



Appeal Decision

Site visit made on 25 January 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal Ref: APP/R0660/W/22/3305471

The Gables, Peckforton Hall Lane, Peckforton CW6 9TG

- 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 J Gaskell against Cheshire East Council.
 - The application Ref 21/3156N, is dated 8 June 2021.
 - The development proposed is infill development of two detached dwellings.
-

Decision

1. The appeal is dismissed and planning permission for infill development of two detached dwellings is refused.

Preliminary Matters

2. Following the submission of the appeal, the Cheshire East Local Plan, Site Allocations and Development Policies Document, December 2022 (SADP), has been adopted by Cheshire East Council. Policies within the SADP have replaced all saved policies contained within the Borough of Crewe and Nantwich Replacement Local Plan 2011, Adopted Written Statement, February 2005. In the interest of natural justice both main parties have had the opportunity to make representation since the SADP's adoption and, therefore, in reaching my decision I have had regard to the SADP.
3. The development proposal was submitted in outline. Apart from access, layout and scale, all other matters of detail are reserved. I have therefore treated the appearance and landscaping details shown on the appeal plans, as indicative only.
4. The appeal is made by the appellant against the non-determination of planning application Ref: 21/3156N. Following the submission of the appeal, the Council submitted a letter dated 9 January 2022, to which an Officer's Report was attached detailing two proposed reasons for refusal. I presume the letter sent by the Council is incorrectly dated, as the date precedes the submission of the appeal. Nevertheless, the proposed reasons for refusal are relevant to the proposal and therefore form the basis of the main issues of the appeal.
5. The site address on the application form states that the appeal site is located within Peckforton. However, following a review of the local development plan the appeal site is more closely related to the settlement of Spurstow. I have therefore considered the accessibility based on the appeal site's location and relationship with the settlement of Spurstow.

Main Issues

6. The main issues of the appeal are:

- whether the site is an appropriate location for the proposed development having regard to the development strategy and the accessibility of services; and,
- the effect of the proposed development on the character and appearance of the area.

Reasons

Appropriate Location for Development

7. It is not disputed that the appeal site is located outside of a defined settlement boundary and is therefore considered to be located within an area of Open Countryside, as defined by Policy PG6 of the Cheshire East Local Plan, Local Plan Strategy 2010 – 2030, July 2017 (CELPS). CELPS Policy PG6 states within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.
8. Part 3 of CELPS Policy PG6 also identifies several exceptions where alternative development could be permitted, this includes where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere.
9. Policy PG6 has to now be read in conjunction with SADP Policy PG10 which identifies “Infill Villages”; in turn, each of the Infill Villages is supported by a defined village infill boundary. Policy PG10 goes on to state that outside of the village infill boundaries, development proposals will not be considered to be ‘limited infilling in villages’ when applying CELPS policies PG3 and PG6.
10. Spurstow is not identified as an Infill Village and therefore does not have an infill boundary. I therefore consider that the proposal does not meet the exception within CELPS Policy PG6. The appeal scheme is therefore contrary to the development strategy as it would lead to the loss of Open Countryside, which is identified as having scenic, aesthetic, and productive qualities within CELPS.
11. There are a very limited number of services within walking distance of the appeal site, these include a day nursery and restaurant; Spurstow also benefits from a mobile library. Public transport in the area is limited to a bus service which runs twice daily between Faddiley and Nantwich. Whilst there are a number of footpaths around the village, there is no street lighting within the immediate surroundings of the site. On this basis, the appeal scheme would likely lead to future occupiers being heavily reliant on private vehicles to access day-to-day services outside of Spurstow.
12. The appeal scheme includes the provision of only two family dwellings. The minor increase in the local population is unlikely to lead to a discernible improvement in the vitality of local services.
13. It has been put to me that the proposed development at ‘Land at The Cottage’, allowed on appeal, sets a precedent for the appropriateness of the proposed

location for residential development. However, that appeal scheme is materially different to the one before me, as it was assessed prior to the adoption of the SADP and the policy context has now changed. Also, based on that Appeal Decision and the evidence before me, it appears as though the number of services accessible within Spurstow has reduced since that appeal was allowed.

14. Similarly, the proposed development at Two Oaks, that was dismissed at appeal, is materially different from the appeal scheme as it is located on the other side of the village. It therefore has not affected my consideration of the appropriateness of the proposed location for residential development.
15. I conclude that the appeal scheme is not an appropriate location for the proposed development having regard to the development strategy and accessibility of services. The appeal scheme is therefore contrary to CELPS policies PG6, SD1 and SD2, which restrict development in the Open Countryside; whilst prioritising the most accessible and sustainable locations and providing access to a range of forms of public transport and key services. The appeal scheme is also contrary to SADP Policy PG10 which identifies that infill development will only be considered inside village infill boundaries.

Character and Appearance

16. This section of Peckforton Hall Lane is characterised by the narrow lane and tall verdant boundary treatments. There are a variety of house types, which are often separated by large gardens, further contributing to the verdant character. The appeal scheme would comprise a continuation of the ribbon development along Peckforton Hall Lane towards the Gables.
17. The appeal scheme would lead to the urbanisation of a currently undeveloped area. However, the proposed dwellings would respect the scale and design of the neighbouring property, the Gables, and other two storey properties along Peckforton Hall Lane. There is a less dense pattern of development on this side of the road compared to the other side. The appeal scheme respects the pattern of development, by including significant separation between the proposed and existing dwellings.
18. Whilst the siting of the proposed dwelling within plot 1 does not respect the building line, I do not consider that its relationship with Peckforton Hall Lane would be harmful to the character of the area. The proposed dwelling would be sited behind the existing large hedgerow and as landscaping is a reserved matter, the extent of vegetation to the front of the plot could be enhanced. There are also numerous examples of other properties which are sited closer to the road within the area.
19. Although the proposed access to the site would lead to a loss of hedgerow, this would not be uncommon as there are sporadic gaps in the hedgerow to allow access to properties.
20. I have found that the appeal site is not an appropriate location for new residential development and as such the proposal conflicts with relevant policies in the development plan in respect of the location of new development. This is an important matter and as such the proposal conflicts with the development plan when read as a whole, notwithstanding that I have found that the proposal would not cause harm to the character and appearance of the area and that it may comply with other policies in the plan.

Other Matters

21. The conduct of the Council during the determination of the planning application is not within the scope of my assessment on the acceptability of the appeal proposal. It is acknowledged that the Council provided additional information in relation to the accessibility of services following the submission of the appeal. However, the appellant has been provided with an opportunity to comment on this additional information and has decided against doing so.
22. The lack of objection, during the determination of the planning application, from local residents does not alter my consideration of the acceptability of the appeal scheme.

Conclusion

23. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
24. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR