

Appeal Decision

Site visit made on 23 January 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/R0660/W/16/3161722

Stone Cottage, 14 Summerhill Road, Prestbury, Macclesfield, Cheshire SK10 4AH

- 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 Howard Bilton against the decision of Cheshire East Council.
 - The application Ref 16/0730M, dated 12 February 2016, was refused by notice dated 3 August 2016.
 - The development proposed is construction of one detached infill dwelling.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Howard Bilton against Cheshire East Council. This application is the subject of a separate Decision.

Procedural Matter

3. I have also dealt with another appeal (Ref: APP/R0660/W/16/3161721) which includes this site. This appeal is the subject of a separate Decision.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt and the purposes of including land within it; and,
 - If the development is inappropriate, 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

Inappropriate Development

5. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green
-

Belt are inappropriate unless, amongst other things, they represent limited infilling of villages.

6. The site is part of an extensive garden area associated with Stone Cottage, and I note that a Certificate of Lawful Existing Use¹ has been granted confirming that the site is within a domestic curtilage. However, whilst the dwelling is located within the curtilage of Stone Cottage, this extensive area represents a clear visual break between the linear development of Summerhill Road and the wider landscape. Although the proposed dwelling would be bounded on two sides by built development, it would be seen within the wider context of the open playing fields to the south and the open garden area to the west with countryside beyond. Within this context the dwelling would appear as a development on the edge of a settlement, extending the linear ribbon development of Summerhill Road into the landscape, and would not have the characteristics of infill within a village.
7. The appellant claims that the site should be considered as Previously Developed Land (PDL) in accordance with the final bullet point of paragraph 89 of the Framework. However, notwithstanding the classification (or otherwise) of the land as PDL, paragraph 89 also states that the development in this respect should not have a greater impact on the openness of the Green Belt than the existing development. The proposal would result in built development consisting of a large detached dwelling being introduced where there is presently only very limited built development consisting of a timber outbuilding. I therefore consider that the development would have a greater impact on the openness of the Green Belt than existing development, and would therefore not fall within the exception stated in the final bullet point of paragraph 89.
8. I have also been referred to a planning permission for the development of a school some distance to the west of the site, and in particular a proposed sports building which would be located relatively close to the boundary of the garden area of Stone Cottage. However, even if this development is implemented, the retained garden area of Stone Cottage would represent a significant visual break between the appeal site and the proposed school buildings and I therefore consider that this matter does not support the classification of the proposed dwelling as limited infill.
9. The appeal site is located outside of the settlement boundary of Prestbury village as defined in the Macclesfield Borough Local Plan 2004 (LP). The appellant states that the settlement boundary is not the only consideration when assessing if the site is within a village. However, I have considered both the physical context of the appeal site as outlined previously and the policy context, and this has led me to conclude that the development of the site would not be infill development located within the village.
10. Policy GC1 of the LP seeks to resist new building within the Green Belt unless there are very special circumstances, subject to a number of specific exceptions. The proposal would not comply with the exceptions listed in this policy. However, the Council accepts that policy GC1 is not consistent with the Framework in respect of infilling within certain named villages and I have therefore given limited weight to this policy.

¹ Granted 11 November 2011, Council Ref: 11/2251M

11. The Council also refers to Policy PG3 of the emerging Cheshire East Local Plan² (CELP). Policy PG3 states, amongst other things, that the construction of new building in the Green Belt is inappropriate subject to a number of exceptions. Although these exceptions include limited infilling in villages, I have concluded that the proposal does not represent infilling and would therefore not comply with the exceptions of this policy. I note that the CELP has been through an Examination in Public and that the wording of Policy PG3 is in accord with the Framework. Therefore, with regard to paragraph 216 of the Framework, I have given moderate weight to this policy.

Openness and Green Belt Purposes

12. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The proposal would not constitute infilling within a village and would project into the open landscape at the end of Summerhill Road. Furthermore, as stated previously, the proposal would result in a large detached dwelling being introduced where there is presently only very limited built development.
13. On the basis that I consider the proposal would not constitute infilling within the village, the development would lead to the encroachment of development into the landscape and would have a significant impact on the related Green Belt purpose.
14. I conclude that the proposal would not preserve the openness of the Green Belt and would impact on the purpose of safeguarding the countryside from encroachment.

Other Matters

15. The appellant claims that the proposal represents sustainable development under paragraph 7 of the Framework. In relation to the economic role, the site would contribute to employment during construction. The proposal would contribute to the mix and supply of housing and residents would support local services, with resultant social and economic benefits. The appellant states that the site is within walking and cycling distance of nearby services which would reduce reliance on the private car, and also I note that the Council state that the site is well located. However, as the proposal relates to a single dwelling these benefits would be very limited.
16. In support of the proposal, I have been referred to a number of appeal decisions for sites in the Green Belt. However, the majority of these relate to sites adjacent to existing development and which fronted onto a public highway that continued into the landscape, rather than the truncated highway leading to a private curtilage as in the appeal before me. Whilst there are some similarities with the appeal at Copthorne Road³, that proposal was within the context of unbroken linear development with established site boundaries and which extended for a significant distance beyond the appeal site. These decisions are therefore not direct parallels with the appeal proposal. In any case, I have determined the appeal on its own merits.

² Cheshire East Local Plan – Local Plan Strategy Submission Version March 2014

³ Ref: APP/M3645/A/13/2201516

17. I note that the appellant states that the proposal would result in no harm to residential amenity or highway safety. However, these matters are neutral in the overall planning balance.
18. I have had regard to the letter submitted in support of the proposal, which states that it is a positive and tasteful contribution to housing on Summerhill Road. I also note that the appellant contends that the site would be in keeping with the character and appearance of Summerhill Road. However, for the reasons stated above, the proposal would represent the introduction of built development into the open landscape and would therefore represent significant harm to the character and appearance of the area.
19. The limited weight from the potential benefits arising from the proposal would be far outweighed by the substantial weight that must be given to the harm arising from inappropriate development, harm to the openness of the Green Belt and the harm resulting from conflict with the purposes of including land in the Green Belt. Very special circumstances to justify the proposal do not therefore exist.

Overall Balance and Conclusion

20. I note that the appellant states that the proposal is for limited infill within a village and that there is no requirement to demonstrate any special circumstances. However, for the reasons stated previously, I consider that the proposal would not represent infill and would be inappropriate development. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I consider that the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it and that very special circumstances to justify the proposal do not exist.
21. Notwithstanding the weight I have attached to policies GC1 of the LP and PG3 of the CELP, the proposal would conflict with these policies. The proposal is contrary to the development plan as a whole and the provisions of the Framework in relation to the protection of the Green Belt. I also consider that the proposal would detract from the environmental role of sustainable development due to the introduction of built development onto an open site within the Green Belt. Material considerations do not indicate that the proposal should be determined otherwise than in accordance with the development plan and the Framework.
22. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal is dismissed.

David Cross

INSPECTOR