



Appeal Decision

Site Visit made on 21 September 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/R0660/W/21/3274288

Moss Lane Farm, Moss Lane, Over Tabley WA16 0PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs Ian & Nicola Green against Cheshire East Council.
 - The application Ref 21/1086M, is dated 26 February 2021.
 - The development proposed is the erection of one dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal follows the failure of the Council to determine the planning application within the prescribed period. Had it been able to determine the application the Council has indicated that the application would have been refused.

Main Issues

3. The main issues in this case are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, is 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 and the Effect on Openness

4. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and 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.

5. Subject to a number of exceptions, as listed in Paragraph 149, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages, and limited infilling of previously developed land where it does not have a greater impact on the openness of the Green Belt than the existing development. The relevant parts of the exceptions list set out within Policy PG3 of the Cheshire East Local Plan: Local Plan Strategy (the LPS) are broadly consistent with that in Framework and I give them full weight.
6. Saved Policy GC1 of the Macclesfield Borough Local Plan also sets out an exceptions list. However, Point 5 of the list limits infilling to named settlements, and there is no exception for infilling on previously developed land, therefore it is not consistent with the Framework and I attribute it little weight in my assessment.
7. The appeal site forms part of a garden to the side of an existing dwelling, Moss Lane Farm. The surrounding area is predominantly rural, characterised by fields with sporadic development including dwellings, a church and some limited commercial buildings. Nearby is a significant junction serving the M6 and A556. Other than some limited development, boundary treatments and the driveway, the appeal site is an undeveloped space which contributes towards the openness of the Green Belt.
8. Neither in the national policies or the local policies before, is the term village defined. I therefore consider that, for the purposes of Paragraph 149 of the Framework, what is, or is not, a village is a matter of planning judgement that will need to be assessed in each instance.
9. I understand that the appeal site is a part of the named settlement of Over Tabley. However, given the sporadic and spread nature of the surrounding properties they are read more as small groups of buildings than a formal, connected village. This is further demonstrated by the appellant's evidence which shows the dispersed nature of the facilities and services surrounding the appeal site and the lack of a settlement boundary. Whilst a church may go towards indicating a village, the existence of St Paul's within Over Tabley does not mean that the settlement is a village. Given the above, I do not find that the appeal site is within a village for the purposes of either the LPS or the Framework and I have not been provided with substantive evidence to demonstrate otherwise.
10. The appellant has raised that the appeal site is previously developed land as defined by the Framework. Within the Framework's glossary previously developed land is described as including the curtilage of developed land, excluding residential gardens within built up areas. In this case the appeal site is not within a built up area and forms part of a residential garden, as such it is previously developed land where limited infilling, as described above, would not be inappropriate, subject to the effect on openness.
11. The appeal site, by way of its siting, is read as a gap between Moss Lane Farm and the neighbouring dwelling on the other side of the appeal site. The lack of consistency in the gaps between the surrounding buildings does not affect the way in which this gap is read. Moreover, I find that the erection of one dwelling would be commensurate with the scale of the gap. As such I consider that erecting a dwelling in this location would be limited infilling for the purposes of both the LPS and the Framework.

12. As the appeal site forms part of an undeveloped garden, while it is surrounded by boundary treatments and buildings, it still contributes towards the overall openness of the Green Belt. As such, the erection of a dwelling would significantly impact on both the spatial and visual contribution the site makes towards the openness of the Green Belt. Even when taken with the previously developed land as a whole, which would include Moss Lane Farm, the proposal would result in two dwellings where there is currently only one. As such, the proposed dwelling would have a greater impact on the openness of the Green Belt than the existing development.
13. The appellant has raised that views of the site are screened by vegetation around the sides and rear of the plot. However, trees and hedgerows can easily die, be cut back or be removed. As such I can only attach limited weight to this screening. Furthermore, regardless of whether the building may be screened in some views, its physical presence would affect the spatial aspect of the openness.
14. In light of the above, whilst the proposal would be limited infilling of previously developed land it would compromise the openness of the Green Belt, in that it would be reduced. Whilst the loss of openness would be limited in relation to the Green Belt as a whole, harm would nonetheless occur. This matter carries substantial weight and means the proposal would not meet the exception for infilling previously developed land and is inappropriate development in the Green Belt.

Other Considerations

15. The proposed dwelling would contribute to supply of new housing, while it is not disputed that the Council can demonstrate a five year housing land supply, it would still contribute towards Government's aims of increasing the provision of housing. Nevertheless, the provision of one dwelling would make only a small contribution. The appellant has also suggested that the dwelling would be accessible and contribute to the local economy through the associated construction works and future occupiers. Given the small scale of the development and the limited services and facilities nearby I find that any benefit would be limited, and I attach these matters modest weight.
16. The appellant has also raised that the dwelling would provide a good level of living accommodation for future occupiers and, would protect the character and appearance of the area including heritage assets. Whilst this may be the case these matters are not benefits of the proposal and so I attach neutral weight to them in my overall conclusion.

Green Belt Conclusion

17. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. At most, moderate weight has been given to the considerations cited in support of the proposal. I conclude that taken together, they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with the Green Belt aims of Policy PG3 of the LPS and the Framework.

Other Matters

18. The appellant has brought to my attention an example of the recent conversion of offices adjacent to site. However, while near the site and including the creation of new residential dwellings, this example is significantly different to the proposal before me as it is for the conversion of existing buildings, not the erection of a new building. Moreover, all proposals must be considered on their own merit.
19. The appeal site is within The Mere Site of Special Scientific Interest (SSSI) a designated habitat area. Whilst it is my statutory duty to take reasonable steps to further the conservation and enhancement of the SSSI, as I am dismissing the appeal on other grounds, it is not necessary for me to assess this issue further.
20. Both of the main parties have referred to a number of matters where they agree the proposal would not result in harm, such as highway safety, ecology and flooding. However, these matters have not been determinative in my consideration of the appeal.

Conclusion

21. Whilst the proposal would provide some modest benefits through the erection of a new dwelling and an associated economic uplift, it would also be inappropriate development harmful to the Green Belt. The harm to the Green Belt would not be outweighed by the above benefits. Therefore, in the circumstances of this appeal, the material considerations do not justify making a decision other than in accordance with the development plan as a whole.
22. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR