



Appeal Decision

Site visit made on 16 January 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2024

Appeal Ref: APP/R0660/W/23/3327186

28 Hough Lane, Wilmslow, Cheshire SK9 2LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr J Pollitt against the decision of Cheshire East Council.
 - The application Ref 23/0137M, dated 16 November 2022, was refused by notice dated 27 March 2023.
 - The development proposed is construction of a new single dwellinghouse.
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Decision

1. The appeal is dismissed and permission in principle for the construction of a single new dwellinghouse is refused.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appellant provided two appeal decisions that were issued after the appeal was submitted. Given that these decisions could not have been submitted with the appellant's Statement of Case they were accepted as late evidence. The council were given the opportunity to comment on those decisions in relation to this appeal. As such I am satisfied the parties would not be prejudiced by this approach.
5. Since the council issued its decision the National Planning Policy Framework (the Framework) has since been updated. The parties were given the opportunity to comment on the revised Framework. Accordingly, I am satisfied that neither party would be prejudiced by this approach.

Main Issues

6. 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
- if the development is inappropriate, whether the 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 the proposal would be inappropriate development in the Green Belt

7. The proposal seeks permission in principle for a single dwellinghouse on a site that is within the Green Belt. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate development subject to a number of exceptions. Policy PG3 of the Cheshire East Local Plan Strategy 2010 – 2030 (LP) states that the limited infilling in villages would be not inappropriate development in the Green Belt.
8. Policy PG10 of the Site Allocations and Development Policies Document (SADPD) states that limited infill development within the defined village infill boundaries would be supported in the open countryside and the Green Belt. 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 LP policies PG3 and PG6. It is not disputed that Wilmslow is not one of the infill villages identified in Policy PG10.
9. The LP was adopted after the Framework first came into force and the updates to the Framework since the development plan was adopted did not make a fundamental change to this specific matter. As such it is considered that the relevant policies remain consistent with the Framework. Whilst the Framework is a material consideration applications and appeals should be determined in accordance with the development plan, unless material considerations indicate otherwise.
10. It has been established in case law¹ that the boundary of a village as defined in a development plan may not be determinative in whether the site is in a village. These are matters of planning judgement, to be assessed on the facts on the ground as well as any relevant policies.
11. There is no dispute between the parties that the site lies outside of the defined settlement boundary for Wilmslow as identified in the development plan. However, it is agreed that the site is functionally part of the town of Wilmslow based on the facts on the ground and I see no reason to disagree. Nevertheless, the site is within the Green Belt and thus Green Belt policies still apply.
12. Whilst whether a site is within a village is a matter of planning judgement Policy PG10 provides a list of villages both within and outside of the Green Belt where infill development would be supported. As Wilmslow is not one of the villages identified in Policy PG10, and given the distance between the appeal

¹ Wood v Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWHC Civ 195

site and the villages identified in Policy PG10 the site cannot be considered to be within any of these villages. Because the site is located outside of any village infill boundaries the proposal cannot be considered limited infilling in villages under Policy PG3.

13. Notwithstanding whether the proposal would be limited or infilling, the proposed development is outside of any infill boundary and is not considered to be limited infilling in villages and thus contrary to SADPD Policy PG10 and LP Policy PG3. As such, it would be inappropriate development in the Green Belt.

The effect of the proposal on the openness of the Green Belt

14. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development, and it has both spatial and visual aspects.
15. The proposal only seeks permission in principle and the details of the proposed house are not before me. However, the site is open garden land, and the proposal would seek to erect a new dwelling on this site. This would introduce new built form into the Green Belt where there is presently none. This would result in a spatial loss of openness.
16. The site is located within a row of existing dwellings which would limit the viewpoints from where the proposed house could be seen from further afield. Nevertheless, whilst the scale of the dwelling is not defined at this stage the site is undeveloped and the development together with access arrangements would increase the site's visibility from nearby public roads and footpaths. This would result in a visual loss of openness.
17. The proposed dwelling would introduce new built form to an undeveloped parcel of land which would result in encroachment into the countryside. This would conflict with one of the five purposes of the Green Belt which seeks to assist in safeguarding the countryside from encroachment.
18. I have found that the proposal would erode both the spatial and visual dimensions of the openness of the Green Belt. I appreciate that this is part one of the permission in principle process, however even without details of the proposed house I cannot but conclude that there would be harm to openness.

Other Considerations

19. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. LP Policy PG3 is consistent with the Framework in this regard. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. In addition, there would be adverse impacts on openness. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
20. As concluded above the proposal would harm the openness of the Green Belt. The permission in principle process does not identify the scale of the house, however a dwelling built on this site would cause moderate harm to the openness of the Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt and accordingly, I attach

substantial weight to the harm identified above that would arise from this proposal.

21. The proposal would deliver a single dwelling and there would be economic, social and environmental benefits both during and after construction. However, given the moderate scale of the proposal I give these considerations moderate weight.
22. Several appeal decisions that related to similar development were submitted for consideration. In two of the cases², it was determined that the sites were not within the respective villages in Policy PG10, and these conclusions were consistent with my assessment of this scheme in relation to that policy. Another³ found that based on the facts on the ground that it was within a village and a second⁴ found conflict with the Policy PG10, but the other material considerations outweighed this conflict. It is imperative to note that the material considerations are specific to each case. Whilst one Inspector determined that Policy PG10 was not relevant in that case⁵ I am not aware of the evidence that was before the Inspector that led them to make that conclusion. In this instance, it is evident that the site is within a settlement that is not defined as a village within Policy PG10 where limited infilling would be supported within the Green Belt.
23. The Wood judgement referred to earlier is a material consideration in this case, and it is not disputed between the parties that the site has a functional relationship with Wilmslow. Based on the facts on the ground I see no reason to disagree. Accordingly, the site is within a settlement. The proposal still conflicts with the development plan with regard to Policy PG10 for limited infilling in villages, however I attach moderate weight to this consideration.
24. Historic permissions on the appeal site were also provided and whilst I have taken the conclusions from the related Officer's Reports into consideration, those decisions granted planning permission for development that was not the same as that proposed. The provisions within the Framework and the LP are different for different development and what was determined to be not inappropriate development for one exception would not necessarily translate to another. Accordingly, I give very limited weight to the planning history of the site and its relevance to this proposal.
25. Overall, I attribute significant weight to the other considerations cited in support of the proposal. Therefore, the substantial weight to be given to Green Belt harm is not clearly outweighed, even collectively, by the other considerations sufficient to demonstrate the very special circumstances necessary to justify the proposal. Consequently, the proposed development would be contrary to LP Policy PG3, SADPD Policy PG10. Whilst the development plan has a more defined exception for limited infilling in villages it remains consistent with the Framework and as such the scheme would not accord with paragraph 154 e) of the Framework.
26. The council refer to Policy PG11 of the SADPD, however, as far as I have been made aware this site does not form part of a 'safeguarded land designation' and as such this policy is not entirely relevant to the matter before me.

² The Elms, Plumley Moor Road & Wood Lane End Farm, Wood Lane End

³ Land adjacent to Nethins and The Stables, Welsh Row

⁴ Land off the Coppice, Pointon

⁵ Land adjacent to Bourne House, Withinlee Road

Additionally, the council refer to Policy NA1 of the Wilmslow Neighbourhood Plan, however this policy relates to assessing how proposals have identified and sensitively responded to the guidance for development as identified as part of the Wilmslow Landscape Character Assessment and is not necessarily relevant to this matter.

Conclusion

27. For the reasons given above, the proposal would not be suitable in principle for residential development comprising a single dwellinghouse. The proposal would not be in accordance with the development plan as a whole and the other material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR