
Appeal Decision

Site visit made on 12 July 2022

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Appeal Ref: APP/R0660/W/22/3294944

Disused Quarry, Land adjacent to Halls Road, Mow Cop

- 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 Adam Southern against the decision of Cheshire East Council.
 - The application Ref 20/5821C, dated 22 December 2020, was refused by notice dated 24 September 2021.
 - The development proposed is for a "Paragraph 79(e) whole life zero-carbon dwelling with detached garage set within natural landscaping and ecological enhancements".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst the site address and appellant's name does not feature on the planning application form, they are present on the other submitted appeal documentation and are not in dispute. Therefore, I have included those details in the above banner.
3. Additionally, Paragraph 79(e) referred to in the submitted description is out of kilter with the current National Planning Policy Framework (Framework) paragraph numbering which was updated post the Council's decision. My decision is therefore made in the context of those revisions.
4. The appellant has submitted substitute plans post the Council's decision making a minor amendment to the northern boundary of the site, alongside some other additional information. I am content consideration of those documents does not significantly disadvantage any other parties.

Main Issues

5. The main issues are the impact of the development on the openness of the Green Belt and whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

6. There is broad agreement between the main parties that the appeal scheme can be defined as inappropriate development within the Green Belt when applying local and national planning policies. In that regard, I acknowledge that Paragraph 149 of the Framework is relevant in that the construction of new buildings is inappropriate in the Green Belt unless falling within one of the

exceptions listed. None of the exceptions listed in (a) to (g) of Paragraph 149 are met by the appeal scheme based on the evidence submitted. Thus, I agree that the proposed dwelling is inappropriate development in Green Belt terms.

7. It subsequently falls to me to determine the impact of the scheme on the openness of the Green Belt and any harm, and whether there are any very special circumstances applicable which justify its approval.

The impact on openness

8. The Government attaches great importance to Green Belts. 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.
9. At my site visit I could see that the appeal site contained no buildings or other structures. I appreciate that the site is described in the appellant's bundle as a disused quarry. I have no reason to doubt such historic activity taking place. Nonetheless, the site was thickly covered with trees, shrubs, and other greenery generating an entirely natural appearance. It is also not far from a row of residential properties as well as adjacent to a nearby public footpath.
10. In that context, the appeal scheme would introduce built development of substantial scale, mass and permanence. The appeal scheme would be a conspicuous change to land presently free from buildings or any other built form. The introduction of a dwelling in this location would erode from the open and unbuilt qualities of the site, resulting in substantial demonstrable harm to the openness and permanence of the Green Belt.

Whether very special circumstances exist

11. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
12. The appellant highlights the strength of the sustainability credentials of the proposed dwelling which are argued to follow an innovative design involving: a life zero carbon approach; ecological interest benefits; as well as scientific and educational access secured by way of a submitted planning obligation. Having regard to those credentials, I accept the design rationale is of a high standard.
13. I also realise the Framework highlights that development that is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area, can in some circumstances be justifications to build isolated homes in the open countryside.
14. Even so, the proposed dwelling would not be isolated (it would be close to other properties) and more importantly, the Council's sole reason for refusal centres on the impact to the Green Belt rather than other prevailing open countryside policies taken in the round. There would be nothing to prevent

other non-Green Belt sites accommodating comparable design principles, zero carbon/off setting measures, enhancement and access provision the appellant relies upon to justify the policy shortfall evident. I also disagree there would be significant enhancement to the setting. Thus, those provisions are not compelling reasons to set aside the harm which I have identified.

15. Moreover, I acknowledge that the development would support a Biodiversity Net Gain in the order of 12.72% based on the Defra Metric version 2.0. The Council have not challenged that figure. It is also marginally above the 10% threshold set within the Environment Act 2021. Whilst there would be some ecological enhancement on offer as a measurable improvement it is of a modest level which many schemes could replicate irrespective of their location.
16. I have carefully considered all of the appellant's reasons, but they do not individually, or collectively, amount to the very special circumstances required to justify the harm which would arise to the Green Belt.
17. Accordingly, I find that the appeal development would significantly erode from the openness of the Green Belt and would result in substantial demonstrable harm to the purposes of containing land within it. As such the proposal conflicts with the aims and objectives of Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 and Saved Policy PS7 of the Congleton Borough Local Plan 2005 which all combined protect against inappropriate development taking place within the Green Belt, as well as the context of the Framework which replicates those aims.

Planning Balance and Conclusion

18. There would be considerable conflict with the Council's development plan arising from the appeal development in relation to the protection of Green Belt land from inappropriate development and encroachment, reducing its openness, leading to demonstrable harm which carries substantial weight. The development plan policies in contention are also consistent with the advice of the Framework.
19. Although there is some public support for the proposal stemming from the enhancements on offer, such support is not binding to my decision. I also note that the Council has not identified any specific ecological concerns to the proposal or any other wider planning matters having regard to landscape character and living condition impacts or highway safety. I have no reason to take a different view.
20. However overall, I do not find that any of the benefits detailed by the appellant taken alone, or collectively, would outweigh the level of harm I have identified. There are no other material considerations which lead me to the conclusion that the Council's development plan should not be followed when applying the content of the Framework. Consequently, I need not assess the submitted planning obligation any further.
21. For the reasons set out above the appeal fails.

M Shrigley

INSPECTOR