



Appeal Decision

Site visit made on 22 November 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/R0660/W/22/3303882

Wood Lane End Farm, Wood Lane End, Adlington, Cheshire SK10 4PQ

- 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 and Mrs Yarwood against the decision of Cheshire East Council.
 - The application Ref 21/4345M, dated 12 August 2021, was refused by notice dated 4 February 2022.
 - The development proposed is the erection of a detached dwelling with associated access and landscaping following the partial demolition of existing outbuilding
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Site Allocations and Development Policies Document (the SADPD) was adopted in December 2022. The parties were given the opportunity to comment on this and these comments have been taken into account in my assessment.

Main Issues

3. The main issues are: (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and (ii) 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 necessary to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

4. The site is an outbuilding in garden land associated with the dwelling at Wood Lane End Farm in the Green Belt. The area has a rural feel, but with numerous residential uses nearby, including either side of the site. The proposal seeks to partially demolish the outbuilding and erect a dwelling.
5. Paragraph 149 of the Framework states that construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is subject to exceptions, including: paragraph 149(e) - limited infilling in villages; and paragraph 149(g) - limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which

would not have a greater impact on the openness of the Green Belt than the existing development. This is reflected in Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 adopted 27 July 2017 (the CELPS).

6. Policy RUR13 of the SADPD states that replacement of existing buildings in the Green Belt will only be permitted where the building is not materially larger than the existing building and does not harm the rural character of the area due to its scale, bulk or visual intrusion. In determining whether a replacement building is materially larger, matters including height, bulk, form, siting design, floorspace and footprint will be taken into account.

i) Limited infilling in villages

7. 'Limited infilling' is not defined by the Framework. Policy PG10 of the SADPD defines it as development of a relatively small gap between existing buildings. Given the site's location relative to neighbouring built form and the single dwelling nature of the proposal, there is no dispute between the main parties that the scheme is limited infilling. Based on my observations, I have no reason to disagree.
8. Policy PG10 of the SADPD defines Adlington as an infill village, where limited infilling is supported in its defined boundary. The appeal site falls outside of the boundary, albeit that this is not determinative as to whether it forms part of the village. Nevertheless, the site is some 3-4km from the main settlement of Adlington, with no continuous arrangement of built form or singular footpath between the two locations. Beyond the ribbon of properties along Wood Lane North and Wood Lane South, development from the site in the direction of Adlington is sporadic in nature, at times separated by sizeable parcels of land. Overall, this intervening open ground lends a sense of separation between the site and Adlington village, including its associated services. As such, the site is not part of Adlington village for the purposes of paragraph 149(e).
9. Policy PG10 of the SADPD further states that outside of the village infill boundaries shown on the adopted policies map, development proposals will not be 'limited infilling in villages' for the purposes of Policy PG3 of the CELPS. In this regard, Wood Lanes is not listed in policy PG10 as an infill village. Nevertheless, the site address indicates an association with Wood Lanes, such that the appellants argue that Wood Lanes itself could be a village. While certain publications and websites address it as such, it is necessary to consider the facts on the ground.
10. The site is part of a small group of dwellings on Wood Lane North linked by a somewhat continuous ribbon of built form to a set of crossroads further south, where a cluster of development is present. This comprises numerous dwellings, an events venue and a petting farm, with bus stops, the marina and dog field nearby. Due to their proximity to the site, these features are easily accessible via a public footpath. While this is unlit, the limited distance ensures it would remain an attractive option for residents wishing to access this part of Wood Lanes.
11. However, commonly found features of a village to meet needs of residents are very limited, with no evidence of facilities in Wood Lanes that would support day to day living. While former uses in the vicinity included a church, school, post office and general store, it is accepted that these are no longer present. It was also unclear at my visit whether the Miners Arms pub in the area continues to operate. In addition, despite the cluster of development at the crossroads, I did not find there to be a clear centre or focal point that would assist in defining Wood Lanes as a village.

