



Appeal Decision

Site visit made on 5 December 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/R0660/W/23/3323794

Land adjacent to Quarnford, Towers Road, Poynton, Stockport, Cheshire SK12 1DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Abode Property Development against Cheshire East Council.
 - The application Ref 22/3633M, is dated 9 September 2022.
 - The development proposed is erection of a pair of semi-detached dwellings with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a pair of semi-detached dwellings with associated parking and landscaping at Land adjacent to Quarnford, Towers Road, Poynton, Stockport, Cheshire SK12 1DF in accordance with the terms of the application, Ref 22/3633M, dated 9 September 2022, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The appeal follows the failure of the Council to determine the planning application within the prescribed period. Had it been able to determine the application, the Council has indicated that the application would have been refused.
3. I note the Appeal Statement Summary section within the Council's Written Statement. While this is not the application decision, as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.
4. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have determined this appeal in the context of the revised Framework.

Main Issues

5. 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 Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and,

- The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Whether Inappropriate Development

6. Paragraph 152 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 153 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.
7. Subject to a number of exceptions, as listed in Paragraphs 154 and 155, 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. Policy PG3 of the Local Plan Strategy 2010-2030 (July 2017, the LPS) includes an exception for limited infilling in villages and so is, in so far as it is relevant to the matters of the appeal before me, consistent with the Framework.
8. Mindful of caselaw, including the Court of Appeal judgement¹ raised by the appellant, I recognise that settlement boundaries are only a starting point for considering whether an appeal site is within a settlement. In this case, I find that the location of the appeal site means that it is both physically and functionally part of Poynton. In particular, the site is a garden set amongst the built-up environment of Poynton and would be readily accessible from local services and facilities. Therefore, I find the appeal site to be within the settlement.
9. As LPS Policy PG2 defines Poynton as a Key Service Centre, it is not covered by SADPD Policy PG10 which relates to 'other settlements' and rural areas. This policy has not, therefore, been determinative in my considerations. Although Poynton is a town, rather than a village, I find that for the purposes of exception 154(e) the effect on the Green Belt and the purposes of including land within it, would be the same. Consequently, and for the purposes of this exception only, I have considered Poynton to be a village.
10. The appeal site is a relatively small plot which clearly forms a gap between Quarnford and the adjacent care home. The proposal would introduce a pair of semi-detached dwellings onto this plot, with associated parking and gardens. Collectively, I find that the scale of the development would be limited and that it would comprise infilling.
11. In considering this appeal I have been mindful of the previously granted permission at the appeal site² which, as works have commenced, is still extant. As SADPD Policy PG10 is not relevant to this case, I find that the policy context is effectively the same. I note that under that decision the proposal was considered to be limited infilling in a village.

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

² Permission reference: 19/3469M

12. My attention has also been directed to a recent appeal decision relating to a new dwelling at Alderley Edge³ and I note the comparisons made by the Council. The appeal was dismissed as, whilst in a settlement, it did not comply with SADPD Policy PG10. However, as I have found that this policy is not relevant to the case before me, I find that this case is substantially different and this example has had not substantive bearing on my assessment of this proposal. Moreover, all proposals must be determined on their own merits, as I have done in this case.
13. The exception under Paragraph 154(e) implicitly considers the impact on openness and the fundamental aims of including land within the Green Belt. Therefore, as the proposal meets this exception, it is not necessary for me to consider those matters separately.
14. Therefore, the proposal would comprise limited infilling in a village and would therefore not be inappropriate development. The proposal therefore complies with LPS Policy PG3 and Chapter 13 of the Framework as outlined above.

Character and Appearance

15. The appeal site consists of part of the garden serving Quarnford, a bungalow on Towers Road. The garden is raised above the height of the road and drops steeply towards the back of the pavement. Although the proposed dwellings would be read in connection with the short row of bungalows, the built development surrounding the appeal site is varied, including the large two-storey care home adjacent to the site. Predominantly, the street scene around the appeal site is characterised by the sense of spaciousness created by buildings set back from the road and which are viewed over or through the mature vegetation.
16. The proposed dwellings would be set back from the road with some greenery retained to the front of the site as well as, visually, borrowed from the boundary of the care home. In this way the proposal would maintain the sense of a spacious and green street scene. The dwellings themselves would be fairly traditional in their design and, although different to the nearby bungalows, would not appear incongruous when read together. Furthermore, although the development would be taller than the bungalows and care home, I find the additional height to be modest and not unacceptably affect the street scene. Overall, the proposal would respect the pattern of development along this part of Towers Road and reflect the varied built development.
17. Although the proposal may be visible in public views, including from public rights of way, given the above I do not find that this would be detrimental to the appreciation of the area.
18. In light of the above, the proposal would not unacceptably affect the character and appearance of the surrounding area and would, consequently, comply with LPS Policies SD2, SE1 and SADPD Policy GEN1 which, collectively and amongst other matters, seek for developments to respect and contribute to their surroundings and the sense of place through high quality design. The proposal would also comply with Section 12 of the Framework, including Paragraph 135 which seeks for developments to be visually attractive, sympathetic to local character and establish a strong sense of place.

³ Appeal reference: APP/R0660/W/23/3317952

19. Although the Council also referred to SADPD Policy HOU10, this relates to backland and tandem developments. The appeal site comprises a side garden. As such, this policy is not directly relevant to the case before me.

Other Matters

20. I note concerns from interested parties that the proposal could result in overlooking to both Quarnford and the nearby care home to the detriment of their privacy. However, from the orientation and relationship of these properties with the proposal I find that any potential views would be at an acute angle preventing unacceptable overlooking or the loss of privacy. The proposal would not, therefore, harm the living conditions of neighbouring occupiers.
21. I also note concerns about the safety of the vehicular access on to Tower Road. Although visibility splays may not have been provided, it is clear that the access is existing. I have not been provided with any substantive details demonstrating the road as being unsafe and the proposal would likely only result in a modest increase in vehicular movements over the extant permission. I therefore do not find that there would be any unacceptable highway safety impacts stemming from the proposal.

Conditions

22. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
23. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
24. Given the area of the site to be covered by built development or hardstanding, and that the site slopes down on to a road, I find that it would be necessary, in the interest of preventing flood risk, to provide additional details on surface and foul water drainage. Given that the associated works may dictate how the rest of the development is carried out it would be necessary for this information to be required prior to the commencement of development. I note that the appellant is content with this approach. A separate condition requiring the submission of a management and maintenance plan would not be necessary and the requirements proposed by the Council are overly onerous given the scale of the development.
25. As significant reprofiling will take place as part of the proposal it may be necessary to import soil to the site. therefore, in the interest of protecting the living conditions and safety of future occupiers, a condition is necessary for details of the soil to be used to be provided. Likewise, and again in the interests of the living conditions and safety of future occupiers, it is not unreasonable to require remediation works should any contamination be found. I have therefore attached conditions to these ends.
26. I find that sufficient details regarding the landscaping of the site have been provided and so it would not be necessary to impose a condition requiring the submission of further details. However, in the interests of character and

appearance, a condition is necessary for a condition to be attached requiring the landscaping details to be carried out.

27. Sufficient details have also been provided as to the proposed external materials and finishes, and the land levels, floor levels and ridge height. These details are shown on the submitted plans and would be covered by the plans list condition and therefore, separate conditions related to these matters would be unnecessary.
28. I understand that the public right of way does not cross the appeal site. Given the scale of the development and that the public right of way is used by other parties, I find that it would be difficult to determine any impact on the surface of the route or whether it resulted from the appeal development. I have therefore not attached this condition.

Conclusion

29. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22047 (PL) 001 A, 22047 (PL) 020, 22047 (PL) 030, 22047 (PL) 100, 22047 (PL) 200, 22047 (PL) 205 A, 22047 (PL) 210 A, XX-ZZ-DWG-L-1001, XX-ZZ-DWG-L-3001
- 3) Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - iii. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - v. Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

- 4) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use and, prior to occupation, evidence and verification information shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
- 5) If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.
- 6) The approved landscaping plan shall be completed in accordance with the following:
 - i. All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - ii. All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - iii. All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations).
 - iv. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.