
Appeal Decision

Site visit made on 5 November 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/R0660/W/19/3233911

Land off Park Lane, Pickmere WA16 0LH

- 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 D Platt against the decision of Cheshire East Council.
 - The application Ref 19/1652M, dated 29 March 2019, was refused by notice dated 2 July 2019.
 - The development proposed is the construction of two infill dwellings with shared access.
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction of two infill dwellings with shared access at the land off Park Lane, Pickmere WA16 0LH, in accordance with the terms of the application, Ref 19/1652M, dated 29 March 2019, subject to the schedule of conditions to this decision.

Procedural Matters

2. The development proposed is in outline with all matters reserved except for access. I have had regard to the submitted block plan (A102) but have regarded all elements of these drawings as indicative apart from the details of the access.

Main Issues

3. The appeal site lies within an area of Green Belt. Therefore, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework, and;
 - If the proposal would be inappropriate development 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 necessary to justify the development.

Reasons

4. Policy PG3 of the Cheshire East Local Plan Strategy 2017 (CELPS), saved Policy GC1 of the Macclesfield Borough Local Plan 2004 (MBLP), and paragraph 145 the National Planning Policy Framework 2019 (the Framework), set out the types of new buildings in the Green Belt which are considered to be exceptions and may be regarded as not inappropriate, this includes the limited infilling in villages. Saved Policy GC1 of the MBLP directs limited infilling to within the

settlements of Gawsorth, Henbury, Lyme Green and Sutton provided that the development is in scale and character with the settlement in question.

5. The appeal site is located on Park Lane, which curves around the site towards the west, leading out of the village of Pickmere. The site is a grassed field, with an existing access gate off Park Lane, in the northern most part of the site. At the time of my visit a temporary fence had been erected along the western edge of the appeal site boundary, however, I understand this was just a temporary measure to keep cattle off during the visit, and ordinarily it would be open to the wider expansive field to the west.
6. When approaching the site along Park Lane from the west there is a sense of entering the village through a gap in the built form, created by the appeal site and the road. Whilst the appeal site forms part of a much larger field extending out towards the west, this part of the field penetrates the linear built form which extends along Park Lane across the junction and up Frog Lane, creating the gap in the built form observed from along the road.
7. I have considered the previous appeal decision for land at Mereview Farm¹, referred to by the Council. I understand that the Council consider this to be relevant to this appeal as the Inspector on that occasion concluded that the gap in the built form of approximately 70m did not represent limited infill. In this appeal there is dispute between the parties in relation to the extent of the gap in the built form, between Hillcrest on Park Lane and Moss View on Frog Lane. The Council express this as approximately 70m, and the appellant contends that it's approximately 54m. In considering this matter I have had regard to the Council's glossary contained within the CELPS which defines infill development as *'the development of a relatively small gap between existing buildings'*. I have also considered the glossary in the MBLP which 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)'*.
8. Both of these properties have detached garages which are sufficiently prominent to form part of the street scene, especially when considering the context of the site with regard to the curvature of the road. Therefore, it is appropriate to measure the gap as being that in between the two garages. This being the case, the appellant's submission of approximately 54m would appear to be a more accurate representation. Whilst the carriageway of the road would maintain a permeant gap between the two properties, the effect of the proposal at the street level would be an infill of the continuous form of linear development that carries on from Park Lane across the junction up Frog Lane.
9. The indicative plans provided show that the proposal is for two dwellings, the width of each plot appearing similar to that of existing property frontages within the vicinity of the site, therefore in my opinion this constitutes a limited form of development. Therefore, having account for the character of the area and the context of the site, I consider it to constitute a relatively small gap between existing buildings, that would accommodate two dwellings. It is therefore consistent with the glossary definitions contained within the CELPS and the MBLP.

