



Appeal Decision

Site visit made on 18 May 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/C4235/W/21/3268543

Land off Church Lane, Woodford, Stockport SK7 1RE

- 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 The Daylesford Trust, c/o Millerbrook Properties Limited, against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/076613, dated 22 April 2020, was refused by notice dated 26 August 2020.
 - The development proposed is the demolition of existing buildings and the erection of two infill dwellings with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the appellant submitted a completed Unilateral Undertaking (UU) which would secure a financial contribution towards the provision of recreational open space. I shall return to this later in my decision.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies;
 - The effects of the proposed development on the openness of the Green Belt;
 - The effect of the proposed dwellings on the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

4. The appeal site is an area of land of just under half a hectare on Church Lane close to its junction with Moor Lane (at the point where Moor Lane becomes Hall Moss Lane). There is a small stable/livery building on the site and an

associated area of hardstanding used for parking vehicles, though the majority of the land within the site is open paddock. The appeal site forms part of a larger field which extends beyond the "red line boundary" to Hall Moss Lane in the north and Blossoms Lane in the north west. The site lies within the Green Belt. The proposal is to demolish the existing buildings on the site, and to erect two 4-bedroom detached houses, each with a detached double garage.

Inappropriate development in the Green Belt

5. Paragraph 133 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances. Paragraph 145 of the Framework states that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 145(e), is limited infilling in villages, though neither "infill" nor "village" are further defined in the Framework.
6. The development plan consists of the saved policies of the Stockport Unitary Development Plan ("the UDP") adopted in May 2006, the March 2011 Stockport Core Strategy ("the Core Strategy"), and the Woodford Neighbourhood Plan ("the WNP") which was "made" in September 2019. Saved Policies GBA1.1, GBA1.2 and GBA1.5 of the UDP address development within the Green Belt. GBA1.1 defines the extent of the Green Belt within Stockport and identifies the other relevant policies to be used in determining applications for development within the Green Belt. GBA1.2 states that there is a presumption against the construction of new buildings in the Green Belt other than for four specific purposes, one being limited infilling or redevelopment of major existing developed sites. GBA1.5 sets out a small number of categories of residential development which will be permitted in the Green Belt, though none appear to me to apply to the current proposal.
7. The adoption of the UDP pre-dates the initial publication of the Framework in March 2012, and neither GBA1.2 or GBA1.5 refer to "limited infilling in villages" or any equivalent exception in the Green Belt. In this respect they are more restrictive than the Framework and inconsistent with national Green Belt policy. Having regard to the requirements of Paragraph 213 of the Framework, I therefore give limited weight to these two policies in the overall planning balance.
8. The entire area covered by the WNP is within the Green Belt, and Policy DEV1 provides further definition of "limited infill", to which I shall return in a moment. The WNP became part of the development plan after the most recent update of the Framework in February 2019, and there is nothing before me to suggest that it does not accord with national policy. Accordingly, I give this policy full weight in the overall planning balance.

Within a village

9. Notwithstanding the lack of definition of "village" in the Framework, the matter has been considered in other appeals relating to nearby sites¹. The main

¹ The Council drew my attention to an appeal decision at 368 Chester Road, Ref: APP/C4235/A/14/2222865, in this respect.

parties agree that for the purposes of interpreting national Green Belt policy Woodford as a whole should be considered to be a village. However, it is disputed whether or not the appeal site is *within* the village for the purposes of this appeal.

10. There are no settlement boundaries defined in the development plan to help establish whether a particular site should be treated as being within the village or not. That the appeal site may fall within Woodford parish is not demonstrative of it being within the bounds of the village itself; there are many instances where a rural or semi-rural civil parish includes substantial areas of countryside which could not sensibly be said to be within a village. The appellant has also provided a map showing the appeal site within the "Woodford Village envelope", though this appears to be purely the appellant's own interpretation of where such a boundary might be drawn.
11. Woodford does not have a traditional development pattern with a "village centre" as a focus. It has many of the services and facilities which would be expected in a village, including a church, a pub and shops, but these are dispersed throughout the settlement. For the most part it has grown as a series of ribbon developments of detached and semi-detached housing along the main roads of Chester Road, Woodford Road, and Moor Lane. Woodford Aerodrome, a former airfield and aircraft factory south of Chester Road and just outside the area covered by the WNP, is currently being redeveloped as a major housing site. There is other housing, again primarily as ribbons of development, on various side roads including Church Lane.
12. Church Lane connects Chester Road and Moor Lane in a broad arc around the western side of Woodford, and for most of its length is a quiet lane of rural or semi-rural character. The appeal site is on the north side of Church Lane; travelling south west from Moor Lane there is the bungalow "Green Hedges" and its garden, then the appeal site, then the house "Long Acre" and its garden. An expanse of open fields then separates Long Acre from the next cottage some way further along Church Lane. With the exception of Long Acre, which has a picket fence boundary, this side of the road is mostly bounded by dense hedgerows and other mature planting, and both Green Hedges and the buildings on the appeal site are largely screened from public view. The verdant boundaries and sporadic development on this side of the road give it a rural appearance and feel.
13. On the south side of Church Lane, again travelling south west from Moor Lane, there is the dwelling "Coniston", then two grassed and open plots with Church Lane Garage and farm buildings behind, then the dormer bungalow "Meadow Farm". The grassed plots and spacious setting of Meadow Farm give this part of the south side a reasonably open character. Beyond the entrance to Meadow Farm are four detached bungalows (Nos 236-242 Church Lane), then four pairs of semi-detached houses (Nos 220-234 Church Lane) approximately opposite Long Acre. Boundaries to Church Lane between Moor Lane and No 220 are a mix of low walls, fences and hedgerows, with the dwellings and other buildings readily visible, even prominent, in the streetscene. The form and density of Nos 220-242 gives this part of the south side of Church Lane a more built-up and urban, or at least suburban, appearance and feel. After passing No 220, there are open fields and Bramhall Cricket Club, hedgerow boundaries dominate, and the lane takes on its prevailing rural or semi-rural character.

14. Both parties have drawn my attention to an appeal decision in respect of the open plot in front of Church Lane Garage (Ref: APP/C4235/W/18/3219656 – the site is referred to as “Paddock Garage”), although as the Inspector in that case did not need to reach a conclusion as to whether the site was within the village or not it is of little help in determining this appeal. Nevertheless, the development on the south side of Church Lane is more or less contiguous with the linear housing on the west side of Moor Lane, and so there is some merit in the appellant’s argument that this part of the south side is essentially physically, visually and functionally part of the village. However, it does not follow from this that the same must be true of the other side of Church Lane.
15. There are very few buildings at all on the north side, and those which there are are dispersed in a way which is not characteristic of the built-up parts of Woodford. Long Acre is on a long secluded plot with expansive open land on either side. It is primarily viewed from Church Lane against the setting of the surrounding countryside rather than the houses opposite, and rather than marking the edge of the village it appears to me to clearly fall outside it. Based on my experience elsewhere, I note that it is not at all uncommon for a road or lane to form a development or settlement boundary in this way (whether in a development plan or “on the ground”). Green Hedges is set well back from Hall Moss Lane with expansive open land to its north west, and from what I saw it has limited physical, visual and functional relationships with the ribbon development further south on Moor Lane. However, even if Green Hedges is treated as falling within the village, nothing in the evidence or my own observations demonstrates that the same consideration should apply to the largely open and little-developed expanse of land between it and Long Acre – in other words, the appeal site. I therefore find that, for the purposes of applying national Green Belt policy, the appeal site is not within a village.

