



Appeal Decision

Site visit made on 22 June 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2021

Appeal Ref: APP/R0660/W/21/3268453

The Coppice Boarding Kennels and Cattery, The Coppice, Poynton SK12 1SR

- 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 Mr Paul Sharples against the decision of Cheshire East Council.
 - The application Ref 20/1393M, dated 23 March 2020, was refused by notice dated 13 August 2020.
 - The development proposed is the demolition of dog boarding kennels and cattery and the construction of five dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with only access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters. I have consequently treated the submitted drawings as being illustrative only in respect of the housing appearance, layout and scale, and other matters they show.
3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. As the parts of the Framework most relevant to this appeal have not been significantly amended I am satisfied that there is no requirement for me to seek further submissions on the revised Framework, and that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Main Issues

4. The appeal site lies within the Green Belt, and accordingly I consider that the main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness of the Green Belt;
 - The effect of the proposal on the local landscape;

- The effect of the proposal on nature conservation, with particular regard to the Poynton Coppice Local Wildlife Site; and
- 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

5. The appeal site is a kennel and cattery operated by the appellant, consisting of several buildings providing animal accommodation, storage buildings, and an office for the business. The site boundary also includes a bungalow "Old Kennels Cottage", which is the appellant's home, and an outdoor animal exercise area. The entire appeal site is within the Green Belt.
6. The site is accessed from a cul-de-sac spur of The Coppice, a long narrow lane which connects the appeal site, as well as a covered reservoir to the west and several other dwellings dispersed nearby, to the wider road network at Coppice Road some 250m or so to the north west. There is a turning and parking area immediately outside the entrance to the appeal site, and another opposite the entrance to Old Kennels Cottage marking the end of the roadway. Beyond that point the lane continues southwards as a public footpath (FP48) entering Poynton Coppice Nature Reserve, which is an area of woodland running through a narrow and fairly steep-side valley. An area of open fields lies to the north of the appeal site, with the rear of dwellings on Coppice Road and Shrigley Road visible in the distance.
7. The proposal is the demolition of the various buildings relating to the kennel/cattery business, and their replacement with five dwellings. Old Kennels Cottage would be retained as a dwelling. The appellant suggests that the site would be developed with two 3-bedroom bungalows, each with two car parking spaces, and three 4-bedroom houses (with 2 loft bedrooms, so effectively dormer bungalows) with three car parking spaces each. While I reiterate that I have treated the submitted drawings as indicative only in matters of appearance, layout and scale, they nonetheless provide context for assessing the proposal. Access to the dwellings would be provided by widening the roadway of The Coppice between the two turning areas from around 2.5m to around 4.5m.

Inappropriate development in the Green Belt, and effect on openness

8. Paragraph 137 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 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Paragraph 149 of the Framework states that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. The exceptions include at Paragraph 149(g) "...the partial or complete redevelopment of previously developed land" which would "not have a greater impact on the openness of the Green Belt than the existing

development". The Framework is a material consideration which carries significant weight in determining this appeal.

10. The development plan consists of the saved policies of the 2004 Macclesfield Local Plan ("the MLP"), the 2017 Cheshire East Local Plan ("the CELP"), and the Poynton Neighbourhood Plan ("the PNP") which was "made" in November 2019. Policy PG3 of the CELP sets out the Council's approach to development in the Green Belt. PG3 is highly consistent with the requirements of the Framework, and accordingly I give it full weight in the overall planning balance.
11. The adoption of the MLP pre-dates the introduction of the Framework in March 2012 by many years. Having regard to advice in Paragraph 219 of the Framework it does not follow that its policies should automatically be considered out-of-date. However, Saved Policy GC1 allows for the replacement only of existing dwellings within the Green Belt, rather than all buildings, and so is more restrictive than the Framework in respect of this appeal. Consequently I give Saved Policy GC1 limited weight in my decision.
12. Both parties consider that the appeal site is previously developed land as defined in Annex 2 of the Framework, and I concur. However, my findings in respect of openness will determine whether or not the proposed development falls within the exceptions described in Paragraph 149(g) of the Framework and Policy PG3 of the CELP. Openness is the absence of development and has both a spatial and visual aspect, and in assessing the effects of the proposal I have had regard to the way in which the site is currently developed.
13. The buildings which would be replaced have a footprint of around 855m², by the appellant's calculation, and are mostly quite closely packed together in the central part of the appeal site. They are single storey with flat or shallow pitched roofs, and although the appellant indicates that they are generally around 4 metres high, my observations on site suggest that many are in fact somewhat lower than that. The existing buildings are visible from outside the site both from The Coppice, although on much of that side of the site they are partly screened by fence and hedge boundaries, and from the open fields to the north. While the spatial openness of the site is already therefore reduced by the existing buildings, their low profile reduces the visual effect considerably.
14. The appellant suggests that, based on the illustrative design and layout, the five proposed dwellings would have a footprint of around 741m². While this is a smaller land area than the buildings which would be demolished, the submitted drawings indicate that the 3-bedroom dwellings would be around 4.3m high, while the 4-bedroom dwellings would be around 5m high. On that basis, the proposed dwellings would be taller than the existing buildings on the site, and it is therefore quite possible that the total volume of built form on the site would in fact be increased as a result of the proposed development. On the basis of the evidence before me I cannot therefore find that the proposed development would not have a greater impact on the spatial openness of the Green Belt than the existing development.
15. The suggested height of the proposed dwellings would also make them more prominent in their surroundings than the existing buildings on the site. Furthermore, the submitted plans indicate that a new dwelling would be erected on the outdoor animal exercise area. That part of the site is currently free of buildings and it is visually closely related to the surrounding agricultural field from which it is separated only by a post and rail fence. Development of a

dwelling here would represent an intrusion of built form into the open countryside. I acknowledge once more the illustrative status of the drawings in respect of scale and layout, but the evidence before me indicates that the proposal would reduce the visual openness of the Green Belt.

16. Various areas of hardstanding within the site would be removed, and the appellant has drawn my attention to a planning application nearby where the Council considered that a reduction in areas of hardstanding would offset the effect on openness of increased building heights¹. However, I do not know the full details of that other case, and there is no substantive evidence to persuade me why such a consideration would apply in this appeal. This is not least because the illustrative drawings show substantial areas given over to driveways and parking spaces, and any "net change" which could possibly contribute to an increase in openness has not been quantified. Even if I therefore accepted the principle of the appellant's argument on this point, there is insufficient evidence before me to indicate that a change in the amount of hardstanding would contribute to maintaining or increasing the visual and spatial openness of the appeal site.
17. The appellant has also suggested that the removal of the close boarded fence alongside FP48 and its replacement with "intermittent visual gaps and open front gardens" would increase visual openness. I agree that the present fence restricts the visual openness of this part of the Green Belt. However the taller buildings suggested would, as I have already described, be likely to have a negative effect on the visual openness of the Green Belt. In my view this would offset any potential benefit, in terms of openness, of removing the fence. I therefore consider this to be a neutral factor in respect of openness rather than something which weighs in favour of the proposal.
18. Overall, I consider that there would be a harmful loss of visual openness, and I cannot conclude that there would not also be adverse effects on the spatial openness of the Green Belt. Accordingly, the proposal does not fall within the exception described in Paragraph 149(g) 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. The proposal would also conflict with Policy PG3 of the CELP, which seeks to prevent inappropriate development in the Green Belt, and with Saved Policy GC1 of the MLP which seeks to prevent the construction of new buildings in the Green Belt other than in very limited circumstances.

Effect on landscape

19. Heading south-east along The Coppice from Coppice Road, the appeal site marks a point where the landscape changes somewhat, as the relatively open character created by the intermittent gardens to the north west gives way to the more densely wooded landscape of Poynton Coppice, at least part of which is ancient woodland. Again, while I agree with the appellant that the removal of the high fence bounding the appeal site to the Coppice and FP48 could, taken on its own, represent a positive contribution to the landscape character of the area, the proposed widening of the access track would also result in the loss of hedges bounding the lane and potentially also trees. Combined with the prominence which the proposed new dwellings would have, the development

¹ Site at Woodford Road, Poynton, LPA ref: 16/5060M

would be a suburbanising feature which would undermine and weaken the woodland landscape character of this area.

20. As well as being harmful to the openness of the Green Belt, the construction of a dwelling on the exercise field at the northern edge of the site would represent the introduction of a residential and suburbanising development into open countryside. This would be at odds with the prevailing open rural grassland character of the landscape.
21. As the proposal has been submitted in outline form, with landscaping as a reserved matter, there are no details of proposed site landscaping before me. However, I am not satisfied that the harm which the proposal would cause to the wider local landscape could be satisfactorily addressed or mitigated in a subsequent reserved matters application.
22. I conclude therefore that the proposal would be harmful to the character and quality of the local landscape, and would therefore conflict with Policies SE4 and SE5 of the CELP and Policies EGB6, EGB7 and EGB8 of the PNP. Together these policies seek to ensure that development preserves and enhances the quality of the landscape, including through protecting trees, woodlands and hedgerows which contribute to the landscape character of the area.

Nature conservation

23. Poynton Coppice Nature Reserve is a Local Wildlife Site (LWS), thought to have been wooded continuously for thousands of years, and with a wide range of flora and fauna. Evidence before me refers particularly to the presence of badgers and bats, both protected species, within the LWS and surrounding areas.
24. In respect of badgers, the appellant submitted a survey indicating that there are two badger setts near the appeal site, although one appears to be disused. The survey concludes that they are not so close to the site that the proposal would cause disturbance. This was accepted by the Council at the time it determined the planning application. In respect of bats, the appellant states that the Council's Nature Conservation Officer was satisfied that there are no bat roosts within the appeal site. While there is no documentary evidence before me of a comment to this effect, I note that the Council did not express concern in this regard. I see no reason to diverge from the Council's view in respect of either species.
25. The development plan seeks to protect locally-designated sites (including LWSs) from adverse impacts of development, and aims to ensure that developments make a positive contribution to the conservation and enhancement of biodiversity. Had the proposal been acceptable in all other regards, I consider that these are matters which could be satisfactorily addressed at reserved matters stage, subject to the imposition of conditions in respect of protecting the LWS during construction, and the provision of a strategy for the incorporation of features to enhance the biodiversity value of the appeal site.
26. I conclude that the proposal would, subject to the use of appropriate conditions, be acceptable in terms of its effects on nature conservation and the LWS. It would therefore comply with Policy SE3 of the CELP, which among other things seeks to protect and enhance areas of high biodiversity.

Other considerations

27. The appellant states that there are many precedents for granting planning permission in the Green Belt for previously-developed land, but although he refers to “used car sales area attached to a car repair garage” and “lorry parks with warehouse businesses”, there is no substantive evidence to indicate why these generalised examples should add weight in favour of this particular proposal.
28. The appellant’s evidence indicates that the replacement of the kennels and cattery with dwellings would reduce the level of vehicular traffic using The Coppice, and so would represent a benefit in terms of the impact on the highway. I note also that, although some interested parties expressed concern about the impact of traffic from the proposed dwellings on the local road network, the Council was satisfied that the proposal would be acceptable in this regard.

Other matters

29. The nearest existing dwelling to the appeal site is around 65m away, and there is no suggestion from the Council that the proposed development would cause harm to any neighbour’s living conditions. Based on what I saw on site, I agree. The appellant also suggests that ceasing the business operation would, by removing around 60 barking dogs from the area, be beneficial to other nearby residents’ living conditions. There is no technical evidence before me in respect of current or future sound levels, and while none of my observations on site suggested that the current use of the site is a particular source of noise disturbance, I acknowledge that this may also represent a modest benefit.

Planning balance and conclusion

30. The proposal would be inappropriate development in the Green Belt, and would cause harm to the openness of the Green Belt, conflicting with Policy PG3 of the CELP which seeks to protect the openness of the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 148 of the Framework. The proposal also conflicts with Saved Policy GC1 of the MLP in respect of development in the Green Belt, although for the reasons explained above I give limited weight to the conflict with this particular policy.
31. In addition, while conditions could be used to ensure that the development would not be detrimental to nature conservation and the adjacent LWS, it would be harmful to the quality of the local landscape.
32. The proposal would give a small boost to the delivery of housing in the area. 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 identified harm above, arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector