
Appeal Decision

Site visit made on 12 December 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 19th December 2016

Appeal Ref: APP/R0660/W/16/3158831

**Walnut Tree Farm, Walnut Tree Lane, Bradwell, Sandbach, Cheshire
CW11 1RH**

- 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 Peter Hull against the decision of Cheshire East Council.
 - The application Ref 16/0422C, dated 8 January 2016, was refused by notice dated 25 March 2016.
 - The development proposed is a single dwelling with associated development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An additional plan was submitted at appeal stage which shows the sustainability measures that would be incorporated into the design of the dwelling. The Council and third parties have had the opportunity to comment on this as part of the appeal process. As such, I consider that no party would be prejudiced by me considering this plan in my determination of the appeal.

Main Issue

3. The main issue in the appeal is whether or not the proposal would represent a suitable and accessible site for new housing in the light of national and local policies.

Reasons

4. The Council have indicated that the appeal site is located in open countryside as defined by the *Congleton Borough Local Plan First Review (adopted January 2005)* (CLP), and this has not been disputed by the appellant. Policy PS8 of the CLP sets out the circumstances when new development in the countryside is acceptable, and Policy HS6 provides the specific circumstances when new housing in the open countryside is allowed. It is no part of the appellant's case that the proposal would meet the criteria in any of these policies. As such, the proposed development would be contrary to these policies.
 5. A core planning principle of the *National Planning Policy Framework* (the Framework) is to focus significant development in locations which are, or can be made, sustainable. With the aim of promoting sustainable development in rural areas, paragraph 55 directs housing to areas where it will enhance or maintain the vitality of rural communities. In general, new residential
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development is most appropriate in locations where there is access to services, opportunities for employment and alternative modes of transport other than the private car (paragraphs 30 and 37).

6. I observed that the village of Bradwall, in which the appeal site is located, is a very dispersed settlement. The only facility appeared to be a village hall. Whilst this was within walking distance of the site, the lack of any pavement or street lighting between the site and the hall would mean that this was not an attractive pedestrian route when dark or in inclement weather.
7. Although I understand that a range of activities take place in the village hall, and that there is also a riding school and fisheries in the vicinity, future residents would be likely to have to travel to Sandbach to meet the majority of their day to day needs, even if deliveries of milk, papers and by the chemist are available in the area. The appellant has indicated that the "Dial-a ride" bus service does cover the village, as do school buses. Nevertheless, there is no regular bus service.
8. The Framework acknowledges that opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. Notwithstanding the fact that some people can now work at home, and that supermarkets offer home delivery, the limited services in the village would require future residents to travel outside the village to meet the majority of their basic needs, and they would be largely dependent on the private car to do so. Although the proposal would not, of itself, generate large amounts of traffic, the cumulative impact of allowing such developments would increase the amount of unsustainable journeys made. In addition, the limited range of local services means that the impact of the proposal on the vibrancy and vitality of the immediate community would be minimal.
9. Therefore, I consider that the proposal would not represent a suitable and accessible site for new housing in the light of national and local policies outlined above.

Other Matters

10. The Framework sets out in paragraph 47 that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. The Council acknowledges that it cannot demonstrate this, although I have been given no indication as to the size of the shortfall. This is clearly a matter of significant weight, and I return to this matter in my conclusion.
11. There are a number of trees and hedges around the boundary of the site. It is proposed that these would be retained, and an assessment submitted with the appeal documents indicates that the development would take place outside the root protection zone of the trees. In the light of this I am satisfied that the proposal would not have a detrimental impact on any existing tree or hedge around the site.
12. It has been suggested that the site would represent infill development. However, the development plan policies that apply to site only allow infill development in certain identified villages, and Bradwall is not one such village. In support of the appeal, my attention has been drawn to a number of other applications and appeals. Although I appreciate the need for consistency of

approach, this appeal turns on the locational characteristics of the site. In my experience it is rare that direct parallels can be drawn between one site and another, given that such characteristics differ. In this instance, it appears that there are differences in matters such as the location and accessibility of the sites, and in one case in the development plan policies that are applicable. As such, their circumstances are not directly comparable to those which apply here. In any event, I have determined the appeal on its own merits.

Planning Balance and Conclusion

13. The proposed development would be contrary to Policies PS8 and HS6 of CLP. However, it is accepted by the Council that it cannot demonstrate a 5 year housing land supply. Paragraph 49 of the Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year housing land supply.
14. Paragraph 14 of the Framework indicates that, where relevant development plan policies are out of date, the presumption in favour of sustainable development means granting permission 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. This does not mean that the policies are irrelevant but that the decision maker must determine the weight that should be given to them. In the absence of any evidence indicating the extent of the shortfall, I consider that only limited weight can be given to these policies.
15. The Framework (paragraph 7) states that there are three dimensions to sustainable development. In terms of the economic role the construction of a new dwelling would provide some temporary work for local contractors, and spending by the new occupiers would be beneficial to the economy of the wider area. However, the effect of this small scale proposal would be limited. Whilst the provision of a new dwelling would be a social benefit of the scheme, its contribution to housing delivery in the borough would be small.
16. In terms of the environmental role, I have concluded that the scheme would not be in an accessible location, and so would contribute towards a pattern of development that the Framework seeks to resist. However, it would not be detrimental to the existing trees and hedges on the site. The Council has indicated that the proposal would not have a significant impact on the wider landscape. From my own observations, whilst the development would inevitably change the open character of the site, I see no reason to disagree with this conclusion. In addition, the proposal would not be detrimental to protected species. However, an absence of harm in these matters is a neutral factor. The dwelling would incorporate a number of sustainability measures such as solar panels and ground source heat pumps. Whilst such an approach would reduce the impact of the development on the environment, the use of renewable energy technology would not outweigh the environmental harm caused by the erection of the dwelling itself.
17. Overall, the proposal would not make a significant contribution to either the economic or social dimension of sustainable development and would be

inconsistent with the environmental dimension. Therefore, I consider that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, and so the proposal would not be sustainable development. As a result, the presumption in favour of sustainable development set out in paragraph 14 of the Framework does not apply.

18. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR