



Appeal Decision

Site Visit made on 24 February 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/R0660/W/20/3262771

Land off Stocks Lane, Over Peover, Knutsford, Cheshire WA16 9HB

- 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 Property Alliance Group Limited against the decision of Cheshire East Council.
 - The application Ref 20/1110M, dated 9 March 2020, was refused by notice dated 6 July 2020.
 - The development proposed is infill development comprising the erection of two dwellings with associated groundworks, services, drainage, landscaping, access arrangements and car parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Peover Superior Neighbourhood Plan (NP) was independently examined in November 2019, and the Council has confirmed its intention to hold a referendum on the plan once the current restrictions are lifted. In accordance with the advice contained in paragraph 107 of the Planning Practice Guidance, I have given significant weight to the NP, in so far as it is material to the appeal proposal.

Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal is inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework, including the effect on openness;
 - whether the proposal would cause harm to the character and appearance of the area; and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping

land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Framework paragraph 145 says that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in a number of exceptional circumstances, which include limited infilling in villages. This approach is reiterated in Policy PG 3 of the Cheshire East Local Plan Strategy 2017 (CELPS).

5. Saved Policy GC1 of the Macclesfield Local Plan 2004 (MLP) allows for limited infilling in specific, named settlements, which do not include Over Peover. However, this policy predates the Framework, and there may be other settlements which could be regarded as 'villages' for the purposes of paragraph 145. Indeed, both the emerging Site Allocations and Development Policies Document (SADPD), and NP Policy H1, identify Over Peover as a village. Policy H1 defines a boundary within which limited infilling will be supported subject to a number of criteria, but goes on to say that outside of the boundary, proposals will not be considered to be 'limited infilling in villages'. The appeal site is a considerable distance outside of the defined boundary, so does not comply with the policy.
6. Given its stage of preparation, limited weight can be given to policies of the SADPD, but as noted above, significant weight can be afforded to Policy H1. However, I am mindful that caselaw has highlighted the need for an assessment of the situation on the ground when considering whether a site is in a village, in addition to any relevant policies.
7. The village of Over Peover, which has a somewhat dispersed character, is centred around Stocks Lane, and the main area of built development is concentrated between its junctions with Chelford Lane and Grotto Lane. Within this area are the main village facilities including the village hall, Park Gate Inn, the primary school and residential streets of Parkgate Avenue and Mainwaring Road.
8. In the vicinity of the appeal site, Stocks Lane is characterised by sporadic residential, commercial and horticultural development, some of which is large in scale. This built development is interspersed with open agricultural land, and the area has an open, rural character. The small cluster of residential development, within which the appeal site lies, is a considerable distance from the central part of the village, and is physically separated from it by a significant stretch of open agricultural land on either side of the road. The area surrounding the appeal site has no local services or facilities, and does not have the characteristics of a village.
9. I acknowledge that, compared with other dwellings in the wider area, the appeal site is not particularly far from the main village facilities, but Stocks Lane is a narrow road with grass verges rather than pavements, and the speed limit is derestricted for much of the route between the appeal site and the main village facilities. As such, Stocks Lane does not provide a particularly attractive or safe route to reach those facilities on foot. I note the appellant's comment that the availability of bus services is the same for the appeal site as within the main part of the village, but the location of the nearest bus stop and frequency of services is unclear. As such, future occupants of the proposed development would be likely to use private vehicles for most of their journeys.

10. The appeal site is clearly separate from, and outside of, the village of Over Peover. However, it is also necessary to consider whether it constitutes limited infilling. Infill development is not specifically defined within the Framework but is described within the CELPS and NP Policy H1 as the development of a relatively small gap between existing buildings.
11. The appeal site is flat and open, and lies between a short run of dwellings, which end in a terrace of four houses known as Colshaw Hall Cottages, and a single dwelling named Newholme. The site is clearly between existing buildings, but to comply with the CELPS definition of infill, the gap must also be relatively small.
12. From the road frontage, the site, which is approximately 30m in width, appears to be a fairly large gap between the existing buildings. Whilst the houses around the appeal site are generally substantial properties set within reasonably wide plots, there is some variation, with the adjacent terrace of Colshaw Hall Cottages having narrower plot sizes. The two proposed houses would be not be out of scale compared with others along the row, but the plot widths of the two houses would be greater than, or comparable to, many of the properties in the immediate vicinity. As such, in the context of the surrounding development, the gap cannot be described as being 'relatively small'.
13. The MLP defines infill development in a slightly different way, as being one or two dwellings in a small gap in an otherwise built up frontage. The proposed development would continue the existing built up frontage formed by Colshaw Hall Cottages and Newhall Cottages. However, Newholme is currently surrounded on either side by open, undeveloped land, and appears from the street to be a separate dwelling, which is not strongly related to the other built development. The existing properties do not form an 'otherwise built up frontage', and the site, which in any case does not constitute a small gap, does not meet the MLP definition of infill.
14. I note the appellant's reference to another appeal decision in which a proposal for infill development along Stocks Lane was allowed (ref APP/R0660/W/14/3000822). However, in that case, the Inspector agreed with both parties that the appeal site, which was located some distance from the current appeal on the other side of the junction with Grotto Lane, was within the village. The example cited therefore differs significantly from the situation now before me.
15. I have found that the proposed site is not within a village, and does not meet the definition of infill development contained in either the CELPS or the MLP. The proposal therefore does not comply with the exception contained in Policy PG 3 and Framework paragraph 145.
16. Framework paragraph 133 states that openness is one of the essential characteristics of Green Belts. The appeal site is flat and provides views through to a large group of trees beyond the rear of the site. Whilst the surrounding houses and trees mean that the site does not appear to be part of the wider countryside, the lack of built form nonetheless contributes significantly to the openness of the area. The construction of a substantial building across the full width of the frontage, with minimal gaps on either side, would obstruct views through the site, and by infilling the existing gap between buildings, the proposal would contribute to the urbanisation of the area. As a

result, the proposal would cause significant harm to the openness of the Green Belt.

17. The proposal would constitute inappropriate development in the Green Belt and would harm openness. It would conflict with CELPS Policy PG 3 and paragraph 145 of the Framework, both of which seek to protect the Green Belt. There would be further conflict with NP Policy H1, which restricts development outside the village infill boundary.

Character and appearance

18. Stocks Lane has the character of a country lane, with sporadic development interspersed with agricultural land. Trees and hedgerows along field boundaries and in front gardens give the area a green and verdant character.
19. The proposed development, which would be similar in scale and mass to the adjacent terrace of Colshaw Hall Cottages, would be sited very close to that substantial building. The result would be a continuous mass of built form across the frontage of both sites, with a large area of hardstanding in front. Whilst the appearance of the proposed dwellings would be acceptable in the context of surrounding development, the proposed scale and siting of the houses, in a currently open and undeveloped location, would erode the rural character of the area to a harmful degree.
20. I note that other properties nearby have parking in front, and the proposed use of the existing entrance for Colshaw Hall Cottages would remove the need for an additional access. The proposed access arrangement would also allow a hedgerow to be planted across the whole of the frontage, and avoid damaging a protected oak tree. These measures would help to maintain the rural character of the area to some extent, but the screening provided by the proposed low hedge would be limited, and the substantial building and area of hardstanding would be clearly visible from the street.
21. The proposed soft landscaping measures would be insufficient to overcome the significant harm that the proposed houses would cause to the rural character of the area. The proposal would conflict with CELPS Policies SD 2 and SE 1, which require that developments contribute positively to their surroundings and to an area's character and identity. There would be further conflict with Framework paragraph 127, which requires development to be sympathetic to local character.

Other considerations

22. The proposed development would make a small contribution to the supply of rural housing. There would also be modest social and economic benefits arising through the construction of the houses and the activities of future occupiers, supporting local facilities and contributing to the vitality of the rural community.
23. I note the appellant's comment that the appeal site is outside of the Jodrell Bank Zone, unlike other parts of the village infill boundary defined in NP Policy H1. However, the need to avoid adversely impacting the radio telescopes does not necessarily preclude additional housing within the Zone, and I give this matter limited weight in this appeal.

The Green Belt Balance and Conclusion

24. The proposed development would constitute inappropriate development in the Green Belt and would cause significant harm to openness. The Framework establishes that substantial weight should be given to such harm. There would be further harm to the character and appearance of the area.
25. When taken together, the other considerations do not clearly outweigh the harm to the Green Belt. Consequently, very special circumstances to justify the proposal do not exist.
26. I conclude, therefore, that the appeal be dismissed.

R Morgan

INSPECTOR