

Appeal Decision

Site visit made on 5 May 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 05 August 2022

Appeal Reference: APP/R0660/W/21/3273039

Land at 'Former Council Depot', Buxton Road West, Disley SK12 2AD

- 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 David Bates against the decision of Cheshire East Council.
 - The application (reference 20/3122M, dated 20 July 2020) was refused by notice dated 24 March 2021.
 - The development proposed is described in the application form as the "erection of a single 4 bedroom zero carbon detached dwelling on a former council depot site".
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Decision

1. The appeal is dismissed.

Preliminary point

2. The site address that is given in the application form is incomplete. Therefore, in the heading above, I have included additions to this that are given for the site address in the planning appeal form.

Main issues

3. The first main issue to be determined in this appeal is whether the proposal is "inappropriate development" in terms of Green Belt policies. If so, it is necessary to consider whether the harm by reason of inappropriateness, together with any other harm that might be caused (including the effect of the development on the openness of the Green Belt and the purposes of including land within it), would be clearly outweighed by other considerations, so as to amount to the very special circumstances that are required to justify inappropriate development.

Reasons

4. Disley is a substantial village in Cheshire, located at the edge of the Peak District and benefitting from a range of local services and facilities. Both the railway and the A6 main road pass through the village, on a roughly east-west axis, and it has good transport links.
5. Before it was cut off by the railway, the area around the appeal site was part of the Royal Macclesfield Forest and the remaining tree cover is still an important feature in the landscape to the west of the village.

6. The appeal site forms part of a larger area of land that is in the same ownership, which is located beyond the western edge of the built-up area of Disley, where there is a railway station. The site is located on the southern frontage of the A6, Buxton Road West, between the main road and the railway line, and the land extends some distance along the road, further to the west.
7. The site and the adjoining land are mainly wooded and the natural contours of the land fall away from the southern frontage of the road, with an undeveloped frontage on the hillside that rises away from the road to the north, opposite the appeal site. To the east there is a further area of woodland, through which a footpath runs, while, to the south, the woodland and low-lying watery ground extends to the railway line.
8. There is a level access to this holding, near to its eastern boundary, where an area has been surfaced to enable vehicular access and use as a depot. Indeed, the site was used as a council depot for very many years. The land slopes very steeply away from this level area, however, and much of the land is overgrown, having the character of natural woodland which is itself significant in the local landscape. A modest recreational building has been constructed on a lower lying part of the land to the west of the access and the level area (outside the formal appeal site).
9. The site has become degraded and the area is evidently being managed and improved as amenity land (including by the removal of Japanese knotweed). In addition, the ground may possibly be contaminated in other ways. It is also plain to see, however, that strenuous efforts have already been made to improve the land.
10. The appeal site itself is part of the larger holding, taking up the level area near to the highway entrance and forming a roughly trapezoidal plot. The remainder of the holding would continue to be used as amenity land, associated with appeal site, however, and the amenity woodland can only be reached conveniently from this core space.
11. It is now proposed to erect a four-bedroom detached dwellinghouse on the appeal site, in a modern idiom and constructed as a zero-carbon building. The new house would take up most of the formally designated appeal site (edged red on the site location plan) but it would benefit from the availability of the remainder of the amenity land.

Green Belt policy

12. The 'National Planning Policy Framework' (which was revised in July 2021) makes it plain, at paragraphs 147-149 (previously paragraphs 143-145), that inappropriate development is, by definition, harmful to the Green Belt and that it should not be approved, except in very special circumstances. Thus, the construction of new buildings is not normally acceptable in the Green Belt, although there are a limited number of exceptions.
13. Among other things, the listed exceptions (as stated at paragraph 149g) include "the partial or complete redevelopment of previously developed land, whether redundant or in continuing use" subject to a proviso that the proposed development "would not have a greater impact on the openness of the Green Belt than the existing development".

14. Policies in the Development Plan likewise impose strict controls in relation to Green Belts, notably at Policy PG3 of the Cheshire East 'Local Plan Strategy 2010-2030' (which was adopted in July 2017) and at "saved" Policy CG1 of the 'Macclesfield Borough Local Plan' (which is dated January 2004).
15. The appeal site contains the remains of a Council depot that has had a long history. Currently, there are no remaining buildings on the site since those that previously existed have been removed. There is, nevertheless, a significant hard-surfaced area on the site, approximately at the level of the highway, and the ground bears the marks of its artificial nature, with very steep slopes away from the level area, towards the woodland beyond (and outside the defined appeal site).
16. "Previously developed land", as defined by the 'National Planning Policy Framework' does not include land "that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape". In this case, however, I have formed the opinion that the site retains the characteristics of previously developed land and that it ought to be categorised as such.
17. The proposed new building would have a greater impact on the openness of the Green Belt than the existing development, as the buildings that previously affected the openness of the surroundings have been removed. There is no definition of "openness" in the 'National Planning Policy Framework' but, in the context of Green Belt Policy, it is generally held to refer to freedom from, or the absence of, development. In this case, openness would be reduced as a physical reality (by the introduction of a building where none exists at present).
18. As has been pointed out above, new buildings in the Green Belt are generally to be considered to be inappropriate development, with few exceptions. In this case, the proposed development would involve the redevelopment of previously developed land but it would not fall within any of the specified exceptions (because of the impact on openness) and it amounts to "inappropriate development", therefore.
19. It has been explained that visibility splays would need to be improved, to make the main road safer for traffic, but that a screen of vegetation would be retained. Nevertheless, the new building would be clearly visible to passers-by on the main road and the new building would evidently have a visual impact on the openness of the Green Belt, as well as a spatial one.
20. Thus, the new building would have an impact on the openness of the Green Belt, introducing a new structure where none currently exists and encroaching on the countryside. Even though the scheme would be located within a large area of established woodland, with some screening from most public views, both from the nearby footpath and railway and in longer views across the valley, some additional harm (as referred to in Green Belt policy) would be caused.
21. Hence, the scheme would give rise to harm by reason of its inappropriateness in the Green Belt, and the loss of openness, contrary to Green Belt policies in the Development Plan and the 'National Planning Policy Framework'. The effect on openness and on the countryside would add to the harm by reason of inappropriateness.

Very special circumstances

22. Nevertheless, it is necessary to consider whether these objections would be clearly outweighed by other considerations, amounting to what are defined as “very special circumstances” sufficient to outweigh the harm to the Green Belt (and any other harm) and to justify a grant of planning permission.
23. Other policies in the ‘National Planning Policy Framework’ emphasise the importance of good design for new buildings generally, while paragraph 80(e) in the current version provides that an exception to restrictive policies applicable to isolated homes in the countryside generally may apply for a “truly outstanding” design. It must be emphasised, however, that this policy is of general application and does not have a direct bearing on the application of Green Belt Policy, other than by identifying a potential material consideration in a particular case.
24. Moreover, the ‘National Planning Policy Framework’ encourages the use of previously developed land (“brownfield” sites), as a general principle in promoting the aim of building more homes.
25. The ‘Local Plan’ is also aimed at promoting good design, as a broad objective of good planning, for example at Policy SE1, which is concerned with “Design”, and Policy SE2, which provides for the efficient use of land and focusses on the use of previously developed land and buildings.
26. The proposed new house has been designed by the architect for the specific site and it would make use of modern materials and create a distinctly contemporary building in terms of its appearance and conception. Notwithstanding its modern qualities, it would reflect local tones and forms and would be restrained in character, echoing the character of the locality. I am convinced that “outstanding” modern architecture does not have to make a “grandstanding” statement to make its mark and I accept that the appeal scheme would be of exceptional design quality.
27. In addition, the proposed new construction would not merely adopt individual “sustainable” features but would combine different elements of modern sustainable technology to produce a coherent and integrated design that is especially environmentally friendly. In particular, I have given weight to the evidence that the building would be one of a very small number of zero-carbon lifetime dwellings in the country (and perhaps the first in the north-west of England), that it would, unusually, use water as a heat sink, and that it would be perhaps the first dwelling in the United Kingdom to incorporate a “blue roof”.
28. Nevertheless, I must give full weight to Green Belt policies that are long established and widely supported, and I am aware that other projects could meet these high design standards, making it difficult to resist other proposals in different parts of the Green Belt. In this case, therefore, I have formed the opinion that the quality of this design does not produce the “very special circumstances” that are required to clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. I am convinced that the appeal must fail.

Other matters

29. I note that an allowance is made in the Council's calculations for "windfall" sites, and that this would reduce pressure on greenfield land elsewhere in the Green Belt. Moreover, the scheme would make use of previously developed land. Nevertheless, the appeal scheme would make only a very limited contribution to the provision of residential accommodation in the locality and this consideration carries only limited weight, therefore.
30. In the representations, reference is made to potential highway concerns. This issue was addressed, however, in the final version of the scheme (which is the subject of the appeal), by showing improved sight lines for turning vehicles, to overcome the objections.

Conclusions

31. I have concluded that the appeal scheme is to be categorised as a new building that would amount to inappropriate development in the Green Belt. Such development is only allowed in very special circumstances which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness together with any other harm resulting from the proposal.
32. In this case, I have come to the view that the undoubted merits of the design in terms of its architectural qualities are not sufficient to amount to those very special circumstances in accordance with Green Belt policies. Nor are there any other considerations that are sufficient to justify allowing this appeal in the light of the Green Belt policies.
33. In short, I find that other considerations in this case do not clearly outweigh the harm that I have identified and that, in consequence, the very special circumstances that are required to justify the development do not exist. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be permitted. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR