



# Appeal Decision

Site visit made on 18 April 2024

**by Hannah Ellison BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> May 2024**

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**Appeal Ref: APP/R0660/W/23/3328363**

**Land to the North West of Overdale, Oak Road, Mottram St Andrew SK10 4RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr David Fletcher against the decision of Cheshire East Council.
  - The application Ref is 22/4431M.
  - The development proposed is the construction of a detached single dwellinghouse with garden and parking.
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## Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached single dwellinghouse with garden and parking at Land to the North West of Overdale, Oak Road, Mottram St Andrew SK10 4RA in accordance with the terms of the application, Ref 22/4431M, subject to the conditions in the attached schedule.

## Preliminary Matters

2. I have taken the site address above from the planning decision notice as this is the most complete version provided.
3. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published (December 2023). This does not materially change the planning policy context in respect of the main issue.

## Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt.

## Reasons

5. This appeal concerns a plot of land fronting Oak Road. It is located within the settlement of Mottram St Andrew and is surrounded by residential properties. The appeal site falls within the Green Belt and, as Mottram St Andrew does not have a defined settlement boundary, is within the open countryside for planning policy purposes.
6. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) (the CELPS) sets out that the construction of new buildings is inappropriate in the Green Belt, with one exception to this being limited infilling in villages. This is consistent with the exception to inappropriate development in the Green Belt at paragraph 154 e) of the Framework.

7. Similarly, CELPS Policy PG6 restricts development to that which is essential for the uses appropriate to the rural area, with an exception being where there is the opportunity for limited infilling in villages and the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere.
8. There is no dispute between the main parties that the appeal proposal would be limited in respect of the scale of the development and that the site is positioned between existing dwellings thus would reflect infill development. I have no reason to find otherwise.
9. Policy PG10 of the Cheshire East Site Allocations and Development Policies Document (December 2022) (the SADPD) spatially defines certain settlements in the borough as infill villages. The appeal site does not fall within one of the identified settlements. In this circumstance, criterion 4 states that development proposals will not be considered to be limited infilling in villages when applying CELPS policies PG3 and PG6. As such, the proposal conflicts with this policy and is contrary to the approach to limited infilling in villages as set out in the development plan.
10. Case law<sup>1</sup> has however established that the boundary of a defined village may not be determinative for this purpose, rather it is a matter of planning judgement for the decision-maker having regard to the facts on the ground as well as any relevant policies.
11. Neither the development plan nor the Framework provide a definition of a village. I observed that Mottram St Andrew contains a church, primary school and village hall. There are no shops or other services. Nevertheless, the settlement is built-up with a considerable number of residential properties. The collection of buildings is dispersed over a large area. On passing through, it has a distinctive village character assisted largely by the many examples of traditional built form, narrow highways and mature landscaping.
12. On the approach to the appeal site from the south there is a clear distinction between the countryside and the beginning of the built form in the settlement. The appeal site is a distinctive gap located within the built-up linear arrangement of built form along Oak Road leading towards the junction with Priest Lane. It is evidently within the village.
13. Based on my observations, the appeal site has a very clear visual and physical relationship with the village. I therefore find that the appeal site would appear as part of the village for the purposes of the Framework test, following an 'on-the-ground' assessment.
14. Consequently, the proposal would accord with the relevant provisions of Policies PG3 and PG6 of the CELPS, along with the exception at paragraph 154 e) of the Framework and thus would not be inappropriate development in the Green Belt.
15. Whilst the appeal site would not be within an infill village as defined by Policy PG10 and thus the proposal would conflict with the approach set out in this policy, given my interpretation of the settlement on the ground I afford limited weight to this conflict.

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

16. Given my findings there is no need to go on to consider the effect of the proposed development on the openness of the Green Belt or consider whether very special circumstances exist.

**Other Matter**

17. I note and share the Council's concerns regarding the proposed boundary fence as shown on the submitted plans. Nevertheless, this matter can be effectively dealt with by way of appropriately worded conditions.

**Conditions**

18. The Council provided a list of suggested conditions to be attached should the appeal be allowed. Having regard to the six tests set out in the Framework I have altered the wording of some of the suggested conditions where required, without affecting their overall intention.
19. I have attached the standard time limit and plans list conditions in the interest of certainty. In the interests of the rural character of the area I have amended the suggested materials condition so as to require details of the brickwork to be submitted, as this is not specified on the approved plans.
20. In the interests of biodiversity and the character and appearance of the area, I have attached conditions relating to nesting birds and bats, the removal of vegetation and existing and proposed landscaping.

**Conclusion**

21. The proposal accords with the development plan as a whole, thus the appeal should be allowed.

*H Ellison*  
INSPECTOR

## **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 293.01 Revision A, 293.02 Revision C and 293.03 Revision D (except in respect of the southeast boundary fence).
3. Prior to its installation, details of the brickwork shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
4. No above ground development shall commence until a strategy for the incorporation of features to enhance the biodiversity value of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy should include proposals for the provision of features for nesting birds and roosting bats (any external lighting should avoid direct light spill upon bat roost features), brash/deadwood piles and native species planting. The approved details shall thereafter be implemented in full prior to first occupation of the development and thereafter maintained in accordance with the approved details.
5. Prior to the first occupation of the development hereby permitted there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include details of hard landscaping, boundary treatments, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities, an implementation programme and indications of all existing trees and hedgerows on the land to be retained and set out measures for their protection throughout the course of development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. No removal of any vegetation shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any hedgerow, tree or scrub or other habitat to be removed, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

## **End of Schedule**