



Appeal Decision

Site visit made on 22 November 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/R0660/W/22/3298774

251 Blakelow Road, Macclesfield SK11 7EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr R Evans against Cheshire East Council.
 - The application Ref 21/6371M, is dated 21 December 2021.
 - The development proposed is 1 No. dwelling house.
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Decision

1. The appeal is dismissed and planning permission for '1 No. dwelling house' is refused.

Procedural Matters

2. Outline permission is sought but with access to be considered at this stage. I have determined the appeal on this basis. An indicative layout drawing (Ref.CSD-1479-03 Revision B) demonstrates how a dwelling could be accommodated on the site.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application. Two application forms were submitted in relation to this planning application. I have used the date of the first application in the banner heading above as this was used by the Council for validation.
4. The Revised Publication Draft Site Allocations and Development Policies Document (SADPD) is at an advanced stage in preparation. The plan has completed its examination stage and Draft Main Modifications were consulted on in April and May this year. I consider therefore that moderate weight should be given to these policies.
5. The appeal was made following the failure of the Council to give notice of their decision on the application within the statutory period. The Council has confirmed that were they to have issued a decision, they would have refused planning permission. I have been provided with what would have been their reasons for refusal as part of their statement of case and the appellant has had an opportunity to comment upon them. These reasons will therefore form the basis of my Main Issues.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
- If the proposal is inappropriate development, whether the 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 necessary to justify the proposal.

Reasons

Whether inappropriate development

7. 251 Blakelow Road (No.251) is a semi-detached house lying just outside Macclesfield. The appeal site lies to its rear on an area of land which extends behind adjoining properties on Blakelow Road, Stoneyfold Lane and Middlehills. It is currently in domestic use associated with the property. Planning permission has been granted for a garage on part of this land and the site is accessed via a narrow track off Stoneyfold Lane.
8. National Policy on development in the Green Belt is set out in the Framework, which advises that the essential characteristics of Green Belts are their openness and permanence. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist. It further establishes that most new buildings should be regarded as inappropriate, but for certain defined exceptions.
9. Paragraph 149 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Exception e) refers to limited infilling in villages. Policy PG3 of the Cheshire East Local Plan Strategy (CELP) 2017 sets out the Council's approach to development in the Green Belt and is consistent with the requirements of the Framework; accordingly, I give it full weight in the overall planning balance.
10. The Macclesfield Borough Local Plan (MLP) 2004 pre-dates the introduction of the Framework. Having regard to the advice in Paragraph 219 of the Framework it does not follow that its policies should automatically be considered out-of-date. However, among other things, Saved Policy GC1 allows limited infilling in only a small number of named settlements. The appeal site does not fall within a named settlement. In this respect, Saved Policy GC1 is more restrictive than the Framework, and consequently, I give it limited weight in my decision.
11. The emerging SADPD Policy PG10 proposes to identify which settlements are considered to be villages for the purposes of limited infilling and to define village infill boundaries for these settlements. Outside of these village boundaries, proposals will not constitute 'limited infilling of villages' for the purposes of CELP Policies PG3 and PG6, relating to the open countryside, and

the Framework. I have no evidence before me to indicate that the appeal site would be located within such a village infill boundary. I have already noted that SADPD is to be attributed a moderate degree of weight owing to its advanced stage in preparation.

12. Although there is disagreement between both parties as to whether Policy PG10 is consistent with the Framework because the plan has not been formally adopted, it appears to me that the crucial matter relating to this appeal is whether the appeal site could be considered to be located within 'a village' in order to meet Paragraph 149(e) of the Framework.
13. There is no definition in the Framework or CELP of 'a village'. However, the glossary of MLP defines a village as 'A group of houses in a predominantly rural area with some services such as a shop, post office or public house'. The appellant has not raised any objection to this definition.
14. There is no dispute between the parties that the appeal site lies outside a development boundary and is not formally identified as a village by the Development Plan. In this regard I have also been directed towards caselaw established in Wood¹, which considered the interpretation of Paragraph 149(e) of the Framework. This concluded that a village boundary defined in a Local Plan is a relevant consideration but not necessarily determinative and what constitutes a village for the purposes of assessment against Paragraph 149 of the Framework is a matter of planning judgement for the decision maker and there is a need to assess the position on the ground.
15. Macclesfield is identified as a Principal Town (CELP Policy PG2) and the appeal site lies just outside the main built-up area. Blakelow Road, together with Buxton Road, extend from and run alongside the main built-up area and are predominantly lined by a ribbon of dwellings. Between these roads and Macclesfield is a band of fields which form a distinct physical break. However, despite this break, the close proximity of No.251 to the main built-up area is appreciable in views from Blakelow Road and its elevated position makes this visual relationship even more apparent. Furthermore, the roads in this immediate area are predominantly relatively wide, have pavements and regularly spaced street lighting. In this regard the immediate area of the appeal site feels part of the semi-rural outskirts of Macclesfield.
16. The appellant considers that the appeal site forms part of a cluster of roads forming a settlement of about 100 dwellings. However, it is not clear to me where this defined area is or the characteristics which make this area a village. Blakelow Road does not form part of a convergence of roads, and I was not directed to any grouping of houses which might be regarded as a village or any local services. The nearest services and facilities appear to be in Macclesfield. Therefore, whilst the appeal site lies outside the settlement boundary of Macclesfield, exhibits some rural characteristics and is predominantly enclosed by residential development, looking at the evidence on the ground it does not lie within a village.
17. If I had found the development to be a 'village' according to the terms of exception Paragraph 149(e) of the Framework, I would then need to consider whether it would represent limited infilling. For the sake of clarity, I shall now address this.

