



Appeal Decision

Site visit made on 9 May 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/R0660/W/21/3288337

Land adjacent to Caudebec, Congleton Road, Nether Alderley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Andrew O'Dua against the decision of Cheshire East Council.
 - The application Ref 21/3276M, dated 16 June 2021, was refused by notice dated 2 December 2021.
 - The development proposed is construction of two dwellings and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly. A drawing has been submitted showing a possible layout, this is considered as indicative only.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location- Green Belt

5. Paragraph 149 of the National Planning Policy Framework (the Framework) states that new buildings are inappropriate in the Green Belt unless they fall

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

within the given list of exceptions. This includes e) limited infilling in villages. Policy PG 3 of the Cheshire East Local Plan Strategy 2010-2030 (2017) (CELPS) is consistent with the Framework. In contrast, as highlighted by the main parties, Policy GC1 of the Macclesfield Borough Local Plan (2004) (MBLP) is more restrictive than the approach set out in the Framework. This consequently limits the weight I can attach to this policy.

6. The appeal site is situated on the eastern side of Congleton Road. It forms a corner plot adjacent to Congleton Road and Artists Lane. The site comprises part garden and part paddock associated with Caudebec and contains a pond. The appellant has drawn my attention to legal judgements² and nearby approved developments³ in relation to the determination of the term village. I agree with the main parties that the site is located within a village. The main issue therefore relates to whether the proposal would constitute limited infilling.
7. The Framework does not define limited infilling. However, the CELPS defines infill development as the development of a relatively small gap between existing buildings. Furthermore, the Council highlight that the MBLP defines it as the filling of a small gap in an otherwise built-up frontage (a small gap is one which could be filled by one or two houses).
8. The area to the north of the appeal site, towards Alderley Edge, is primarily characterised by ribbon development and large, detached dwellings situated within substantial grounds. Having regard to the character of development within the surrounding area and the plot analysis evidence, the indicative plans demonstrate that two dwellings could be accommodated on the appeal site which would be broadly in keeping with the set back and plot sizes of dwellings along Congleton Road, to the north.
9. However, there is a large gap between the appeal site and further built form to the south, along Congleton Road. Beyond Caudebec there is no further linear development along Congleton Road for a noticeable period. Caudebec is therefore situated at the end of the ribbon development along Congleton Road. Development to the east of the site, along Artists Lane, is also more sporadic. On the opposite side of the road of Artists Lane is Yew Tree Cottage. As has been found in other decisions⁴, an intervening road does not in itself prevent a development constituting an infill site.
10. Yew Tree Cottage does not have a frontage onto Congleton Road. Visually the appeal site does not read as a clear gap between Caudebec and Yew Tree Cottage. This is due to a combination of the location of the access points, orientation of the properties as well as the intervening road and pond. Furthermore, beyond the intervening road is not a continuation of a built-up frontage as the linear development does not clearly carry on from Congleton Road across to Artists Lane. There are also no buildings adjacent to the appeal site, to the northern side of Artists Lane. Consequently, given the location of the appeal site, at the end of the ribbon development, and relationship with other nearby development, the appeal site does not form a small gap in an otherwise built-up frontage or a relatively small gap between existing buildings.

² Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195 and R (Tate) v Northumberland County Council [2018] EWCA Civ 1519)

³ 16/0703M and 21/1870M

⁴ 16/5587M and APP/R0660/W/19/3233911

11. The appellant considers that the proposed development is comparable to other decisions along Congleton Road⁵. However, those sites are located to the north of the appeal site, towards Alderley Edge, where there is a built-up frontage. The context of the appeal site, including the character of the area and surrounding built development, can also not be directly compared with the schemes at Stone Cottage⁶ and Dale End⁷. Therefore, the various decisions highlighted, including those recognised in the paragraphs above, cannot be directly compared to the scheme before me. In any case, each case is treated on its own merits, and I have made a planning judgement based on the site specific context on the ground.
12. Accordingly, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt, having regard to Policy PG 3 of the CELPS and Policy GC1 of the MBLP.

Openness

13. Paragraph 137 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. My attention has been drawn to an extract from an appeal decision relating to this matter⁸. As I have found that the development would be inappropriate development, this is a relevant consideration.
14. Even though the proposal is for permission in principle and having regard to the surrounding land uses and scale of the development, the addition of two dwellings would undoubtedly have a visual and spatial impact upon the Green Belt. The proposal would substantially increase the level of built development on the site and would introduce buildings where there are currently none.
15. The existing vegetation would help to screen the development. Nonetheless, I observed on my site visit that there would be views from the surrounding area, including on Artists Lane. In addition, there is a public footpath running through the site, which the appellant states would remain as part of the proposals. It is likely that views of the dwellings would be highly visible from the public footpath.
16. Accordingly, the development would have an adverse impact on both the spatial and visual openness of the Green Belt. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

Other considerations

17. The proposal would provide new homes which could help boost the local economy, including through employment in the construction sector and benefit local businesses in the area. Based on the evidence submitted, the Council is able to demonstrate a 5 year housing land supply. Given the scale of the scheme and the Council's housing position, I attach limited weight to the benefits of the proposed development.

⁵19/1548 and APP/R0660/W/16/3155854

⁶ APP/R0660/W/20/3252114

⁷ APP/R0660/W/21/3279671

⁸ APP/R0660/W/18/3211980

18. Planning permission has been granted for alterations to the dwelling, including a stable block⁹. The extensions have been implemented and the approved stables are in a similar location to plot A shown on the indicative drawings and the driveway proposed to serve the dwellings. This is not a comparable fallback position as the type of development differs and the level of built development associated with the erection of two dwellings would have a significantly greater impact on the Green Belt than the approved stables. Consequently, I attach limited weight to this matter.
19. The appellant states that the proposals are acceptable in all other regards. The absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme. I also acknowledge that the proposal could result in the provision of well-designed and energy efficient dwellings. However, there is no clear evidence before me to demonstrate that the dwellings would consist of outstanding or innovative designs which promote high levels of sustainability. These considerations do not amount to a positive factor in favour of the development.

Whether very special circumstances exist

20. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
21. The benefits of the proposed development, including the provision of new homes as well as economic benefits, are given limited weight. In addition, I give limited weight to the fallback position. The other considerations are given neutral weight in that they neither weigh in favour or against the proposal.
22. When drawing this together, the other considerations advanced in support of the appeal whether taken individually or cumulatively, do not, clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion

23. I conclude that the proposal would amount to 'inappropriate development'. There are no very special circumstances to outweigh the harm caused. Consequently, the scheme would conflict with the Framework, Policy PG 3 of the CELPS and Policy GC1 of the MBLP.
24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L M Wilson

INSPECTOR

⁹ 18/0684M