
Appeal Decision

Site visit made on 10 November 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal Ref: APP/R0660/W/20/3255489

Land at The Cottage, Peckforton Hall Lane, Peckforton CW6 9TG

- 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 Kevin Thompson against the decision of Cheshire East Council.
 - The application Ref 19/5659N, dated 6 December 2019, was refused by notice dated 6 April 2020.
 - The development proposed is for the erection of 1 No. detached dwelling, detached double garage /store, together with formation of driveway and alterations to existing highway access point.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 1 No. detached dwelling, detached double garage / store, together with formation and driveway and alterations to the existing highway access point at Land at The Cottage, Peckforton Hall Lane, Peckforton CW6 9TG in accordance with application Ref 19/5659/N dated 6 December 2019 subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Procedural Matter

2. Apart from access provision all other matters of detail are reserved. Therefore, other than the access provision shown on the appeal plans I have treated the layout details as indicative only.

Main Issues

3. The main issues are whether the location of the appeal site is a suitable location for a new dwelling having regard to (i) accessibility to local services, and (ii) the effect to the character and appearance of the locality within the open countryside.

Reasons

Accessibility to local services

4. The appeal site is garden land within a row of properties close to the defined settlement boundary of Spurstow. The site is outside of the settlement boundary which lies adjacent to The Cottage. For the purposes of applying the Council's development plan it is therefore treated as being part of the open countryside where only certain types of development are encouraged relative

to the settlement hierarchy with the most services and employment opportunities.

5. Although the appeal site is within the open countryside Point 3 (i) of Policy PG6 of the Cheshire East Local Plan Strategy 2010 – 2030 (CELPS) specifically allows limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage. Saved Policy RES5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan (BC&NRLP) also allows limited infill development within open countryside locations.
6. The Council point to the size of the gap being 50-80m wide and another appeal decision where an inspector deemed a gap of 40m to not be a small gap. But that was relative to different site surroundings. The application property has a substantial footprint and garden size and therefore I find the proposal fits within the parameters of constituting a small gap relative to the existing properties. A new dwelling in this position would also have a strong visual connection to the village boundary owing to proximity.
7. The appeal site is part of an existing built-up frontage which comprises of garden greenery between properties. The proposed development of one dwelling represents a limited form of infill which is within an existing village albeit not within a defined settlement boundary. There is nothing within the policy to suggest that an infill location must be within a defined settlement boundary. Therefore, for that reason it would not be in conflict with the terms specified by Policy PG6 or Policy RES5.
8. I accept that service provision within Spurstow is more limited relative to other more densely populated locations where the frequency of public transport provision and access to services is also higher. Nevertheless, there is ready access to an existing bus service which could be utilised by future occupants of the dwelling. There is also a nursery, a public house and village hall. There would be reasonable options to use nearby services and other essential day to day services and employment could also be accessed through a short journey either through choice of public transport or by use of a car.
9. As a result, I find that the development would have an acceptable level of accessibility to local services. Although there is some conflict with Point 17 Policy SD1 of the CELPS which in part seeks to prioritise the most accessible and sustainable locations it would not be out of step with the remainder of the policy; or Policy PG6; or out of step with Policy SD2 which seeks to minimise the loss of agricultural land and make the efficient use of land.

Character and appearance

10. The appeal site is situated within a row of dwellings of varying designs lining the highway each with substantial gardens and greenery forming an attractive street scene. The area has a predominantly rural character and further afield beyond the row there are expanses of unspoiled open countryside.
11. The Council have referenced physical encroachment into the open countryside as being harmful. But the appeal site is garden land where there is a substantial grassed area and the development would be situated between existing properties. A new dwelling in this location would be seen as part of the

row of properties forming an existing small settlement which would not be harmful to the character of the open countryside for that reason.

12. Moreover, the garden serving The Cottage is substantial and the size of the appeal plot would be able to accommodate a new dwelling whilst still allowing adequate spacing between neighbouring properties each side and landscaping. Whilst appearance, layout and landscaping are all reserved for subsequent approval there is no evidence to conclude that an attractive scheme respectful to the area's identity could not be secured. Factoring reserved matters the new dwelling could be designed to complement other properties and the immediate surroundings. The plot position of the new dwelling proposed would have a close physical relationship with other properties without appearing out of kilter with existing rural surroundings. Spacing between individual properties forming the character of the area would also be able to be respected without appearing overly urbanised as generous areas of garden greenery could still remain.
13. I have had regard to other appeal and planning decisions referenced in the evidence by parties, but they involve different locations with different visual impacts and as a result they carry no significant weight to my decision.
14. I find that the impact to the character and appearance of the area inclusive of the wider landscape would not be harmful subject to the consideration of appearance details as a reserved matter. The development would comply with Policies SD1 and SD1 of CELPS which require that development facilitates a high-quality designed environment; and contributes positively to an areas identity. As well as Policy PG6 which requires that the individual character of the settlement and the appearance of the Cheshire East countryside is maintained.

Other Matters

15. Third parties have raised additional issues in relation to tree and hedgerow damage/loss; the design of a garage being excessive; as well as the proposed access being dangerous as additional concerns.
16. There is nothing within the evidence which suggests that the trees or hedgerow in the vicinity affected by the development are protected or that the position of any new buildings could not be appropriately accommodated when reserved matters are considered. I have had regard to the existing landscape and do not find the impact would be harmful where the appearance, layout and landscaping details are yet to be agreed by the Council. Therefore, I do not find that the concern of potential hedge and tree damage or loss arising from the development weighs against the proposed development. Moreover, the garage design referred to is indicative and has yet to be agreed and is not a matter before me.
17. I also note that highway safety and access problems do not form the rationale of why permission was refused in the Council's decision notice. The evidence submitted shows that adequate visibility could be achieved, and I have no substantive reason to conclude there would be any significant harm to public safety arising from the access or that parking and turning cannot be successfully dealt with should reserved matters be applied for.

Conditions

18. The Council have suggested a range of conditions should be applied if the appeal were to be allowed which I have considered. Suggested conditions setting out the outline nature of the approval; the reserved matters to be applied for; an appropriate time limit; and the approved plans are necessary in order to comply with the Development Management Procedural Order.
19. I have attached suggested conditions relating to securing an assessment of trees and hedgerow in the vicinity to ensure proper protection measures are in place; as well as a condition relating to nesting birds in hedgerow and trees; and that the scheme design makes provision for birds and bats in order to allow adequate protection of wildlife and to provide future habitats due to the reduction in garden space arising from a new dwelling.
20. Suggested conditions for level information; limits to the height of the development; and boundary treatments are necessary to ensure that reserved matters respect the existing site surroundings. A condition for electric vehicle charging is also appropriate in order to help to reduce carbon emissions in the spirit of sustainable development.

Conclusion

21. I conclude that the development has sufficient levels of access to local services and there would be no harm to the character and appearance of the area. Whilst not within full accordance with Policy SD1 of CELPS which seeks to prioritise the most accessible locations relative to others the development of a single infill dwelling would comply with the development plan as a whole. It would have an acceptable level of access to local services and would be infill development within an existing built up frontage of a village, there is no significant harm which would arise from the scheme. It would therefore comply with the provisions of the National Planning Policy Framework relating to sustainable development and for the reasons set out above I allow the appeal.

M Shrigley

INSPECTOR

SCHEDULE OF CONDITIONS

- 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 begins and the development shall be carried out as approved.
- 2) An application for approval of reserved matters shall be made within three years of the date of this permission.
- 3) The development hereby permitted shall begin either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The development hereby approved shall be carried out in accordance with the submitted Location Plan - Drawing No. 100.

- 5) Any reserved matters application should be accompanied by an Arboricultural Impact Assessment (AIA), proposed tree and hedgerow protection measures and details of tree planting in mitigation of losses. No development or other operations shall take place except in complete accordance with the approved protection scheme.
- 6) No removal of any vegetation shall take place between 1 March and 31 August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any 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.
- 7) Any future reserved matters application to be supported by detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and roosting bats, 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.
- 8) Prior to first occupation of the property, an Electric Vehicle Infrastructure plan shall be submitted to and agreed in writing by the LPA. The Infrastructure plan shall aim to meet the following specification: • A single Mode 3 compliant Electric Vehicle Charging Point. 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 infrastructure shall be implemented and maintained throughout the use of the development.
- 9) Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs shall be submitted as part of the reserved matters application. The development shall be carried out in accordance with the approved details.
- 10) No building on any part of the development hereby permitted shall exceed 2 storeys in height.
- 11) Details of the positions, design, materials and type of boundary treatments to be erected shall be submitted as part of any reserved matters application. The approved boundary treatments shall be completed before either of the dwellings is first occupied. The boundary treatment shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the Local Planning Authority.