
Appeal Decision

Site visit made on 6 October 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/R0660/W/20/3255568

Cinder Lane Farm, Cinder Lane, Reaseheath, Nantwich CW5 6AJ

- 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 Sara & David Allen against the decision of Cheshire East Council.
 - The application Ref 20/1789N, dated 28 April 2020, was refused by notice dated 24 June 2020.
 - The development proposed is erection of two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. Outline planning permission is sought with access to be considered at this stage, with indicative plans showing the respective position and design of dwellings in both plots.
3. However, the appellant has provided a site layout and elevation plans showing the position of the dwellings which taken together with the Tree Survey & Preliminary Arboricultural Plans are somewhat more indicative in an attempt to demonstrate that an acceptable detailed scheme could be advanced at the reserved matters stage, and are a basis for the Council's case.
4. The Design and Access statement forms part of the evidence in this appeal and is fairly specific as to the siting of the proposed dwellings and to some extent the proposed design. I have therefore taken these into account in so far as establishing whether it would be possible, in principle, to erect 2 dwellings on the site.

Main Issues

5. The main issue is whether the appeal site forms a suitable location for development having regard to national and local Planning Policies.

Reasons

6. The appeal site comprises of 2 existing paddocks. These are enclosed and the access to Cinder Lane Farm sits between them with the rear of the paddocks adjoining the garden area. It is located within Reaseheath, falling outside of the settlement boundary of Nantwich and is therefore within the designated open countryside.

7. Policy PG6 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, 2017 (CELPs) sets out the Council's approach to development within the open countryside. Development will be permitted that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. The policy allows that certain exceptions can be made, where it would meet the criteria. This includes at criteria 3(i) *where there is an opportunity for limited infilling villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere.*
8. Cinder Lane is narrow and is characterised and surrounded by the vast amounts of open fields and is heavily bounded by trees and vegetation. It consists of sparse residential development on one side of the Lane with Cinder Lane Farm set back substantial from the frontage along Cinder Lane in a large plot. Despite the appeal site being in close proximity to existing residential development, those dwellings are large and within substantial plots, sporadically placed along the western side of Cinder Lane and do not form a row or linear development. This adds to the spacious character of the immediate and wider countryside and there is no continuous or other built up frontage including dwellings or their associated buildings.
9. Furthermore, the neighbouring dwellings, between the appeal site, of Oak View and Chestnut Cottage are a considerable distance from each other taken from the south to north. This results in an excessive wide and open fronted gap between existing dwellings, and the appeal site. As such, given this distance between dwellings it could not be characterised as being an infilling which would constitute a relatively 'small gap' between existing dwellings or that the site lies within a group of dwellings or forms part of a row of existing buildings. As such, the proposal, therefore fails to meet the exception at 3(i).
10. Paragraph 78 of the National Planning Policy Framework (the Framework) promotes sustainable development '*housing should be located where it will enhance or maintain the vitality of rural communities*'. Paragraph 110, advises that applications for development should '*give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use*'.
11. In regard to the location, the proposed development would be a considerable distance away from the town of Nantwich. Its location means it would be remote from any local services, facilities including shops and any access to a broad range of jobs. Therefore, future occupants of the development would be largely reliant on the private motor car to access services and facilities.
12. Moreover, the site is not served by public transport and as I observed on my site visit Cinder Lane is a no-through narrow lane with limited passing places. Also, Cinder Lane and the adjoining road of Wettenhall Road are both unlit and have no pedestrian footways. This would likely result in treacherous conditions for any future occupiers navigating the roads by foot or cycling during the winter months or adverse weather fronts, there is no nearby bus stops, or acceptable walking distances to access public transport, services and facilities in the nearby town.

13. On this basis, the proposed development would not enhance or maintain the vitality of the rural community and would lead to the use of unsustainable travel modes and likely to heavily rely on the private car. Resulting in minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services.
14. Consequently, I conclude the proposed development would not amount to a suitable location for residential development and occupiers of the dwellings would likely be heavily reliant upon the use of private transport to access basic facilities and services. It would be contrary to Policies SD1 and PG6 of the CELPS. Which amongst other things requires development to prioritise the most accessible and sustainable locations, access to local jobs, services and facilities, ensure development is accessible by public transport, walking and cycling and restricts development within the countryside unless it meets an exception.
15. Furthermore, these policies are consistent with the aims and objectives of the Framework, and as such the proposed development would be at odds with the sustainable development principles of the Framework.

Other Matters

16. I have had regard to the '*Wybunbury*¹', '*Coppull*²' and '*Plumley*³' appeal decisions the appellant has brought to my attention. The evidence submitted with regard to these is limited. As such, I cannot be sure that they represent a direct parallel to the appeal proposal. However, I note that the cases '*Plumley*' and '*Coppull*' were within the Green Belt, unlike the residential development before me. The appellant also refers to other developments which have been allowed, from this evidence, it appears that '*Church Road*' had an otherwise built up frontage unlike Cinder Lane. In any event, the appeal needs to be determined on its individual merits on the basis of the evidence before me.
17. Although the proposed development would not cause any harm to living conditions, highway safety, trees and ecology. This consideration does not outweigh the harm caused by the development
18. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, and the contribution both construction opportunities and any future occupiers would make to the local economy. These matters, however, do not outweigh my findings in respect of the main issues nor the conflict I have found with the development plan read as a whole.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR

¹ APP/R0660/W/17/3187427

² APP/D2320/W/16/3154595

³ APP/R0660/W/18/3203976