



Appeal Decision

Site visit made on 31 January 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/R0660/W/21/3288419

Land adjacent to Nethins and The Stables, Welsh Row, Nether Alderley, Cheshire SK10 4TY

- 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 a permission in principle.
 - The appeal is made by Mr C Jamieson against Cheshire East Council.
 - The application Ref 21/3951M, is dated 21 July 2021.
 - The development proposed is the erection of 2 dwellings with associated works.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 dwelling and a maximum of 2 dwellings at Land adjacent to Nethins and The Stables, Welsh Row, Nether Alderley, Cheshire, SK10 4TY in accordance with the terms of the application Ref 21/3951M, dated 21 July 2021.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The Council failed to determine the application within the statutory timescale and has not provided any further details on their views regarding the appeal scheme. The scope of permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have formulated the main issues on this basis, having regard to the evidence before me and determined the appeal accordingly.

Main Issues

4. The main issues in this case are whether the proposed development would be acceptable in terms of location, land use and amount of development, with particular reference to: whether the proposal would be inappropriate development in the Green Belt; and if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other

¹ PG Paragraph: 012 Reference ID: 58-012-20180615

harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriateness

5. The National Planning Policy Framework (the Framework) sets out that the Government attaches great importance to Green Belts. Paragraph 149 states that the construction of new buildings are inappropriate in the Green Belt unless they meet one of the defined exceptions. The appellant has set out that the development can be considered against the exception set out at paragraph 149 e) of the Framework, relating to limited infilling in villages.
6. The Framework does not define a 'village' and nor have I been provided with any such definition from the development plan. Nonetheless, case law has established that it is a matter of planning judgement for the decision-maker.
7. The appeal site comprises of a broadly rectangular grassed area of land off Welsh Row. From the appeal site, there is a continuous ribbon of development along the northern side of Welsh Row travelling north-east towards Congleton Road. Although the address refers to Nether Alderley, the appeal site physically is connected to the village of Alderley Edge through the linear pattern of development towards the centre of the village.
8. The Framework does not provide a definition or other guidance on what constitutes 'limited infilling'. The appellant has referred to a definition of 'infill development' within the Cheshire East Local Plan Strategy (Local Plan) glossary as "the development of a relatively small gap between existing buildings". The appeal site is situated between the properties referred to as 'Nethins' and 'The Stables', the latter of which is located immediately to the rear of the appeal site away from Welsh Row. Although there are open fields to the south, the appeal site is separated from these by a made access road. I also note directly opposite the site on Welsh Row, are two further residential properties. Having regard to the plot width of the appeal site to Welsh Row and the comparison provided by the appellant to the plot widths of other properties in the vicinity of the site, I consider, that the proposed development of up to two dwellings within the site can be reasonably regarded as limited infilling.
9. I conclude that the proposal would not be inappropriate development in the Green Belt. I consider Policy PG 3 of the Local Plan to be of most relevance to the appeal proposal. The proposal would not conflict with this policy or with Paragraph 149 of the Framework, which set out that limited infilling within a village is not inappropriate development.

Other Matters

10. Although the site may not be brownfield land, this does not alter my conclusion that the development would be not inappropriate, and it is not therefore necessary to demonstrate very special circumstances.
11. Concerns have been raised that the proposal may result in the development of housing elsewhere along Welsh Row. The assessment of whether a site would be limited infilling in a village will involve the consideration of various factors which will depend on the individual circumstances of the site. I have considered

this appeal before me on its own merits and any proposals on alternative sites would also be considered on their specific circumstances.

12. Reference has been made to the removal of an oak tree on the site, but I have not been provided with any further details in this regard. In any event, this is not a matter which falls within the scope of the first stage of permission in principle but would need to be addressed as part of the technical details consent, as would any other matters beyond the location, land use and the amount of development.

Conclusion

13. An interested party has suggested a condition relating to parking. However, the PPG² makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.
14. For the reasons set out above, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

² Paragraph: 020 Reference ID: 58-020-20180615