



Appeal Decision

Site Visit made on 9 November 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/R0660/W/21/3279671

Dale End, Castle Hill, Prestbury SK10 4AX

- 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 G Jackson against the decision of Cheshire East Council.
 - The application Ref 21/0610M, dated 2 February 2021, was refused by notice dated 5 July 2021.
 - The development proposed is the construction of one two-storey infill dwelling with shared access.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of one two-storey infill dwelling with shared access at Dale End, Castle Hill, Prestbury SK10 4AX in accordance with the terms of the application, Ref 21/0610M, dated 2 February 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was made in outline with all matters reserved apart from access. As such, I have regarded all elements of the drawings as indicative apart from the details of the access.

Main Issues

3. The main issues 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
 - If it is inappropriate development 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

4. Paragraph 147 of the Framework makes it clear 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 this general restriction and paragraph 149 (e) advises that the construction of new

- buildings comprising limited infilling in villages should not be considered inappropriate development.
5. This is generally reflected in Policy PG3 of the Cheshire East Local Plan Strategy 2010 - 2030 (CELPS), which also provides a list of exceptions. It is common ground between the main parties that the CELPS definition of infill development constitutes 'the development of a relatively small gap between existing buildings'.
 6. Policy GC1 of the Macclesfield Borough Local Plan (MBLP) (2004) also lists exceptions. However, it specifies a very small number of settlements where limited infilling maybe approved in the Green Belt. This is not consistent with the Framework's approach and as such, carries limited weight in the determination of this appeal.
 7. There is no dispute between the parties, and consistent with previous appeal decisions within the vicinity, that the site can be considered to fall within a village, and I have no reason to disagree.
 8. This part of the village is characterised by large, detached houses in spacious grounds. The appeal site is located opposite a junction, where several houses are clustered around it, and has the grounds of three dwellings, Rose Cottage, Dale End and Plum Tree Cottage (the three dwellings) bordering it. The indicative site plan shows how a dwelling could be positioned on a broad building line that follows other buildings along Wilmslow Road (the road).
 9. Both parties have provided measurements between buildings on the south side of the road which range between 25m and 49m. The indicative plan illustrates how a dwelling could, in principle, be positioned with similar distances to existing buildings. In this context, relative to the existing spatial pattern of buildings in this part of the village, the proposal would be viewed as the development of a relatively small gap between existing buildings.
 10. As such, due to the size of the site, its position relative to the houses on the opposite side of the road and the three dwellings and, as a single residential dwelling is sought, it would, in my view, constitute limited infilling within the village.
 11. I therefore conclude that the proposal would not be inappropriate development within the Green Belt and would therefore accord with Policy PG3 of the CELPS and paragraph 149 (e) of the Framework.
 12. As the impact on openness is implicitly taken into account in the exceptions, there is no specific requirement to consider the actual effect on openness in this regard. Moreover, as I have found that the proposal is not inappropriate development in the Green Belt, it is not necessary for me to consider whether any very special circumstances exist.

Other Matters

13. I have been referred to several appeals. Although I have had regard to these cases, each appeal is different and has its own unique characteristics, and a degree of judgment must be made on the specific circumstances of each case. The appeal on land adjacent to the site (Ref: 3238370) is of particular relevance given its close proximity. It was for a dwelling that was set forward of the building line closer to the road, near buildings to the rear, but with larger

gaps to other buildings either side along the road. In contrast, the proposal before me demonstrates how a dwelling could be accommodated set back, along a similar building line, relatively near other buildings and, in this regard, would be viewed as part of the settlement as a natural infill development.

14. Given my findings above, the proposal would not represent encroachment into the countryside. The indicative plan shows how sufficient space can be maintained around a dwelling and there is no evidence before me that a design could not be brought forward at the reserved matters stage that would not harm the living conditions of the occupiers of the neighbouring properties.
15. As a single dwelling, the proposal is unlikely to result in unacceptable levels of traffic or air and noise pollution. Moreover, adequate visibility can be achieved at the junction and I have no firm evidence of any specific highway safety risk in this location. Although there is no footpath or cycle path along this part of the road, this is an existing situation for the other neighbouring dwellings and the site is near Prestbury, such that journey times would be short.
16. There is no substantive evidence that the proposal would have a significantly harmful effect on flooding. Moreover, conditions could secure appropriate drainage details.
17. Detailed design elements such as the scale of the property, appearance and landscaping are matters that would be considered in the reserved matters stage. There is scope to enhance the site ecologically with the proposal seeking to achieve a biodiversity net gain, the details of which could be secured by condition.
18. The motives of the appellant, or previous management of the site, are not issues that I can assess as part of this appeal. As the nearest listed buildings are located on the opposite side of the road, I am satisfied that there would be no harm to the setting of any listed building.

Conditions

19. I have adapted the Council's suggested conditions where necessary, in the interests of precision, and brevity. Conditions relating to the submission of reserved matters and commencement of development are standard.
20. Conditions relating to the protection of retained trees and planting, landscaping and ecological enhancement measures are appropriate in the interests of the character and appearance of the development and biodiversity. Conditions relating to contamination are necessary in the interests of safety and proper site management.
21. Conditions regarding surface water disposal are necessary to ensure that the site is properly drained and serviced. A condition relating to an electric vehicle charging point is necessary in the interests of the environment.
22. Where necessary, consent has been obtained from the appellant for the use of pre-commencement conditions, as the carrying out of building work in advance of approval could prejudice the scope to agree any changes to the submitted details.

Conclusion

23. In conclusion, I have found that the proposed development would comprise limited infilling in a village and would not result in inappropriate development in the Green Belt. The proposal would therefore comply with the development plan when read as a whole.
24. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, the appeal is allowed, subject to conditions.

Mr R Walker

INSPECTOR

Schedule of Conditions

- 1) 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.
- 2) 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.
- 3) No development shall take place until, plans and particulars of the appearance, layout and scale of the building to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development must be carried out in accordance with those details.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans in relation to the access only: Dwg No: 15157 (FE) 005*; and 15157 (Fe) 1001 A.
- 5) Any future Reserved Matters application shall be accompanied by a Landscape Appraisal which shall include details of how the proposed development will either conserve or enhance the quality of the Alderley Edge and West Macclesfield Wooded Estates Local Landscape Designated Area.
- 6) Any future Reserved Matters application shall be accompanied by a detailed Habitat Creation Method Statement. The method statement should include a timetable of works, detailed pond design, and management/monitoring regimes to ensure that the proposed net gain is achieved. The development shall be implemented in accordance with the approved details.
- 7) Any future Reserved Matters application shall be accompanied by a scheme for the landscaping of the site. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge, or grass establishment), schedules of plants noting species, plant, sizes, the proposed numbers and densities and an implementation programme. It shall also include the retention and enhancement of

- existing hedgerows where possible and compensatory native species planting to compensate for any unavoidable loss of sections of hedgerow.
- 8) Any future Reserved Matters application shall be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats (any external lighting should avoid direct light spill upon bat roost features), brash/deadwood piles, a wildlife pond and native species planting. The proposals shall be permanently installed in accordance with approved details.
 - 9) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; and ecological systems.
 - 10) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
 - 11) Prior to the commencement of development, a detailed drainage strategy and associated management plan for the site shall be submitted to and approved in writing by the local planning authority. The drainage design shall include information regarding surface water run-off rates, designs storm period and intensity & any temporary storage facilities, to ensure adequate drainage is implemented on site.
 - 12) Prior to the commencement of development, comparative ground spot levels and finished floor levels shall be submitted to and approved in writing by the local planning authority. No levels shall be raised on site that may result in flooding offsite. If the levels need to be raised due to

surface water flooding then the site boundary will need to be adequately protected to ensure that any flood risk is contained and managed onsite in accordance with the detailed drainage strategy. The development shall proceed in accordance with the approved details.

- 13) The development hereby permitted shall be undertaken in complete accordance with the Tree Protection Plan (Ref: CW/8962-P-TP dated 19 December 2017) and the appropriate working methods (the Arboricultural Method Statement) titled Arboricultural Statement by Cheshire Woodlands Arboricultural Consultancy (Ref CW/8962-AS dated 20 December 2017) and in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced).
- 14) No removal of any vegetation 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, 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.
- 15) Prior to the occupation of the dwelling hereby permitted, an Electric Vehicle Infrastructure plan shall be submitted to and agreed in writing by the local planning authority. The Infrastructure plan shall aim to meet the following specification:
 - A single Mode 3 compliant Electric Vehicle Charging Point. 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.
 - Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to the local planning authority before Mode 2 compliant charging is considered.

The approved infrastructure shall be implemented prior to the occupation of the dwelling and maintained throughout the use of the development.
- 16) 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 the occupation of the dwelling, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the local planning authority.
- 17) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

End of Conditions