
Appeal Decision

Site visit made on 28 March 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 19 April 2017

Appeal Ref: APP/R0660/W/16/3166345
Holly Bank, Byley Lane, Cranage CW10 9LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Craig Ridge against the decision of Cheshire East Council.
 - The application Ref 16/3951C, dated 11 August 2016, was refused by notice dated 11 October 2016.
 - The development proposed is described on the application as '3 No. 3 bedroom single storey cottage'.
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Decision

1. The appeal is dismissed.

Application for costs

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

Procedural Matters

3. The application was submitted in outline with all matters reserved for subsequent approval. I have therefore treated the submitted site layout drawing, a revised version of which was submitted before the Council determined the application, as being for illustrative purposes only.
4. Whilst the application was submitted in the name of 'Mr and Mrs Ridge', the appeal form was submitted in the name of 'Mr Craig Ridge'. In accordance with normal procedures which apply when only one of the original applicants is named on the appeal form, I have determined the appeal in the name of Mr Craig Ridge only.
5. The appellant has indicated that he would be willing to alter the proposed development so that it would include 5 new dwellings. The Planning Inspectorate's published guidance¹ explains that the appeal process should not be used to evolve a scheme and what is considered by the Inspector should essentially be what was considered by the local planning authority, and on which interested people's views were sought. I have therefore determined the appeal on the basis of the original application which proposed the erection of 3 dwellings.

¹ 'Procedural Guide: Planning appeals – England', Planning Inspectorate, 2016 – paragraph M.2.1

Main Issues

6. The main issues are:

- (a) whether the proposed dwellings would be in a suitable location for housing, having regard to the character and appearance of the area and their degree of accessibility by a choice of transport to jobs and services;
- (b) the effect of the proposed development on the hedgerow which runs along the frontage of the site facing Middlewich Road; and
- (c) the effect of the proposed development on highway safety.

Reasons

Policy Context

7. The current development plan for the area is the Congleton Borough Local Plan (CBLP) 2005. My decision must accord with the CBLP unless material considerations indicate otherwise. The National Planning Policy Framework (the 'Framework') is an important consideration. The emerging Cheshire East Local Plan Strategy (CELPS) is currently at an advanced stage and is also material to my decision.

Suitability of the location for housing

- 8. Policies PS8 and H6 of the CBLP confirm that new residential development will not be permitted in areas of open countryside such as the appeal site unless it falls within one of a number of exceptions. As the proposed dwellings would not be required for workers in a rural enterprise, secure the conversion of an existing building or satisfy any of the other exceptions set out in these policies their approval would conflict with them. Whilst the CBLP is now quite dated, similar points could be made about Policy PG5 of the emerging Cheshire East Local Plan Strategy (CELPS).
- 9. Paragraph 55 of the Framework establishes that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It also states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Paragraph 17 of the Framework requires the planning system to manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
- 10. The appeal site comprises a small field which, whilst located close to a small group of 4 existing dwellings, is in a rural location, about 2.5 and 3 miles by road respectively from the towns of Holmes Chapel and Middlewich, and between about 0.5 and 1 mile from the small village of Byley. Whilst the proposal would be of modest scale it would cause a loss of openness within the site and dilute the rural character of the area.
- 11. Byley contains a primary school, church and village hall, and a farm shop from which some food and other produce can be obtained. However, lengthy sections of the roads linking the site to Byley, Holmes Chapel and Middlewich contain no footways or street lighting and no substantive public transport linking the site to these settlements has been brought to my attention.

12. Whilst the Appellant has referred to walking distances to various services and facilities, the figures presented do not appear to represent the distances from the appeal site. For example, whereas his evidence refers to a primary school being within 321 metres walking distance, the nearest primary school to the site (Byley County Primary School) is as indicated in the Council evidence about 1 kilometre away. Similar points could be made about other services and facilities. The proposed dwellings would also not satisfy the guidelines for accessibility to services set out in table 9.1 of the emerging CELPS.
13. Having regard to these points, occupiers of the proposed dwellings would be likely to rely heavily on the private car to access jobs and services. Whilst some members of the local community may be able to manage without access to a car, and some supermarkets and other suppliers may deliver locally, the dwellings would be isolated in the terms of the Framework. Furthermore, they would not fall within any of the special circumstances listed in paragraph 55 of the Framework under which dwellings in such locations should be allowed.
14. I conclude that the proposed dwellings would not be in a suitable location for housing, having regard to the character and appearance of the area and their degree of accessibility by a choice of transport to jobs and services. Their approval would conflict with relevant provisions within Policies PS8 and H6 of the CBLP, Policies PG2, PG5, SD1, SD2, and CO1 of the emerging CELPS and the Framework related to this matter.

Hedgerow

15. The Hedgerow Regulations 1997 (as amended) set out statutory provisions to protect 'important hedgerows' from unjustified removal. Policy NR3 of the CBLP requires applicants to submit '*...a comprehensive assessment of a proposal's impact on nature conservation...*' as part of an application to develop a site which may affect such a hedgerow.
16. The only highway frontage of the site, which faces towards Middlewich Road, is bounded by a mature deciduous hedgerow, which was about 2 metres high at the time of my site visit and includes native species. The hedgerow contributes positively to the character of the area and in the absence of information to the contrary could be an important hedgerow in the terms of the Regulations. The appellant has provided no technical evidence to demonstrate its importance or otherwise.
17. This part of Middlewich Road has a national speed limit. In such circumstances and having regard to national guidance² the access to the dwellings could need visibility splays of as much as 2.4 X 215 metres³ unless it is demonstrated, for example through the results of a speed survey undertaken to a recognised methodology that shorter splays are justified. Furthermore, due to the curvature of this frontage, it is inevitable that to provide splays of these or similar dimensions, a substantial reduction in the height of the hedgerow along much of the site frontage would be needed.

² 'Manual for Streets 2', The Chartered Institution of Highways and Transportation 2010, table 10.1 and paragraphs 10.5.6 to 10.5.9

³ This would mean that from a point within the site which is 2.4 metres from the edge of the carriageway on Middlewich Road drivers intending to exit the site would need to be able to clearly see oncoming traffic in both directions over a distance of 215 metres.

18. The appellant has claimed in effect that reducing the height of the hedge would benefit highway safety even if the appeal proposal does not proceed. However, whilst the section of Middlewich Road next to the site is quite narrow and has limited visibility there is no substantive technical evidence before me, for example concerning traffic speeds to demonstrate that it is unsafe in its current form, or that the hedgerow would need to be lowered in the absence of the appeal proposal. The benefits that may have occurred from lowering a section of hedge near the junction of Byley Lane and Middlewich Road are of little relevance as the appeal site is well outside the area which is required to provide visibility at that junction.
19. The appellant has indicated that there is an existing driveway access in the hedgerow serving the house at Holly Bank. However, this was closed off at the time of my site visit. Although the appellant states that he was advised by the Council to use the Middlewich Road frontage to provide vehicular access to Holly Bank, no substantive details have been submitted of why the current access arrangements to this property would need to change.
20. I conclude that the proposed development would cause substantial harm to the hedgerow along the frontage of the site, for which insufficient justification has been submitted. Allowing the appeal in these circumstances would conflict with relevant provisions in Policies NR3, GR1 and GR5 of the CBLP, Policies MP1, SD1, SD2, and SE5 of the emerging CELPS and the Framework.

Highway safety

21. As already stated, the section of Middlewich Road fronting the site has a national speed limit and it is likely that substantial visibility splays would be required to ensure that the development would be safely accessed. There is also a bend in the road next to the northern end of the site.
22. I acknowledge that the Appellant has submitted a revised illustrative plan showing that vehicles could enter and leave the site via a single access point off Middlewich Road. However, the submitted details do not show the required visibility splays in relation to the alignment of the road and the extent of the site frontage which is within the control of the appellant. No speed survey information has been submitted to show that, in relation to recognised standards, provision of splays of less than 2.4 X 215 metres would be justified. In these circumstances I cannot be sure that adequate splays would be provided and thereafter retained even if the hedge along the frontage of the site is reduced in height.
23. I conclude that insufficient information has been submitted to demonstrate that the proposed development would avoid causing harm to highway safety. Allowing the appeal in these circumstances would conflict with relevant provisions in Policy GR9 of the CBLP, Policies MP1 and SD1 of the emerging CELPS and the Framework.

Other Considerations

24. The proposal would, by providing 3 new dwellings, help to maintain a flexible and responsive supply of land for housing. It would thereby contribute to the Government's objective, set out in paragraph 47 of the Framework, of boosting significantly the supply of housing. The Council has also not refuted the Appellant's point that there is a shortage of supply of housing in the area.

However, whilst these would be important benefits the number of dwellings provided would be modest and they need to be balanced against the harm that I have identified.

25. The proposal could also: provide work for local tradespersons and other construction workers; help to support the building supplies industry; and provide additional revenues for local suppliers of produce and other services. However, given the small scale of the proposal these benefits carry very limited weight.
26. I accept that the proposed dwellings could be designed to an appropriate standard and that sufficient garden space could be retained around them within the site. The proposal also need not cause harm to the living conditions of occupiers of neighbouring dwellings. However, these points constitute a lack of harm in relation to these matters rather than positive benefits to weigh in the planning balance.

The overall planning balance and conclusion

27. I have found that the proposed dwellings would not be in a suitable location for housing, having regard to the character and appearance of the area and their degree of accessibility by a choice of transport to jobs and services. I have also found that insufficient information has been submitted concerning the potential effects of the proposal on the hedgerow along the Middlewich Road frontage of the site and on highway safety. Due to the resultant conflict with policies in the development plan and Framework these shortcomings carry substantial weight against allowing the appeal.
28. Whilst I have identified a number of other considerations in support of the proposal these are significantly and demonstrably outweighed by the harm that I have identified. The proposal would not accord with the development plan as a whole or constitute sustainable development in the terms set out in the Framework.
29. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR