



Appeal Decision

Site visit made on 18 February 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/R0660/W/19/3241814

Land at Broad Lane, Stapeley, Cheshire

- 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 Steven Hamblett against the decision of Cheshire East Council.
 - The application Ref 19/3698N, dated 03 August 2019, was refused by notice dated 30 September 2019.
 - The development proposed is two detached houses with new shared access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form does not include a site address. Therefore, I have adopted a form of address in the banner heading above from the decision notice and the appeal form.

Main Issues

3. The main issues are:
 - i) Whether the location is suitable for new residential development, having regard to local and national policies for the delivery of housing; and
 - ii) The effect of the proposal on the character and appearance of the area.

Reasons

The suitability of the location for new residential development

4. The appeal site is part of a field between 71 and 81 Broad Lane, Stapeley, which is primarily a ribbon of sporadic development to either side of the road. There is a school nearby and a bus stop offering services between Nantwich and Whitchurch. The road is subject to a 30mph limit at this point and there is a continuous narrow footway to one side that provides access to Nantwich.
5. Policy SD2 of the Cheshire East Local Plan Strategy 2010-2030 Adopted July 2017 (the CELPS) sets out the Council's approach to sustainable development, including that housing should be directed to sustainable locations with access to a range of public transport, open space and key services and amenities. Development should also encourage travel by sustainable modes of transport including walking, cycling and public transport.

6. Policy PG6 of the CELPS and saved Policy RES.5 of the Borough of Crewe and Nantwich Replacement Local Plan Adopted February 2005 (the CNLP) set out that in the countryside outside of settlement limits new housing will be resisted unless it meets specific exceptions. Policy H1 of the Stapeley and Batherton Neighbourhood Plan 2017-2030 (the SBNP) also provides support in principle for limited infilling proposals.
7. These are broadly consistent with policies in the Framework that promote sustainable rural development, requiring housing to be located where it will enhance or maintain the vitality of rural communities and avoiding the creation of isolated dwellings in the countryside unless particular circumstances apply.
8. The appeal site is not within a defined settlement and it is therefore in the countryside for planning purposes. With the exception of the school and bus stop, there are no services and facilities in close proximity to the appeal site. The nearest convenience store is approximately 2km from the site. Nantwich, which offers a range of services and facilities, is roughly 2.5km away. Therefore, the need to travel would not be minimised. Notwithstanding the footway between the appeal site and Nantwich, the road is poorly lit and it would not be a short or convenient walk. Nantwich would be accessible by bicycle and bus. Nevertheless, future occupiers would be largely reliant on private car journeys to meet their reasonable daily needs.
9. The dwellings would not meet any of the policy exceptions relating to the need for a rural location or affordable housing. I will now go on to consider whether or not the proposal would constitute limited infilling in villages or the infill of a small gap with one or 2 dwellings in an otherwise built up frontage elsewhere.
10. There is no definition of a village in the Framework. However, as noted above, the appeal site is in a loosely-aggregated ribbon of development that lacks the basic shops, services and amenities such as would be expected in a village location. Consequently, I am not persuaded that the area functions as a village.
11. Built development in the area is interspersed with areas of farmland and woodland. The appeal site is part of a large field that is visually, functionally and physically related to the wider countryside. It is not part of nor does it relate to the built environment. Therefore, the appeal site is neither functionally nor visually part of a village for the purposes of my assessment.
12. The detached dwellings to either side of the appeal site are widely separated from one another, and set in generous, well-vegetated and mature plots. No 71 is widely separated from the neighbouring property to the other side by an area of woodland. Therefore, the site is not a small gap in an otherwise built up frontage. Moreover, while the proposal is 2 dwellings, there would be 4 detached buildings, resulting in a significant quantum of built development.
13. Therefore, the proposal is not in a suitable location for new residential development. It would conflict with the development plan, including Policies SD2, SE1, and PG6 of the CELPS, saved Policy RES.5 of the CNLP, and Policy H1 of the SBNP. These require, among other things, that development is located in accessible locations that minimise the need to travel and contribute to climate change mitigation, and avoids new houses in the countryside unless specific exceptions apply. It would also conflict with policies in the Framework that relate to rural housing and sustainable forms of transport.

Character and appearance

14. The appeal site is part of a large field with well-established boundary hedgerows and trees. The opposite side of Broad Lane at this point is more continuously developed than the area that includes the appeal site, which is sporadically developed with widely spaced properties and views across the rural landscape. Dwellings are mixed in terms of their ages, sizes and styles, although generally set in large mature grounds. Notwithstanding the presence of low walls and fences to the front of some properties, the street scene is typically characterised by dense hedgerows with mature trees. Consequently, the area has a traditional rural character and appearance.
15. The proposal is 2 substantial detached dwellings to either side of 2 detached double garages with pitched roofs. The dwellings would be double fronted with non-matching front gables. The development would have a roughly symmetrical and regular appearance and layout around the central shared access from the road, with parking and vehicle manoeuvring space to the front.
16. The uniformity and regularity of the scheme would not relate well to the irregular spacing and siting of properties elsewhere in the street. By virtue of the large scale and layout, and the significant increase in the bulk of built development, the proposal would be prominent and out of scale with its surroundings. The shared vehicular access would be an urban form of development that would be out of keeping with the individual plots and accesses that serve detached dwellings in the area.
17. The proposal would encroach into the countryside, eroding the traditional pattern of rural development. The 4 regularly spaced modern buildings would have an urbanising effect in this location, contributing to the creation of a ribbon of development. The proposal would not be sympathetic to its surroundings and it would not make a positive contribution to the distinctive rural character and appearance of the area.
18. While there is a dispute between the parties, the evidence indicates that up to 30m of roadside hedgerow would be removed to facilitate the access and visibility splays. Although mature and in good condition, the hedge is not ecologically, historically or culturally significant. Nevertheless, it is a continuous feature that contributes to the rural character and appearance of the area. The submitted plans do not adequately illustrate the entrance arrangements or the proposed front boundary treatment. Notwithstanding that sections of hedgerow have been removed to create access elsewhere, the loss of hedgerow would contribute to the adverse visual effects of the proposal.
19. Therefore, the proposal would result in significant harm to the rural character and appearance of the area. It would conflict with the aims of Policies SE1 and SE4 of the CELPS in relation to contributing to a sense of place and protecting local character, quality and distinctiveness. It would also conflict with the design aims of the Framework.

Other Considerations

20. The application follows the refusal of previous applications for varying numbers of dwellings at this site. It sought to address the reasons the most recent application (ref 19/1848N) was refused. I accept that the proposal has overcome concerns relating to impacts on protected species and hedgerows.

The proposal would not harm highway safety or the living conditions of neighbouring occupiers. However, these are requirements of the development plan and they do not weigh in favour of the scheme.

21. The Council is able to demonstrate a 5 year housing supply. While this does not prevent further residential development coming forward, 2 dwellings would make a minimal contribution to the supply of housing. There would be minimal economic benefits, primarily in the short term during construction. There would be similarly minimal social benefits.
22. The modern dwellings would be suitable to be occupied by large families. However, there is little before me to demonstrate that older properties in the area do not provide adequate internal living accommodation suitable for families. Neither the size of the dwellings nor the absence of recent development in the area provides a justification for the appeal scheme.
23. The appellant acknowledges the appeal site is not a sustainable residential location for the purposes of the CELPS. However, he considers that it is no less sustainable in terms of distances to services and facilities than schemes permitted elsewhere. Some of those schemes were considered in an earlier policy context. With regard to schemes in Alpraham, this is a village with a defined settlement boundary. The evidence indicates that although it has fewer facilities than the local service centres, new development will help sustain local services and reduce the need to travel.
24. Permission has also been granted elsewhere for infilling in villages and in built up frontages. Full details have not been provided. However, schemes in identified settlements or that were determined in a different policy context, including at a time when the Council could not demonstrate a 5YHLS, are not directly comparable to the appeal scheme and they do not weigh in its favour.
25. There are no properties numbered Nos 73-79. However, it is not uncommon for there to be irregular house numbering and apparently missing properties in streets. This is not a justification for the appeal proposal.

Conclusion

26. I have found that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR