



Appeal Decision

Site Visit made on 6 July 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2021

Appeal Ref: APP/R0660/W/21/3272161

Collinwood Nurseries, Wilmslow Old Road, Mottram St Andrew SK10 4QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cheshire Property Partnership (UK) against the decision of Cheshire East Council.
 - The application Ref 20/3043M, dated 16 July 2020, was refused by notice dated 22 December 2020.
 - The development proposed is four new dwellings and Mottram St. Andrew Parish Council Memorial Garden and Footpath.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved save for the details of access and I have determined the appeal on that basis. I have, however, had regard to the detailed plan showing the access point and the proposed block plan showing an indicative layout of a residential development.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policy
 - if the development is inappropriate, 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 the development.

Reasons

Green Belt

4. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of limited infilling in villages.

5. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 [2017] (CELPS) reflects the provisions in the Framework. Saved Policy GC1 of the Macclesfield Borough Local Plan [2004] (MBLP) also permits limited infill within specified villages in the Green Belt. Mottram St Andrew is not one of the listed villages.
6. There is no definition of 'limited infilling in villages' in the Framework. According to the appellant, the CELPS defines it as 'the development of a relatively small gap between existing buildings.'
7. The site is an area of rough ground covered in pioneer vegetation and some established trees close to the southern borders. The land, estimated to be 0.52Ha by the appellant, is bordered on two sides by high hedged boundaries with mature intermittent trees. Wilmslow Old Road and Moss Lane lie beyond, which meet at the site's northern apex. To the south are residential properties.
8. On the opposite side of Wilmslow Old Road is the village hall and an enclave of three dwellings at Rushton Fold. To the north-east of the site are open fields and a range of converted former farmstead buildings set back from the road. The development on the adjacent road frontages terminates at the southern extent of the site, however, the buildings along the western side of Wilmslow Old Road, those at the former farmstead and an isolated residential property on Moss Lane partially encompass the land. There is no dispute between the main parties that the site lies within the village for the purposes of Paragraph 145 e).
9. The number of units would be limited on account of the low density of development proposed. Alongside the access infrastructure, they would take up the majority of the site beyond the suggested buffer of the open space, which would provide a new footpath between the road frontages.
10. However, the perceived gaps between existing buildings along the frontages or across the site appear considerable. The site's frontages would make up almost half of the length of the respective road sections between their junction and those with Priest Lane. The development would not be bookended by any consecutive development on the frontages such that any perceived 'gaps' between buildings would be well beyond the frontage lengths identified by the appellant as 89m and 112m on Wilmslow Old Road and Moss Lane respectively. The gaps between existing development on the separate frontages would be of similar magnitude.
11. I acknowledge the appellant's assessment of plot widths and the varied urban grain of the locality as indicators of what might constitute a 'relatively small gap' in the context of the wider village. However, I am not persuaded that the inclusion of broad frontage measurements present on other roads should translate to the circumstances of the Wilmslow Old Road frontage where residential development lies within modest plot widths in the vicinity of the site.
12. For those reasons, I find that the site does not form a relatively small gap between existing buildings. The proposal would not therefore constitute limited infilling within a village. It would thereby conflict with the Framework, Policy PG3 of the CELPS and Policy GC1 of the MBLP which seek to protect the Green Belt. This is a matter to which I attach substantial weight.
13. Paragraph 133 of the Framework attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by

keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

14. The proposal would introduce development on to a site that is currently substantially free from buildings and structures. The site has naturalised and, in the absence of active maintenance or sense of dereliction, has a pleasant greening effect in the locality that has greater affinity to the open countryside than the built townscape. By their presence, the erection of houses and formation of the access road and footways would cause a loss of spatial openness. In addition, despite the proposed retention of the majority of the boundary hedges and trees, some loss to the visual openness of the site would arise from the introduction of the buildings. This would be visible from the adjacent roads and within the site. This would cause a moderate loss to the visual openness of the Green Belt. As Paragraph 144 of the Framework requires, the harm to openness must also be attributed substantial weight.

Other considerations

15. In support of the development the appellant draws my attention to the provision of a footway which would link the road frontages either side of the site. This could facilitate a pedestrian link between car parking provision at the village hall and the primary school on Moss Lane/Priest Lane. If utilised, this would relieve parking pressures at drop-off and pick-up times or when events are being held at the school. It could also provide a safer route than the existing alternatives. Although this would not promote sustainable forms of transport, it could potentially limit some adverse impact on highway safety without significant adverse effects on the living conditions of local residents. I consider this to be a benefit of moderate weight in favour of the development.
16. The occupation of the units by families with children of primary school age could assist in sustaining the local school which may benefit from additional funding through higher pupil numbers. This is also a matter to which I attribute moderate weight.
17. The path could be augmented by an area of public open space if desired. This would provide a community benefit and would be a moderate benefit of the scheme.
18. The appellant states that the locality has delivered only a limited number of new residential properties over a significant period of time. However, I note that the justification of Policy PG3 refers to the Green Belt Assessment Update (2015). That exercise led to the release of land from the Green Belt aimed at facilitating housing and other land uses for local needs. No such releases were allocated to Mottram St Andrew with preference directed to nearby inset settlements. Notwithstanding the Framework's aim of increasing housing supply, there is little evidence to demonstrate any local need for the units. Accordingly, I find the restrictions imposed to market housing by the site's Green Belt location is consistent with the Council's spatial strategy for housing delivery. The contribution of 4 market dwellings without demonstrated local need is therefore a matter of limited weight in the circumstances of the case.
19. The appellant has directed me to an appeal decision relating to a scheme elsewhere. It was specifically aimed at meeting an identified shortfall in the demand for self and custom build residential development, a position which is not contested by the Council. However, there is little detail of the scheme to

enable me to compare the circumstances of that development against the scheme before me, a case I have considered on its own merits.

20. Although I recognise that the proposal could meet a demand for self and custom building sites, there is no substantive information submitted to demonstrate that the appellant, or the intended occupiers, are on the Council's register of individuals and associations seeking to acquire serviced plots under the terms of the Self-build and Custom Housebuilding Act 2015 (as amended) (the Act). Whilst the Act seeks to encourage contribution to housing supply from self-build and custom housebuilding sectors, such provision is not without due regard to the local development plan. In the absence of demonstrated need in this locality, or that it would constitute affordable housing to be considered as an exception site, I find this is a matter of negligible weight.
21. I acknowledge that a high-quality scheme could be delivered on the site. Nevertheless, in the absence of specific detail relating to building design, layout and landscaping, this is also a matter of negligible weight. The construction of the proposed units would provide some economic benefit through sustaining building contractors and associated trades. However, this would be for a limited period only. It is therefore a matter of limited weight.
22. I note some third-party concerns. In relation to a potential loss of privacy through overlooking of neighbouring sites, this is a matter for consideration when details of siting and design would confirm proposed window positions.
23. A detailed drainage scheme for the site has not been provided at the outline stage. However, a scheme based on sustainable drainage principles could be secured through suitably worded planning condition/s to meet development plan and national policy requirements. The low number of objections from nearby resident is not a benefit in favour of the development.

Conclusion

24. For the reasons above, I have found that the erection of 4 dwellings on the site would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The proposal would also cause harm to the openness of the Green Belt.
25. The considerations presented by the appellant with regard to delivery of housing; the facilitation of the use of parking to serve the local school and reduce highway safety concerns; the potential for sustaining pupil numbers at the school; the delivery of public open space; contribution to meeting a shortfall in self-build housing sites; and, support for construction jobs, when taken individually or together, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify granting planning permission do not exist.
26. For the reasons set out above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR