



Appeal Decision

Site visit made on 13 February 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2023

Appeal Ref: APP/R0660/W/22/3309428

The Elms, Plumley Moor Road, Lower Peover WA16 9SE

- 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 Simon and Sue Pinnington against the decision of Cheshire East Council.
 - The application Ref 21/6333M, dated 17 December 2021, was refused by notice dated 12 August 2022.
 - The development proposed is construction of new residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

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

Main Issues

3. 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 any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - 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

4. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. This includes e) limited infilling in villages. This is also reflected in Policy PG 3 of the Cheshire East Local Plan Strategy 2010-2030 (2017) (CELPS).
5. The CELPS defines 'infill development' as the development of a relatively small gap between existing buildings. This is also the definition provided within Policy PG 10 of the SADPD. The Council and appellant also refer to the Macclesfield

Borough Local Plan (2004), but this no longer forms part of the development plan due to the adoption of the SADPD.

6. The appeal site is a parcel of land adjacent to The Elms and Woodpeckers. Local residents have highlighted that the frontage measurements included within the appellants submission are not accurate. The appellant has drawn my attention to decisions where larger gaps and site frontages have been considered acceptable¹.
7. The site frontage forms a modest gap with properties to either side. The size of the resultant site frontage would not be out of keeping with nearby dwellings along Plumley Moor Road, which includes a variety of plot widths and dwellings which vary in scale. Given the siting of properties along Plumley Moor Road, the appeal site does form a relatively small gap between existing buildings. Nonetheless, the exception for limited infilling only applies if the site is within a village.
8. The term village is not defined in the Framework. PG 10 of the SADPD sets out the infill villages within Cheshire East, and the villages are listed in full. Lower Peover is not listed as a village. The policy states that outside of the village infill boundaries shown on the adopted policies map, development proposals will not be considered to be 'limited infilling in villages' when applying CELPS policies PG 3 and PG 6.
9. The appellant suggests that the Council did not classify Lower Peover as a village because it is unique in that it is split between the local authorities of Cheshire East and Cheshire West. They have also drawn my attention to an extract from the Inspector's report, and the methodology used to classify infill villages. The appellant considers that Policy PG 10 of the SADPD is irrelevant, more restrictive and not consistent with Paragraph 149 of the Framework and Policy PG 3 of the CELPS. Furthermore, they have drawn my attention to a recent appeal decision².
10. Development plans must be consistent with national planning policy and therefore the policy will have been justified through the examination process. The policy would have been thoroughly tested for consistency with national policy. Given how recently the SADPD has been adopted, it is not appropriate to revisit that process. I have not been made aware of exactly what evidence, including local plan policies, was before the Inspector in the appeal at Nether Alderley. However, in this current appeal, it is clear that the site lies in a settlement which is not defined as a village in the SAPD. Therefore, Policy PG 10 is an important policy in the context of the proposed development.
11. Lower Peover does not benefit from a settlement boundary. In the case of *Julian Wood v SSCLG and Gravesham Borough Council*³ it was common ground between the parties that the boundary of a village defined in a local plan would be a relevant consideration in determining whether or not a proposed development constitutes limited infilling in a village, but it would not necessarily be determinative. Thus, consideration should also be given to the situation 'on the ground' as well as relevant policies.

¹ APP/R0660/W/18/3211980, APP/R0660/W/21/3268648 and 22/0764M

² APP/R0660/W/21/3288419

³ *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195

12. The appellant has also drawn my attention to definitions of a village, the village signposts, and websites refer to Lower Peover as a village. They have also highlighted decisions to support the case in terms of infill development being allowed outside of settlement boundaries but being classed as being within a village⁴.
13. Lower Peover is characterised by a collection of dwellings which are dispersed over several lanes. Lower Peover has a pub/restaurant, primary school and church, which I walked to on my site visit. The appellant has also drawn my attention to a number of other facilities and services within Lower Peover. In my view, the number of facilities and services in Lower Peover is limited.
14. The various decisions highlighted cannot be directly compared to the scheme before me. This is because Policy PG 10 of the SADPD has since been adopted and the context of the appeal site differs. In any case, each case is treated on its own merits.
15. Policy PG 10 of the SADP clarifies which settlements are considered to be villages for the purposes of limited infilling allowed under CELPS policy PG 3. Given that Lower Peover is not listed as a village in Policy PG 10 of the recently adopted SADPD, the characteristics of the area (including dispersed nature of the settlement) and limited services and facilities, the proposed development would not constitute limited infilling in a village.
16. Accordingly, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt, having regard to Policy PG 3 of the CELPS, Policy PG 10 of the SADPD and paragraph 149 of the Framework.

Openness

17. Paragraph 137 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
18. The appeal site is an undeveloped, piece of grassland primarily enclosed by hedging adjacent to Plumley Moor Road. There is also a hedge adjacent to Brookfield House. The hedges prevent open views of the wider Green Belt. The site is also adjacent to a number of buildings.
19. The proposal would have a visual and spatial impact upon the Green Belt. This is because the proposed development would substantially increase the level of built development on the site and would introduce a building where there are currently none. The boundary hedge along the site's frontage would partially screen the development but given the proposed dwelling's height, it would be visible from Plumley Moor Road.
20. Consequently, the proposal would cause harm to both the spatial and visual openness of the Green Belt. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

⁴ APP/R0660/W/17/3185237, APP/R0660/W/18/3211980, APP/R0660/W/16/3156493, APP/R0660/W/14/3000822, APP/R0660/W/20/3252114, APP/R0660/W/21/3268648, 16/5587M

Other considerations

21. The appellant states that the site's sustainability should be given weight in considering the appeal site's suitability for new residential housing, and the proposed development would have no adverse impacts.
22. There is a limited range of services and facilities within walking distance of the appeal site, and there is limited evidence to demonstrate that public transport would be a realistic option to access the wider area. Therefore, it is likely that future occupiers of the property would be reliant on a private motor vehicle. Furthermore, in relation to the proposal being acceptable in other regards, the absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme. I give neutral weight to the other considerations highlighted.

Whether very special circumstances exist

23. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. The other considerations are given neutral weight in that they neither weigh in favour or against the proposal. When drawing this together, the other considerations advanced in support of the appeal whether taken individually or cumulatively, do not, clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion

25. I conclude that the proposal would amount to 'inappropriate development'. There are no very special circumstances to outweigh the harm caused. Consequently, the proposed development would be contrary to Policy PG 3 of the CELPS, Policy PG 10 of the SADPD and the Framework.
26. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR