



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/21/3276282

Birch Trees Farm, Coppice Road, Poynton, Stockport SK12 1SP

- 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 Frank Potts on behalf of the Estate of Mrs Hilda Potts against the decision of Cheshire East Council.
 - The application Ref 20/2380M, dated 11 June 2020, was refused by notice dated 8 April 2021.
 - The development proposed is construction of two detached houses.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of two detached houses at Birch Trees Farm, Coppice Road, Poynton, Stockport SK12 1SP in accordance with the terms of application Ref 20/2380M, dated 11 June 2020 subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline form with matters of access and layout to be determined at this stage and all other matters to be dealt with at Reserved Matters stage. I have dealt with the appeal on that basis.

Main Issue

3. The main issue in this appeal is whether the proposal constitutes limited infilling in terms of the site's Green Belt designation.

Reason

4. The appeal site is located between two dwellings, namely 'Birch Trees' and 'Glengarry' on the southern side of Coppice Road. There is an access into the site from Coppice Road and the site is largely screened by landscaping.
5. The appeal site is located within the Green Belt. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to the policy, including limited infilling in villages, but the Framework defines neither limited, or infilling.
6. Policy PG3 of the Cheshire East Local Plan Strategy (the CELPS) is consistent with the Framework in that new building in the Green Belt is inappropriate, but limited infilling in villages can be an exception. The CELPS defines limited infilling as 'the development of a relatively small gap between existing buildings'.

7. Whilst there is some difference of opinion between the parties as to whether the local area constitutes part of a village, I have taken case law as a reference with *Wood v SSCLG and Gravesend Borough Council (2014) EWHC 683*, when determining the "on the ground" status of the appeal site, and also the findings of the Inspector in (APP/R0660/W/18/3201548) which is approximately 30 yards further away from the village boundary who accepted that the appeal site was limited infilling and was in a village.
8. There is no doubt that the size of the gap between the two dwellings is generous, but the size of the plots for the two dwellings proposed would not be out of character with dwellings on the same side of the road. Each case should be determined on its own merits and as stated, the Framework does not define limited infilling.
9. Given the locality, the character of the existing dwellings and their relative size, and the layout of the proposal. I am satisfied that the scheme constitutes limited infilling in a village and would not be inappropriate development in terms of the Framework, and as such, would not conflict with local planning policy. Since the proposal constitutes limited infilling in a village, a consideration of openness is not necessary.
10. As such. I find no conflict with Policy PG3 of the CELPS, Policy HOU1 of the Poynton Neighbourhood Plan and the Guidance set out in the Green Belt section of the Framework.

Other Matters

11. I have noted the objections of the Poynton Town Council in relation to the appeal proposals that mainly relate to the potential effect of the development and its general non-compliance with Policy. However, the Local Authority's concern outlined in the reason for refusal was in relation to addressing the conflict with Green Belt policy in terms of limited infilling, which is an exception to development in the Green Belt being inappropriate development as set out in the Framework.

Conditions

12. I have considered the Conditions suggested by the Local Planning Authority, and find them generally acceptable, given the former uses of the appeal site and the fact that the appeal proposal is in outline form, with considerable additional information requiring submission in support of the Reserved Matters submission, with one exception. I have adjusted the text where necessary for clarity.
13. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included conditions relating to the proposed access and specifying the relevant plans as this provides certainty.
14. The conditions relating to ecology and environmental issues are necessary to safeguard biodiversity and the character and appearance of the area and a condition regarding drainage is necessary in the interests of flood risk. The condition relating to electric car charging is necessary to promote sustainable modes of transport.

15. Since there are reserved matters including scale for future consideration, the suggested condition removing permitted development rights are not reasonable or necessary for the proposal to be acceptable in planning terms.
16. Condition 14 relates to highway safety and Condition 15 sets a developable limit for the scheme, given the Green Belt nature of the site and surroundings.

Conclusion

17. For the reasons given above the appeal should be allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby approved shall be carried out in total accordance with the approved plans numbered: 02 – Site Plan as Proposed 1:1250 Location Plan
- 5) Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs for any phase shall be submitted concurrently with the application(s) for the approval of reserved matters for that phase.
- 6) Prior to first occupation of the properties, the developer shall provide Electric Vehicle Infrastructure to the following specification:
 - a. A single Mode 3 compliant Electric Vehicle Charging Point per property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
 - b. Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
 - c. Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

7) No development (other than agreed demolition and site clearance works) shall commence until:

(a) A Phase I Preliminary Risk Assessment has been submitted to, and approved in writing by, the Local Planning Authority (LPA) AND if required:

(b) A Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and approved in writing by, the LPA AND:

(c) If Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the LPA.

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy unless otherwise agreed in writing by the LPA

8) No part of the development hereby approved shall be occupied or in use prior to submission and approval in writing by the LPA of a Verification Report prepared in accordance with the approved Remediation Strategy that covers that part of the development to be occupied or used.

9) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation to site. Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the LPA.

10) If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made, and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

11) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 12) No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.
- 13) Prior to the use of any building materials in the new development, detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrows, shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.
- 14) Prior to the first occupation of the dwellings hereby approved parking for each dwelling as shown on drawing number 02 shall be provided. The parking spaces shall remain available for the parking of vehicles at all times thereafter.
- 15) The dwellings hereby approved shall be no greater than two-storeys with a maximum height of 7.5 metres.