



Appeal Decision

Site visit made on 16 May 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st May 2024

Appeal Ref: APP/R0660/W/23/333320

Land at Roseleigh, Alderley Edge, Cheshire, SK10 4TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by Bracken Property Company Ltd against Cheshire East Council.
 - The application Ref is 23/2947M.
 - The development proposed is one infill dwelling and associated works.
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Decision

1. The appeal is dismissed and permission in principle refused.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two 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 two stages.
3. Although it did not issue a decision on the application, the Council has provided an appeal statement explaining that it would have refused the application on Green Belt grounds. I have taken this into account in framing the main issue below.
4. Since the appeal was submitted in November 2023, a revised version of the National Planning Policy Framework (the Framework) has been published. References to the Framework in this decision relate to the December 2023 version.

Main Issue

5. The PPG advises that the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. In this case, the appeal site is located between two houses and is large enough to accommodate a single dwelling. Subject to detailed consideration of impacts at technical details consent stage, I am satisfied that the proposal is acceptable in terms of land use and the amount of development permitted.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

6. The focus of this appeal is therefore limited to location, which in this case, requires consideration of the proposal in light of policies to protect the Green Belt.
7. The main issue is therefore whether the location of the proposed development would be acceptable, in particular:
 - whether the proposal would be inappropriate development in the Green Belt, and
 - if it would be, whether the resulting harm, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

8. The Framework says that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless they meet one of the exceptions set out in paragraph 154. Of relevance here is 154e), which allows for limited infilling in villages. Policy PG3 of the Cheshire East Local Plan Strategy 2017 (Local Plan) is consistent with national Green Belt policy, and includes a similar criteria.
9. The Framework does not provide a definition of a village, nor does it give detail on what constitutes limited infilling. However, local interpretation is provided within the development plan.
10. The appeal site is located within the parish of Nether Alderley. Policy PG10 of the Site Allocations and Development Policies Document 2022 (SADPD) identifies a number of 'infill villages' within which limited infilling will be supported within defined boundaries. Nether Alderley does not fall within that list.
11. The site is located to the south of the large village of Alderley Edge, which is identified as a Local Service Centre (LSC) in the Local Plan. I agree with the Inspector of an appeal in Prestbury² that SADPD Policy PG10 does not cover LSCs, but other policies in the Local Plan do allow for development within Alderley Edge, which has a range of local services and facilities. Notwithstanding that, the appeal site is outside of the settlement boundary for Alderley Edge, and for the purposes of the development plan, is treated as being within the Green Belt and open countryside.
12. The appeal site is not within a village for the purpose of the development plan. However, it has been established in case law³ that the boundary of a village defined in a local plan may not be determinative when considering whether a proposal represents limited infilling in a village, for the purposes of the Framework. I have therefore had regard to the situation on the ground, as well as policies in the development plan.
13. There is continuous residential development connecting the appeal site to the centre of Alderley Edge via ribbon development along Welsh Row and Congleton Road. However, this ribbon development extends well beyond the

² Appeal ref APP/R0660/W/23/3316229

³ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

main built up area of Alderley Edge, into Nether Alderley. On the section of Congleton Road between Whitebarn Road and the junction with Welsh Row, residential development is very low density, with houses set well back from the road within extensive gardens. The large gaps between the buildings along this section of Congleton Road means that it has the character of a country lane, rather than being defined by built form.

14. Welsh Row is characterised by residential development along the road frontage, but the appeal site is located at the end of the built up part of the lane, where its character becomes increasingly rural. The semi-detached property Roseleigh/Nethins is the last building on this side of the road before development gives way to countryside, with a field immediately opposite the appeal site.
15. In a previous decision referred to by the appellant⁴, the Council described Welsh Row as having a rural village character. I agree, but that is not necessarily the same as being *in* a village. The appeal site is in a peripheral location, outside the settlement boundary and beyond the main built up area of Alderley Edge.
16. Taking account of the pattern and character of development to the south of Alderley Edge and along this part of Welsh Row, I am not persuaded that the appeal site is in a village.
17. The appellant has referred to other decisions which have concluded that, owing to the physical connection via ribbon development, sites along Welsh Row form part of the village of Alderley Edge, despite their addresses referring to Nether Alderley⁵. I do not share this view for the reasons given above. Furthermore, those cases either did not refer to, or predated, the adoption of the SADPD, which sets out a clear and up-to-date position in relation to limited infilling in villages in Policy PG10.
18. The proposed dwelling would occupy a gap between Roseleigh and The Lawns. The gap is not particularly large, and could reasonably be described as limited infilling, which is described in SADPD Policy PG10 as the development of a relatively small gap between existing buildings.
19. Notwithstanding that, as it would not be within a village, the appeal site does not meet the exception set out in Framework paragraph 154e) and Local Plan Policy PG3. It therefore constitutes inappropriate development in the Green Belt.

Openness

20. As the proposal would be inappropriate development, further consideration of openness is warranted.
21. The introduction of an additional dwelling in the location proposed would be visible from Welsh Row and would contribute to the urbanisation of this country lane. As well as detracting from the visual openness of the Green Belt here, the construction of a new house, and any associated outbuildings, would also have an impact, albeit small, on spatial openness.

⁴ Planning application ref 21/1870M

⁵ Planning application refs 21/1870M, 21/3951M (allowed on appeal) and 16/0703M

Other considerations

22. The proposal would result in an additional dwelling, which would make a small contribution to the supply of housing in the area. There would also be some minor economic benefits associated with construction and occupation of the proposed dwelling.
23. However, the proposal would be poorly related to local services and facilities in Alderley Edge. The distance from the village centre, and the lack of footpath along Welsh Row, means that occupiers of the proposed house are likely to use a car to access services and meet their day-to-day needs. Owing to its location, the proposal would fail to reflect the objective of Framework paragraph 128, which promotes the efficient use of land, taking into account the availability of infrastructure and services, and the scope to promote sustainable travel modes that limit future car use.

Green Belt Balance and conclusion on location

24. I have found that the proposal would be inappropriate development in the Green Belt, and would also detract from openness. Framework paragraph 153 indicates that substantial weight should be given to any harm to the Green Belt. There would be minor benefits associated with the scheme, but these would not constitute the very special circumstances necessary to outweigh the harm to the Green Belt. Consequently, the location of the proposed development would be unacceptable in principle.

Conclusion

25. For the reasons set out, the proposal does not comply with the development plan or the Framework. As the proposal is unacceptable in terms of its location, permission in principle is refused and the appeal dismissed.

R Morgan

INSPECTOR