
Appeal Decision

Site Visit made on 21 September 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2021

Appeal Ref: APP/R0660/W/21/3277035

Land off Blakelow Road, Macclesfield SK11 7ED

- 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 Mr and Mrs N Kendrick against the decision of Cheshire East Council.
 - The application Ref 20/4314M, dated 29 September 2020, was refused by notice dated 19 March 2021.
 - The development proposed is construction of one dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged the revised National Planning Policy Framework (the Framework) has been issued on 20 July 2021. However, there have been no material changes to the relevant parts of the Framework's policies concerning development in the green belt. Therefore, it has not been necessary to go back to the parties for further comments in this particular instance.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - (ii) The effect on the openness of the Green Belt.
 - (iii) If the proposal would be 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

Whether or not inappropriate in the Green Belt

4. The main parties agree that the site is located within the Green Belt for the purposes of decision making. The Government attaches great importance to Green Belts and the construction of new buildings within the Green Belt should be regarded as inappropriate development other than where it falls under any of the exceptions set out at paragraphs 149 and 150 of the Framework. Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy (2017) (LPS) is

broadly consistent with the Framework and both include limited infilling in villages amongst their exceptions to inappropriate development.

5. The Framework and the LPS do not define what is meant by village. In that regard, my attention has been drawn to an appeal decision relating to a site within ribbon development extending from the town of Poynton¹. That particular case referred, amongst other things, to the respective road changing to a more open and rural setting after leaving the more compact and dense urban environment of the town. In that particular instance the Inspector considered the more rural setting resulted in the area having a village character.
6. The appeal site together with the fields opposite form the first distinct break in development along Blakelow Road after leaving the more consolidated built form of Macclesfield. I acknowledge the site and fields have more open and rural characteristics. However, the close proximity of the site to the main concentration of development in Macclesfield is appreciable in views from Blakelow Road to the front of the appeal site. The nearest services or facilities to the site are also in Macclesfield. Consequently, this section of Blakelow Road has a close visual and social connection to Macclesfield and its immediate surroundings are more consistent with the outer fringes of the town rather than a distinctly separate village.
7. Even if the site was in a village, the proposal would need to constitute limited infilling. Given that limited infilling is not defined in the Framework, whether or not a proposal meets this exception is to a certain extent a matter of planning judgement. My attention has however been drawn to the definition of infill development in the glossary of the LPS this being 'The development of a relatively small gap between existing buildings'. In the absence of any alternative definition, this definition is pertinent to my considerations.
8. The evidence before me indicates that the size of some nearby plots are comparable to the appeal site. Even so, the site is markedly wider than the majority of other residential plots along Blakelow Road and forms an extensive and densely vegetated gap along the road frontage. It also provides a substantial gap between the main Blakelow Road frontage and the buildings at Lower Blakelow Farm. The position of the proposed buildings on the site behind the extensive screening along the front boundary also means that the dwelling would not be experienced by passers-by as siting within a built-up frontage or as infilling a gap between buildings. Overall, whether I consider the proposal against the Framework or the definition in the LPS, these factors persuade me that the development would not be limited infilling.
9. For the reasons set out, the development would not constitute limited infilling in a village and would be inappropriate development in the Green Belt having regard to Policy PG3 (Green Belt) of the LPS and the Framework.
10. The Council's decision also refers to Saved Policy GC1 of the Macclesfield Borough Local Plan (2004). Given this policy restricts limited infilling to within specific settlements, it is more restrictive than the Framework and is therefore out-of-date. Nevertheless, while I only afford Policy GC1 limited weight in my assessment of the proposal, this does not overcome the conflict with the LPS and the Framework.

¹ Appeal Ref APP/R0660/W/15/3013616

The effect on the openness of the Green Belt

11. Paragraph 137 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development.
12. The footprint, height and volume of the dwelling and double garage in addition to any hard surfacing associated with the access drive, parking area and terrace would undoubtedly affect openness from a spatial perspective.
13. Much of the vegetation to the Blakelow Road frontage would remain in situ and the development would utilise the sloped topography of the site. These factors would help to minimise the visual prominence of the development particularly in distant views from the north. However, the site currently displays an undeveloped character in views towards it from the west on Blakelow Road. The proposed driveway, dwelling and garage would all be visible for those travelling towards the site entrance on Blakelow Road. Taken together, the spatial and visual impacts of the development would result in some moderate harm to openness.
14. I conclude, the development would not preserve the openness of the Green Belt. In that regard it would conflict with the aims of including land within the Green Belt when assessed against the Framework.

Other Considerations

15. My attention has been drawn to an appeal decision at Pickmere². However, the Inspector in that particular instance was satisfied that the site was within a village and that the plot widths were similar to others in the immediate vicinity. In the case of Holme Acre, Alderley Edge³, the Council granted planning permission on the basis that the proposal was in a village and would proportionately subdivide a gap between two large properties. Therefore, I do not find these examples comparable to the appeal proposal.
16. The appellant contends that given the Framework does not state that limited infilling is subject to an assessment of the effect on the openness of the Green Belt, the council erred in assessing this. However, in accordance with Paragraph 148 of the Framework, given the development would not meet any of the exceptions and would be inappropriate, an assessment on the effect on openness is justified in assessing whether there would be any other harm resulting from the proposal.
17. The acceptability of the scheme with regards to other development management requirements including ecology, highways and trees is of neutral consequence.
18. A single dwelling would make a limited but important contribution towards the Council's housing requirements. The development of the site would also have the potential to result in some modest benefits for the local economy both through the construction period and through the subsequent expenditure of occupants in local services and facilities.

² Appeal Ref APP/R0660/W/19/3233911

³ LPA Ref 19/1548M

Green Belt Balance and Conclusion

19. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. I have also found that the development would result in moderate harm to the openness of the Green Belt. 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. This is a high hurdle for a development proposal to overcome. The other considerations put forward in favour of the proposal would only carry modest weight.
20. In conclusion and on balance, the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
21. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR