



Appeal Decision

Site visit made on 21 September 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/R0660/W/21/3275489

The Garden Plot, Newtown Road, Sound, Cheshire CW5 8BG

- 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 Lowe against the decision of Cheshire East Council.
 - The application Ref 21/0179N, dated 12 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is construction of a one-bed retirement bungalow for local resident.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved and I have determined the appeal on that basis.

Main Issue

3. The main issue in this appeal is the consistency of the development with local planning policy.

Reasons

4. The appeal site is in a rural area, and is adjacent to an existing dwelling, but not in the same ownership, and has landscape screening to the boundaries. There are highways beyond the site to the north and west. It has been maintained but is currently vacant.
5. Policy PG6 of the Cheshire East Local Plan Strategy (2017) (the CELPS) defines the Open Countryside as area outside any settlement with a defined settlement boundary. Development will be controlled in such areas, subject to some limited exceptions.
6. The policy also allows for limited infilling or the infilling of a small gap, but in this instance, it would not be situated in a small gap, and as there are only a small number of dwellings in the locality. I cannot consider the appeal site to be within a built-up frontage and is therefore not infilling.
7. The site has an undeveloped character and does not contain any significant permanent buildings or structures, and the proposal would introduce development into a prominent location near the road, would banish the undeveloped character of the appeal site, and would represent an encroachment into the Open Countryside as a result. Given the history and

current site circumstances, I cannot consider it to be previously developed land.

8. For the above reason I conclude that the development would be an encroachment into the Open Countryside contrary to development plan policy. It would be contrary to policy PG6 of the CELPS which seeks to ensure, amongst other matters, that development in the Open Countryside is restricted and controlled in an appropriate manner. This site would also not represent a windfall site, given the location and conflict with policy.
9. Therefore, the proposal would not accord with the terms of the policy set out above or those of Policies SD1, SD2 and SE2 of the CELPS or Saved Policy RE5 of the Crewe and Nantwich Local Plan which, amongst other matters, seek to protect the countryside from urbanising development and require development to respect landscape character and the natural environment. Consequently, the site would not be an appropriate location for residential development having regard to policies which seek to protect the countryside. Those policies are consistent with the National Planning Policy Framework (the Framework), which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Other Matters

10. The appellant has forwarded a number of decisions in support of the case. However, I do not have full details of the cases and have no idea of context, background or site circumstances and I am unable to assess them against the current appeal proposal. In any event I have to consider the proposal on its own merits.
11. The fact that the appellant wishes to live in the proposal and release a larger dwelling into the housing market is only a neutral factor in this proposal and cannot be allocated any weight in my reasoning, as is the lack of objections to the scheme.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR