The Planning Inspectorate

Appeal Decision

Site visit made on 19 March 2019

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2019

Appeal Ref: APP/R0660/W/18/3206448
Mereview Farm, Park Lane, Pickmere WA16 0LG

- 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 David Platt against the decision of Cheshire East Council.
- The application Ref 17/6399M, dated 15 December 2017, was refused by notice dated 10 May 2018.
- The development proposed is construction of two infill dwellings.

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 12 April 2019.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan;
    - the effect of the proposal on the openness of the Green Belt;
    - the effect of the proposal on the setting of the adjacent listed farmhouse;
    - if the proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness and any other harm would be outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

3. The appeal site is a former orchard within the grounds of Mereview Farm, on the northern edge of Pickmere. It is laid to grass. There is no physical boundary between the appeal site and the garden of Mereview Farm House. The appeal site lies between Mereview Farm House and Lake Cottage, and has

a frontage with Mere Lane. Currently there is a fence alongside the Mere Lane frontage of the appeal site. Behind the appeal site are open fields and the land slopes down away from the site. Mereview Farm House is a Grade II listed building.

4. The proposed development would involve the construction of two new dwellings fronting on to Mere Lane. The proposed dwellings would lie close to each other.

5. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless certain listed exceptions apply. One of these exceptions is where the development would be limited infilling in villages. The Framework does not define what is meant by limited infilling.

6. Policy PG3 of the *Cheshire East Local Plan Strategy* (the Local Plan Strategy), sets out the approach to development in the Green Belt and is consistent with the Framework in terms of its approach to limited infilling in villages. In its glossary, it defines infill development as *the development of a relatively small gap between existing buildings*. Policy GC1 of the saved *Macclesfield Borough Local Plan* (the MB Local Plan) indicates that limited infilling in certain defined settlements would be allowed, but Pickmere is not one of the listed settlements. However that approach is not consistent with the Framework and so I give it little weight in this case.

7. The parties agree that the gap between Lake Cottage and Mereview Farm House is around 75m. Around 40m of that gap along Mere Lane is the appeal site with the residual being the remaining garden of Mereview Farm House.

8. Whilst the Framework does not define limited infilling, I have placed some weight upon the Local Plan Strategy's definition. I consider that a gap of some 70m would not be classed as a relatively small gap between existing buildings. There is a building, referred to as The Cottage, which stands to the rear of the garden of Mereview Farm House. It effectively extends the built form of the Mereview Farm outbuildings towards Lake Cottage. However, The Cottage is some considerable distance from Mere Lane and whilst it is around some 50m from Lake Cottage, I consider because of the considerable set back from Mere Lane, it does not have a significant effect on reducing the gap between Mereview Farm House and Lake Cottage. If the proposal were to be allowed, The Cottage would still sit well behind the footprint of the proposed dwellings. In reaching this view, I have taken account of the pattern of development in Pickmere. Whilst the proposal may be consistent with prevailing plot sizes, I consider that Mere Lane, on either side, is not characterised by large gaps between dwellings.

9. I have been referred by the appellant to an appeal decision[1] issued after the appeal was submitted. This is a site to the north of the current appeal site and is on Frog Lane. The gap between the dwellings which front the road in that case is around 50m and the Inspector considered that given the surrounding plot width, the proposal would constitute limited infilling. In the appeal proposal before me, the gap between the dwellings which front the road is

[1] APP/R0660/W/3211980

much greater and for the reasons set out above, I consider that The Cottage is sat so far back from Mere Lane that it would still sit behind the rear building line of the proposed dwellings and represents a quite different pattern of development to that on the Frog Lane appeal site. I have placed considerable weight on the decision of my colleague, but I consider that the circumstances are distinct from those of the current appeal.

10. The appellant has also referred me to a number of other appeal and planning decisions. I do not have full details of those schemes before me.

11. The Inspector who determined the appeal[2] at Hollands Lane, Kelsall, considered that the proposal would represent limited infilling in an otherwise built up frontage. The Inspector noted that there was a row of dwellings to the north, to the village to the south and across the road. In the appeal before me, the gap is between housing and farm buildings and the characteristics of the site and its surroundings is different. I consider that the current appeal does not represent a gap in an otherwise built up frontage, and that the circumstances of the two sites and cases are distinct from each other on the evidence before me. The Kelsall site is in any event in a different local authority area to the one in this case and I do not have the detailed policies considered in that appeal before me.

12. In relation to the appeal[3] at Church Lawton, the site is surrounded by development on three sides and the Inspector was satisfied that the proposed development would not extend the built form of the village outwards. The appeal site sits behind existing development and would take its access from an existing access road. I consider that the nature and the characteristics of that site are different to the one before me.

13. In the Stocks Lane, Over Peover appeal[4], the parties agreed that the proposal would represent the filling of a small gap in an otherwise built up frontage, and from the evidence submitted it is clear that the gap is significantly smaller and its characteristics different to the current appeal. The appeals at Hill Top Road, Acton Bridge[5] and Smithy Garage, London Road, Adlington[6]also relate to sites with a smaller gap along the frontage than in the proposal before me.

14. Similarly the Old Knutsford Road, Alderley Edge, approval referred to me by the appellant would appear to relate to a much smaller frontage than the appeal scheme and from the evidence provided the characteristics of the site and its context are significantly different. I do not have full details of the other case referred to me, at Penrhyn Cottage, Brookledge Lane Adlington. However, from the plan submitted, the frontage of the site, the gap between buildings, and the characteristics of the site and immediate area would appear to be quite different to the current case.

15. In relation to all of the cases referred to me, I have in any event determined this appeal on its merits and on the basis of the evidence before me. I have also had regard to the case law[7] referred to me but this does not alter my

[2] APP/A0665/A/14/2217226
[3] APP/R0660/W/17/3170279
[4] APP/R0660/W/14/3000822
[5] APP/A0665/W/14/3000557
[6] APP/R0660/A/14/2226714
[7] Wood v SoSCLG and Gravesham [2015] EWCA Civ 195

conclusions on whether the proposal would constitute limited infilling having regard to the Framework, the development plan and the particular circumstances of the case.

16. For the reasons set out above, I consider that the proposal would not be limited infilling within the village, and so would constitute inappropriate development in the Green Belt having regard to the Framework and the Local Plan Strategy.

The impact on openness

17. The proposal would introduce built form where there is none at present. I consider that the proposed dwellings would narrow the gap between the farm buildings and the village and would have a considerable harmful effect on the openness of the Green Belt in this location. I have taken into account the decision in Kelsall referred to me by the appellant but consider that this case is different to that one for the reasons set out above.

The listed building

18. Mereview Farm House is Grade II listed. The farmhouse is orientated towards the south whilst its barns and outbuildings sit to the west and north of it. The barns have been converted to office use whilst The Cottage is in residential use.

19. The area of open land to the south of the farmhouse, which comprises the garden and orchard area, provides an important spatial context for the farmhouse and buildings. I consider that this area is part of the area in which the significance and value of the farmhouse is appreciated and experienced. The appeal site and the garden reinforce the distinction between the more built up form of the village and Mereview farm. I consider that this is relevant from Mere Lane and from the footpath alongside the small park on the corner of Mere Lane and Park Lane, which since it is raised provides an important view across to the farmhouse and the appeal site.

20. From my observations, the value of that gap to the historical significance of the farmhouse can clearly be appreciated. It and the associated farm buildings stand separate from the village. Whilst the appeal site has been an orchard and was separated from the garden by a hedge, I consider that it is part of an important gap between Mereview Farm House and the modern built up part of the village to the south. That Mereview Farm House faces south, provides more importance to the way in which the experience of the building is enjoyed from the appeal site.

21. I consider that the proposed development would significantly fill in the substantial gap between Mereview Farm House and the built development in the village to the south. I consider that the erosion of this gap would significantly harm the setting of the listed building, and cause less than substantial harm to the designated heritage asset. I have taken into account the low height of the proposed dwellings compared to the farmhouse, but consider that their impact on the setting of the farmhouse would be harmful. I have taken into account the appellant's heritage statement and the four conservation principles of assessing significance that it makes reference to, but these do not alter my conclusions.

22. For the reasons given above, I conclude that the proposal would be harmful to Policy SE7 of the Local Plan Strategy which seeks to conserve and enhance the historic environment. Having regard to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the proposal would not preserve the setting of the listed farmhouse.

Whether very special circumstances exist to justify the development

23. The Framework indicates that substantial weight should be given to any harm to the Green Belt. It also states that inappropriate development should not be approved except in very special circumstances and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

24. I have found that the proposal would be inappropriate development in the Green Belt. I have also found that it would be harmful to the openness of the Green Belt.

25. I have also found that it would be harmful to the setting of the listed farmhouse. In accordance with paragraph 196 of the Framework, where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits including securing its optimum viable use. The proposal would provide two housing units. I consider that this benefit to be of limited weight and would not outweigh the significant harm to the designated heritage asset which I have found.

26. The appellants statement of case argues that the proposal is not inappropriate development in the Green Belt, and so very special circumstances do not need be demonstrated to justify the development. I have not been presented with any evidence of very special circumstances. Consequently I consider that very special circumstances do not exist in order to justify the development.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR