



Appeal Decision

Site Visit made on 22 December 2020

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/R0660/W/20/3258998

The Heath Vicarage, School Lane, Sandbach, Cheshire CW11 2LS

- 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 Zenith House Developments (Sandbach) Limited against the decision of Cheshire East Council.
 - The application Ref 20/1575C, dated 8 April 2020, was refused by notice dated 30 July 2020.
 - The development proposed is the erection of 2 dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site would provide a suitable location for housing, having regard to the character and appearance of the area.

Reasons

3. The Heath Vicarage is located on the eastern side of School Lane, on the edge of Sandbach Heath. The appeal site, which is located immediately adjacent to the appellant's recent development of 14 houses, marks the transition between built form and open countryside on this side of the street.
4. The appeal site is bounded by agricultural land to the east, beyond which the M6 motorway is visible in the near distance. Despite its proximity, the motorway does not visually detract from the rural character of the area to any significant degree. A public footpath, which links School Lane with the fields beyond, forms the southern boundary of the appeal site, beyond which is a detached house with a long brick barn, set within a large curtilage. The largely undeveloped nature of this neighbouring property, and the agricultural, somewhat ramshackle appearance of the barn, contribute to the rural character of the surrounding area.
5. When approaching the appeal site from the north, the recently constructed houses are clearly visible from School Lane. However, when viewed from the south and from the adjacent footpath, the area in and around the appeal site has a distinctly rural character. Although it forms part of a domestic curtilage, the appeal site is viewed in the context of the open agricultural land beyond. The open aspect of the appeal site, and its boundary hedges with

mature trees, contribute to the site's visual connection with the wider countryside.

6. The appeal site contributes to the rural character of the area, but the proposed development of two substantial houses and associated access would erode this, particularly when approaching from the south along School Lane, and when viewed from the adjacent footpath. The proposal would contribute to the urbanisation of this rural area, causing harm to the character of the area.
7. The appeal site is outside of the settlement boundary and is treated as open countryside in Policy PG6 of the Cheshire East Local Plan Strategy 2017 (Local Plan). In order to preserve the Cheshire countryside, Policy PG6 restricts development in this area to specific purposes related to its rural location. Similarly, Policy PC3 of the made Sandbach Neighbourhood Plan (Neighbourhood Plan) restricts development outside of the policy boundary to that which requires a countryside location and cannot be accommodated within Sandbach. The proposal does not fall within any of the exceptions listed, and does not comply with either policy.
8. I conclude that the proposal would not provide a suitable site for housing, having regard to the character and appearance of the area. It would conflict with Local Plan Policy PG6; Neighbourhood Plan Policy PC3 and Saved Policy PS8 of the Congleton Local Plan, all of which seek to preserve the countryside by restricting new development.

Other Matters

9. I note that Neighbourhood Plan Policy PC3 allows for development outside of the policy boundary where additional land is allocated through the Local Plan. Work is currently underway on preparation of the Cheshire East Site Allocations and Development Policies Document (SADPD), which will identify smaller scale sites for development, to ensure that the borough's housing requirement can be fully met. However, I am not aware of any proposed allocations that would affect the appeal site.
10. The settlement and policy boundaries shown on the Local Plan and Neighbourhood Plan proposals maps have not been updated to include the appellant's recent development immediately to the north, despite planning permission being granted a number of years ago. Whilst they do not fully reflect the current situation on the ground, updating the maps to reflect subsequent development is a minor cartographical matter, which does not render the boundaries out-of-date in terms of paragraph 11 of the National Planning Policy Framework (the Framework).
11. Although the SADPD is still at a draft stage, the current lack of allocated small-scale sites does not appear to be impeding the Council's ability to demonstrate a five-year supply of deliverable housing sites, which is not disputed. In light of all these matters, I have afforded substantial weight to the settlement and policy boundaries in considering this appeal.
12. I note the appellant's comment that the housing supply figures do not take account of the impact of the ongoing health pandemic on the delivery of larger scale sites, but I have been presented with no evidence of any

particular issues relating to site delivery, and there is nothing before me to suggest that the housing land supply situation has dipped below 5 years.

13. Even though they were adopted prior to the latest version of the Framework, Local Plan Policy PG6 and Neighbourhood Plan Policy PC3 are consistent with the objective of conserving and enhancing the natural environment, and the requirement to recognise the intrinsic character and beauty of the countryside, set out in Framework paragraph 170. I have therefore afforded full weight to these policies.
14. The policies which are most important for determining the application are not out-of-date, and the Council can demonstrate a five-year supply of deliverable housing sites. Consequently, the presumption in favour of sustainable development, set out in Framework paragraph 11d), does not apply in this case. As paragraph 11d) is not engaged, it also follows that Framework paragraph 14, concerned with proposals which conflict with a neighbourhood plan, does not apply either.
15. The appellant has referred to a large scale, mixed use development within a countryside location in Stapeley, which was allowed by the Secretary of State despite the Council's favourable five-year land supply situation. In that case, the Secretary of State noted the urbanised context of the site and the extensive erosion of the rural hinterland that had taken place, and found that the significant benefits associated with the large number of homes in a sustainable location outweighed the limited harm to the character and appearance of the area. Although the proposal did not comply with the development plan, the appeal was therefore allowed.
16. In relation to the current appeal, I agree that the proposed two houses could contribute to the supply of housing in the short term, and would be located within easy reach of local services and facilities. There would also be economic benefits associated with construction employment, and ongoing spend in the local economy by future residents. However, due to the small scale of the development, these benefits would be modest. Unlike in the Stapeley case, the benefits would not be sufficient to outweigh the environmental harm which would result from the proposal and the associated conflict with Policies PG6 and PC3. The proposal does not, therefore, meet the three objectives of sustainable development set out in section 2 of the Framework, and is therefore not acceptable.

Conclusion

17. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

R Morgan

INSPECTOR