



Appeal Decision

Site visit made on 13 June 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/R0660/W/22/3312941

Hilltops, Green Lane, Audlem, Cheshire East CW3 0ES

- 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 Kevin and Janet Mellor against the decision of Cheshire East Council.
 - The application Ref 22/0919N, dated 2 March 2022, was refused by notice dated 4 August 2022.
 - The development proposed is erection of a single dwelling and a garage on the garden land of Hilltops, Green Lane, Audlem.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The property is referred to on the application form as Hilltop but on other appeal documents, including the appeal form as Hilltops. Whilst the location plan states Hilltop, the sign on the gate states Hilltops. I have therefore taken the property name to be Hilltops and shall refer to it as such.
3. The description of development includes a garage and the proposed site plan indicates a garage but no other details of a garage are included with the submitted plans. Without details of the garage my assessment therefore is mostly based on the effect of the proposed dwelling.
4. The decision notice includes reference to the Borough of Crewe and Nantwich Replacement Local Plan but this has since been revoked and replaced by The Site Allocations and Development Plan Policies Document (SADPD)¹.

Main Issues

5. The main issues are: -
 - whether the site is a suitable location for housing having regard to the policies of the development plan; and
 - the effect of the proposal on the character and appearance of the area.

¹ Cheshire East Council – Cheshire East Local Plan – Site Allocations and Development Policies Document, Adopted December 2022 (SADPD).

Reasons

Location

6. The appeal site comprises a detached dwelling and its garden located on the corner of Green Lane and Mill Lane. To the south is a group of former agricultural buildings now converted to residential properties and garages². Hilltops is approximately 1km south of Audlem village. The surrounding area is open countryside.
7. The Council's development plan policies generally resist development in the open countryside and Policy SD 1 of the Local Plan³ seeks to achieve sustainable development by prioritising growth in the Principal Towns and Key Service Centres. SADPD Policy PG 9 refers to settlement boundaries which are intended to define where built development will be directed towards. Policy H1 of Audlem Neighbourhood Plan⁴ also focuses development within a settlement boundary.
8. However, where development is considered acceptable in the countryside, that is, outside a principal town, key service centre or identified settlement, it is required to meet the criteria listed in Local Plan Policy PG 6, for example, for agriculture, forestry, outdoor recreation etc. The proposal would not fall within any of these permitted uses. Policy PG 6 does however include situations where exceptions may be made. One such exception is the infill of a small gap with one or two dwellings in an otherwise built up frontage. The Glossary to the Local Plan defines built up frontages as being a substantial line of buildings fronting a road with a fairly dense and uniform pattern of development. Likewise, Policy H2 of the Audlem Neighbourhood Plan allows development outside a settlement boundary where it would fill a small, restricted gap in the continuity of existing frontage buildings.
9. Whilst the development would be located between the existing house at Hilltops and The Old Cowshed Development, I do not consider that the space between them represents a gap envisaged by these policies as suitable for infill. In particular, the house would be located within the side garden of Hilltops and fairly close to the existing house. It would also be close to the access to The Old Cowshed Development but this comprises a large hardsurfaced area with a row of single storey garages set further to the south and the rest of the former farm buildings south of these. Whilst the development of these former agricultural buildings has domesticated the buildings and land associated with them, the open space created by the lack of buildings or structures between the garages and the southern boundary of the appeal site, is visually substantial.
10. I note that examples of other developments are cited by the appellants⁵. These were considered under different development plan policies and from the information submitted are not directly comparable to the proposal before me in terms of their location in the Green Belt and proximity to a settlement boundary. They do not therefore alter my conclusion on this appeal.

² The appellant refers to this as The Old Cowshed Development. There is an access to this development and a large hardsurfaced area close to the southern boundary of the appeal site with a sign Sandbach Grange.

³ Cheshire East Council – Cheshire East Local Plan - Local Plan Strategy 2010 – 2030, Adopted 27 July 2017.

⁴ Audlem Neighbourhood Plan 2015 – 2030 Final Version 2016.

⁵ Appeal Reference: APP/A0665/W/20/3247387 & Appeal Ref APP/G2245/W/3271624.

11. For the reasons set out above, I do not consider that the site is a suitable location for housing having regard to development plan policies SD 1 and PG 6 of the Local Plan, SADPD Policy PG 9 and Audlem Neighbourhood Plan policies H1 and H2.

Character and Appearance

12. Whilst Hilltops is in a fairly prominent location on the corner of Green Lane and Mill Lane, these are rural roads in a countryside setting which is characterised by its open and verdant appearance. The open character of the area, the space around Hilltops and the mature vegetation are intrinsic to this rural character. Whilst a large outbuilding would be demolished, this is set back from Green Lane and the impact of a two storey dwelling, as proposed would have a far greater impact when viewed from the road due to its location and scale. The erosion of this open and verdant rural character by the erection of the proposed dwelling would therefore have an adverse impact.
13. This would conflict with Local Plan Policy SE 1 which requires development to make a positive contribution to its surroundings and Policy SE 4 which, amongst other things seeks to protect the character of the landscape. Policy SD 2 expects development to contribute positively to an area's character and identity and respect the landscape character of the area. As such, the proposed dwelling would have a harmful effect on the character and appearance of the area.

Other Matters

14. The appellants state that the social, environmental and economically sustainability credentials of the development are consistent with the National Planning Policy Framework⁶.
15. In social terms, the proposal would be utilised by the appellants and would meet their long terms needs. They explain the close proximity of services and amenities and list distances between the site and a number of them including a bus stop, food store, post office, church, medical practice and primary school. However, as pointed out by the Council, Green Lane is an A-classified road (A529) and Mill Lane is a narrow Lane. I saw that speed limits on both lanes are in part 60mph and footpaths are limited which could make walking to Audlem unattractive to some. This lessens the benefit of their proximity as there would still be a degree of dependency on the use of a car.
16. In terms of economic benefits, there would be some short terms economic benefits during the construction stage and future residents would be able to contribute to the local economy through Council Tax and other ongoing expenses. In terms of environmental benefits, I note that the appellants intentions to build sustainably in terms of its carbon footprint. However, these benefits would be relatively modest given that they would relate to just one dwelling.
17. I note that no specific concerns have been raised about the design of the proposed dwelling and materials would match those prevalent in the area, in particular those in The Cowshed Development. The decision notice refers to Audlem Neighbourhood Plan D1 and SADPD policy GEN 1 both of which refer to

⁶ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

design principles but I do not consider any conflict would arise with regard to the design of the house. I also note that no harm would arise regarding the living conditions of the occupiers of existing neighbouring properties or those of future occupiers or the proposed dwelling. Other matters have been raised which give me no cause for concern include flooding and any impact on habitats.

18. The appellants state that the site could be developed through permitted development rights⁷. A scenario is cited where a Certificate of Lawfulness is obtained for a building and then an application made for a change of use. Whilst this could occur in some form or other, I have no evidence as to how such a development would compare to the proposal before me and in any event, I have no assurance of the likelihood of such a scenario occurring.
19. I note that the appellants consider that the Local Planning Authority did not work proactively with the appellant and there was limited correspondence between the parties. However, whilst I appreciate the appellant's frustrations, this is not a matter that affects my decision.
20. Having taken into account these and all other matters raised, they do overcome the harm I have identified in my main issues.

Conclusion

21. The proposal would conflict with the development plan as a whole and there are no other matters, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, the appeal is dismissed.

J D Clark

INSPECTOR

⁷ Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended), Schedule 2, Part 1, Class E.