF
Full Planning: Widening of existing agricultural access

RESOLVED: The Parish Council sees no issue in principle, but would request consideration to be applied to the root protection zone of the adjacent trees. We would ask attention be paid to surface water drainage issues which are already poor on Lodge Lane.

25/4802/RES Land Of Hunsterson Road, Hunsterson, CW5 7LD
Reserved Matters: Approval of Reserved Matters for Site 11 following Outline Approval 18/2153N - APP/R0660/W/19/3221564 - Outline application for development of 12 sites for residential development for 112 dwellings with means of access and layout included, but with all other matters reserved, for a 10 year phased release and delivery period and associated community betterment (parking overspill next to school, enhanced parking next to church permissive pedestrian paths, play space, public access, community orchard, educational contribution and affordable housing). [Re-submission of 16/5719N : addition of extra 2.81 ha of land and 10 no. dwellings]

RESOLVED: The Parish Council provided the following comments:

- S106 AGREEMENT: APP/R0660/W/19/3221564
- **THE TWO FISCAL BONDS:** As with the earlier “Reserved Matters Applications” related to 18/2153N, this reserved matters application still does not identify how progression of the two fiscal BONDS has progressed, (a) to secure the Doddington Hall Restoration and (b) to secure the Hotel Build that will in turn secure the long-term sustainability of all Historic Assets on the Doddington Estate.

Under the terms of the S106, signed as part of the Appeal process, (18/2153N - APP/R0660/W/19/3221564) construction in any form may NOT commence in any form until the Bonds are legally approved, the appropriate banking provisions set up at Cheshire East Council, with the Cheshire East Council Monitoring Officer’s approvals.

FOUL DRAINAGE

- It must be remembered that at Appeal, the previous agent, on behalf of the applicant, confirmed that there would be compliance with the Environment Agency’s requirement that all sites must be connected to a new mains sewer system for foul drainage.
- The Agent confirmed that these costs had been included in the financial appraisal and the Environment Agency therefore withdrew their objection to the outline application (18/2153N) at Appeal. Therefore, in compliance with the Environment Agency’s requirements, these works must be adhered to.
- The properties proposed are substantial and therefore the installation of the foul drainage sewer is the EA’s preferred long-term solution and must be seen cumulatively with site 7, which is located opposite this application site on the south side of Hunsterson Road.

(To date, none of the revised matters applications coming forward as part of 18/2153N have submitted any foul drainage system / mains sewer construction schedules.)

SURFACE WATER DRAINAGE

Via under porous driveway construction and attenuation tanks below the driveways to release water via percolation at rate commensurate with normal field percolation rates.

LIGHTING

- Once again, this application includes the installation of 3x 5m street lights that are a wholly inappropriate, urbanising feature in this highly rural landscape and do not comply with Light pollution policies of the SADPD and Wybunbury Combined Parishes Neighbourhood Plan. Which seek to reduce rural light pollution, maintain dark skies and support nocturnal wildlife.
- Please note that the nearby Wood Farm has the largest roost of Soprano Pippestrelle Bats in the area.
- Where there is a group of properties as in this case, lighting must be restricted to sensor lighting on the individual properties.
- There are no functioning lamp posts in the Hatherton and Walgherton parishes and their inclusion in this (and other the other applications related to 18/2153N) must be removed.

ECOLOGY AND PROTECTED SPECIES

- The Parish Council notes the report in relation to lighting and bats. Nonetheless this does not address the wider issues of inappropriate lighting design in a highly rural location, dark skies and light pollution issues.

SECOND FLOOR / ROOF

- Please note the original application specifically mentioned there is to be no development in the roof space due to the proximity to Hatherton Lodge. We note the appearance of a dormer on two properties on the planning schedule plan. Please can we ensure this planning condition is noted for any reserved matters.
- We believe the height at 10.3m to the gable excluding chimney (12.35m to chimney) is excessive and out of place and should be lowered to offer consistency with similar neighbouring properties and to prevent them over powering the heritage assets at Hatherton Lodge Stable Block as well as the impact on the view from the nearby footpath on the south Cheshire Way. (Hatherton FP13 to the North & Hatherton FP14 to the East which can be seen from the south East & Walgherton FP3 which is famous for its panoramic views across the area).

CONSULTEES

Please can Public Rights of Way and Ecology officers also be consulted on the application.

APP/R0660/X/26/3378121 Land adjoining Broomlands Lodge, Bridgemere Lane, Hatherton, CW5 7PL: Lawful Development Certificate Appeal

RESOLVED: The Parish Council provided the following comments:

Hatherton & Walgherton Parish Council submits the following representation in respect of the appeal against Cheshire East Council's refusal of a Certificate of Lawful Existing Use (CLEUD) for alleged storage use on land off Bridgemere Lane.

We recognise that, under **Section 191 of the Town and Country Planning Act 1990**, the Inspector may only consider **matters of fact and law**, not planning merits. Our comments therefore relate solely to whether the appellant has demonstrated, on the balance of probability, that the claimed use has been **continuous, lawful storage for a period of at least 10 years**.

We also request that **all evidence and statements previously submitted by the Parish Council** during the original application are taken into account as part of this appeal.

1. Factual History of the Site – Long-Term Abandonment, Not Storage

The Parish Council has long-standing, direct local knowledge of this 0.3-acre parcel of land. The factual position is as follows:

- The land was purchased by a speculator in the early 1990s and has **not been in active use since that time**.

- An old caravan was dragged onto the upper hardstanding at some point in the 1990s. It has **never been moved, maintained, covered, or otherwise treated as a stored item.**
- Over subsequent decades, the site became **entirely overgrown** with dense vegetation, self-seeded trees, and scrub.
- The caravan became **engulfed in vegetation**, with no evidence of access, maintenance, or associated storage activity.
- On one occasion many years ago, a small amount of vegetation was cleared, but **no use followed**, and the site quickly reverted to scrub.
- **Google Earth historical imagery** clearly shows the site's abandonment over more than 10 years, with no visible storage activity, no containers, and no movement of the caravan.

This long-term abandonment is consistent with the findings of the previous Inspector (H. Porter), who stated:

"The disused caravan... stood in dense vegetal overgrowth... the site reads as a verdant, mature small field... what remains of any permanent structures or fixed surfaces have blended into the landscape."

This description is entirely consistent with the Parish Council's evidence and contradicts any assertion of continuous storage use.

2. The Caravan – Evidence of Abandonment, Not Storage

The appellant's case appears to rely heavily on the presence of the caravan as evidence of storage. However:

- A stored caravan would normally show **signs of maintenance**, coverings, weather protection, or periodic movement.
- The caravan has been **left exposed on elevated ground**, open to the weather for over 30 years.
- There is **no evidence** of any associated storage paraphernalia (covers, chocks, fencing, access tracks, etc.).
- If the caravan had been "stored", the previous owner would reasonably have removed it before selling the land. Its continued presence is consistent only with **abandonment.**

The appellant has provided no evidence demonstrating that the caravan has been used, accessed, or maintained within the relevant 10-year period.

3. The Claimed Use Is Not the Same as Any Historic Use

Even if a caravan was placed on the land in the 1990s, this does not establish:

- continuous storage use,
- storage of multiple items, or
- storage of the type now claimed (e.g., ISO containers).

The appellant has not demonstrated that the **nature, scale, or intensity** of the alleged historic use matches the use now claimed to be lawful.

The Parish Council previously highlighted that any historic “use” was limited to the **footprint of the caravan itself**, and the appellant has not addressed or rebutted this point.

4. Evidence of Recent Activity Only

In 2024, after purchasing the site, the appellant:

- cleared the entire plot,
- removed the southern hedgerow and internal trees,
- exposed the caravan for the first time in decades.

This recent activity **cannot** be used to demonstrate a lawful use over the preceding 10 years. It instead reinforces the fact that the site had been **abandoned**, not used for storage.

5. Errors and Inconsistencies in the Appellant’s Statement

The appeal statement contains factual inaccuracies, including references to the site being in **Cheshire West**, which raises concerns about the reliability of the appellant’s assessment of the site’s history.

The statement also focuses heavily on **definitions of storage**, rather than providing **evidence** of actual storage activity over the required 10-year period.

6. Summary – The Legal Test Is Not Met

To obtain a CLEUD, the appellant must demonstrate, on the balance of probability, that:

- the land has been used continuously for storage for at least 10 years,
- without abandonment, interruption, or material change.

Based on long-term local knowledge, historical imagery, and the physical condition of the site and caravan, the Parish Council submits that:

- **There has been no continuous storage use.**
- **The land has been abandoned for decades.**
- **The caravan is abandoned, not stored.**
- **The appellant has not provided evidence of any storage activity within the relevant 10-year period.**

Accordingly, the Parish Council supports the original decision of Cheshire East Council and respectfully requests that the Inspector **dismiss the appeal**.

.....Chair

The meeting opened at 10.00am and closed at 10.45am