12. An Officer's Report relating to land at the former church in Wood Lanes stated that if a proposal was to be submitted for a new dwelling at that site "there is a good chance that it would be considered acceptable as limited infilling in villages". However, a full assessment and conclusion on whether Wood Lanes was a village was not undertaken, and that scheme was permitted on the basis of a different Framework exception, such that these comments attract limited weight.
13. Even acknowledging that development in one village may support services in another, I do not find Wood Lanes is a village for the purposes of paragraph 149(e). It reads as a largely self-contained grouping of properties but, with limited community facilities, cannot be considered a village. As such, the proposal would not meet the exception set out in paragraph 149(e) of the Framework.

ii) Limited infilling or redevelopment of previously developed land

14. The Framework defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land, and excludes land in built-up areas such as residential gardens. The site currently contains an outbuilding with garaging use in an area that, due to the rural nature and small grouping of immediately surrounding dwellings, cannot be described as built up. As such, the main parties have proceeded on the basis that the site is PDL. Based on my observations, I have no reason to disagree with this approach.
15. The proposal would therefore be limited infilling or redevelopment of PDL. As such, whether it would be inappropriate development will depend on if it would have a greater impact on the openness of the Green Belt than the existing development. It has been established that openness has both a visual and spatial impact.
16. On the evidence submitted the proposal would reduce the overall footprint of built form at the site. While the dwelling would be greater in height than the current and retained outbuilding, as it would be partially built into the ground it would be experienced overall as a slight reduction in height.
17. However, the proposal would result in an increase in the volume of development at the site, albeit that this would be limited. In addition, it would redistribute built form towards an area that currently provides a visual break and reads as notably less developed. When combined with the retained element of the outbuilding, this would result in a spread of built form in the site, rather than it being confined to the singular footprint of the outbuilding, thereby reducing the visual openness present. Due to its nature the proposal would also introduce residential paraphernalia in this section of the site which, together with hardstanding for parking, would further signal the presence of the development. As such, while the footprint and visible height of the proposal may be less than the current development, I nevertheless find that its impact on surrounding openness due to the combination of the increased volume and placement and spread of built form would be greater than the existing development.
18. For this reason, the proposal would also not meet the exception set out in paragraph 149(g) of the Framework. There is no suggestion it would meet any other exception in the Framework. It would therefore be inappropriate development, which is harmful to the Green Belt. In this regard, it would also conflict with Policy PG3 of the CELPS and Policies PG10 and RUR13 of the SADPD.

Other considerations

19. There are various environmental benefits to the proposal, which aims to achieve passivhaus standards. This includes utilisation of local products, a green roof to support biodiversity and adapt to climate change, high levels of insulation and mechanical ventilation to aid heat recovery and the installation of solar panels and a reed bed infiltration system. While acknowledged, due to the single dwelling nature of the proposal such benefits would be modest and attract limited weight.
20. The proposal is for a self-build dwelling, with associated benefits in diversifying housing mix and increasing choice. However, there is no evidence to suggest it meets any unmet demand on the Council's self-build register and its single dwelling nature would have limited impact on overall housing mix. I attribute moderate weight to this benefit.
21. I note the Council's recommendation that a condition requiring a strategy to incorporate features to enhance the biodiversity value of the development would have been attached to any planning permission. On this basis the Council concluded the proposal would positively contribute to the conservation and enhancement of biodiversity and geodiversity. This represents a benefit of the scheme but as I have no precise details of any such strategy the benefit overall carries little weight.
22. Planning permission was previously granted for the alteration and extension of the outbuilding to create a dwelling. However, on the evidence this permission has now lapsed without being implemented. In addition, I have no information before on the precise nature and scale of this scheme or its comparability to the current proposal. As such, I attach limited weight to this matter.
23. The main parties agree that the proposal would not result in harm to the character and appearance of the area, the living conditions of occupiers of surrounding properties, highway safety and parking, or trees. These matters represent examples of a lack of harm, which is a neutral matter in the planning balance.
24. I also acknowledge the appellants' position that the proposal would not be an isolated home in the countryside and would comply with Policy PG6 of the CELPS. Nevertheless, I have found that it would be inappropriate development in the Green Belt and have identified conflict with Policy PG3 of the CELPS.

Green Belt Balance

25. I have found the proposal would be inappropriate development in the Green Belt, a matter which the Framework requires me to give substantial weight. I have acknowledged the benefits associated with the development in terms of its self-build nature, contribution to housing mix and choice, aim to achieve passivhaus standards, environmental benefits and positive contribution to the conservation and enhancement of biodiversity and geodiversity. I have also addressed the former permission granted at the site.
26. However, even taken together I do not find that these other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

27. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the

appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR