



Appeal Decision

Site visit made on 16 October 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/R0660/W/23/3321535

The Old Stables, Jackson Lane, Kerridge SK10 5BE

- 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 Alistair McNulty against the decision of Cheshire East Council.
- The application Ref 22/0699M, dated 21 February 2022, was refused by notice dated 6 January 2023.
- The development proposed is the construction of a detached dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. 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 purposes of the Green Belt including openness and whether it would assist in safeguarding the countryside from encroachment;
- the effect of the proposal on the character and appearance of the countryside; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by any other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

3. The appeal site is located within the Green Belt. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework goes on to set out that the construction of new buildings is inappropriate in the Green Belt with certain limited exceptions, including exception e), limited infilling in villages.
4. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 July 2017 (LP) sets out an approach to Green Belt which largely follows that set out in the Framework and allows limited infilling in villages as an exception. Policy HO.P2

of the Bollington Neighbourhood Plan (NP) also refers to an assessment against Policy PG3 in the LP in its policy on housing location.

5. The term village is not defined in the Framework. However, Policy PG10 of the Site Allocations and Development Policies Document (SADPD) identifies a list of infill villages. The policy states that outside of the village infill boundaries, development proposals will not be considered to be limited infilling in villages when applying LP policies PG3 and PG6.
6. The appeal site sits outside of but adjacent to the settlement boundary for Bollington along three of the site boundaries. Whilst the appeal site is designated as Green Belt, the built form of the settlement of Bollington that surrounds the appeal site along the three boundaries is not within the Green Belt designation. Bollington is not identified as an infill village under Policy PG10. The smaller settlement of Kerridge which is located to the south of the appeal site is also not included in the list of identified infill villages.
7. Given that neither of the adjacent settlements are identified as infill villages under Policy PG10, the appeal site is not within a village for the purposes of the development plan and the proposal would conflict with the Council's approach to limited infilling in villages.
8. I recognise that paragraph 149 e) of the Framework does not specify that a proposal would need to be limited infilling within a defined village boundary in order to meet the exception. The appellant has also referred me to case law¹ along with a number of recent appeal decisions including Wood Lane End Farm, Land adjacent to Nethins and The Stables and The Elms, all within the same Council area, which set out that the boundary of a village defined in a local plan may not be determinative for these purposes and that the decision maker should have regard to the situation on the ground, as well as any relevant policies.
9. The frontage of the appeal site is located between a row of terraced dwellings to the east and residential development to the south-west. Directly to the south is a further dwelling which sits back a significant distance from the road. Opposite the appeal site is existing built form that is set back from the road and screened by a stone boundary wall and well established trees and vegetation.
10. The primary school to the north-west on the opposite side of the road is clearly visible from a section of the frontage of the appeal site. The stone wall that runs along the frontage of the appeal site provides a clear visual connection between the two elements of built form which enables the appeal site to appear as part of the village. I note that the Council's Senior Landscape Architect recognises that the site has an urban character type. In the specific circumstances of this case, given the relationship with the surrounding built form, I consider that the appeal site is within a village for the purposes of the Framework test, taking account of the particular physical characteristics of this specific site.
11. However, to meet the requirements of paragraph 149 e) of the Framework, the proposal must also represent limited infilling. There is no definition of limited infilling within the Framework or in relation to Policy PG3 of the LP. However,

¹ Wood v Secretary of State for Communities and Local Government [2014] EWHC 683 (Admin)

the Glossary of the SADPD defines it as the development of a relatively small gap between existing buildings.

12. Whilst the appeal site has built form to either side, the length of the frontage of the appeal site along with the overall size of the plot is significantly more than exists for the plots of those dwellings either side. Therefore, the gap between existing buildings cannot be considered to be relatively small when assessing the surrounding pattern of development. Whilst the proposal for one dwelling would be limited in number, the proposal would be a relatively large building in a prominent location.
13. I therefore find that whilst the appeal site would not be within an infill village as defined by Policy PG10, the appeal site would appear as part of a village for the purposes of the Framework test, following an 'on-the-ground' assessment. However, the proposal would not represent limited infilling. The proposal would therefore constitute inappropriate development in the Green Belt and would be contrary to Policy PG3 of the LP, Policy PG10 of the SADPD, Policy HO.P2 of the NP and paragraph 149 e) of the Framework. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt.
14. I note that the appellant asserts that the proposal would meet the requirements of part 3 (i), (ii) and (iii) of Policy PG10 of the SADPD relating to considerations of character and appearance, unacceptable impacts and the loss of undeveloped land that makes a positive contribution to the character of the area. Nevertheless, these criteria only become necessary to be complied with if the proposal were considered to be limited infilling. As stated above, I do not consider that the proposal would represent limited infilling.

Purposes of the Green Belt including openness and encroachment

15. The fundamental aim of the Green Belt is to prevent urban sprawl and encroachment into the countryside by keeping land permanently open and free from development. Openness is an essential character of the Green Belt that has both a spatial and visual aspect.
16. The appeal site comprises an area of grassland, which is free from any built form other than the presence of the boundary wall running along the frontage. The construction of the proposed dwelling along with the parking area and any associated domestic paraphernalia would erode the spatial openness of the Green Belt.
17. The appeal site is visible from public vantage points along the road. The proposal would include open areas to either side of the dwelling and would represent a low density development set back from the road. Nevertheless, it would still be a building of substantial size in an exposed setting. Part of the dwelling would be screened from public view as a result of the sloping nature of the site and the proposed design and siting. However, views of the proposed dwelling would still be possible. As such, the proposal would also erode the visual openness of the Green Belt.
18. The proposal would as a result of the introduction of a dwelling on the appeal site, result in the encroachment of built form into the countryside and would harm the openness of the Green Belt and the purposes of including land within it, which I attribute substantial weight to. In this regard it would also be

contrary to Policy PG3 of the LP, Policy HO.P2 of the NP and paragraphs 137 and 138 of the Framework.

Character and appearance of the countryside

19. The appeal site is identified as open countryside under Policy PG6 of the LP, given that it is located outside of any settlement with a defined settlement boundary. Policy PG6 seeks to preserve the countryside with development only being permitted 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, none of which apply to the proposal before me.
20. A limited number of exceptions are set out under Policy PG6, including limited infilling in villages. However, as discussed above I do not consider that the proposal constitutes limited infilling. None of the other exceptions set out under Policy PG6 are relevant to the proposal.
21. The appeal site does not form part of an expansive area of land of rural character, given the positioning of existing dwellings located around it. Nevertheless, the appeal site is clearly open and more rural in its character. It provides a pleasant visual break in built form that allows for a softer and more rural edge to the settlement which contributes positively to the character and appearance of the area. The proposal would erode this open area of land, introducing built form and residential activity onto the site.
22. I therefore find that the proposal would cause harm to the character and appearance of the countryside and it would therefore conflict with Policy PG6 of the LP, the aims of which are set out above.

Other considerations

23. The proposal would add to the housing land supply through the provision of an additional dwelling in a location which would not be isolated and where there would be access to nearby services, facilities and public transport provision. Future occupants could also contribute to the viability of those local services and facilities. The proposal would therefore result in some economic and social benefits during both the construction phase and on occupation. However, a single additional dwelling would only make a very limited contribution in this regard. As such, these benefits attract limited weight.
24. I note that paragraph 79 of the Framework identifies that housing in rural areas, should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. However, there is no evidence before me that suggests that the spatial strategy set out by the Council which identifies the locations for the delivery of housing is not meeting the requirements of the area in this regard. As such, I attribute limited weight to this consideration.
25. The appellant asserts that the proposal would comply with other policy requirements including those relating to highway safety, living conditions of the occupiers of neighbouring dwellings, the scale and design of the dwelling, landscape character, flood risk, drainage and the retention of trees. These are neutral considerations and weigh neither for nor against the proposal.

26. The existing access track is located within the Bollington and Kerridge Conservation Area (CA) with the remainder of the appeal site lying outside the boundary but directly abutting it. The undulating topography and the relationship between the settlements and the surrounding countryside including fields and woodland form a key feature that make up the significance of the CA. Given the set back of the proposed dwelling within the appeal site and given the overall proposed layout and design, the proposed dwelling would not result in harm to the significance of the CA.
27. The submitted Heritage Statement and Impact Assessment (HSIA) identifies that there would be a small section of wall removed at the edge of the existing access point and that the loss of this would result in less than substantial harm. It goes on to state this needs to be considered against the improved pedestrian and vehicle user visibility which would benefit highway safety.
28. However, the appellant's appeal statement suggests that there would be no change or alteration to the access or the stone wall. Submitted drawing No 02 sets out the site plan as proposed including a site cross section. This is annotated to state the existing track would be widened at the access point to align with the end of the existing wall. Taking the revised proposal as submitted on the drawings I consider that the proposed alterations at the access point would not be harmful to the significance of the CA.
29. The Grade II listed buildings Hollin Old Hall to the north and Hollin Hall to the south are also identified in the HSIA. The significance of both buildings is derived from their architectural and aesthetic value and the roles that they have played in the settlement over time. Given the separation distances from these designated heritage assets, the proposal would not be harmful to the architectural significance or setting of either.
30. An interested party has made comments supporting the proposal due to the site being left to grow wild and that the proposal will not cause overlooking of nearby houses. I acknowledge that the site is currently open grassland. I also consider that due to separation distances the proposal would not result in harm in relation to the overlooking of neighbouring dwellings. A lack of harm in this respect is a neutral consideration that weighs neither for nor against the proposal.

Planning Balance and Conclusion

31. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise 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, is clearly outweighed by other considerations.
32. The other considerations that weigh in favour of the development, do not clearly outweigh the substantial weight that I must give to the harm to the Green Belt, by reason of inappropriateness, including the harm to openness and the harm to the character and appearance of the countryside. Consequently, the very special circumstances necessary to justify the proposal do not exist.

33. For the reasons given above, the proposal is contrary to the development plan when read as a whole. Material considerations do not indicate that I should take a decision other than in accordance with the development plan. The proposal is also contrary to the Framework. Having considered all other matters raised, I conclude that the appeal is dismissed.

G Dring

INSPECTOR