
Appeal Decision

Site visit made on 13 October 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/R0660/W/20/3257224

Land off Bramhall Drive, Holmes Chapel CW4 7HB

- 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 Ian Moore against the decision of Cheshire East Council.
 - The application Ref 19/5867C, dated 19 December 2019, was refused by notice dated 14 February 2020.
 - The development proposed is new bungalow.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. Reference has been made to the draft Site Allocations and Development Policy Document (SADPD) including Policy HOU8. Given its stage of the plan preparation, I have attached limited weight to this policy.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, having regard to the access and availability of green infrastructure.

Reasons

4. Bramhall Drive forms part of a residential estate with a mix of houses, bungalows and apartment blocks. The estate is characterised by vast amounts of landscaped green areas including highway verges and amenity/open space. These all positively contribute to breaking up the built forms of residential development on the estate and add to the overall spaciousness of the open character and appearance of the area.
5. Policy SD2 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, 2017 (LP) expects development to contribute to an area's character and identity, including green infrastructure. This is supported by Policy SE1 which ensures proposals achieve a sense of place by protecting and enhancing the quality, distinctiveness and character. Policy SC3 requires new development to provide opportunities for healthy living and improving health, including there should be sufficient open space and other green infrastructure.
6. Policy SE6 sets out the Council's approach to Green Infrastructure and that it aims to deliver a good quality, and accessible network of green spaces. All

- development is required to protect and enhance existing open spaces and sport and recreation facilities.
7. Policy CE5 of the Holmes Chapel Neighbourhood Plan, Final Version (2016-2030), 2017 (NP) requires that development should follow the latest planning guidance on design and that (B) support will be given to developments where the design of buildings is sympathetic to the character and local distinctiveness of the surrounding area.
 8. The National Planning Policy Framework (The Framework) sets out the definition¹ of Green Infrastructure, "*A network of multi-functional green space, urban and rural, which is capable of delivering a wider range of environmental and quality of life benefits for local communities*". Paragraph 171 requires a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.
 9. The proposed development would be positioned behind No.1 Beeston Close, reducing the existing rear garden and extending into an area of grassed open space. The appeal site would adjoin the public right of way, protected green infrastructure land forming part of the Dane Valley Meadow Public Recreation area entrance which leads to a protected woodland to the north. Therefore, the proposal would encroach into the area of green open space, resulting inevitable in the majority of this parcel of the land being lost with the position of the driveway with vehicle parking to the side of the proposed dwelling.
 10. Despite, this area of open space being within private ownership, it appears that this is still and has been for some years maintained by the Council, I have no substantive evidence to the contrary. Furthermore, the land in question is not enclosed and from the evidence and site observations it is currently utilised as public open space, forming part of the Council's green infrastructure and pedestrian entrance to Dane Valley Meadow and the protected woodland, all which appear to be used frequently by the members of the public and form part of a wider multi-functional green space and benefits the local community.
 11. The reduction and particular loss of this area of open space, which positively contributes to the character and appearance of the area would be unacceptable. It would be harmful to the open characteristics of this immediate area, as it provides a positive visual break between the built form of garages and properties on Beeston Close, as well as forming part of the historic entrance to the public recreation area and important pedestrian link.
 12. As such, the proposal would have a negative and detrimental impact on the visual qualities of the area through its loss and the introduction of built form, by way of the excessive hardstanding, timber kick rail and brick wall on this part of the landscaped open space. All to the detriment of the character and appearance of the street scene and wider area.
 13. The appellant's evidence heavily relies on previous applications at the site. It would appear that a planning application was granted in 2004², to extend the garden. However, I have not been provided with any evidence to the extent of any garden extension and if this is extant. I can therefore not be satisfied as to the reasons why the appellant has chosen not to implement this or enclose the area with a fence, if they are minded in doing so, particularly as concerns have

¹ Annex 2: Glossary

² 37549/3

been raised over members of the public frequently utilising the land. As such, in the absence of any substantive evidence I do not consider this is a genuine fallback scheme and is a neutral factor in consideration of the appeal.

14. However, by virtue of the recently granted planning permission³, a fallback position exists whereby if the appeal scheme does not progress the alternative scheme, for one dwelling, could be developed. The Council acknowledges that it granted planning permission, however, do not consider that it is for similar proposals due to the site area being enlarged to accommodate a driveway with parking which is the subject of this appeal, resulting in the significant impact upon the existing green infrastructure and the character and appearance of the area.
15. Nonetheless, I consider there is a genuine fallback scheme, and there is greater than a theoretical possibility that the development might take place and, as such, give this substantial weight. However, from the evidence before me, it would be less harmful than the appeal scheme and as such does not justify the proposal which, for the reasons detailed previously, would cause harm to the character and appearance of the area.
16. For the reasons given above, I conclude that the proposed development would lead to the loss of this parcel of open space, which forms part of a wider green infrastructure, resulting in significant harm to the character and appearance of the area. It would be contrary to Policies SD2, SE1, SE6, SC3 of the LP and Policy CE5 of the NP. Amongst other things, taken together protect the loss of green infrastructure and that proposals should positively contribute to the character and distinctiveness of an area.
17. It would also be at odds with the guidance contained within the Framework, Section 15, Conserving and enhancing the natural environment.

Other Matters

18. I acknowledge that the access to Dane Meadow at this part has steep steps, but this is just one entrance into the protected land, with other accessibility provided elsewhere. It would be a personal choice of anybody accessing Dane Meadow to use this entrance, and this would be further restricted by the proposals. Furthermore, as I observed at the time of the site visit it was frequently utilised by persons and dog walkers.
19. In regard to anti-social behaviour (ASB), I have no substantive evidence that there is or has been any ASB in the area within the vicinity of the appeal site. The matter of public speculation or the devaluing of the estate is not a planning consideration. In any event, the appeal is determined on its individual merits on the basis of the evidence before me.
20. I appreciate the appellant's frustration that there are a small number of other areas where residents have extended their residential curtilage into open space, moved boundary walls or open space has been encroached upon, within the surrounding area of the appeal site. However, the existence of these does not justify further harm.
21. I note concerns of third parties regarding covenants and a means of access within title deeds, however these are private matters and not planning

³ 19/1817C

considerations. Local residents have also expressed additional concerns about the proposed development, including design, highway safety, car parking, trees, wildlife, precedent and living conditions. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support those concerns. Given my findings in relation to the main issue, it is not necessary to consider these matters in detail.

22. I recognise the appeal proposal would have benefits with regard to the supply of housing type and mix in the Borough, be within a sustainable location 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

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

KA Taylor

INSPECTOR