
Appeal Decision

Site visit made on 18 October 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/R0660/W/3155937

Forest Nurseries (Former Cheshire Nurseries Site), Salters Lane, Siddington, Cheshire East SK11 9LH

- 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 W & A Rigby against the decision of Cheshire East Council.
 - The application Ref 16/1228M, dated 10 March 2016, was refused by notice dated 25 July 2016.
 - The development proposed is demolition of existing buildings and erection of one dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposal would be acceptable in principle in such a location in the light of relevant local and national policies.

Reasons

Whether the proposal would be acceptable in principle

3. The appeal site is located at the edge of the settlement of Siddington. It fronts onto Salters Lane and forms part of a much larger site which was formerly in use by Forest Nurseries. The appeal site is currently occupied by two single storey timber buildings and an area of hardstanding, all of which would be replaced by a single dwelling.
 4. Siddington is characterised by sporadic housing development and located within an area of otherwise open countryside. There are very few facilities in the area, save for a post box. Salters Lane is unlit and has no pavements. Although I recognise that some local journeys could be undertaken on a bicycle, it is reasonable to conclude that the occupiers of the development would be reliant on the use of the motor vehicle to access the most basic facilities and services such as shops, schools, and employment, the nearest of which are located in Chelford some 5km away. I do not therefore consider the appeal proposal to be sustainably located and it would fail to meet the National Planning Policy Framework's (the Framework) aim to promote sustainable patterns of development and give people a real choice about how they travel. Furthermore a dwelling in this location, which is not essential for the efficient
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working of a rural enterprise, would not contribute to enhancing or maintaining the vitality of rural communities and would constitute an isolated home in the countryside which paragraph 55 of the Framework seeks to avoid.

5. I therefore conclude that the appeal site would not be appropriate in principle in principle in this location. It would conflict with Policies GC5 and GC6 of the Macclesfield Local Plan, 2004 (Local Plan) which seek to restrict development in the open countryside beyond the Green Belt to dwellings required for a person engaged full time in agriculture, forestry or other rural enterprise appropriately located in the countryside, and a location in the countryside is essential for the efficient working of that enterprise. It would also conflict with paragraph 55 of the Framework which seeks to avoid isolated homes in the countryside unless special circumstances exist.

Other Matters

6. I have had regard to the appearance of the existing site and considered whether or not there would be any environmental benefits accrued through the removal of the existing buildings. The two timber buildings that would be removed are in a good state of repair and visually inconspicuous by reason of their low rise, dark colour and simple utilitarian form. They are set back from the road and do not appear unsightly or incongruous in this location. Although the new dwelling may have a smaller volume and footprint than the existing buildings, its overall form and height would be more dominant and consequently any visual benefits derived from the removal of the buildings would be neutralised by the mass of the proposed dwelling.
7. It has been suggested to me that the proposal would reduce the number of vehicle movements to and from the site with consequential environmental benefits for the occupiers of neighbouring properties. However, the existing industrial/agricultural building on the remainder of the Forest Nurseries site would appear to remain, and no substantive evidence has been provided to demonstrate that the replacement of the two relatively small storage/office buildings with a four bedroom dwelling would generate less vehicular activity. I therefore give this consideration limited weight.
8. The appeal site lies within the Jodrell Bank Radio Telescope Consultation Zone. Policy SE14 of the Cheshire East Local Plan Strategy (Proposed Changes) Consultation Draft (March 2016) and Policy GC14 of the Local Plan advise that development will not be permitted within this consultation zone if, amongst other things, it impairs the efficiency of the telescopes. Jodrell Bank objected to the proposal on a matter of principle. It has however advised that in this case the additional potential contribution to the existing level of interference from the direction of the appeal site would be relatively minor as there is already significant development close to the telescope in this general direction. They further advise that the cumulative impact of the appeal proposal and other developments is more significant than each development individually and it is for this reason that they object.
9. The Council has not provided any evidence to support reason for refusal No 2, and they have subsequently stated that had they been minded to approve the application they would have sought further clarification from Jodrell Bank. I agree I would require further evidence to enable me consider this issue in full. However, in view of my findings on the main issue this is not a matter that I need to address.

Presumption in Favour of Sustainable Development

10. Paragraph 49 of the National Planning Policy Framework (the Framework), makes it clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing land and the 'presumption in favour of sustainable development' should be applied. The mechanism for applying that presumption is set out in paragraph 14 of the Framework and advises that where relevant policies are out-of-date then (unless material considerations indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
11. In so far as Policies GC5 and GC6 of the Local Plan seek to restrict development in the countryside beyond the Green Belt they are relevant policies for the supply of housing. The Council do not dispute that they do not have a deliverable five year housing land supply, and therefore by reference to paragraph 49 of the Framework of the Framework, I consider that Policies GC5 and GC6 of the Local Plan are not up-to-date and the weight that can be attributed them is therefore reduced.
12. Paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. I have found that the proposed development would not be sustainably located and as an isolated home in the countryside would make a very limited contribution towards supporting rural services and facilities. I have had regard to the social benefits that would be accrued through the provision of a new home and the economic benefits derived from construction jobs, some local spend and through the New Homes Bonus. However, the social and economic benefits from a single dwelling would be limited, and I am mindful that the environmental harm I have identified from an isolated new home in the countryside would be permanent. Consequently, even if the Council have been able to provide a five year supply of housing land, the adverse environmental impacts of the proposal would significantly and demonstrably outweigh the limited benefits that would flow from the provision of a new dwelling, when assessed against the Framework as a whole.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR