
Appeal Decision

Site visit made on 7 December 2016

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 17th January 2017

Appeal Ref: APP/R0660/W/16/3157910

81A Coppice Road, Poynton, Cheshire East SK12 1SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Maurice Whittle against Cheshire East Council.
 - The application Ref 16/1010M, is dated 27 February 2016.
 - The development proposed was originally described as "outline application for the residential development of a brown field site Coppice Road Poynton".
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Decision

1. The appeal is dismissed and planning permission refused.

Preliminary matters

2. The Council has indicated that if it had been in a position to determine the application it would have refused planning permission for the reason that the development would be inappropriate in the Green Belt and that the very special circumstances needed to justify it do not exist.
3. The application was made in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the site plans, floor plans and elevations as indicative.

Main Issues

4. The site falls within an area of Green Belt. Accordingly, the main issues are:
 - (a) Whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (b) If the proposal is 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 the development.

Reasons

5. The appeal site comprises of a vacant repair garage workshop accessed by a driveway from Coppice Road, part of which is shared with 81b Coppice Road. It also includes part of what appears to be a residential garden adjacent to 81 Coppice Road. The former garage use includes a predominantly single storey rectangular brick built workshop, with a higher pitch roofed gable element roughly in the centre of the main building. This is located behind No 81 and is
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orientated perpendicular to the road, stretching back into the site. There is one small additional single storey brick and timber outbuilding associated with the commercial use.

6. The main part of the site includes a large amount of hard standing associated with the garage. However, to the rear of the building is an open unmaintained grassed area with no buildings. This extends from the rear of the garage to meet with open fields. A post and wire fence provides the boundary to these. The evidence from both parties would suggest that there have never been buildings on this part of the site, but it may have been used at one time for the parking and/or storage of vehicles and goods.
7. The area given over to garden fronts onto Coppice Road and is separated from the remainder of the site and roadside by a tall hedgerow. This is visually distinct from the remainder of the site and has a domestic character. However, I have received limited information about this part of the site or its functional relationship to the commercial use.

Whether or not the proposal is inappropriate development in the Green Belt

8. The Council acknowledge that they cannot demonstrate a five year supply of deliverable housing sites. Therefore, any saved policies in the Macclesfield Borough Local Plan (MLP) relating to the supply of housing, including Green Belt, are rendered out-of-date¹. Saved policy GC1 of the Macclesfield Borough Local Plan (2004)(MLP) seeks to resist inappropriate development in the Green Belt unless there are special circumstances, subject to a number of specific exceptions. This is generally within the spirit of national policy on Green Belt. However, policy GC1 is not wholly consistent with the National Planning Policy Framework (the Framework) insofar as it does not fully reflect the same set of exceptions as set out in national policy. As a result of this, I have given limited weight to this policy.
9. Policy PG3 of the emerging Cheshire East Local Plan² (CELP) appears consistent with the Framework. This plan is currently undergoing Examination and is thus at an advanced stage in its preparation. As such, and in line with paragraph 216 of the Framework, I have given moderate weight to this policy. However, as this is not yet part of the Development Plan, I have assessed the proposal primarily against the policies in the Framework, which are material considerations of considerable importance.
10. Paragraph 89 of the Framework states that new buildings within the Green Belt are inappropriate unless, amongst other exceptions, it involves 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 purpose of including land within it than the existing development.
11. The Framework specifically excludes residential gardens from the definition of 'brownfield' land³. This raises questions as to whether the whole site can be considered brownfield. While neither party has directly addressed this issue, from my own observations it is clear that the garden is a separate element to

¹ See paragraph 49 of the Framework.

² Cheshire East Local Plan Strategy – Submission Version (March 2014).

³ See Annex 2.

the remainder of the site and should not be considered brownfield. This area, therefore, falls outside the exceptions set out in paragraph 89.

12. The illustrative plans show development options of either 6 detached bungalows or 7 detached two-storey houses across the whole site, including the open area to the rear of the buildings and the garden. My assessment of the effect on openness is based on these plans.
13. While the proposals are only indicative, the information provided states that the footprint of the dwellings would exceed the existing buildings by around 200 square metres (sqm) and existing open hardstanding would reduce by around 315 sqm. It would also be reasonable to assume that whichever scheme was progressed, the height of the dwellings would be generally taller than the existing relatively low profile buildings, resulting in a greater mass and volume of development than currently exists. The new dwellings would also be spread across the site, extending into areas that are currently open and undeveloped. In addition to the quantitative increase in built development proposed, this would also have a significant impact on the open appearance of parts of the site.
14. The domestic paraphernalia associated with the dwellings would further reduce any remaining sense of openness between and around the buildings. While some parts of existing hardstanding would remain open, others would be subsumed within into the gardens of the dwellings, where enclosure would further reduce the sense of openness across the site.
15. The appellant has indicated that the area to the rear of the site was previously in use for the storage of vehicles and may have included storage units and temporary facilities associated with vehicle repair. There is no evidence that the commercial use of the site will resume but, in any event, there would be a material difference in terms of openness between the temporary storing of vehicles, machinery or other goods and the permanence and solidity of residential development. Any new dwellings, by virtue of their scale, mass and form would have a far greater effect on the open nature of this part of the site than any previous commercial activity. In this respect, the development would have a clear urbanising effect that would contribute significantly to the overall impact on openness.
16. This area is also physically and visually well-related to the open countryside beyond the site. In this respect, the development would extend the built form beyond any existing rear building line in the immediate vicinity of the site. To all intents and purposes, the development would appear as an encroachment into the open countryside. This would be contrary to one of the purposes of including land within the Green Belt.
17. Notwithstanding the possibility that that the site could be more intensively used in the future, taking into account the increase in the extent of built development on the site and the layout, scale, mass and form of the proposal, I conclude the proposed development would have a significantly greater impact on the openness of the Green Belt than the existing development. Moreover, on the basis that the fundamental aim and purpose of the Green Belt is to keep land permanently open and safeguard the countryside from encroachment the development would also conflict with the purpose of including land within the Green Belt.

18. As such, even though most of the site is previously developed land, the effect on openness in particular means that the development would not fall within the exception set out in paragraph 89. The proposal would, therefore, represent inappropriate development in the Green Belt.

Other considerations

19. The provision of up to 7 dwellings is a benefit in helping to meet the stated deficiency in the housing land supply. Nevertheless, I am not persuaded that any great weight can be accorded to this in light of Government advice contained in the Planning Practice Guidance⁴ (PPG). This states that unmet housing need is unlikely to outweigh the harm to the Green Belt to constitute the very special circumstances needed to justify inappropriate development such as this. In this context, I have only attached limited weight to the contribution the site can make to housing needs.
20. The site is located in an area well related to local services and amenities. This would provide social, economic and environmental benefits that provide moderate weight in favour of the development.
21. The appellant has suggested that the redevelopment of the commercial use would improve the quality of life for neighbouring residents. This relates primarily to the potential for noise and disturbance. Although it is reasonable to assume that there would have been a level of noise associated with the garage, there is nothing to suggest that this had an unacceptable impact on the living conditions of neighbouring occupants. It is not particularly unusual for repair garages to be located in residential areas. In addition, the benefits here are predicated on a comparison between the development and the on-going commercial use of the site. As it stands, the site is vacant and there is no evidence of any return to business activity. Therefore, while the potential reduction in noise may be seen as a benefit, I have given this only limited weight.
22. The appellant has indicated that the development may include a range of energy saving measures. As the proposal is in outline only and few details have been provided, I have given only limited weight to this factor.
23. The Council raised no undue concern about the harm to the living conditions of neighbouring residents, highways, drainage, the setting of nearby locally listed buildings or any biodiversity or environmental health considerations. I saw nothing that would lead me to disagree with their conclusions on these matters. Notwithstanding this, an absence of harm is neutral and does not weigh in favour of the development in terms of balancing the harm to the Green Belt identified above.

Other matters

24. I have noted that some comments of support from interested parties have been submitted, particularly in relation to the bungalow version of the plans. However, these are not sufficient to outweigh the conflict with national and local policy identified above.
25. The appellant has noted that the site has been in commercial use for over 50 years and was identified as Green Belt in the 1970s with no consultation. The

⁴ Paragraph: 034 Reference ID: 3-034-20141006

appeal must be considered in line with prevailing national and local policy. The site remains in the Green Belt and the Framework states that changes to boundaries should only be considered through the Development Plan process. The Council's most recent review of Green Belt boundaries concluded in this area that made a 'significant contribution' to the five purposes of including land within the designation. I have no reason to disagree with the conclusions of this report.

Conclusion

26. In conclusion, I have found that the development would be inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates such harm should be given substantial weight. I have also given substantial weight to the effect on the openness of the development and the encroachment into the countryside, which conflicts with the purpose of including land within the Green Belt.
27. The substantial harm caused would not be clearly outweighed by the other considerations that I have identified, and thus the very special circumstances required to justify the proposal do not exist. The development would, therefore, conflict with the Green Belt requirements of the Framework. Paragraph 14 of the Framework states that where the relevant policies are out-of-date, as is the case here, planning permission should be granted unless specific policies in the Framework indicated development should be restricted. In accordance with footnote 9 of the Framework, the conflict with Green Belt policy indicates that development should be restricted.
28. Notwithstanding the weight I have attributed to these policies, the development would also conflict with policy GC1 of the MLP and emerging policy PG3 of the CELP. Other material considerations do not indicate that planning permission should be granted in this case.
29. For these above reasons, I conclude the appeal should be dismissed and planning permission refused.

S J Lee

INSPECTOR