
Appeal Decision

Site visit made on 18 December 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2021

Appeal Ref: APP/R0660/W/20/3245506

Land at Dean Hill, Newcastle Road, Betchton, Cheshire CW11 2TG

- 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 A Bebbington against the decision of Cheshire East Council.
 - The application Ref 19/1891C, dated 15 April 2019, was refused by notice dated 15 August 2019.
 - The development proposed is 'a sub-terranean innovative code 5 dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form submitted states "Land at Dean Hill" in the description box only. As a result, I have included the additional components of the address details provided on the appeal form in the above banner as this is not in dispute by parties.
3. The proposal described on the application form also includes additional descriptive elements which are not development. I have therefore used the condensed description referred to on the Council's Decision Notice and in the other appeal documentation which have been subject to local consultation.

Main Issue

4. The appropriateness of the dwelling within an open countryside location having regard to local and national policy, inclusive of whether its design would be exceptional in quality and sensitive to local surroundings.

Reasons

5. The appeal site is an undeveloped field which is surrounded by open areas of agricultural land and greenery. A disused rural building adjoins the site close to the roadside verge. Further afield there are infrequently occurring buildings along the highway with a rural character. The open undeveloped fields and greenery provide an attractive landscape and dominate views from the road.
6. Because the appeal site lies outside of any defined settlement boundary the Council's development plan treats the location as falling within the open countryside. I acknowledge the appellant's references to the settlements of Sandbach and Rode Heath which are both located around 1.75 miles away. However, there is no pedestrian footway to reach those settlements or the services they provide from the appeal site. Moreover, I recognise there may be

- a bus service in operation and some local services in Dean Hill. Nevertheless, future occupants of the dwelling would not be able to access those without walking directly along the main carriageway of an unlit road. As a result I do not consider that any significant weight can be given to the dwelling having ready access to local services.
7. The appellant refers me to Policy PG6 Criterion 3 (i) of the Cheshire East Local Plan Strategy (CELPs) which sets out certain exceptions where new dwellings can be granted within open countryside locations. In applying the terms of the policy, I note there are other buildings nearby on the same side of the road with substantial gaps of intervening greenery. Therefore, the site is not part of a built-up frontage nor is it physically part of a village owing to the limited number of buildings elsewhere along the road. Thus, the appeal dwelling does not meet the exception criteria of Policy PG6 unless it would be exceptional in design and sustainable development terms.
 8. The requirements of Policy PG6 are in step with the advice of Paragraph 79 of the National Planning Policy Framework (the Framework) which seeks that decisions should avoid isolated homes in the open countryside unless certain criteria can be met. One of which being criterion (e) that *the design is exceptional quality in that: it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
 9. The design of the appeal dwelling is described by the appellant to include subterranean qualities with the aim of assimilating it into the landscape. However, the appeal information submitted suggests that the new dwelling would also have above ground characteristics where surrounding land levels differ and therefore the building would still be noticeable. Although a partial green roof is proposed the dwelling would be close to the highway and is likely to be perceptible from roadside views as well as within the confines of the site itself.
 10. I have considered the features the dwelling could provide including but not limited to: Code 5 Level accreditation; heat pumps; solar photovoltaic panels; geothermal heating; biomass stoves; specialised glazing; water harvesting; and walls formed from recycled eco-friendly materials. But there are no details of how such measures can be relied on as being secured. I am also unconvinced a planning condition would be appropriate to deal with securing all elements referred to.
 11. Based on the information before me the dwelling would reduce the open undeveloped attractive qualities of the area. It would appear as an incongruous feature which would be out of keeping with the character of other sporadic rural dwellings and buildings along the road. Whilst I appreciate there are bespoke qualities to the design of the dwelling its appearance would not be sensitive to local surroundings and would lead to substantial harm. I disagree it would represent exceptional design or be truly outstanding or innovative.
 12. I also note the appellant's reference to the retention of meadow, trees and hedgerow on the site. But the retention of those features would have a neutral visual effect. The small enhancement afforded from wildflower planting also referred to would not overcome the harm to the character of the local area.

13. Accordingly, I find that the development would lead to an isolated dwelling within the open countryside which would not be exceptional in quality or sensitive to local surroundings. The appeal scheme would conflict with Policies PG6 of the CELPS as well as Policy PS8 of the Congleton Borough Local Plan First Review (CBLP) which in combination seek to protect the open countryside within Cheshire from inappropriate development and harm. It would also conflict with Paragraph 79 (e) of the Framework in that it would not represent design that is truly outstanding and innovative, lead to local enhancement or be sensitive to the characteristics of the area.
14. I note the appellant argues saved Policy PS8 of the CBLP should carry reduced weight. Whilst I accept it is an older part of the Council's development plan it has a similar effect to Policy PG6 which is consistent with the Framework. Therefore, even though I have attributed it reduced weight relative to more recent national and local policy it has no impact on my overall conclusion.

Other Matters

15. Furthermore, the appellant refers to appeal decision APP/R0660W/16/3143809. I have not been provided with the full details of the case and there is nothing to suggest the dwelling designs are comparable. I have judged the proposal on its own merits where site specific factors are also apparent in any event. Therefore, I give reference to that decision no significant weight. Furthermore, the ecological benefits of potential wildflower and meadow provision would not outweigh the harm I have identified.
16. I acknowledge that Dean Hill Farm West is a Grade II* listed building which lies close to the appeal site. I am cognisant of my duties under Section 66(1) of the Act which require me to have special regard to the desirability of preserving the setting of listed buildings. No harm has been identified to the setting of that building by parties. Whilst it is nearby it is separated by a road and dense hedgerow. Because of those factors I agree the setting of the building is not impacted upon.

Conclusion

17. I have found there would be conflict with the Council's development plan as well as the content of the Framework which would lead to substantial harm. There are no other considerations which lead me to the conclusion that the development plan should not be followed.
18. For the above reasons the appeal does not succeed.

Matthew Shrigley

INSPECTOR