¹ APP/R0660/W/18/3206448

10. I have also considered the previous appeal decision², in terms of the extent of Pickmere Village, and whether the appeal site falls within the village. In doing so I have also had regard to the Wood³ case and have considered the physical context of the site and how it relates to its surroundings on the ground. In doing this I reach the conclusions consistent with that of the Inspector, in that the built form of the village extends out from the main cluster of buildings, and along Park Lane on one side, continuing across the junction and up Frog Lane. Therefore, from my observations, although the site is beyond the main cluster of development, it does form part of a linear pattern of development extending from the main built-up area and is within the Village.
11. I have had regard to the Council's submission with regards to the emerging Site Allocation DPD, Policy PG10 and that the appeal site falls outside of the infill boundary identified in appendix 2 of this document. However, I understand that the document has only recently undergone consultation of the Publication Draft, therefore given its current stage of preparation I can attribute only limited weight to this in my consideration of the appeal. Therefore, this does not alter my findings on the main issues above.
12. Consequently, given the development is not inappropriate development, accordingly having regard to paragraph 145 e) of the Framework it would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. Therefore, considering that the proposal would not amount to inappropriate development in the Green belt, it is not necessary for me to go on to consider whether very special circumstances exist in order to justify the proposed development.
13. I conclude, the proposed development would amount to limited infilling within a village and is not inappropriate development in the Green Belt. The development accords with Policy PG3 of the CELPS and paragraph 145 of the National Planning Policy Framework which collectively seek to prevent inappropriate development in the Green Belt, and avoid unrestricted sprawl, and stop towns and settlements from merging into one another. Whilst I have concluded against policy PG3 and the Framework, I recognise there would be conflict with Policy GC1 of the MPLP which seeks to direct infill development to specific settlements. However, as this policy is not consistent with Policy PG3 and the Framework in this respect, I have attached very limited weight to the conflict with this policy.

Other Matters

14. Concerns have been raised by local residents and the Parish Council in relation to the location of the access, its design and highway safety. I understand that the Local Highway Authority has been consulted on the proposals and have no objections. Therefore, this does not alter my findings above.
15. I have considered the concerns raised in relation to the loss of views of Pickmere Lake, and the retention of the Cheshire railings. The loss of a view is not a material planning consideration. However, the detailed layout, design and appearance of the buildings and boundary treatments are reserved for

² APP/R0660/W/18/3211980

³ Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council
EWCA Civ 195 – 9 February 2015.

future consideration. Therefore, the appellant will be required to seek approval of these from the Council.

16. With regards to the Parish Council's comments in relation to previous Inspector decisions and precedent, whilst I have considered the previous Inspector decisions submitted as evidence, I have determined this appeal on its own merits.

Conditions

17. The Council has suggested conditions in the event the appeal is allowed, which I have considered in light of the tests of conditions within the Framework and guidance of the Planning Practice Guidance. Where necessary, I have amended the conditions to reflect the guidance.
18. I have imposed conditions relating to the submission and timing of reserved matters applications, the commencement of development and specifying the relevant drawings, and site levels in the interests of certainty. A condition has also been attached relating to details of drainage to prevent flood risk. Conditions have also been imposed to protect and provide enhancement for nesting birds.
19. A condition requiring installation of an electric vehicle charging point is necessary in the interests of air quality and increasing sustainable modes of transport in line with the approach of the Framework. Finally, a condition is necessary to ensure that boundary treatments are in keeping with character and appearance of the area.

Conclusion

20. For the reasons given above, the appeal is allowed.

R Cooper

INSPECTOR

SCHEDULE

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: A101 (Location Plan) and A102 Block Plan (but only in respect of those matters not reserved for later approval).
5. Any future reserved matters application(s) shall be supported by a surface water drainage scheme. The drainage details shall be implemented as approved

prior to the occupation of any dwelling and retained throughout the use of the development.

6. Any future reserved matters application(s) shall be supported by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels. The development shall be carried out in accordance with the approved levels prior to the occupation of any dwelling.
7. Prior to the first occupation of any dwelling hereby approved, an Electric Vehicle Infrastructure plan shall be submitted to and agreed in writing by the Local Planning Authority. The Infrastructure plan shall aim to meet the following specification:
 - A single Mode 3 compliant Electric Vehicle Charging Point per property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW fast charging or the best available given the electrical infrastructure.
 - Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
 - Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted.

The agreed infrastructure shall be implemented before first occupation of any dwelling and retained throughout the use of the development.

8. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.
9. Prior to the occupation of any dwelling, detailed proposals for the incorporation of features into the scheme suitable for use by breeding house sparrows, shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.
10. Prior to the occupation of any dwelling, details indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the occupation of any of the dwellings and retained throughout the use of the development.

SCHEDULE ENDS