
Appeal Decision

Site visit made on 3 July 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/R0660/W/20/3252136

Eaton Cottage, Moss Lane, Eaton, Cheshire CW12 2NA

- 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 Charles Quinn against the decision of Cheshire East Council.
 - The application Ref 19/3794M, dated 7 August 2019, was refused by notice dated 3 April 2020.
 - The development proposed is construction of new residential dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide a suitable site for housing, having regard to the character and appearance of the area;
 - The effect of the proposal on the efficiency of the Jodrell Bank Radio Telescope.

Reasons

Character and appearance

3. The proposed detached dwellings would be located on Moss Lane, between Congleton and the small settlement of Eaton. The appeal site is outside of any settlement boundary and is therefore treated as open countryside in Policy PG6 of the Cheshire East Local Plan Strategy 2017 (CELPS).
4. The site is also within the area covered by the Eaton Neighbourhood Plan (ENP), which has recently been independently examined and, due to its advanced stage of preparation, can be afforded substantial weight in decision making. The site is outside the Eaton infill boundary, and ENP Policy BNE1 confirms that new housing development will only be permitted in this area where it accords with CELPS Policy PG6.
5. In order to preserve the countryside, Policy PG6 restricts development in this area to specific purposes which are related to its rural location. A number of exceptions are listed within the policy, including criterion 3.i, which provides for limited infilling in villages, and the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere.

6. Moss Lane is a narrow rural lane, lined with hedges interspersed with mature trees. There are a small number of properties in the vicinity of the appeal site, with Eaton Cottage directly behind and Oak Cottage adjacent. Moss Cottage is the last property in the group, beyond which the road is bordered by a wooded area known as Cranberry Moss. On the other side of the site is Rose Cottage, which fronts directly onto the lane, close to the junction with Macclesfield Road.
7. The proposed development would be sited between Rose Cottage and Oak Cottage. There is a significant area of undeveloped land between the two properties, with a long frontage along Moss Lane. The appeal site appears visually separate from Rose Cottage, and so despite its proximity to Eaton Cottage and Oak Cottage, does not appear to be completely surrounded by development.
8. The adjacent houses associated with Eaton Cottage are large, and the provision of two detached dwellings of the scale proposed would not be out of character with those properties. However, the proposed houses would occupy most of the long gap between Rose Cottage and Oak Cottage, and the size of the appeal site combined with the distance from Rose Cottage means that it does not form a small gap between the existing houses.
9. Eaton Cottage, Oak Cottage and Moss Cottage are all well set back from Moss Lane, and do not form a built-up frontage along it. Rather, the existing development takes the form of a small cluster of houses, irregularly sited in relation to the road. I note the appellant's comment that the plot would be unable to spread and that Eaton Cottage, which is located behind the appeal site, encloses the site somewhat from the countryside to the rear. However, the appeal site does not constitute a small gap in an otherwise built up frontage. As such, the proposal does not comply with the requirements of CELPS Policy PG6 paragraph 3.i.
10. The appeal site has been subdivided into two plots, one of which has been hardsurfaced and cleared of any vegetation, but most of the road frontage between Oak Cottage and Rose Cottage still consists of thick, high hedgerows which contribute significantly to the rural character of the area. The clearance of part of the appeal site provides more open views of Eaton Cottage and Oak Cottage from the road, but despite this, its character remains that of a quiet rural lane, which would be significantly eroded by the proposed development.
11. The site is located close to the edge of Congleton and near to the route of the Congleton link road. The CELPS provides for new residential development in the area, which is identified in the plan as site LPS 30: Manchester Road to Macclesfield Road, Congleton. A large parcel of land is identified for development which is bounded by Moss Lane, Macclesfield Road and Manchester Road, and at the time of my site visit new development was underway in the area. Although it was still under construction, the new houses being built to the south of Moss Lane were a reasonable distance from the road and did not front onto it. As a result, the section of Moss Lane in the vicinity of the appeal site has retained its quiet, rural character, which Policy PG6 seeks to protect.
12. I note the appellant's comment that residential development is also proposed to the north of the appeal site, and that the link road will create a new boundary to development in the north. However, this does not yet have planning permission and is not included within the CELPS site allocations.

Therefore, although there may well be future proposals submitted to the Council, from the information provided there is currently no certainty that development will take place in this location. The possible future development of land to the north of the site does not, therefore, justify the current proposal.

13. The appellant has directed me to a number of other appeal decisions relating to infill development in Cheshire East¹ and one in Cheshire West and Chester². Unlike the current proposal, the sites at 23 Sandbach Road; The Dairy; Land adjoining Coppice Road and land west of Frog Lane, are all within the Green Belt. The appeals were all considered in relation to the provisions of Framework paragraph 145e), which provides for limited infilling in villages within the Green Belt, rather than Policy PG6. I note the appellant's comment that policies for the open countryside should not be more restrictive than those applied in the Green Belt. However, all the examples provided were regarded as being within, or on the edge of, a village, which is not the case in the current proposal.
14. Whilst issues of the size of the plots and surrounding development were considered in relation to the assessment of 'infill', the specific circumstances of each case were different to that now before me. Having considered them all, none of the examples provided have altered my judgement in relation to the current appeal.
15. I note the appellant's reference to previous decisions relating to the appeal site, in which different conclusions were reached with regard to infill development³. I have not been provided with details of these cases, the earlier of which I note was determined prior to the adoption of the CELPS. In any case, I am not bound by previous decisions made by the Council and have assessed the appeal proposal on its own merits.
16. The appellant has noted that the site forms part of the amenity space for Eaton Cottage and therefore falls within the definition of previously developed land contained in the glossary of the National Planning Policy Framework (the Framework). However, as stated in the definition, it should not be assumed that the whole of the curtilage of a building should be developed. Furthermore, support for the redevelopment of previously developed land does not override the provisions of CELPS Policy PG6, which aims to protect the countryside, in accordance with Framework paragraph 170.
17. The appellant has referred to Policy HOU8 of the emerging Cheshire East Site Allocations and Development Policies Document. This plan is still at a relatively early stage in its preparation, and although has been subject to consultation, has not yet been submitted for examination. The policy could be subject to change and I therefore give it limited weight in this appeal.
18. I conclude that the proposal would not provide a suitable site for housing, having regard to the character and appearance of the area. As such, it would conflict with CELPS Policy PG6, which seeks to preserve the countryside.

Jodrell Bank Radio Telescope

¹ Appeal references: APP/R0660/W/18/3201584; APP/R0660/W/18/3205045; APP/R0660/W/18/3201548; APP/R0660/W/18/3211980

² Appeal reference APP/A0665/W/18/3198387

³ Application refs 16/3331C and 19/1625C

19. The appeal site is just within the consultation zone for the Jodrell Bank Observatory. I appreciate the need to take a precautionary approach towards development which could adversely affect the telescope, however the Observatory have had the opportunity to comment on the proposals at both application and appeal stage, but have chosen not to. In addition, the appellant has noted that no objection was made to a previous proposal for housing development on the site, for which a specialist report was commissioned in relation to the potential impact on the radio telescope.
20. I note also the appellant's comments that, should the proposal be otherwise acceptable, appropriate mitigation measures such as foil faced insulation on the more sensitive elevations, could be installed to minimise any impact.
21. Given the lack of objection from the Observatory, and taking into account the other recent development in the area and the potential to incorporate appropriate mitigation measures, I am satisfied that the proposal would not significantly impair the efficiency of the Jodrell Bank Radio Telescope. As such, there would be no conflict with CELPS Policy SE14, which protects the telescopes and their settings from harm which may arise from new development.

Other Matters

22. The site is not in an isolated location and is close to Congleton, where there are a range of local facilities and services. However, these matters are not sufficient to overcome the harm to the character and appearance of the area which I have identified.

Conclusion

23. Whilst the proposal would not adversely affect the Jodrell Bank Telescope, this lack of harm is not sufficient to outweigh the conflict with Policy PG6 and the associated harm to the character and appearance of the area.
24. I therefore conclude that the appeal is dismissed.

R Morgan

INSPECTOR