



Appeal Decision

Site visit made on 11 July 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/R0660/W/23/3317952

Little Paddocks, Congleton Road, Cheshire East, Alderley Edge SK9 7AD

- 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 Ms O Norton against the decision of Cheshire East Council.
 - The application Ref 22/2607M, dated 27 June 2022, was refused by notice dated 13 February 2023.
 - The development proposed is the construction of a new single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the Green Belt and therefore 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; and,
 - 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

3. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
4. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include limited infilling in villages. Insofar as it is relevant to the appeal before me, Policy PG3 of the Local Plan Strategy 2010-2030 (July 2017, the LPS) reflects the Framework.

5. Policy PG10 of the Site Allocations and Development Policies Document (December 2022, the SADPD) identifies villages that the Council consider to be appropriate for infill development. This policy has been adopted since the last iteration of the Framework and would have been formed, examined and adopted with the Framework in mind. Whilst I am mindful of the Court of Appeal judgement¹ raised by the appellant, this regards the consideration of settlement boundaries rather than the designation of settlements. Whilst Policy PG10 goes beyond the detail of the Framework, I find it does not conflict with it, and is, for the purposes of this appeal, consistent.
6. Whilst the appeal site may be within the village of Alderley Edge, it is clear from the information before me that it is not within one of the defined infill villages set out under SADPD Policy PG10. Therefore, irrespective of the appeal site's relationship to Alderley Edge, it would not comply with PG10 or the Council's locational strategy for residential development. I note the recent permission² where the Council found that a site on the opposite side of the road was similarly 'visually' and 'functionally' within the village. However, this permission was granted prior to the adoption of the above policy and so does not materially affect my consideration of the appeal.
7. The proposal would provide one new dwelling within a plot set between three large dwellings and Congleton Road. Whilst the properties are spaciouly set, it is clear that the appeal site forms a gap within a ribbon of development. In this way, the proposal would be limited development that would infill a gap.
8. Nevertheless, and in light of the above, the proposed new dwelling would not be limited infilling in a village as defined by the local plan. It would therefore not comply with LPS Policy PG3 or SADPD Policy PG10, as outlined above, and would be inappropriate development within the Green Belt. The proposal would therefore result in an unacceptable effect on the spatial and visual aspects of the openness of the Green Belt. Whilst this loss of openness would be limited, relatively to the Green Belt as a whole, harm to the Green Belt would nevertheless occur. This matter therefore carries substantial weight.

Green Belt Conclusion

9. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. No other considerations have been submitted in support of the proposal. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with LPS Policy PG3 and SADPD Policy PG10, as well as the Framework, as outlined above.

Other Matters

10. Although the appellant also referred to an appeal decision³ in their submissions, this is some distance away and I do not have sufficient information before me to fully ascertain the context and circumstances of the appeal. It has not been determinative in my considerations.

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

² Reference 20/1390M

³ Reference APP/A0665/W/18/3198387

Conclusion

11. The proposal would be inappropriate development in the Green Belt and would conflict with the locational strategy of the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR