



Appeal Decision

Site visit made on 4 October 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/R0660/W/22/3300264

Green Gates, Street Lane, Rode Heath, Stoke-on-Trent ST7 3SN

- 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 & Mrs S Legge against the decision of Cheshire East Council.
 - The application Ref 21/3933C, dated 19 July 2021, was refused by notice dated 13 December 2021.
 - The development proposed is the 'Construction of a detached dormer bungalow in garden curtilage to the side of Green Gates'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved. The appellants provided plans showing a potential layout and details of the scale and appearance of a dwelling which could be built on the site. However, as matters reserved for consideration at a later stage, I have considered these as indicative only.
3. The emerging Cheshire East Local Plan Draft Site Allocations and Development Policies Document (SADPD) has been considered at examination and main modifications were identified. These have been subject to consultation but remain unadopted at the present time. I have referred to the relevant policies in the emerging plan and identified the weight afforded to them having regard to their consistency with the National Planning Policy Framework (the Framework).

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies
 - the effect on the openness of the Green Belt
 - whether or not the proposal would provide a suitable location for housing
 - the effect on the character and appearance of the locality
 - 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

Whether inappropriate development in the Green Belt

5. The Government attaches great importance to Green Belts, the essential characteristics of Green Belts are their openness and their permanence. Section 13 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 149 of the Framework makes it clear that new buildings are inappropriate in the Green Belt. However, an exception is made in the case of limited infilling in villages.
6. Policy PG3 of the Cheshire East Local Plan Strategy [2017] (the CELPS) seeks the protection of the Green Belt for its specified aims. It substantially restates the Framework's restrictions to new development and the exceptions to new buildings in the Green Belt. Saved Policy PS7 of the Congleton Borough Local Plan Review (the CBLP) similarly restricts new dwellings in the Green Belt unless within the infill boundary line of specified settlements.
7. The site consists of a garden area stretching between residential plots on the eastern side of Street Lane (A50). The garden is bordered by hedging with open fields front and rear. It includes a single garage building, a small shed and domestic landscaping elements. The land is associated with Green Gates, a semi-detached 2 storey dwelling set within a ribbon of development consisting of a commercial garage site and a number of residential properties.
8. The nearest settlement is Rode Heath, a small village some distance to the southwest of the site. It is not one of the settlements identified in Policy PS6 of the CBLP as having an infill boundary. Furthermore, I am not directed to any proposal within the emerging SADPD or a Neighbourhood Plan to establish or alter such an infill boundary.
9. In contrast to the settlement area, the small cluster of buildings does not present as a village, or part of one. It is separated from Rode Heath by consecutive open fields. Unlike the settlement, the open aspect of the locality is distinctly rural in comparison to the formally laid out and tightly knit suburban character of development set about the lit streets within Rode Heath.
10. Although the group benefits from a post box and might otherwise be dependent on Rode Heath for some services, when taken with the extent of its physical separation, the limited number of buildings and the absence of local services or community amenities within or directly linked to the group, leads me to the conclusion that the location of the proposal would not be within a 'village' for the purposes of Paragraph 149 e). The proposal therefore would not qualify as an exception under its provision.
11. The appellants also refer me to the exception at Paragraph 149 f) of the Framework. This permits limited affordable housing for local community needs under policies set out in the development plan. The relevant definition of affordable housing is provided in Annex 2 of the Framework. However, there is little before me to demonstrate that the proposal would fall within the scope of that definition, or that it would meet an identified need set out in the development plan. Whilst I note that a building could be constructed in a manner such that it would likely cost substantially less than recent housing developments referred to below, this would not constitute a qualifying aspect of the proposal for the purposes of Paragraph 149 f).

12. For the reasons above, I conclude that the proposal would not fall within the exceptions outlined in the Framework. It would constitute inappropriate development in the Green Belt. It would be contrary to Policy PG3 of the CELPS and Policy PS7 of the CBLP as they seek to protect the Green Belt for its identified purposes. For similar reasons, as a location outside of a settlement area, it would not fall within the scope of development permitted under Policy PS8 of the CBLP.

Openness

13. Despite its domesticated appearance, the site is largely devoid of any built development other than the existing small garage, which is shown to be retained. Notwithstanding that the proportion of the site's area which might be developed could be limited, the introduction of a substantial building on a predominantly undeveloped site would cause harm to the spatial openness of the site.
14. Although it benefits from hedged boundaries and would be seen in the context of the row of existing development, the introduction of even a single storey building on the site would be highly visible in views on the adjacent roadway and from within the wider local landscape. Accordingly, it would also have an adverse effect on the visual openness of the Green Belt.
15. I acknowledge the appellants' reference to the construction of 14 houses at Smallwood in relation to their associated effects on openness. However, the Council has confirmed that that site is located outside of the Green Belt. It is not therefore comparable to the circumstances of the case before me.

Locations for housing

16. Policy PG6 of the CELPS advises that in the Open Countryside some exceptions may be made to the aim of limiting development in those areas to only that essential for land uses appropriate to a rural area. This includes provision for 'infilling a small gap with one or two dwellings in an otherwise built up frontage elsewhere'. This allows for some infill housing beyond the identified settlement areas.
17. According to the Council, the CELPS glossary describes infill as is the development of a relatively small gap between existing buildings. The definition in the SADPD, which is not proposed to be altered and therefore can be afforded considerable weight, states that the scale of infill development will depend upon the location of the site. It defines a 'built-up frontage' as 'a substantial line of buildings fronting a road with a fairly dense and uniform pattern of development.' The definition continues - 'Loose groupings of buildings in substantial grounds or with other spaces between them are not considered to be built-up frontages'.
18. The site lies within a row of 9 houses. On the ground, the row to the south appears as a consistent line of dwellings with associated outbuildings before the gap created by the side garden area of the appeal site. It provides a consistent line of development directly abutting this part of the road. The extent of the gap would be sufficient to accommodate 2 dwellings within plots commensurate with some of those in the existing row of development. As an existing garden area, it has a domesticated appearance such that it does not

read as a break in the continuity of residential land uses formed between the houses to the south and the semis at Green Gates and Bidnall Cottage.

19. Although the proposal is limited to a single dwelling, I find the extent of the gap created by the existing garden would be consistent with that identified by Policy PG6 and the associated definitions. Accordingly, I find it would be consistent with the provision for infill in locations outside of identified settlement areas described in Policy PG6 of the CELPS.

Character and appearance

20. Pursuant to my finding in relation to new housing within the Open Countryside as described above, the introduction of a dwelling within the line of development on the eastern side of the road could be designed to reflect the character and appearance of existing buildings within the row. Although it would likely be located closer to the road due to the limited depth of the plot, I see little reason as to why a suitably designed dwelling would not assimilate with the existing character of development.
21. In the context of an outline application, there is little before me to suggest that an additional dwelling would appear incongruous or undermine the distinctive countryside or landscape character of the locality. Accordingly, in the absence of demonstrable harm, I find the proposal could align with Policies PG6, SD1 SE1 and SE4 of the CELPS and the Framework as they seek high quality design which respond to the local character of development, the landscape and site context.

Other Considerations

22. In support of the proposals, the appellants refer me to a number of new dwellings built between houses close to where Lawton Heath Road meets Sandbach Road. However, those sites were deemed to form part of the village. They appear to be contiguous with a larger area of development and are not therefore detached or isolated in the same way as the appeal site. As development identified as not being inappropriate, an assessment of their effect on openness was not applicable. Having regard to those differences, I find those examples are a matter of negligible weight in support of the development.
23. The appellants advise that the proposal would provide an adaptable building to assist in providing improved access and facilitate mobility for a family member suffering a longstanding medical condition that is causing their condition to deteriorate. The dwelling would be more suitable for their specific access requirements than the existing house.
24. Disability is a 'relevant protected characteristic' and I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
25. I recognise the personal health issues relating to the family member and acknowledge the proposal could fully meet existing and possible future mobility requirements. However, it may be possible to achieve those requirements by

considering alternative options which do not have the same impact upon the openness of the Green Belt.

26. This could include modification or extension of the existing dwelling immediately adjacent to the site. Consequently, whilst I am sympathetic to those personal circumstances and acknowledge that a refusal of planning permission may deprive the family of separate new adaptable accommodation, I find they are not a strong justification for setting aside national and local policies with the legitimate aim of protecting the essential characteristics of the Green Belt in the public interest. It is therefore a benefit limited to moderate weight in support of the proposal.
27. The ability to provide an in-out access to enable vehicles to enter and leave in a forward gear would provide suitable access arrangements at the site. However, as a requirement of the development plan to provide safe site access and egress, this is not a benefit of the scheme.

Planning Balance and Conclusion

28. The proposal would amount to inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The proposal would also cause harm to its openness.
29. I have found in favour of the appellants with regard to the site circumstances meeting a housing provision in the Open Countryside as an exception which may be permitted through Policy PG6 of the CELPS. It also follows that where such development might be permitted in principle, a development could be designed to preserve the character and appearance of the locality. However, where Open Countryside areas coincide with the Green Belt, I find that greater weight must be applied to the more stringent controls applied to Green Belt locations. Accordingly, I find the wider provisions of Policy PG6 are of limited weight in the particular circumstances of the case.
30. The considerations presented by the appellant, including their personal circumstances, or my findings in relation to the Open Countryside and the effects on its character and appearance, when taken separately or together, do not outweigh the identified harm to the Green Belt. Consequently, the very special circumstances necessary to justify granting planning permission do not exist. Furthermore, the development would be contrary to the adopted development plan read as a whole and there are no other material considerations to indicate a decision otherwise than in accordance with it.
31. For the reasons set out above, I conclude that the appeal should be dismissed, and this is a necessary and proportionate approach to the legitimate planning aim of permanently protecting Green Belt land.

R Hitchcock

INSPECTOR