



Appeal Decision

Site visit made on 30 January 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/R0660/W/23/3326398

Mill Hill Hollow, Poynton, SK12 1EJ

- 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 Phillip Matthews against the decision of Cheshire East Council.
 - The application Ref 22/1222m, dated 24 March 2022, was refused by notice dated 24 January 2023.
 - The development proposed is Proposed new 4beds dwelling house with associated external work and garden alteration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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

3. 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;
 - The effect of the proposal on the character and appearance of the surrounding area; 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

4. 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.

5. 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 (July 2017, the LPS) relies, in so far as it is relevant to the matters of the appeal before me, on the exceptions set out within the Framework. Policy PG10 of the Site Allocations and Development Policies Document (December 2022, the SADPD) goes further to define infill villages and states that outside of infill boundaries serving these settlements, development cannot be considered as limited infilling in a village. Mill Hill Hollow is not present in this list.
6. I note the permission granted¹ for a dwelling nearby that was found to be limited infilling in a village. I have not been provided with the full details and facts of this permission. However, I note that it was granted in April 2021. Whilst other planning decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers at the time. In this case, the permission was granted prior to the adoption of the SADPD and as such prior to the requirement for infill development to only be within identified infill villages. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.
7. Although the proposal would be limited in scale, being only for one dwelling, and would be infilling between other existing dwellings, it is not within an identified infill village. The proposal would not, therefore be limited infilling in a village for the purposes of the Green Belt exception, and would as such be inappropriate development in the Green Belt.
8. The appellant has referred to a Court of Appeal judgement which focused upon settlement boundary lines and whether development can be within a settlement if it is outside of the settlement boundary line. However, irrespective of whether the site is within a village or not, it is clear that the site is not within one of the identified villages where limited infilling in the Green Belt can occur.
9. Consequently, as the proposal would not comply with any exceptions set out under LPS Policy PG3 or Paragraph 149 of the Framework, it would be inappropriate development in the Green Belt.

Openness

10. Paragraph 147 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. Openness has both a spatial and visual aspect, and an adverse impact to either can harm the openness of the Green Belt as a whole.
11. At the time of my visit the appeal site was largely overgrown with mature trees and undergrowth. There was a small building in a poor state of repair, which I understand to be a garage. Other than the small garage, the site was largely open and undeveloped. The erection of a new dwelling, garage and the

¹ Permission reference 20/0744M

associated landscaping works would innately affect the spatial aspect of openness by building over a largely undeveloped space. This impact would be further exacerbated by the proliferation of residential paraphernalia around the dwelling, and the parking of private motor vehicles. The development and its effect on the openness of the Green Belt would also be experienced visually from the surrounding area.

12. I recognise the scale of the proposal in relation to the Green Belt as whole, as such I find that the harm to its openness would be more limited. However, the Framework, under Paragraph 153, is clear that any harm to the Green Belt should be given substantial weight.
13. By harming the openness of the Green Belt, the proposal would conflict with LPS Policy PG3 and SADPD Policy PG10 which, amongst other matters, seek to keep land in the Green Belt permanently open, as well as Section 13 of the Framework, including Paragraphs 143 and 153 as noted above.

Character and Appearance

14. As set out above, the appeal site is a predominantly open space characterised by mature trees and other planting. Although there is an existing garage on site, it is a retiring feature that does not significantly affect the overall character of the site. The site is set amongst a cluster of dwellings which are varied in style and appearance, although the dwellings closest, and most visible, from Mill Hill Hollow, are more modest and simpler in design and scale. The surrounding area is largely characterised by a mixture of fields and wooded areas, to which the site is read as part of.
15. The proposal would, through the erection of the dwelling, a larger garage and the sizeable areas of hardstanding result in a significant erosion of the green and wooded space that contributes to the character of the area. This would be further exacerbated by the imposing and largely blank elevation that the dwelling and garage would present towards Mill Hill Hollow. Overall, this would change the site from a verdant open space to an enclosed, hard space that would no longer be read in connection with the wider wooded areas.
16. Although reflecting some traditional design cues, such as the use of materials and the hipped roof with gables, the dwelling is of a fairly modern style. In particular, it would not reflect the design of Beech Trees House which it would be most closely associated with. Nevertheless, and with the exception of the blank elevation as noted above, I do not find the modern design to be unacceptable. Overall, the dwelling would be fairly simple in design and would, in this way, be sympathetic to the modest properties visible elsewhere along Mill Hill Hollow.
17. Although the appellant has identified a number of properties on Mill Hill Hollow and the adjoining roads that do not directly face their respective carriageways, each example is set significantly further back from the road than the appeal proposal. Their effect is therefore not comparable to that outlined above.
18. The proposal would likely lead to the removal of the derelict garage and the car at the entrance which would provide some improvement to the appearance of the site. However, it has not been demonstrated that the development would be required for their removal and, moreover, these benefits would not outweigh the harm identified above.

19. The proposal would, by way of its scale and design, result in the loss of important landscaping that contributes to the wider area to the detriment of its character and appearance. The proposal would therefore conflict with LPS Policies SE1, SD2 and SADPD Policy GEN1 which, collectively and amongst other matters, seek for developments to make a positive contribution to an area's sense of place, reinforcing local distinctiveness and respecting or enhancing the landscape character.

Other Considerations

20. The appellant submits that the proposal would have the potential to improve the site lines, and therefore highway safety, along Woodford Road. They have also stated that the proposal would support the removal of non-native plant life. It is likely that the proposal would support both of these things, which I find would be benefits. However, it has not been demonstrated that these benefits could only be achieved through the proposed scheme. I therefore afford these matters only modest weight.

Green Belt Conclusion

21. 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. Further harm would also occur, through character and appearance impacts. These matters carry substantial weight. I have attached modest weight to the consideration 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 Section 13 of the Framework as outlined above.

Other Matters

22. The appellant has also referred to a permission for two dwellings at Alderley Edge². I have not been provided with all the relevant information associated with this permission and I note that it is some distance away from the site in a different context. This case has not, therefore, been particularly determinative in my considerations.

Conclusion

23. 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

² Permission reference 20/1390M