
Appeal Decision

Site visit made on 20 August 2019

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 12th September 2019

Appeal Ref: APP/R0660/W/19/3224057

Rose Bank, Twemlow Lane, Cranage, Crewe CW4 8EX

- 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 Jonathon Swithenbank against the decision of Cheshire East Council.
 - The application Ref 18/4329C, dated 28 August 2018, was refused by notice dated 22 October 2018.
 - The development proposed is the construction of one new detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the appeal was submitted Jodrell Bank Observatory was inscribed by UNESCO as a World Heritage Site ('WHS'). The parties to the appeal did not avail themselves of the opportunity given to comment on the implications for the appeal decision of this designation.

Main Issues

3. The main issues in the appeal arising from the reasons for refusal of the planning application are whether the proposed dwelling would be an appropriate form of development in the countryside and its effect on the efficiency of operation of the Jodrell Bank radio telescope.
4. A further issue arises with regard to its effect on the significance of the Jodrell Bank WHS.

Reasons

5. Rose Bank is a detached house that stands on a large plot a rural location. The house is set back from the road frontage behind a smaller house, Rose Cottage, with both houses sharing the drive. It is now proposed to subdivide the site of Rose Bank, and to erect a two-storey detached house on a separate plot, with access also taken from the shared drive.

Development in the countryside

6. The Cheshire East Local Plan Strategy 2010-2030 ('CELPS') was adopted in 2017 and forms the key component of the development plan for the purposes of this appeal. The reasons for refusal of the planning application refer also to

saved policies of the Congleton Borough Local Plan First Review ('CBLP'), adopted in 2005, but these are now of considerable age and not all the relevant policies necessary to assess the proposal have been saved. Accordingly, I agree with the appellant that compliance with the saved policies should receive reduced weight in this appeal.

7. The protection of the Cheshire countryside from urbanising development is one of the principal objectives of the Local Plan Strategy. CELPS Policy PG6 seeks to limit development in the open countryside, which is defined as the area outside any defined settlement boundary, to essential rural and public infrastructure purposes, subject to certain exceptions.
8. It is common ground that the appeal proposal would not represent the infill of a small gap with one or two dwellings in an otherwise built-up frontage, as stated in the first reason for refusal of the planning application, and would not comply with that exception to Policy PG6. But the appellant's case that the proposal would meet the previously listed exception, for limited infilling in villages, is also disputed by the Council.
9. As a settlement, Cranage appears to comprise a very loosely dispersed pattern of mainly residential development strung out along the A50 Knutsford Road, together with some individual enclaves of suburban-style housing. There is a 'Village Hall' fronting onto the main road, but in other respects the settlement appears to lack the sort of concentrated centre that would identify it as a conventional village. The appeal site forms part of a small group of houses clustered around a bend in Twemlow Lane, some 170m away from the main road, and separated from it by open fields. The appellant argues that the site is 'visually joined' to the main road, but there is a clear physical separation. Even if it were accepted that Cranage is a village for the purpose of Policy PG6, Rose Bank and the other houses around it can best be described as an isolated outlying group rather than part of the village.
10. The appellant quotes the CELPS definition of infill as 'the development of a relatively small gap between existing buildings'. The appeal site forms part of a large open plot to the rear of the host dwelling, edged by woodland. The proposed dwelling would be some 64m from the host by the Council's calculation. The stables block to which the appellant refers is a low building some 27m away and separated from the site by a belt of tree and shrub planting. There is no visual connection with the appeal site, which does not have the character of a small gap between buildings but of a generous, relatively self-contained plot. Therefore, even if the site were held to be within a village, the proposal would not constitute limited infilling.
11. The appellant refers to the recently constructed development of 8 houses on the opposite side of Twemlow Lane for which planning permission was granted in 2016¹. I have not been made aware of the Council's reasoning in permitting that development, but I note that the site would have comprised a gap between buildings in a generally built-up frontage, which may have been seen as compliant with the policy exceptions. However, the permission cannot be taken as a general endorsement of intensification of residential development on Twemlow Lane.

¹ Ref 16/0604C

12. The appellant also draws attention to a potential fall-back position, for which a Certificate of Lawful Development was granted by the Council in 2017². This would involve the potential alteration and extension of the host dwelling and of a small workshop, together with the addition of free-standing outbuilding to house a garage and pool. The volume of the lawful development would be only some 10% less than the volume of the appeal development. However, the Council point out that the site for the Certificate was more confined than the appeal site, with the proposed buildings located close to the existing house. There would be a greater urbanising effect from development expanding to the depth of the site and from the additional paraphernalia and activities of a separate family occupying the site than from the expansion of the existing dwelling. Furthermore, there is no indication of the actual probability of the lawful development being implemented. The fact that the appellant has subsequently promoted a different form of development suggests that it may no longer be a preferred option. Therefore, the claimed fall-back position does not merit significant weight.
13. I conclude on this issue that the addition of a further dwelling would contribute to an urbanising effect. The proposal would not be an appropriate form of development in the countryside in accordance with CELPS Policy PG6.

Efficient operation of Jodrell Bank

14. The importance of Jodrell Bank as a world-leading site for astronomy is recognised by the long-standing Direction³ that requires the Council to consult the Observatory on development that might affect efficient operation of the radio telescope. The appeal site lies within the Consultation Zone. CELPS Policy SE14 states that development within the Zone will not be permitted if it would impair the efficiency of the telescope. In this case, Jodrell Bank has objected to the proposal on grounds of its potential adverse impact.
15. The appellant argues that it has not been shown that the proposal would have an adverse effect, but the wording 'can be shown' appears only in CBLP Policy PS10, and not in CELPS Policy SE14, which provides the most up-to-date expression of policy on this issue. In any event, the objection confirms that modelling has been carried out, including an assessment of topography. I have no reason to dispute the Observatory's assessment, and no counter-evidence has been put forward.
16. The objection acknowledges that there is already significant development close to the telescope from the direction of the appeal site, and that the proposal's additional effect would be relatively minor, but raises concern about cumulative impact. In that context, precise data on the anticipated effect of the appeal proposal alone would be unlikely to assist the case for the proposal.
17. I accept that pre-application advice provided by the Observatory on the proposed construction of the 8 houses on the opposite side of Twemlow Lane does not appear to be entirely consistent with the objection raised to the current proposal. But I am not aware if that position was maintained when the Council considered the application itself, before going on to grant planning permission. The objection to the appeal proposal is clear and is signed by a

² Ref 16/5577C

³ Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973

professor of the University of Manchester, who is an Associate Director of the Observatory.

18. The appellant also places some weight on the potential fall-back position, But although the volume of the lawful development would be nearly as large as that of the appeal proposal, I have no evidence to support claims that electronic traffic from the potential extensions and additions would be equivalent in effect to those from a separate family unit, or that the proposed restriction on future development at the host dwelling would be effective in limiting interference. When taken with the lack of indication of likelihood of the lawful development being implemented, the claimed fall-back position does not alter the balance of considerations.
19. Given the importance attached by policy to the successful operation of Jodrell Bank, any objection by the Observatory must be given significant weight, even if the feared adverse impact would be largely cumulative in nature. The proposal would be contrary to CELPS Policy SE14 and to saved CBLP Policy PS10.

World Heritage Site

20. The National Planning Policy Framework ('NPPF') confirms that a WHS is a 'designated heritage asset' for policy purposes. The NPPF advises that when considering development proposals great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to the significance of the asset should require clear and convincing justification. In this case, neither party has provided an assessment of significance, but the Council have referred to the Statement of Outstanding Universal Value and supporting documents adopted for the WHS.
21. CELPS Policy SE14 effectively anticipated the inscription of Jodrell Bank as a WHS, as the site was then on a shortlist. The policy's opposition to development that would have an adverse impact on the historic environment and visual landscape of Jodrell Bank is not very relevant in this case, as the site is well away from the Observatory and the visual effect of the proposed dwelling would be limited. But the policy also requires consideration of potential impact on the elements of the WHS that contribute to its outstanding universal value.
22. The Management Plan for the WHS explains that the site's integrity as a world-leading research location is not confined to history. A guiding principle of the Plan is that the site should continue to maintain this role. Thus, the site's ongoing heritage value is influenced by its efficient performance. As the appeal proposal would contribute to cumulative harm to efficiency, it can also be said to harm heritage significance. Although any such harm would be extremely minor, it would not be outweighed by the equally minor public benefit of the addition of one dwelling to the housing supply. The adverse impact on outstanding universal value would be contrary to Policy SE14.

Other matters

23. The Council raise no concern about the proposed design and accept that there would be no adverse effect on neighbours' living conditions or on flooding. I find no reason to disagree. The increase use of the shared drive should not give rise to any safety issues.

24. The appellant states that the Council has a marginal supply of housing land above the five-year supply sought by NPPF policy, but does not suggest that the supply is inadequate or that relevant policy is out-of-date. I acknowledge that the addition of a dwelling to the supply would be beneficial, but only to a very minor degree.

Conclusion

25. For the reasons set out above, I find that the proposal would be contrary to the development plan in several respects and that there are no material considerations that would indicate a decision other than in accordance with the plan. I therefore conclude that the appeal must be dismissed.

Brendan Lyons

INSPECTOR