The Planning Inspectorate

Appeal Decision

Site visit made on 12 November 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/R0660/W/19/3236214
Land at Dark Lane, Dark Lane, Gawsworth SK11 9QZ

- 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 P Dean against the decision of Cheshire East Council.
- The application Ref 19/1333M, dated 14 March 2019, was refused by notice dated 31 May 2019.
- The development proposed is two detached dwellings, two detached garages and associated development.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; (ii) the effect of the proposal on the openness and purposes of the Green Belt; 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 required to justify the proposal.

Reasons

Whether or not inappropriate development

3. The appeal site is on the north-eastern side of Dark Lane and within the Green Belt. A hedge extends across the site's frontage with the lane. Open fields are to the rear and on the opposite side of the lane. The site lies between the detached residential dwellings of Chestnut Tree and The Oaks. The site forms an extensive, undeveloped gap which is currently overgrown. There is an access to a field to the rear between the site and The Oaks, which forms part of a low-density linear row of residential development leading to the junction of the lane with Gawsworth Road.

4. Framework paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Framework paragraph 145 confirms 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. Policy

PG3 of the Cheshire East Local Plan Strategy (CELPS), 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.

5. The term 'village' is not defined in the Framework or CELPS. However, the appeal site is not within the adopted Gawsworth Village Infill Boundary. At its closest point, the boundary lines Congleton Road which is a fair distance from the site. Despite this, the main parties dispute whether or not the appeal site is part of the village of Gawsworth or not. In the case of *Julian Wood v SSCLG and Gravesham Borough Council*[1] it was held that the boundary of a village defined in a local plan may not be determinative for this purpose.

6. Point 4 of emerging Policy PG10 of the Site Allocations Development Plan Document (SADPD) explains that outside of the village infill boundaries shown on the adopted policies map, development proposals will not be considered to be 'limited infilling in villages' when applying policies PG3 and PG6. There is a direction of travel proposed by emerging Policy PG10, yet I do not know the outcome of the consultation that has recently finished. I do, however, understand from the appellant that there are around 39 unresolved objections to this policy which are said to be significant and to go to the heart of the Council's proposed strategy. Thus, the Council's approach could therefore be subject to change Moreover, the SADPD has yet to be submitted for Examination in Public. For these reasons, emerging SADPD Policy PG10 carries little weight. As a result, for the time being, a planning judgement is required.

7. Gawsworth has evolved over time, with a historical element to the south of a relatively high-density post war area of development which closely relates to the Infill Boundary. Among other things, a primary school, village hall and play area all lie within the Infill Boundary. Gawsworth Methodist Church is outside of, but next to the Infill Boundary as it is next to Congleton Road. Similarly, there is residential development on the northern side of Congleton Road to the north-east of its junction with Dark Lane and on Dark Lane, South View Avenue and Gawsworth Road. There are also two notable gaps between 2 South View Avenue and Threeways and the Old Post Office and Byways. That said, there is a clear line of sight from the former to development within the Infill Boundary, with glimpsed views from the latter. In any event, it is not beyond reason for a site to be part of a village even if there is a gap of some sorts.

8. Everyday life is not bound by an arbitrary boundary line and there are facilities such as the primary school, village hall and play area which allow members of the community to share common activities, and thus characteristics in common, outside of the settlement boundary. There is no footpath along Dark Lane to these, nor is the route lit. Journeys to and from these facilities on foot would therefore be unlikely to be attractive for residents living on or off Dark Lane, especially during the hours of darkness or during inclement weather. Yet, I am of the view that residents living in properties on Dark Lane, South View Avenue and the immediate stretch of Gawsworth Road near to Dark Lane would consider themselves to be part of Gawsworth, and not some other settlement.

9. I note the previous appeal decision[2] in 2017 ('the 2017 appeal decision') relating to the site. I agree with the main parties that the 2017 appeal decision is not determinative in respect of the scheme now before me, albeit I am

[1] Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195
[2] Appeal Decision Ref: APP/R0660/W/17/3171643

mindful of some of the comments made within this decision. However, based on the evidence put to me, I consider the appeal site to just be within what could be considered to be the village of Gawsworth.

10. Saved Policy GC1 of the Macclesfield Borough Local Plan (MBLP) sets out that limited infilling in certain defined settlements would be allowed provided that the development is in scale and character with the settlement in question. Gawsworth is one the listed settlements. Nonetheless, the approach taken by this policy is not consistent with the Framework. As such, I give it little weight in this case. This, however, does not mean that it carries no weight.

11. The glossary to the MBLP defines 'Infilling' as 'The filling of a small gap in an otherwise built-up frontage. (A small gap is one which could be filled by one or two houses).' The term 'limited infilling' is not defined in the Framework. Within the glossary to CELPS, infill development is defined as the development of a relatively small gap between existing buildings. As the site lies within the Green Belt and CELPS Policy PG3 is the relevant policy for such proposals, CELPS Policy PG6 and its associated definition is not relevant in this case. I do, however, place some weight behind the CELPS definition.

12. The proposed development would introduce two detached dwellings to the land. The appellant does not dispute the Council's contention that the physical gap between the built form of Chestnut Tree and The Oaks is around 85 metres, but it is likely that the Council's figure relates to the distance between the flank elevation of each dwelling and not the detached garage at Chestnut Tree which abuts the site's boundary. While the actual physical gap is likely to be lower than that suggested, it would still be roughly in excess of 70 metres given that the plot itself has a frontage of around 57 metres and The Oaks has a plot width of around 38 metres, with its associated side garden occupying around half of that figure next to the appeal site. From what I could see, there has been no change to this situation on the ground since the 2017 appeal decision.

13. The division of the site into two equally sized plots of a depth comparable to Chestnut Tree would generally respond to the size, scale and shape of plots between Gawsworth Road and Chestnut Tree. There would also be consistency in terms of: the siting of each dwelling; the residential use of the site; and in terms of the footprint of the proposed dwellings in comparison to the properties either side of the site. The character and appearance of the proposed dwellings would also respond to the local area. However, a gap in excess of 70 metres would not be, in my view, a relatively small gap between existing buildings in the context of the linear row of development along Dark Lane up to Gawsworth Road which is not characterised by large gaps between dwellings. In the round, I consider that the proposal would not be limited infilling in villages.

14. Both parties have cited a decision at Mereview Farm[3], but it is apparent that there are site specific differences between this scheme and the scheme that is before me, namely in terms of the position of development. Furthermore, there are clear differences between the Mereview Farm scheme and the appeal site in terms of the pattern of development. As such, it is my planning judgement that the two schemes are not directly comparable to one another.

15. The first scheme at Coppice Road[4] was for 9 dwellings. This is very different

[3] Appeal Decision Ref: APP/R0660/W/18/3206448
[4] Appeal Decision Ref: APP/R0660/W/15/3013616

quantum and form of development to that proposed in the scheme before me. In any event, whether or not a site lies within a village is specific to the site's surroundings. The second scheme[5] is comparable in terms of the development plan policies. However, as the Inspector set out within the decision, each case is determined on its own merits. This is the approach that I have taken in considering the site's context which is not the same as that of Coppice Road, in terms of the irregular plot sizes, development on both sides of Coppice Road and the siting of properties. I do not consider the second Coppice Road scheme to be directly comparable for these reasons.

16. While, the Six Ashes Road[6] decision was determined based on what is on the ground, I do not have any details of this scheme before me. Similarly, there are only limited extracts from the Coppull Moor Lane[7] decision before me. As such, it is difficult for me to assess whether the context of these sites are directly comparable to the appeal scheme. But what is clear is that planning judgments have been made specifically relating to the schemes proposed.

17. For the reasons set out above, I conclude that the proposal would not be limited infilling within the village and would therefore be inappropriate development in the Green Belt contrary to CELPS Policy PG3, saved MBLP Policy CG1 and Framework paragraph 145.

Openness and purposes

18. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

19. Given that the site is undeveloped it has a good degree of openness in spatial and visual terms. The proposal would introduce two detached dwellings, detached garages and associated access, parking areas and gardens to the land where there is currently none. These would be clearly visible from Dark Lane from in front of the site, but they would be confined the site's existing boundaries. Views of the proposal from either direction on Dark Lane would temper this visual and spatial harm due to the neighbouring dwellings, established vegetation and undulating topography. That said, the proposal would reduce the site's openness. The degree of harm would be moderate. There would also be a limited harm to the purposes of including the land within the Green Belt in terms of safeguarding the countryside from encroachment.

20. I conclude on this issue that there would be a loss of openness in the Green Belt and conflict with one of the purposes of including the land within the Green Belt. Consequently, the proposal would conflict with CELPS Policy PG3 and Framework paragraphs 133 and 134.

Other considerations

21. I have no reason to doubt the Council's view that it can demonstrate a five-year supply of deliverable housing sites. However, this is not a ceiling and the proposal would make a modest contribution to the supply of homes in the area.

22. I agree with the view of the main parties that the appeal scheme would not cause unacceptable impacts insofar as its design, highway safety, trees,

[5] Appeal Decision Ref: APP/R0660/W/18/3201548
[6] Appeal Decision Ref: APP/C3430/W/18/3207145
[7] Appeal Decision Ref: APP/D2320/W/16/3154595

landscaping, ecology, flooding, drainage and the living conditions of neighbouring residents and potential future occupants of the proposed dwellings. There is also no substantive evidence to show that the proposal would adversely affect the Jodrell Bank Radio Telescope. These matters all carry neutral weight in the planning balance.

Conclusion

23. The proposal would be inappropriate development in the Green Belt. This is harmful by definition and I attach this matter substantial weight as required by Framework paragraph 144. The proposal would also result in a loss of openness and conflict with one of the purposes for including the land within the Green Belt. I have attached these moderate and limited degrees of harm, but by definition these are harmful, and I attach them substantial weight as directed.

24. I have considered matters put before me in favour of the scheme by the appellant, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. As a result, the very special circumstances necessary to justify the development do not exist.

25. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR