



Appeal Decision

Site visit made on 1 September 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/R0660/W/21/3276719

Tabley Court, Moss Lane, Over Tabley WA16 0PL

- 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 N Burley (Burprop Ltd) against the decision of Cheshire East Council.
 - The application Ref 20/4859M, dated 2 November 2020, was refused by notice dated 26 January 2021.
 - The development proposed is the construction of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my determination of this appeal.
3. Inadequate provision of car parking was given as a reason for refusal in the decision notice. In their appeal statement, the Council has clarified that this issue is now resolved, and it no longer wishes to contest this issue.
4. The appellant submitted amended plans with their appeal. These plans show alterations to the layout and design of fenestration to the front elevation of the proposed dwellings in response to concerns cited by the Council in their assessment of the proposal. They have asked me to determine this appeal on this basis.
5. In deciding whether to accept these revised plans I have had regard to the principles established in *Wheatcroft*¹. The revised plans propose only minor changes, and there has been the opportunity for comment upon them at appeal. Accordingly, I am satisfied that no party would be prejudiced by my consideration of the appeal on the basis of the revised plans.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Main Issues

6. The main issues are as follows:

- whether the proposal would be inappropriate development in the Green Belt;
- the suitability of the design of the proposed dwellings; and
- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations (and if so, whether this would amount to the very special circumstances required to justify the proposal.)

Reasons

Whether inappropriate development in the Green Belt

7. The appeal site includes two two-storey brick buildings which were previously part of an agricultural unit but were converted into office use in the 1990s. These were then subject to prior approval applications to convert their use to residential, and work has commenced to that effect (I have therefore referred to them as the 'existing dwellings'). The proposal includes the erection of a further building to provide two semi-detached dwellings.
8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 of the Framework outlines various exceptions to the general position that the construction of new buildings in the Green Belt is considered inappropriate development. The appeal proposal was assessed by the Council under the provisions of sections 149(e) & (g) of the exceptions.
9. I note that the appellant argues that the proposal can also be considered with reference to the exception listed in paragraph 149(c), namely that proportionate additions could be added to the existing dwellings that would be similar in scale to the development proposed. However, that does not hold given the erection of two dwellings could not constitute the extension or alteration of a building, and there is no robust evidence before me in any event to determine what would be permissible in that respect as regards the existing dwellings.
10. Framework paragraph 149(e) states limited infilling in villages is not inappropriate development in the Green Belt. However, Tabley Court is some distance from the main part of the settlement of Over Tabley. Development is sporadic in the immediate area, with two buildings located between the appeal site and Chester Road while there are open fields to three sides. I note the appellant describes the site in paragraph 3.5 of their appeal statement as not falling within a 'built-up area'.
11. Even if the site was considered to be in a village, I disagree that the proposal constitutes infilling. While not defined in the Framework or any policies within the development plan, there is a sizeable distance between Tabley Court and the farm to the east further along Moss Lane. I disagree that the proposal in this instance may reasonably be described as infilling; the dwellings proposed would be located adjacent the two existing dwellings with open land around them as set out above, rather than the scheme representing a logical addition to a close-knit built form here. As such, given the lack of a regular pattern of

development in this location, and regardless of the residential use the site now benefits from, it is my view that the proposed dwellings would not fall within the exception set out at paragraph 149(e).

12. With regards to paragraph 149(g), the houses are not proposed to meet an identified affordable housing need and I have concluded they would not constitute limited infilling. There is agreement between the parties that the site can be classified as previously developed land given its planning history and location. To meet this exception, this would require the new building to not have a greater impact on the openness of the Green Belt than the existing development.
13. At present the area proposed for the dwellings forms part of the yard serving the two existing dwellings. While the proposal would be no higher than the existing dwellings on site, the erection of a two-storey structure of significant width would inevitably reduce openness in spatial terms. I note the appellant puts this increase at approximately 30% in gross internal floor area in relation to the existing dwellings.
14. Moreover, the proposal would be clearly visible from Moss Lane and neighbouring properties. Although I agree views would be sporadic from certain vantage points and hedgerows may offer some screening, the new structure would have a greater impact on the openness of the Green Belt than the existing dwellings both visually and spatially given it would introduce a new building to an area of the site free of any significant built form at present. There is no indication before me as to what permitted development rights, if any, apply to the existing dwellings.
15. With the above in mind, the appeal scheme would not fall within any of the exceptions set out in paragraph 149. As such, the proposal would be inappropriate development in the Green Belt.
16. In accordance with paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This harm is attributed substantial weight.

Design

17. I accept that the proposed dwellings would inherently be of modern design set within a rural and traditional context. Nevertheless, the proposed dwellings would largely reflect those existing buildings within Tabley Court, in terms of their materials and being of generally simple form with a pitched roof and blank gable ends. The amended plans show the design and layout of fenestration to match those of the existing buildings to their front elevations, which would also increase the solid to void ratio traditionally seen in rural architecture compared to that commonly found in more modern dwellings. The existing dwellings have external brickwork, which appears to have been supplemented or replaced in parts with more modern brick. Were I minded to allow the appeal, additional details to ensure acceptability of the facing materials could be secured by condition.
18. As such, I consider the proposal acceptable in design terms. It would therefore comply with policies SD2 and SE1 of the Cheshire East Local Plan Strategy (adopted July 2017) (the LP). These seek to ensure, among other things, that

development will reinforce local distinctiveness in terms of height, scale, form and materials. The proposal would also conform with the design aims of the Framework, which seek through paragraph 130 to ensure development is sympathetic to local character and history, including the surrounding built environment.

Other Considerations

19. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The proposal would add two units to the Council's existing housing stock. However, the contribution of two dwellings is inevitably limited. The introduction of new residents to the area would also make a small contribution towards sustaining local services, as would temporary economic benefits by virtue of generating employment via construction. However, given the limited scale of the proposal, I attribute limited weight to these considerations.

Conclusion

21. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. I have found that the proposal would be inappropriate development in the Green Belt and that it would be harmful to the openness of the Green Belt. These matters carry substantial weight.
22. Set against these, material considerations cited in support of the proposal do not outweigh the totality of the harm the scheme would cause. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
23. As such the proposal would conflict with policies PG3 of the LP, GC1 of the Macclesfield Borough Local Plan (adopted January 2004) and Green Belt policy as set out in paragraphs 147 – 151 of the Framework (notwithstanding any differential wording between the development plan and Framework). For the reasons given above, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR