

Appeal Decision

Site visit made on 20 December 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 18 January 2017

Appeal Ref: APP/R0660/W/16/3159706

Thorn Cottage, Mill Lane, Snelson, Macclesfield, Cheshire SK11 9BN

- 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 Cranford Estates Ltd against the decision of Cheshire East Council.
 - The application Ref 16/1351M, dated 17 March 2016, was refused by notice dated 23 August 2016.
 - The development proposed is the construction of two two-storey detached infill dwellings with associated accesses and garaging.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal area:
 - Whether the proposal is inappropriate development in the Green Belt having regard to relevant development plan and national planning policies, taking into account the effect on the openness of the Green Belt and the purposes of including land within it; and
 - If the development 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

Inappropriate Development, Openness and Green Belt Purposes

3. The appeal site lies within the Green Belt. Paragraph 79 of the National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their permanence and openness. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. However, there are exceptions to this presumption against development in the Green Belt, including *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*.
 4. Policy GC1 of the Macclesfield Borough Local Plan 2004 (LP) similarly seeks to prevent new buildings within the Green Belt, unless there are very special circumstances, or it is for one of the purposes set out within the policy.
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However, Policy GC1 only allows limited infill within certain villages. Paragraph 89 of the Framework is not so restrictive and therefore I find that Policy GC1 is not consistent with it. Accordingly, I attribute Policy GC1 limited weight. I note that this is a view shared by Inspectors in previous appeal decisions that I have been referred to.

5. I have also been referred to Policy PG3 of the Cheshire East Local Plan Strategy Draft (LPSD) 2014. The appellant states that this policy is entirely in accordance with the Framework. However, given the status of the LPSD and that it is still subject to change, I can only afford it limited weight.
6. The Council confirms that it cannot demonstrate a five year supply of housing land. Therefore, in accordance with paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up-to-date. Consequently, as Policy GC1 of the LP and Policy PG3 of the LPSD restrict housing in the Green Belt I attribute them even further limited weight.
7. The appellant argues that the proposal would be sustainable development and therefore, as set out in paragraph 14 of the Framework, there should be a presumption in favour of approval and any harm would need to be significant and demonstrable to outweigh the benefits. However, a footnote to paragraph 14 indicates that specific Green Belt policy in the Framework is one example of where development should be restricted. Therefore, where Local Plan policies are out of date with respect to restricting development in the Green Belt, there is a requirement to assess development proposals against Green Belt policy in the Framework.
8. Although there is no definition of limited infilling in the Framework, the glossary in the adopted local plan defines infilling as '*The filling of a small gap in an otherwise built-up frontage (a small gap is one which could be filled by one or two houses)*'. Whilst the appellant confirms that this is not inconsistent with the Framework, as it provides clarification as to what is meant by infilling, consideration should also be given to the character of the area.
9. Snelson generally comprises sporadic development that consists of various house types and sizes. There is a chapel on Pepper Street and a regular bus service. Although the surrounding verdant fields and the sporadic nature of much of the development provide a rural setting, I find that there is sufficient built form to consider it a village for the purposes of paragraph 89 of the Framework.
10. The appeal site currently forms part of the amenity space associated with Thorne Cottage. The site lies in between Thorne Cottage itself and the row of semi-detached dwellings to the south. Properties to the north of the site are typically large, detached dwellings set in extensive plots and are characterised by their informal, sporadic positioning. In contrast, the properties immediately to the south are semi-detached dwellings set within much narrower plots. These properties have a more coherent relationship with one another, characterised by their similar architectural style and uniform building lines and spacing.
11. The site is clearly a gap between Thorne Cottage and the properties to the south. Thorne Cottage is a detached dwelling which is set within extensive grounds. Due to its proximity to neighbouring properties to the east and west it has a better relationship with the cluster of dwellings that surrounds the nearby

junction and front onto Pepper Street. The properties to the south of the appeal site also front onto Mill Lane and abut the southern boundary of the garden area of Thorne Cottage. However, they are a much tighter form of development with narrower plots and due to their significant distance from Thorne Cottage I do not consider that together they form a built-up frontage.

12. I note the appellant's argument that the character of the area should be considered. However, it seems to me that this should be relative to the built-up frontage that the infill development would form part of rather than the wider area. Although other properties in the locality, including Thorne Cottage, are detached dwellings in substantial plots, these generally form separate built-up frontages. If I did consider the site to be a gap in an otherwise built-up frontage, the proposed plot frontages would be significantly wider than the much narrower plots to the south, which form the bulk of the built-up frontage and therefore would not reflect its character. I find therefore that the proposal would not represent limited infilling within the village.
13. I have been referred to two appeal decisions whereby the sites had wide frontages. In appeal decision APP/A0665/A/14/2217226 the Inspector allowed two dwellings with a frontage of 100m. However, from the limited evidence before me, it seems that the built-up frontage was composed of detached houses in substantial plots. With regard to appeal decision APP/R0660/W/16/3144713 the details of the scheme are limited and it is not possible to ascertain what the plot widths of the neighbouring properties were. Therefore, I cannot draw any direct comparison with the proposal before me. In any event I have considered the proposal on its own merits.
14. The appellant also contends that the appeal site is previously developed land. The Framework allows for the partial or complete redevelopment of previously developed sites in the Green Belt. In line with a High Court judgement¹, private residential gardens that are not in built-up areas are not excluded from the definition of previously developed land as set out in the Framework. However, development in the Green Belt is only considered to be not inappropriate under this exemption of paragraph 89 of the Framework provided the proposal would not have a greater impact on openness, and the purpose of including land within it.

Openness

15. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
16. The appeal site is a large lawned area which is generally free of development with the exception of a single storey outbuilding in the north east corner. To the east and west are open fields which contribute to the overall rural character of the area. The site is relatively well screened from views off the adjacent road.
17. The introduction of the large built structures where there currently is none, with the exception of the outbuilding, would lead to a significant reduction in

¹ Dartford BC v SSCLG [2016] EWHC 635 (Admin)

openness. The dwellings would be clearly visible from Mill Lane and from adjacent properties. In addition, the proposed new accesses would open the site to increased views from the lane and therefore further expose the dwellings. Furthermore, it would also erode the open space around the existing development which contributes to the rural character of this part of the Green Belt.

18. Overall, I find that the erosion of three-dimensional space arising from the size of the dwellings would in itself result in an erosion of openness, which would conflict with paragraph 79 of the Framework which identifies openness as an essential characteristic of Green Belts. Accordingly, I attribute significant weight to the effect they would have on openness.
19. Therefore, the proposal fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within it, in particular safeguarding the countryside from encroachment. Consequently, even if the site is considered to be previously developed land, the proposal would have a greater impact on openness and conflict with the purposes of including land within it and therefore would fail to comply with national policy in relation to limited infilling on such sites.
20. I find therefore that the proposal is inappropriate development, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances².

Other Considerations

21. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness and the conflict with the purposes of including land within it so as to provide the very special circumstances required to justify a grant of planning permission.
22. The proposal would assist the local economy in terms of supporting the construction industry and generating demand for materials during construction. However, these benefits would be only short term. Nevertheless, there would be long term benefits as the occupants of the dwellings would use local services. Therefore, there would be some, albeit limited, economic benefits.
23. The provision of two dwellings would make a positive contribution towards the supply of housing, particularly in a rural area such as this. Whilst the contribution would be limited, it nevertheless weighs in favour of the proposal.
24. The appellant also contends that the location is sustainable as local shops and services could be accessed on foot, bicycle or public transport. The Council raise no objection to the proposal in this regard. The observations that I made during my site visit was that the surrounding roads had limited footways and therefore it is unlikely that occupants would travel to nearby facilities and services on foot. However, the bus service does provide access to the wider area. Therefore, there would be reasonable opportunities for occupants of the

² Paragraph 87 of the Framework

dwellings to use alternative forms of transport to the private car. However, this would not provide a positive benefit and would therefore have a neutral effect.

25. Similarly, I have had regard to appellant's argument that the design of the dwellings would be sympathetic to the area and would not harm neighbouring amenity or highway safety. However, these matters are generally required of all development and therefore do not provide any benefit as such and therefore have a neutral effect.

Summary

26. The proposal has harmful implications for the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and the conflict with the purpose of including land within it. In accordance with national policy, such harm carries substantial weight. Having considered the considerations put forward by the appellant I do not find that these, individually or cumulatively, clearly outweigh the harm that would be caused to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal would fail to comply with saved Policy GC1 of the LP and the Framework.

Other Matters

27. I have had regard to the concerns raised regarding the effect of the development on drainage and highway safety. However, there is no substantive evidence before me that the proposal would have any significant harm in respect of these matters.

Conclusion

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

Alexander Walker

INSPECTOR