



Appeal Decision

Hearing held on 7 June 2022

Site visit made on 8 June 2022

by A Caines BSc(Hons) MScTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2022

Appeal Ref: APP/R0660/W/21/3284310

Site of former Knowle House, Sagars Road, Handforth SK9 3EA

- 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 Mark Cox (Morris Homes North Ltd) against the decision of Cheshire East Council.
 - The application Ref 20/3562M, dated 5 August 2020, was refused by notice dated 9 April 2021.
 - The development proposed is described as erection of 26 dwellings of which 13 affordable with improvement to existing access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An amended site layout plan¹ was submitted as part of the appeal. This seeks to address a reason for refusal about the shading effect from trees. The amendments are modest and internal to the site. The Council had the opportunity to comment on the amendments, both prior to and during the Hearing, and I am satisfied that there would be no appreciable effect on other interested parties outside the site. Having regard to the Wheatcroft principles, I consider it is reasonable to take the amended plans into account in reaching my Decision.
3. With my agreement, a completed planning obligation² in the form of a unilateral undertaking (UU) was submitted after the close of the Hearing. Given my overall decision, it has not been necessary for me to assess the entire agreement in detail. However, I have referred to relevant sections where applicable.
4. The emerging Cheshire East Local Plan Revised Publications Draft Site Allocations and Development Policies Document (the eCELP) has reached an advanced stage of its preparation. However, neither party has relied on the eCELP policies in making its case, and it is not clear to what extent any relevant policies have been subject to modifications. Furthermore, at the Hearing it was confirmed that, for the purposes of this appeal, the relevant policies do not significantly change the approach in the adopted plan. As such, the eCELP has not been determinative in my consideration of this appeal.

¹ Revised Planning Layout N259/P/PL01 Rev H, & Plots 25 and 26 Revision E Overlay on Revision H N259/P/PL02

² Under Section 106 of the Town and Country Planning Act 1990 (as amended)

Main Issues

5. As the site is within the Green Belt, the main issues are:
- Whether the proposal amounts to inappropriate development in the Green Belt, with particular regard to the effect on the openness of the Green Belt;
 - the effect on the purposes of including land within the Green Belt;
 - the effect on the character and appearance of the area; and
 - If the proposal 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

Inappropriate development

6. The appeal site is about 1.07 hectares in area and is located on the south side of Sagars Road, with the edge of the settlement on its eastern boundary and to the north. The incised wooded corridor of the Dobbin Brook forms its western boundary, while a narrower woodland belt continues along the southern boundary where the land begins to fall steeply towards the River Dean below.
7. Although once occupied by a care home building, there are currently no buildings on the site and the peripheral former garden areas have become more naturalised over time, particularly towards the south western corner of the site. However, there are some physical remnants of the care home in the form of the entrance gates on Sagars Road, as well as the hard-surfaced access road that leads to cleared ground and some exposed foundations within the centre of the site. As these remnants have not blended into the landscape, the site can be regarded as previously developed land. Even so, the Framework's definition of previously developed land confirms that it should not be assumed that the whole of the curtilage should be developed.
8. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this include paragraph 149 g), which refers to the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. Whilst Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy 2017 (CELPS) reflects national policy at the time of its adoption, it is no longer fully consistent with the Framework in relation to this particular exception. Consequently, for the purposes of determining whether the proposal would be inappropriate development, I have proceeded on the basis of the approach set out in the Framework. This requires an assessment of the impact on the openness of the Green Belt, which in any particular case involves matters of planning judgement.
9. The proposal would introduce 26 two-storey dwellings onto a parcel of land that is presently free of buildings. The garages, boundary enclosures, and other

domestic paraphernalia arising from the proposal would increase the total volume of buildings on the site further. These would, together with the associated carriageways, footways and driveways, be spread out over the majority of the site. Consequently, the spatial loss of openness arising from the physical presence of the development would be considerable.

10. In visual terms, there is likely to be cutting back and removal of vegetation to facilitate the works to the site entrance and internal access road. This would increase the degree to which the internal parts of the site, particularly the dwellings on plots 1, 2 and 21, would be visible down the access road.
11. From the east, there are views across the site from the roads, footpaths, and the adjacent properties of Knowle Park, from where the site is currently appreciated as undeveloped land with a backdrop of trees. This would be fundamentally changed by the proposal, particularly as a result of the linear arrangement of closely-spaced dwellings, including short terraces, that would be positioned close to the eastern boundary. In the case of the detached dwelling on plot 1, it would present its gable end very close to the boundary. This would become even more open to view following the removal of a Copper Beech tree on the boundary as identified in the appellant's Arboricultural Impact Assessment (AIA). The AIA also indicates further tree removal along this boundary, which would open up views of the dwellings in the south east corner of the site.
12. The mature tree cover to the south and west boundaries is extensive. However, as the appellant's Landscape and Visual Appraisal demonstrates, the screening afforded by these deciduous trees would be much reduced when the trees are not in full leaf. It is also of concern that the AIA indicates that a number of trees would be removed along the southern boundary. It is particularly notable that some of this tree removal would occur where the development would be closest to the southern boundary and the depth of tree cover is already less dense. The combination of these factors would likely result in appreciation of the built form from the south, especially during the winter and spring months. This includes views from the Stanneylands Road development and some of the recreational paths in that area, although the topography would restrict closer range views from the riverside path immediately below the site.
13. There are also recreational paths through the Dobbin Brook corridor, one of which passes closely along the entire western boundary of the site. The presence of holly bushes and peripheral scrub filters views into the site, but it is gappy and thin in places, such that the current absence of buildings and activity on the site is evident along this path. Notwithstanding any strengthening of the understorey planting along this boundary, the height and proximity of the proposed dwellings means that their upper stories would still likely be apparent to users of the path as they move along it. The mass and form of the development would also likely be discernible to some degree from the west along Sagars Lane when the trees are not in full leaf. Consequently, in visual terms, the site would be experienced in an entirely different manner with a marked loss of visual openness.
14. Furthermore, traffic generation to and from the site would patently increase compared to the current situation. Together with internal traffic movements, parking, lighting and use of domestic gardens, the degree of activity would be

significantly greater than currently exists on the site, particularly as experienced from the adjacent Dobbin Brook corridor.

15. The appellant refers to the size of the site relative to the Green Belt as a whole and contends that the presence of the wooded Dobbin Brook corridor severs the site from the wider Green Belt. Nevertheless, the site is a part of the Green Belt designation, and the development would result in harm to the spatial and visual openness of the Green Belt that would be permanent with a greater degree of activity generated than existing. As such, neither of these represent mitigating factors in my assessment.
16. I have had regard to the Cubbington appeal decision referred to by the appellant³. However, that the scheme was for fewer dwellings. Crucially, it also resulted in a reduction of the volume of built form on the site, which is not the case here. Moreover, the decision illustrates how the characteristics of a site and the effect of development on openness are very specific to the particular proposal and context. Accordingly, that decision has limited bearing on my assessment of the proposal before me.
17. When all the above is taken into account, I find that the complete redevelopment of the site in the manner proposed would amount to substantial harm to Green Belt openness. Accordingly, the proposal falls outside the exception at paragraph 149 g) of the Framework and would therefore be inappropriate development in the Green Belt.

Purposes of the Green Belt

18. Paragraph 138 of the Framework sets out the five purposes which Green Belt serves. The Council contends that the proposal would harm the first three purposes: (a) to check the unrestricted sprawl of large built-up areas, (b) to prevent neighbouring towns merging into one another, and (c) to assist in safeguarding the countryside from encroachment.
19. The appeal site lies within a wider Green Belt parcel in the narrow gap between Handforth and Wilmslow. The Council's Green Belt Assessment Update (2015) states that the parcel of land plays a significant role in preventing southwards sprawl of Handforth; a major role in maintaining the small gap between Handforth and Wilmslow; and makes a significant contribution to assisting in safeguarding the countryside from encroachment.
20. The appellant contends that the appeal site itself plays a more limited role, and that the wooded Dobbin Brook corridor provides a physical barrier to restrict further expansion to the west. Reference is also made to a 2015 Urban Potential and Edge of Settlement Assessment, which commented that the site was a logical extension to the settlement. However, that 2015 Assessment is not a statement of Policy, and in any event, the site was not later allocated in the CELPS. Furthermore, I am not persuaded that the mere presence of a well-defined natural boundary that is within the Green Belt should be taken as an open invitation to extend built development into the Green Belt. Indeed, such an approach could, in my opinion, be all too easily replicated for the wider land parcel, in whole, or in parts, where the River Dean equally forms a well-defined boundary along its southern extent.

³ Appeal ref: APP/T3725/W/18/3218529

21. The current physical boundary along the edge of the Knowle Park estate provides a clear distinction between the built-up area and surrounding Green Belt. In my opinion, the spread of built development of this size across an open site which has no buildings on it would amount to urbanisation and sprawl. The fact that it would be contained by existing landscape features is not a sound basis for me to conclude that the development would not conflict with purpose (a).
22. In terms of merging, the southern part of the site does extend beyond the well-defined line of development that forms the southern urban edge of this part of Handforth. As a result, the development would physically narrow the already modest gap between Handforth and Wilmslow at this point, albeit to a small extent. For reasons already covered, this would be appreciable despite the tree cover along the southern boundary of the site. Consequently, whilst the development would not amount to the built-up areas actually merging into each other, there would still be a limited degree of conflict with purpose (b).
23. The site lies outside the settlement boundary of Handforth and is therefore defined as open countryside under Policy PG6 of the CELPS. Whilst the significance of the site as countryside is influenced by the remnants of its former use and its built-up surroundings to the east and north, the absence of buildings across the site contributes positively to the Green Belt purposes identified above. The development would infill a significant amount of open space with a degree of urbanisation and intensification of activity on the site which would alter its character in a way that would encroach into the countryside. As such, there would also be conflict with purpose (c).
24. Therefore, I find that the proposal would harm three of the purposes of including land within the Green Belt as set out in the Framework.

Character and appearance

25. The Cheshire East Landscape Character Assessment (2018) identifies that the appeal site lies within the Lower Bollin Landscape Character Area, which is part of the River Valleys Landscape Character Type. The Council also refers to the Bollin Valley Local Landscape Designation Area (LLDA) as assessed as part of the Cheshire East Local Landscape Designation Review (2018), although the scale of the mapping makes it difficult to ascertain with certainty whether the site is within or adjacent to this LLDA. Either way, as the site does not exist in isolation from its wider surroundings, it is appropriate to have regard to the effect on the Bollin Valley LLDA. All of these largely depict a pastoral and settled landscape traversed by incised wooded river valleys, with high levels of enclosure, a small intimate scale, semi-natural character, and feelings of tranquillity despite some urban fringe influences close to larger settlements.
26. The site can be characterised as urban fringe and does not fully demonstrate the landscape qualities of the Bollin Valley LLDA and wider landscape character area. Nevertheless, it forms part of the countryside at the edge of Handforth. The current absence of buildings on the site, and its naturalisation around the periphery, provides a soft edge to the settlement at this point, such that it serves as a transition between the built extent of the settlement and the more rural countryside beyond. This contributes positively to the character and appearance of the area.

27. Furthermore, users of the Dobbin Brook path currently pass through a relatively tranquil rural wooded landscape along the length of the western boundary of the site. The recreational value and tranquillity of the route is enhanced by the lack of development and activity on the site. In this regard, the site is also a valuable buffer between the Dobbin Brook and the edge of the settlement. This will become even more important as the housing development on the north side of Sagars Lane is built out.
28. I have already set out in relation to the Green Belt that the development of the site in the manner proposed would have an urbanising effect on a far greater scale than is currently the case and would appreciably detract from the site's largely undeveloped character. The harm I have identified in these regards would also harmfully erode the current soft edge which the site affords this part of the settlement. This would be exacerbated by the increase in building heights across the site, which fails to reflect the sensitive location at the edge of the settlement.
29. In addition, even with the increased understorey planting that is proposed, users of the adjacent Dobbin Brook path would remain aware of the extent and proximity of development up to and along the site boundary, including from the movement of vehicles and general activity associated with residential occupation. As a result, there would be a material reduction in the sense of tranquillity along the recreational path, harming one of the special perceptual qualities of the Bollin Valley LLDA.
30. Due to the degree of containment of the site, these effects would be relatively localised. Nevertheless, the magnitude and permanence of change would, in my judgement, have a notable adverse effect on the character of the site and its surroundings, including the Bollin Valley LLDA.
31. Concluding on this issue, I find that the development would have an adverse effect on the character and appearance of the site and surrounding area. Thus, the proposal conflicts with Policies SD1 and SD2 of the CELPS, and Policy H8 of the Handforth Neighbourhood Plan (2018) (the HNP). Among other things, these require development to conserve and where possible enhance the natural environment and landscape character of the area. There is also conflict with Policy SE4 of the CELPS, which seeks to conserve and enhance the quality of the landscape in LLDAs and protect it from development which is likely to have an adverse effect on its character and appearance and setting.
32. The Council also identified conflict with Policy SE5 of the CELPS due to concerns that excessive shading of Plot 26 would potentially lead to further tree loss along the southern boundary of the site, in addition to that identified in the AIA. However, in light of the amendments to the layout of plot 26, and having regard to the further shading diagrams discussed at the Hearing, I am content that this plot would not experience an unreasonable degree of shading. I therefore consider it unlikely that the continued health and life of any retained trees would be under threat in this regard, and I find no conflict with Policy SE5 as a result.

Other Considerations

33. Policy SC5 of the CELPS requires at least 30% of all units to be affordable. In this case, the proposal would exceed the development plan requirements by providing for 50% of the units as affordable homes (13 in total), which would

be secured on site through the UU. Although there is evidence that the Council has a good track record of affordable housing delivery, including ongoing delivery through two allocated sites in Handforth and Wilmslow, there is still an undisputed need for affordable housing in Cheshire East, which the appeal scheme would help to meet. It is also notable that two social housing providers have already expressed interest in taking the affordable housing. On this basis, therefore, the proposal would make a useful contribution to the supply of affordable housing in Cheshire East. Accordingly, I attach significant weight to this benefit.

34. In addition, whilst there is no dispute that the Council is able to demonstrate a housing land supply in excess of 5 years, there would still be benefits arising from additional housing supply, including social and economic benefits from construction, support for local services and expenditure from future occupiers. Further, there would be some prospect for the future occupiers to travel to those services and facilities using sustainable travel modes. Having regard to the scale of the development, these are factors in the scheme's favour which amount to modest benefits.
35. The UU also makes provision for contributions towards public open space; recreation and outdoor sport; and secondary school facilities in the local area; as well as for achieving biodiversity net gain. However, these are largely required to mitigate against the effects or needs of the development, and in the case of biodiversity enhancements, are likely to be delivered outside of the Handforth area. Accordingly, these benefits attract limited weight in favour of the scheme.
36. The reuse of previously developed land within settlements is encouraged by the Framework, and also Policy SE1 of the CELPS and Policy H1 of the HNP. However, the site is not within a settlement. Moreover, I have identified harm in relation to the Green Belt, and character and appearance, such that the scheme would not safeguard the environment. Consequently, any benefits of making effective use of previously developed land attract very limited weight in favour of the scheme.
37. There was a suggestion by the appellant that the site suffers from anti-social behaviour. During my site inspection I observed signs of burning activity in the centre of the site, but this appeared to be mostly related to burning of trees and other vegetation that had been previously cleared from the site. Local residents who spoke at the Hearing indicated that anti-social behaviour on the site was not a matter of concern, and I have not been presented with any convincing evidence which demonstrates otherwise. Accordingly, I attach very limited weight to this matter.

Other matters

38. Interested parties have identified a number of other concerns which have not already been addressed above, but given my overall conclusion, it has not been necessary to consider these any further.

Whether very special circumstances exist

39. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states 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.

40. For the reasons stated, I consider that the proposal would cause substantial harm to Green Belt openness and is therefore inappropriate development. I have also found conflict with three of the five purposes of including land within the Green Belt. In accordance with Paragraph 148 of the Framework, substantial weight is to be given to any harm to the Green Belt. Furthermore, the proposal would cause harm to the character and appearance of the area, contrary to policies SD1, SD2 and SD4 of the CELPS, as well as Policy H8 of the HNP, and I attach significant weight to this conflict.
41. On analysis of all the above, the other considerations in this case, including significant benefits from provision of affordable housing, do not clearly outweigh the harm by reason of inappropriateness, and the other areas of harm I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal therefore also conflicts with Policy H1 of the HNP, in so far as it seeks to protect the Green Belt. There is also conflict with Policy PG3 of the CELPS, in so far as it requires proposals in the Green Belt to be determined in accordance with national policy.

Conclusion

42. The proposal does not accord with the development plan and policies in the Framework as a whole and there are no other considerations that outweigh this conflict. As such, it would not represent sustainable development in accordance with the Framework. Therefore, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Tucker QC	
Paul Williams	Mosaic Town Planning
Wendy Lancaster	Tyler Grange
Martin Edmunds	Morris Homes
Mark Cox	Morris Homes

FOR THE LOCAL PLANNING AUTHORITY:

Paul Wakefield	Planning Team Leader
Allan Clarke	Principal Planning Officer

OTHER INTERESTED PARTIES:

Councillor Barry Burkhill
Jean Thompson
Mike Thompson
Aled Brewerton

DOCUMENTS SUBMITTED AT THE HEARING

Drawings P.1271.19.03 & P.1271.19.04: Shade Assessment Plans for spring, summer and autumn

Historic photo of Knowle House

Letter from Southway Housing Trust, dated 1 June 2022

Community Infrastructure Levy Regulations 2010 Compliance Statement on behalf of Cheshire East Council

DOCUMENTS SUBMITTED AFTER THE HEARING

Cheshire East Local Plan (Revised Publication Draft SADPD Version) September 2020: Draft Adopted Policies Map [ED 02], submitted 8 June 2022

Signed Unilateral Undertaking, dated 10 June 2022

Final list of agreed conditions, submitted on 13 June 2022

E-mail from Paul Wakefield, dated 13 June 2022 regarding the UU

E-mail from Paul Williams, dated 14 June 2022 regarding the UU