



Appeal Decision

Site Visit made on 24 August 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2021

Appeal Ref: APP/R0660/W/21/3275693

Cherry Barrow Farm, Congleton Road, Marton SK11 9HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Basnett against the decision of Cheshire East Council.
 - The application Ref 20/4217M, dated 25 September 2020, was refused by notice dated 25 November 2020.
 - The development proposed is a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garage at Cherry Barrow Farm, Congleton Road, Marton SK11 9HF in accordance with the terms of the application, Ref 20/4217M, dated 25 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no's. A(10)-60 Rev B, A(10)-61 Rev A, A(10)-62 and A(10)-63.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing no. A(10)-62.

Preliminary Matters

2. I have utilised the description of development from the decision notice as this more succinctly describes the proposal.
3. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issue of this case, the substance thereof remains the same as the 2019 iteration. I have sought comments from the main parties and taken any comments made into consideration.
4. Although reference has been made to a 'Spatial Policies Map' within the original Marton Neighbourhood Development Plan (November 2016), this document has been revoked. I am considering the appeal in accordance with the current development plan, which include the updated Marton Village Neighbourhood Plan (Neighbourhood Plan) and the Cheshire East Local Plan Strategy (2017) (Local Plan Strategy). With reference to the development plan, it would appear that the site falls outside of an identified settlement boundary.

Main Issue

5. The Council, in its reason for refusal, do not make reference to, or take issue with, the proposed garage building's size, scale, design or appearance. Having regard to the Council's spatial strategy, I consider the main issue is the effect of the proposal on the character of the open countryside.

Reasons

6. The appeal site is adjacent to a site where two dwellings were under construction at the time of my visit. I have had regard to the planning history outlined by the main parties, which include an outline planning application and subsequent reserved matters applications, but in view of the nature of the current appeal application for a detached garage, I have assessed the proposal on its own merits.
7. A group of buildings are positioned to the east of the site, with further development beyond on the other side of Congleton Road. The site is surrounded on a number of sides by open fields which afford panoramic views to the south. These fields, as well as boundaries that are formed of hedges and trees gives the area a spacious, rural character.
8. The proposed garage would only occupy a small part of the appeal site and be positioned close to the dwelling that it would serve as well as the rear boundary of the site which is formed of a high hedge. Although the site might be outside of a settlement boundary, the modest size, scale and siting of the garage, would mean it would show a close relationship to the houses currently under construction.
9. The proposal would be on an undeveloped field, but most of the site would be grassland and I do not therefore consider the proposal would appear intrusive in the landscape and be detrimental to the area's rural character.
10. I conclude therefore that the proposed development would not have an unacceptable impact on the character of the open countryside. Policy PG 6 of the Local Plan Strategy and saved Policy GC12 of the Macclesfield Borough Local Plan (January 2004) seek, amongst other matters, to ensure that development is not out of character with its rural setting and preserving the distinctiveness of the countryside. I do not consider the objectives of these policies would be compromised by the limited scale of the development and its close relationship with the dwelling it would be associated with.
11. My attention has been drawn to a number of previous applications relating to the appeal site and also adjacent pieces of land. I can confirm however that I have dealt with this appeal on its own merits.
12. I note the concerns that the garage would be sited in an area that would interfere with the protected setting of the listed church and that it would be contrary to the Neighbourhood Plan. The listed church is set in an elevated position on the opposite side of Congleton Road. Given the distance between the proposed garage and the listed church, as well as intervening vegetation, I consider the proposal would preserve the setting of the listed building.

Conditions

13. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
14. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring the use of materials on the external surfaces of the development as specified on a submitted drawing is necessary and reasonable in the interests of the character and appearance of the area. Although a condition has been suggested to ensure the garage remains incidental to the dwelling, as the garage would be outside the curtilage of that dwelling, I do not consider this to be necessary.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is allowed.

F Rafiq

INSPECTOR