



President:

Chairman:
Mrs Sandra Edwards

Registered Charity No. 501544

happy-valley.org.uk/civicsociety

September 13, 2008

Our ref: STB/103

Dear Householder,

Concerns regarding the field adjacent to development site, Hurst Lane

Planning permission was granted to re-develop the house at 34 Hurst Lane (Quarry Bank) and the original house was demolished earlier this year. Before the new house could be built it was necessary to dig out the basement. This resulted in a very large quantity of stone being deposited in the adjacent field. In August machinery was brought in to crush much of this. The entry into the access lane was widened and a 'temporary' stone road was laid in the field to carry the weight of the machinery. In early September the hedge was removed from the road side and the footpath was moved to the edge of the field and fenced off.

This recent activity has caused alarm among neighbours and Bollington Civic Society. As a result there has been contact with a variety of authorities in order to establish whether the landowner is acting with the appropriate authority. This note summarises the position as we now understand it.

The Minerals Enforcement Officer at County Hall made a site visit and his determination is as follows (items 1-5):

1. The Planning Permission allows the first storey of the house to be underground. The stone extraction is only that in accord with the plans. The developers are storing the stone to make a variety of uses of it; facing blocks, dry stone walls, driveway material, cement mix material.
2. There will be a surplus which will need to be disposed of.
3. A permission is required for temporary storage of the material on the field.
4. Given the previous planning permission this is a reasonable request that MBC Planners are almost bound to grant. The temporary permission could be up to 12 months.
5. Any surplus will have to be removed and the field put back to its original state.

The footpath – the path should always have been closer to the wall along the main part from Gleave Avenue before cutting across to the stile at Hurst Lane. The landowner is therefore fully within his rights to move it to the wall and to put up a fence. The minimum permitted width of the fenced area is 1.5m; the actual distance is c.1.6m. The landowner has also stone surfaced the path; he was under no obligation to do this. We understand that the landowner wishes to move the Hurst Lane end of the path against the wall and move the stile. However, footpaths are protected by Rights of Way legislation and moving one can be a 2-4 year legal and administrative exercise costing several thousand pounds.

This letter was sent on behalf of Bollington Civic Society by Mr. S. T. Boddington, Oak Bank House, Oak Bank Drive, Bollington, Macclesfield SK10 5RJ to whom any reply should be sent. Letter 103 res hurstln.doc

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We understand that the landowner has been made aware of his obligations. The stone stile is the landowner's property and responsibility. It is not listed or in any other way protected and they could remove it if they wished. It has been strongly suggested that removal would be looked on unfavorably by the authorities; it certainly would be by us. Moving it to the edge of the field would not be a problem for Bollington Civic Society, particularly if this ensured preservation of the stone stile in the new location.

The hedge was probably an ancient hedge dating back hundreds of years because Hurst Lane is one of the original roads in the district. However, the hedge was not registered as such and therefore had no protection.

The planners at Macclesfield Borough Council have been considering the case and their views were expressed as follows ...

"I can confirm that due to the degree of engineering works which have taken place, the amount of materials and time which they have been stored at the site it is considered that planning permission is required for a change of use from agricultural land to land for the storage of materials. I have been informed that the Planning Enforcement team are currently pursuing the submission of this application.

"I can confirm that no conditions were attached to the replacement dwelling restricting hours of work or noise level. If an application for a change of use is submitted then these are conditions which the Local Planning Authority could impose should consent be granted provided they are deemed to be reasonable. The submission of an application will also allow the Council to attach a condition to ensure the land is restored back to its original state once works have been completed."

Bollington Civic Society has written to the planning office in support of their proposal to require an additional application and we have asked for a condition to be applied requiring full restoration of the field to its original profile, with top soil and grass. This implies that the huge amount of stone that has been 'lost' in the fold of the field should be removed. We have said that we see no objection to the temporary road remaining during construction of the house, because that is to everyone's advantage, but that it should be removed afterwards.

There is concern that the landowner may be preparing to build houses in the field. There is no permission to do this but the planners advise us that this site is designated within the Local Plan as a predominantly residential area and given the recently published housing targets set out within the Regional Spatial Strategy (RSS), which seek to encourage new housing development in sustainable locations, some form of housing development on this site may be considered acceptable in principle. Any proposal will of course be subject to both local and national planning policies which assess issues such as: density, siting, design, scale, impact upon residential amenity and highway safety.

Bollington Civic Society will be keeping a close watch on this case and will take action when and where appropriate in the interest of the amenity of the site, the preservation of heritage items and the good design and layout of any new construction. Please feel free to email or call the writer or any committee member to discuss your ideas or concerns, you will be most welcome.

Bollington Civic Society acknowledges the considerable assistance in this case of Cheshire County Councillors Sylvia Roberts and Ken Edwards (who lives in Hurst Lane and is also a Bollington Town Councillor) and thank them for their most valuable support.

Yours sincerely

S T Boddington
Vice Chairman