¹ Wood v SSCLG and Gravesham BC (2015) EWCA Civ 195

18. There is no definition in the Framework of 'limited infilling'. However, the glossary to the MLP defines infill development 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)'. The glossary to the CELP also defines infill as 'development of a relatively small gap between existing buildings'. Although in this case the gap between the buildings would be generous, and it would not form part of the road frontage, the appeal site would largely be surrounded by residential development. Since the appeal scheme would be for a single dwelling, I consider that it would constitute limited infilling.
19. As a result of it not being located within a village, the appeal proposal would, therefore, not meet Paragraph 149(e) of the Framework. It would be inappropriate development in the Green Belt and would conflict with the Framework as well as Policies PG3 of the CELP and GC1 of the MLP, albeit the conflict with the latter is afforded less weight. It would also conflict with the emerging SADPD Policy PG10 which I afford moderate weight. Inappropriate development is, by definition, harmful to the Green Belt and the Framework directs that substantial weight should be given to this harm.

Effect on openness

20. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and permanence. The assessment of openness includes consideration of both spatial and visual aspects.
21. The construction of a dwelling on the site would result in built development where there are presently no buildings, beyond small garden structures. Although permission has been granted for a garage, the footprint of a dwelling together with its size and bulk would be considerably larger and inevitably lead to a much greater loss of openness and encroachment of built development into this part of the Green Belt. Visually, the site is predominantly surrounded by residential development with few views into the site from public vantage points. It would not, therefore, erode the open, visual quality of the Green Belt.
22. The appeal scheme would not check the unrestricted sprawl of large built-up areas and would not assist in urban regeneration, by encouraging the recycling of derelict and other urban land, two of the five purposes of the Green Belt. It would also conflict with the essential characteristics of Green Belts which are their openness and permanence.
23. Although spatially the harm to openness would be limited, and the proposal would not extend the built form out into the open countryside, the Framework is clear in Paragraph 148 that substantial weight is given to any harm to the Green Belt. It would therefore have a harmful effect on the openness of the Green Belt and the purposes of including land within it.

Other considerations

24. Very special circumstances would need to exist to justify granting permission for the proposal because it would constitute inappropriate development in the Green Belt and harm the openness. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, is clearly outweighed by other considerations.

25. A single dwelling would make a limited but important contribution towards the Council's housing requirements. Some modest benefits would also accrue to the local economy through its construction and the expenditure of future occupants on local services and facilities. The development would also be in a reasonably accessible location to nearby shops and facilities within Macclesfield. However, these circumstances carry limited weight as there is no evidence to demonstrate why this development could not be located elsewhere where it would not harm the Green Belt or convince me that the harm identified under the main issues would be justified. It is also suggested that this appeal scheme may help in promoting the vitality of the village. However, apart from concluding that the appeal site does not fall within a village, I also have no adequate evidence of any services or facilities to sustain within this area.

Other Matters

26. Ownership of land and access rights issues have no bearing on my consideration of the planning merits of the appeal.
27. It has been suggested that the appeal site lies within close proximity of designated European Sites, and the statutory duty imposed by The Conservation of Habitats and Species Regulations is referred to; a matter raised by neither the Council nor the appellant. However, there is no need for me to consider the implications of the proposal on protected sites because the scheme is unacceptable for other reasons.

Conclusion

28. Taken as a whole, I find that the other considerations in this case do not clearly outweigh the significant harm that I have identified. In concluding, therefore, the harm by reason of inappropriateness, and any other harm, would not be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal. As such, the proposal would be in conflict with PG3 of the CELP, GC1 of the MLP, the emerging SADPD Policy PG10 and the Framework.
29. For the reasons set out above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

G Bayliss

INSPECTOR