



Appeal Decision

Site visit made on 2 April 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2024

Appeal Ref: APP/R0660/W/23/3326769

Engleside, Englesea Brook Lane, Weston CW2 5QP

- 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 Moss against the decision of Cheshire East Council.
 - The application Ref 21/3526N, dated 24 June 2021, was refused by notice dated 15 February 2023.
 - The development proposed is two detached houses.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original description of development also referred to a previous planning application reference. As this is not development, I have removed it in the description above. I am satisfied neither party is prejudiced by this course of action.

Main Issues

3. The main issues in this appeal 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.
 - The effect of the development on environmental factors, including biodiversity and trees.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal proposal seeks permission for two dwellings. An approval has been granted previously, but this has lapsed. The site is located within the Green Belt. The National Planning Policy Framework (the Framework) states that the construction of new buildings is inappropriate, but there are a number of exceptions. Policy PG3 of the Cheshire East Local Plan Strategy (the LP) states

that limited infilling in villages would not be inappropriate within the Green Belt.

5. Subsequently, in 2022 the Site Allocations and Development Policies Document (the DPD) has been adopted. Policy PG10 of that document states that limited infill development within defined village infill boundaries would be supported. The policy states that development outside of those boundaries would not be considered. Englesea Brook is not listed as an infill village.
6. It was established in *Wood v Secretary of State for Communities and Local Government & Gravesham Borough Council (2015)* that the boundary of a village defined in a development plan may not be determinative as to whether the site is in a village, but these are matters of planning judgement for the decision maker to decide upon. Nonetheless this site is located within the Green Belt, and those policies still apply.
7. Whilst whether a site is within a village or not is a matter of planning judgement, Policy PG10 provides a comprehensive list of villages both within and outside of the Green Belt where infill development would be supported. As stated previously Englesea Brook is not one of those villages identified in Policy PG10 and the proposal cannot be considered limited infilling in villages under Policy PG3.
8. 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 I find that on this issue, the proposals are contrary to DPD Policy PG10 and LP Policy PG3. As such, it would be inappropriate development in the Green Belt.

Openness

9. 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.
10. The site is undeveloped land, and the proposal would seek to erect new dwellings on this prominent 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.
11. The site is located adjacent an existing property, which, given the level of landscaping would not limit the viewpoints from where the proposed house could be seen from further afield to any great degree. The domestic paraphernalia associated with new residential development compounded with the scale of development with increase the visibility of the site from nearby locations. This would result in a visual loss of openness.
12. The proposed dwelling would introduce new development 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.
13. I have found that the proposal would erode both the spatial and visual dimensions of the openness of the Green Belt and as such, I find harm to the openness of the Green Belt as set of in the Framework.

Other Considerations

14. I have noted the reasoning behind the lapsing of the previous consent, but whilst I may have sympathy with regard to the personal circumstances of the appellant, I cannot attach weight to that issue in terms of very special circumstances.
15. Also, the appellant is concerned with the conduct of the Council with respect to the time taken to deal with a previously approved site, and the intimation that the application was delayed in order to allow the new policy position to come forward. However, there was no reason that the appellant could have appealed against non-determination of the scheme in order to potentially circumvent this matter. Again, I attach no weight to this argument. Overall I find that the very special circumstances have not been demonstrated in this matter.

Environmental Factors

16. The site is located within the consultation zone for the Ramsar site which consists of some 1600 hectares, made up of a number of SSSI sites. From the evidence provided, the habitats support nationally important flora and fauna and are water quality sensitive. It appears that consultation took place with Natural England during the application process, and some agreement was made, but Natural England remained concerned about the lack of foul and surface water drainage details, given the hydrological value of the Ramsar/SSSI site.
17. The appellant has provided additional information with regard to ecological matters, but with regard to drainage, has just given a broad outline as to how it would be delivered, and would submit a final drainage design for approval if the appeal were to be granted.
18. With regard to the impact on trees, again I find inconsistencies and an overall light-touch approach to this issue, and the related issue of bat roosting potential. I cannot be convinced that the overall approach to environmental issues, including biodiversity and trees, is suitable to allow an approval with so many issues left hanging for dealing with at a future date.
19. I find this approach to be lacking. The site is important environmentally on a number of levels, and I find that it is necessary to ensure that consultees are satisfied before any approval could be considered.
20. As such, I find conflict with policies SD1, SE3 and SE5 of the LP, policies ENV2 and ENV6 of the DPD, and the ecology guidance set out in the Framework.

Conclusion

21. I conclude that the proposal conflicts with the development plan as a whole, as well as the ecological guidance set out in the Framework and there are no material considerations that indicate that I should take a decision other than in accordance with it. I conclude that the appeal should therefore be dismissed.

Paul Cooper

INSPECTOR