Limited infilling

16. Policy DEV1 of the WNP assists in assessing whether or not a proposal would be “limited infill”, and can be summarised as setting out three principal criteria in this respect. These are that a proposal should:
- i) Consist of the development of a relatively small gap between existing dwellings;
 - ii) Lead to the completion of an otherwise continuous and largely uninterrupted built frontage of several dwellings visible within the street scene; and
 - iii) Be compatible in scale and character with adjoining properties, and on similar building lines.
17. The appeal site undoubtedly forms a gap between the existing dwellings and their gardens on either side. By the appellant’s figures, Green Hedges has a frontage to Church Lane of around 60m, the appeal site of around 100m, and Long Acre around 35m. Beyond this, by the Council’s measurement, it is then more than 150m to the next dwelling. Even taking just the stretch which includes Green Hedges, the appeal site, and Long Acre, there is more gap than existing dwelling, so the gap cannot sensibly be said to be “relatively small”.
18. The appellant suggests that, as the proposal is for two dwellings which would each have a frontage of around 50m, the resulting plot widths would be

commensurate with the appeal site's two immediate neighbours, and so also "relatively small". However, this argument is not persuasive for two reasons. Firstly, it ignores the requirement in DEV1 that it is the initial gap to be infilled which should be relatively small, not the subsequent developed plot widths. Secondly, while both Green Hedges and Long Acre have wide plots, they appear to be outliers in the context of the surrounding area. Most of the nearby dwellings, including those on the south side of Church Lane described above, are on much narrower plots. Whether based on the measurements provided to me or my own observations of the surrounding area, I find that the proposal would not amount to the development of a relatively small gap, and so would not comply with the first criterion in DEV1.

19. The appellant considers there is "no question" that the site satisfies the second criterion of DEV1. This is based on the propositions that "the WNP *defines* [my emphasis] a largely uninterrupted built frontage as being several dwellings visible within the street scene", that an assessment of both sides of the road is required "as one sees the southern side of Church Lane within the same context as the northern side", and that several dwellings are visible on both sides of the road from the Church Lane in front of the appeal site. The appellant consequently comes to the view that the proposal complies with the policy requirement.
20. The appellant's is an imaginative reading of DEV1, but it does not seem to me to be one which can easily be arrived at by any normal understanding of the wording. The starting point of DEV1 is not that it sets some unorthodox definition of "continuous frontage" which would permit infill development whenever several dwellings are visible in the street scene (regardless of where they may be or their relationship with the proposed development). Instead it allows for the creation of a continuous frontage where otherwise there would be a modest gap in the street scene, and uses the visibility of dwellings within the same frontage as a measure of whether or not a continuous frontage would be completed. That is very different from the appellant's interpretation.
21. The appeal site is not part of an "otherwise continuous and largely uninterrupted built frontage of several dwellings", as the north side of Church Lane at this point has only two dwellings which are some way apart, and as I have already described in paragraph 17 above the frontage is mostly undeveloped. The south side of Church Lane does have a continuous and largely uninterrupted built frontage of several dwellings visible within the street scene, but this is an entirely separate frontage from that which includes the appeal site, and it would not in any case be completed by the proposed development. The proposal would not lead to the completion of a frontage in the terms set out in the second criterion of DEV1.
22. The proposed dwellings would be set on a similar building line to the neighbouring properties on either side. They would be a little taller and deeper than Long Acre, although not to an extent which I consider would be significant. However, they would be considerably taller and deeper than the bungalow Green Hedges, such that in scale and character they would be at odds with their smaller neighbour. The appellant has argued that the dwellings would be in keeping with the denser development on the south side of Church Lane, although as these properties do not adjoin the appeal site I consider that the proposal would fail to comply with the third criterion of DEV1, and would conflict with the policy as a whole. In my view the nature of the appeal site and

its surroundings, and the scope of the proposal, are such that it would not amount to limited infilling.

