



Appeal Decision

Site visit made on 8 July 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/R0660/W/19/3221943

Grove Cottage, Chester Road, Alpraham CW6 9JA

- 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 Andrew Leyland against the decision of Cheshire East Council.
 - The application Ref 18/3125N, dated 23 June 2018, was refused by notice dated 28 November 2018.
 - The development proposed is described as two detached dwellings on surplus paddock land within the curtilage of Grove Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The existing property at Grove Cottage has a thatched roof, and the appellant's planning statement averred that this requires replacement at a cost of £45,000. Although not an 'enabling development' proposal, the appellant referred to having submitted a planning obligation in the form of a unilateral undertaking to ensure that funds from the proposed development were made available for the purpose of replacing the thatched roof. I have not however had sight of this planning obligation and accordingly have attributed no weight to it in my determination of the appeal.
3. The planning application was submitted in June 2018, and determined in November 2018, following the publication of a Housing Monitoring Update by that Council. I have not been provided with a copy of this Update, but it is stated in the officer's report that it evidences a deliverable housing land supply for the area of 7.2 years (18,250 dwellings) and this figure is ultimately not disputed by the appellant. The appellant however expresses concern that the Council deliberately procrastinated in determining the present application until after the updated housing supply figures were made available. The Council disputes this, but whether or not it was the case is not a matter for my determination in this appeal. My obligation is to determine the application in accordance with the development plan for the area, unless material considerations indicate otherwise. Such other considerations may include the housing supply position, but where this is relevant at the time of my determination rather than when the application was submitted or at any other prior moment.

Main Issues

4. The first main issue is whether the site is in a suitable location for housing, having regard to its effect on the character and appearance of the host property and the surrounding area. The second main issue concerns the effect of the proposed development on the setting of the designated heritage asset that is the host property, the Grade II Listed Grove Cottage.

Reasons

The suitability of the site for housing

5. The appeal site comprises what is described as surplus paddock land lying to the east of Grove Cottage, to the south side of the A51 to the north of the small settlement of Alpraham. Grove Cottage stands in its own sizeable grounds in the countryside, although with a small cluster of dwellings opposite and sporadically spaced dwellings before and beyond it alongside the A51.
6. For planning policy purposes the appeal site lies within Open Countryside, as defined by Policy PG6 of the Cheshire East Local Plan Strategy 2010 – 2030, adopted in 2017, document ('the LPS'). The policy provides that only certain forms of development are appropriate in the Open Countryside, with exceptions that include infilling, either in villages or of small gaps elsewhere. Policy RES5 of the Crewe and Nantwich Replacement Local Plan 2011 ('the RLP') is in broadly similar terms.
7. The appeal proposal is in outline form, with all matters reserved save for access. The proposed new dwellings would be accessed from the A51 using the existing access for Grove Cottage, making use of an existing spur from the cottage's driveway into the adjoining paddock. An illustrative layout plan has been provided, showing the 2 dwellings broadly in line with the cottage and its detached garage, but as the layout is a reserved matter this is not decisive. To the east of the paddock lie further fields, with a public footpath adjoining the site to the east. The next house to the east is, although separated from the appeal site by a single field, accessed from the A51 some 250m away. Accordingly the proposed dwellings would not constitute infilling, either within a settlement or of a small gap within an otherwise built up frontage, and their provision would conflict with LPS Policy PG6 and with RLP Policy RES5.
8. Policy PG6 is consistent with paragraph 170 of the National Planning Policy Framework ('the Framework') insofar as it recognises the intrinsic character and beauty of the countryside and seeks to avoid the unnecessary development of it. The appeal site, presently an open field, is readily visible from the road and from the public footpath. It is framed by established boundary planting on its eastern and southern sides, but with visibility through and beyond to the surrounding fields.
9. LPS Policy SD1 requires developments to contribute to protecting and enhancing the natural environment, and Policy SE4 requires all development to conserve landscape character. The provision of housing in this location would result in the loss of this greenfield site and its intrinsically rural character, contrary to these policy requirements and to the Framework. Additionally, whilst the site is within ready walking distance of a bus stop and the centre of Alpraham, it lacks easy access to most key services and amenities within the distances sought by LPS Policy SD2.

Effect on the setting of Grove Cottage

10. Although Appendix 9 of the Council's Appeal Statement makes reference to a submitted Heritage Statement, no heritage assessment has been submitted in the course of the appeal. However, the planning, design & access, and appeal statements submitted by the appellant record that in the C17th, as a way of managing his estate, Lord Tollemache would donate three acres with a cottage and a cow to each of his workers so that they could nurture their own smallholdings, Grove Cottage being one such example. The property was first Listed on 6 July 1984, and it appears that a complete renovation and re-build took place at around the same time. Photographs show the property having been stripped back entirely to its timber frame, which was then mounted on new sandstone foundations.
11. The appellant describes the current property, which appears to have been significantly extended as part of the 1984 works, as a 'pastiche' bearing no resemblance to the Listed worker's cottage. Nonetheless, and although the cottage no longer consists only of its original modest proportions, I am not aware of any application to de-list it, and a number of the features described by the Historic England listing are in evidence, particularly the rendering on a timber frame and the thatched roof.
12. A separate thatched garage building to the east of the dwelling serves to buffer the cottage from the appeal site to some degree, but overall I consider the existing setting of the cottage to include all the appellant's land (appearing to correspond approximately to Lord Tollemache's 3 acre plot) including the appeal site. The cottage is not isolated, but appears in a very loose arrangement of sporadic dwellings in rather similar arrangements sitting alongside the A51 as it proceeds northwards out of Alraham towards Tarporley.
13. The Council considers that the cottage has always been a lone croft rather than appearing as part of a farmstead or a group of cottages. Without sight of a heritage assessment to demonstrate otherwise, I consider the property's apparent history as having been gifted as a cottage standing in its own smallholding contributes to its significance. The history of the Lord Tollemache estate might also point to a potential significance in considering the setting of the cottage. There is insufficient evidence submitted by either party to properly conclude that there would not be harm to the historic asset and its setting. Consequently I cannot be satisfied that the development of the appeal site, apparently in the grounds of the original smallholding, would not dilute the setting of the cottage and, in so doing, harm the significance of the heritage asset and the ability to appreciate it.
14. The extent of any harm would rather depend on the details of the proposed dwellings, including their size and siting, but in any event no public benefits are prayed in support of the proposal that might overcome the harm to the setting. I have adverted above to a planning obligation that might secure funds to replace the roof of Grove Cottage. Whilst this would be beneficial, I have no evidence that the benefit could not be achieved by other means and, not having had sight of the planning obligation, I am unable to give it any weight.
15. The Council has cited but not supplied policies SE1 and SE7 of the LPS in support of its second reason for refusing the application. Policy SD1 requires that development should wherever possible contribute to protecting and

enhancing the historic environment, and policy SD2 requires new development to respect, and where possible enhance, the significance of heritage assets including their wider settings. The Framework requires clear and convincing justification for any harm to the significance of heritage assets, and requires that great weight should be given to the conservation of heritage assets and their significance. The statutory requirement is to pay special regard to the desirability of preserving the setting of the asset, and to give this desirability considerable importance and weight. The proposed development would conflict with these requirements to avoid unjustified harm, and with those elements of the development plan that have been supplied to me by failing to protect the heritage asset.

Other matters

16. The appellant has cited a number of other planning decisions in the local area where permissions have been granted, some of them contrary to the policies that are relevant to this appeal, and most recently at Kiln House which is also said to lie beyond the settlement boundary of Alpraham. The Council suggest that many of these decisions can be distinguished by reference to the housing land supply position at the relevant time, meaning that the Council's policies could not be considered up to date and the 'tilted balance' of the Framework would have been invoked. Other approvals resulted from the particular circumstances of the case. I have insufficient details of any of those cases for me to be satisfied that their circumstances are sufficiently similar to those here in order to justify disturbing the conclusions I have reached.
17. The appellant also suggests that the proposed dwellings could be constructed to designs that are outstanding or innovative, including carbon neutral features to obtain Code Level 5 accreditation, thus amounting to designs of exceptional quality as referred to in paragraph 79 of the Framework. I give this possibility some weight as a benefit of the proposal. However, overall it would not garner support from paragraph 79 of the Framework. I am unable to conclude that the proposed dwellings would be sensitive to the defining characteristics of the area, namely their siting within the setting of Grove Cottage, for the reasons explained above. Additionally, I do not consider that the proposal would result in the provision of the 'isolated' homes in the countryside to which paragraph 79 applies.

Planning Balance and Conclusion

18. For the above reasons I have concluded that the appeal site is not suitably located for the proposed housing development, which would also adversely affect the setting and hence the significance of the Listed Grove Cottage without adequate justification. There being no matters that attract sufficient weight to justify a decision otherwise than in accordance with the development plan, the appeal is dismissed.

Laura Renaudon

INSPECTOR