
Appeal Decision

Site visit made on 12 October 2016

by V Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2016

Appeal Ref: APP/R0660/W/16/3151959

Cloughside Farm, Lower Greenshall Lane, Disley, Cheshire, SK12 2HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Colin Noon against the decision of Cheshire East Council.
 - The application Ref 15/5540M, dated 2 December 2015, was refused by notice dated 9 March 2016.
 - The development proposed is erection of single storey dwelling on existing, redundant agricultural land.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (Framework); and
 - If the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. The appeal site is situated at the end of Cloughside, which is a narrow road. The gate at the access point to the site opens onto a small yard, to the right is an L-shaped stable building and there are some field shelters situated on the other side further into the site. The appeal site otherwise comprises open fields currently used for the keeping of sheep, ponies and donkeys. The topography of the site slopes downwards from the canal (behind the stable block) to the south towards the railway line to the north.
 4. The appeal proposal would see the construction of a single storey dwelling. The appeal site is within the Green Belt.
 5. Policy GC1 of the Macclesfield Borough Local Plan (Adopted 2004) (LP) states that within the Green Belt approval will not be given, except in very special
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- circumstances, for the construction of new buildings except for specifically defined purposes. Of those listed, none are relevant to the appeal proposal.
6. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Paragraphs 89 and 90 go on to list specific exceptions to this. The appellant has referred to the paragraph 90 exception which specifies the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
 7. As the Framework exception relating to brownfield land is not listed within policy GC1 of the LP, I shall determine this main issue in relation to the Framework in accordance with paragraph 215 of that document.
 8. The proposed dwelling would be situated in the field close to existing housing on Cloughside. The area of land where the proposal would be situated is therefore currently undeveloped pasture land. Based on the evidence before me and the observations I was able to make during the site visit, the field shelters on the site appear to be temporary structures that are partly open sided and partly enclosed with corrugated metal sheeting. There are no structural reports before me to advise on the specific construction of the L-shaped stable building. Temporary buildings are specifically excluded from the definition of previously developed land by virtue of paragraph 90. I therefore conclude that the appeal proposal would not be situated on previously developed land for the purposes of paragraph 90 of the Framework.
 9. The small amount of existing housing along Cloughside reaches a natural conclusion at the end of row next to the appeal site. Beyond this, looking across the site to the east and north there is very little evidence of other built development being visible. The view is dominated by hills, open fields and woodland. Whilst there are glimpses possible of dwellings within Disley to the south, these are on the opposite side of the canal and this forms a natural barrier to the extent of built development in that direction. The appeal proposal would increase the level of built development along Cloughside and would result in an additional dwelling at a point in the Green Belt which is currently undeveloped and rural in character.
 10. For these reasons, the proposal would therefore impact on the openness of the Green Belt and would conflict with one of the purposes of including land within it, specifically to assist in safeguarding the countryside from encroachment. Whilst I accept that the appeal proposal is small scale, encroachment into the countryside is often characterised by small scale, incremental development.
 11. Accordingly, the proposal would therefore not comply with the specific paragraph 90 exception of the Framework. On that basis, I conclude on this issue that the development proposed would be inappropriate development in the Green Belt. The proposal would therefore conflict with policy GC1 of the LP and paragraph 90 of the Framework.

Other considerations

12. The appellant has referred to paragraph 55 of the Framework, which states that new isolated homes in the countryside should be avoided unless there are

special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside. I acknowledge the health considerations that the appellant has identified, that commuting to the site may become increasingly difficult as a consequence and the desire to construct a retirement home. However there is no specific evidence before me to demonstrate a functional need relating to the needs of the business for a worker to be on or near the site at all times, including during the night. Whilst I appreciate that the animals kept on the site will need feeding during the day that in itself will be unlikely to justify the need for a permanent presence on the site. Furthermore, notwithstanding that the appellant states that a house on the site is necessary to secure the future of the business, there is no financial information before me to demonstrate the viability of the business and whether it will be likely to endure in the long term. Therefore, in such circumstances, I attach limited weight to this consideration.

13. The appellant has stated that the construction of a dwelling at the appeal site will enable him to maintain the land in good condition and that some existing structures will be demolished. However, the appeal site currently has the appearance of an area of open countryside and as such visually integrates well with its surroundings in its current condition. Whilst the structures are visible from some public viewpoints in the surrounding area, they have an agricultural appearance typical of what one would expect to see in a rural setting and they are therefore not unduly harmful to the visual amenity of the area. I therefore also attach limited weight to this consideration.
14. I note there is some dispute between the parties as to whether or not the appeal site was considered as part of a review of the Green Belt. However, there is no evidence before me to suggest that the Council intends to review the boundary of the Green Belt in this location. The fact is that the appeal site is within the Green Belt and therefore local and National Green Belt policies apply, regardless of the extent to which the development proposed would extend into the Green Belt.
15. I am in agreement that the proposal will be unlikely to increase the level of traffic travelling along Cloughside to the appeal site. The design of the proposal would also be acceptable overall in terms of any effect on the character and appearance of the area. However these are neutral considerations, whereby a lack of harm does not weigh in favour of the proposal.

Conclusion

16. Drawing matters together, I concluded that as the location of the development proposed would not be previously developed land, the appeal scheme would not meet the relevant paragraph 90 exception in the Framework. I also found that the proposal would be harmful to the openness of the Green Belt and would conflict with one of the purposes of including land within it. As a consequence, I concluded that the proposal would be inappropriate development in the Green Belt as described in the Framework. The appeal proposal would therefore not comply with policy GC1 of the LP or the Framework (paragraph 90). The Framework confirms that substantial weight should be given to any harm to the Green Belt (paragraph 88).
17. On the other hand, I have identified several other considerations to which I attach limited weight for the reasons I have described. Additionally, I have

identified two neutral considerations that do not weigh in favour of the proposal.

18. Accordingly, I conclude that these other considerations do not clearly outweigh the totality of harm I have identified. Therefore very special circumstances necessary to justify the development do not exist and the proposal would conflict overall with policy GC1 of the LP and paragraphs 88 and 90 of the Framework.

19. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas-Gosnold

INSPECTOR