Other appeals and caselaw

23. In respect of whether or not the proposal is for the development of “a relatively small gap”, the appellant has drawn my attention to appeal decisions where Inspectors have granted planning permission for dwellings on sites where gaps to be infilled ranged from around 45m to 100m or so². I do not know the full details of those other developments and so cannot be sure that they are directly comparable to this proposal, although there is nothing to lead me to dispute my colleagues’ findings. However, in each of those cases the Inspector emphasised that they had reached their conclusions based on the facts and context of each individual site, as I have done here.
24. In respect of whether or not the proposal would be “limited infilling in a village”, the appellant has referred to an appeal decision relating to the proposed development of two dwellings a short distance south of the appeal site off Foden Lane (Ref: APP/C4235/W/17/3179489). In that case, the Inspector concluded that the proposal would be limited infill in a village, and thus not inappropriate development in the Green Belt. However, while it is not a great distance from the current appeal site, Foden Lane is a short cul-de-sac of different character to Church Lane. The land bounding it is mostly in residential use, albeit in the form of a small number of dwellings set in large and spacious plots, and the site in that case had dwellings and their gardens on three sides. I note also that the decision dates from December 2017, some time before the WNP was made, so that proposal would have been determined with reference to a different development plan. Again, I have no reason to disagree with the conclusions of my colleague in respect of Foden Lane. However, I do not consider that the two cases are analogous, and my determination of this appeal has been made on the specific merits of this case.
25. The appellant has drawn on caselaw in *Wood*³ and *Tate*⁴ in respect of the interpretation of Paragraph 145(e) of the Framework. I accept the appellant’s summary of these judgments (though I paraphrase), that whether a site falls within a “village” and whether a proposal constitutes “limited infilling” are matters which cannot be determined solely by reference to boundaries or policies in the development plan but are questions of planning judgement for the decision maker. That reflects the approach which I have taken in determining this appeal, as set out in the preceding paragraphs.

Conclusion in respect of inappropriate development

26. I conclude that the proposed development would not be limited infilling within a village. Consequently it would not fall within the exception described in Paragraph 145(e) of the Framework, and would be inappropriate development within the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance as required by Paragraph 144 of the Framework. It also conflicts with Saved

² 115 Hilltop Road, Acton Bridge (Ref: APP/A0665/W/14/3000557);
Land at Hollands Lane, Kelsall (Ref: APP/A0665/A/14/2217226);
Land adjacent to 23 Sandbach Road, Church Lawton (Ref: APP/R0660/W/16/3156493); and
Land to the west of Frog Lane, Pickmere (Ref: PP/R0660/W/18/3211980)

³ *Wood v SSCLG and Gravesham BC* [2015] EWCA Civ 195

⁴ *R (Tate) v Northumberland County Council* [2017] EWHC 664 (Admin)

Policies GBA1.2 and GBA1.5 of the UDP, which seek to protect the Green Belt, and with Policy DEV1 of the WNP, which has the same aim and which also defines the circumstances in which "limited infilling" will be permitted.

Openness of the Green Belt

27. A fundamental aim of Green Belt policy, set out Paragraph 133 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site.
28. The proposed dwellings would significantly increase the amount of built form on the appeal site, which would only slightly be offset by the demolition of the small existing buildings. It would therefore reduce the spatial openness of the Green Belt. The additional built form would be seen in public views into and across the site from front and rear. Although the visual impact on Church Lane would be limited slightly by the retention of the majority of the trees and hedgerow to the site frontage, the two large new dwellings would nonetheless be reasonably prominent features in their surroundings. The development would therefore also reduce the visual openness of the Green Belt.
29. Overall there would be a harmful loss of openness of the Green Belt. While this would be small in the context of the Green Belt as a whole, once again the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Character and appearance

30. For the reasons I have set out in paragraphs 9 to 15 above, I consider that the appeal site lies outside the "built envelope" of Woodford, and for the purposes of applying planning policy it is therefore in the countryside. The landscape around the appeal site is broadly flat, rising gently to the south, and this allows for short and medium range views across the open fields surrounding the settlement, as well as some longer views to distant hills. Some of these views, including one from Hall Moss Lane south across fields towards the appeal site and Church Lane, are identified in the WNP as contributing to local character.
31. At the time of my site visit, the view from Hall Moss Lane was of trees and hedges on and around the appeal site, in the large space between [the buildings of] Green Hedges and Long Acre, rather than houses on Church Lane as suggested by the appellant. The appeal site therefore provides the backdrop to an important local vista, and contributes to the rural and verdant character of the surrounding area. The proposed introduction of two substantial dwellings onto the site would close down the view from Hall Moss Lane, and would contribute to a sense of urbanisation of the countryside. This would not be mitigated by the proposed retention of the majority of trees and hedges on the site's Church Lane frontage, and the development would cause significant harm to the rural quality of the surrounding landscape.
32. The existing buildings and hardstanding on the appeal site are in a poor condition, and do not make a positive contribution to the character and appearance of the appeal site or its immediate surroundings. However, any benefit in this respect which would arise from their removal would, in my view,

be outweighed by the introduction of two large dwellings into the rural landscape. The proposed use of materials to match those commonly used in the surrounding area would be acceptable, but this would not outweigh the other harm I have found.

33. I conclude therefore that the proposal would be harmful to the character and appearance of the area, and would conflict with Policies H1, CS8 and SIE1 of the SCS, Saved Policy LCR1.1 of the UDP, and Policies ENV1 and DEV4 of the WNP. Together these policies seek to ensure that new development is designed and sited in a way which recognises and respond to local character, that the landscape character of the countryside is preserved and enhanced, and that important local views and vistas are respected.
34. The Council's appeal statement indicated that the reference to Policy CS4 of the SCS in the decision notice was an error. CS4 deals with the distribution of housing in the borough, and is not relevant to matters of character and appearance in this appeal. I therefore find no conflict with this policy.

Other considerations

35. It is common ground between the main parties that the Council cannot demonstrate a 5-year supply of deliverable housing sites. In 2018, which I understand from the evidence to be the most recent year for which a figure is available, it had only a 2.8 year supply. Two additional dwellings would make a small contribution towards tackling the housing undersupply in the borough. There would be social benefits from the provision of additional housing and an increased choice of housing, with economic benefits arising in the short term from the construction of the dwellings, and in the longer term from the future occupiers using and supporting local shops, businesses and other services. Given the small scale of the proposal the economic and social benefits of the scheme would be limited, and I therefore consider that they carry only moderate weight in its favour.
36. The proposed dwellings would be acceptable in terms of their effects on neighbours' living conditions. As there would be ample on-site car parking and turning space, notwithstanding the concerns expressed by neighbours I am satisfied that there would be no significant harmful effects on highway safety. A lack of harm in these respects is a neutral matter in the overall balance.

Other matter

37. The third reason for which planning permission was refused related to the lack of contributions towards formal recreation provision. The appellant has submitted a completed UU which contains obligations in this respect contingent on the granting of planning permission. However, the contributions secured by the UU are intended to mitigate the effects of the proposed development. As I am dismissing the appeal for other reasons it has not been necessary for me to consider the UU in further detail.

Planning Balance and Conclusion

38. The proposal would be inappropriate development in the Green Belt, and would conflict with Policy DEV1 of the WNP which seeks to protect the Green Belt. It would also cause moderate harm to the openness of the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 144 of the Framework. It would be significantly harmful to the character and

appearance of the area, and would conflict with the development plan in this respect.

39. The proposal would conflict with Saved Policies GBA1.2 and GBA1.5 of the UDP, which also seek to protect the Green Belt, although for the reasons given in paragraph 7 above I attach limited weight to conflict with these two policies.
40. While the Council cannot demonstrate a 5-year supply of deliverable housing sites, Paragraph 11 and Footnote 6 of the Framework are clear that the 'tilted balance' in favour of 'sustainable development' is not engaged if the application of policies in the Framework to protect areas of particular importance provides a clear reason for refusing the development proposed. These areas include land designated as Green Belt, and in this case, the harm to the Green Belt which I have identified provides a clear reason for refusing the proposal. The 'tilted balance' is therefore not engaged.
41. I have also considered and weighed the matters in the scheme's favour which have been put to me by the appellant. The substantial weight to be given to the Green Belt harm, and the other harm arising from the development identified above, is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
42. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector