

Appeal Decision

Site visit made on 19 June 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

Appeal Ref: APP/R0660/W/23/3335851

Land at Hocker Lane, Over Alderley, Cheshire SK10 4SB

- 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 planning permission.
 - The appeal is made by Mr Tom Gardiner of William Beech Skip Hire Limited against Cheshire East Council.
 - The application Ref is 22/4903M.
 - The development proposed is demolition of existing buildings and erection of 1 no. dwelling, landscaping and associated works.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matter

2. The appeal is against the Council's failure to give notice of its decision within the prescribed period. The Council's case and its putative reasons for refusal are set out in the statement of case.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (Framework);
 - the effect on the character and appearance of the area; and,
 - if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. The appeal site comprises a group of buildings used as stables, a workshop and storage, together with areas of hardstanding. It is situated in a rural location north of Hocker Lane. The site is served by two gated accesses off Hocker Lane. That to the east provides access to the buildings situated towards the frontage, while access to the rear storage building is obtained via the western access. The site comprises previously developed land and is within the Green Belt.

5. Policy PG3 of the Cheshire East Local Plan Strategy 2010-2030 (2017) (CELPS) states that planning permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances. This reflects the approach in Framework paragraph 152. Policy PG3 sets out that the construction of new buildings is inappropriate in the Green Belt, subject to certain exceptions. This approach is consistent with Framework paragraph 154.
6. One of the exceptions to inappropriate development set out in Framework paragraph 154 g) and CELPS Policy PG3 involves the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. The Framework also states that the essential characteristics of Green Belts are their openness and permanence. Openness has both spatial and visual aspects.
7. In numerical terms, the evidence before me indicates that the proposal would result in notable reductions in footprint and volume compared to the existing buildings. The floor area of the proposal would be marginally larger than the existing buildings. Even so, consideration of openness is also influenced by other factors such as the relationship in terms of scale, massing, height and form.
8. Due to their limited height and footprint, the stables and small shed towards the site frontage are modest structures. While the two sheds towards the rear part of the site are larger buildings, they have shallow pitched roofs and consequently are relatively low-lying structures. In contrast, the proposal would be a substantial two storey detached dwelling, with a large, detached garage with a hobby room above, situated close to the site frontage. The dwelling would have a sizeable footprint and feature prominent projecting gables with steeped pitched roofs to both front and rear, and a large chimney stack to one side. The ridge height of the new dwelling would be around 7.7m and the gables about 8.2m high, which is almost 3m higher than the existing buildings.
9. While the proposal would consolidate the built form on the site and have a smaller footprint and volume, the dwelling would be much taller than the existing buildings and have a more bulky appearance. The dwelling and garage would sit forward of the existing larger buildings and be prominently sited relative to Hocker Lane. Therefore, the development would be clearly visible in views from Hocker Lane, and it would appear as a very imposing addition given its width, depth, height and substantial bulk. The garage would also have a significant presence due to its size and proximity to the lane.
10. For these reasons I conclude that the proposal would have a greater impact on Green Belt openness than the existing development. Therefore, the exception in Framework paragraph 154 g) is not met and the proposal constitutes inappropriate development. Such development is, by definition, harmful and conflicts with CELPS Policy PG3, and the Framework, as set out above.

Character and appearance

11. The site is within the Alderley Edge and West Macclesfield Wooded Estates Local Landscape Designation area (LLD area), the characteristic features of which include an undulating, agricultural landscape containing focal points of wooded backdrops. It is a sparsely settled area with numerous scattered farm buildings and country houses and halls with strong vernacular styles.

12. Those characteristics are broadly consistent with the landscape surrounding the site, which is set within rolling fields bound by hedgerows and mature trees, and narrow lanes interspersed with sporadic, isolated development. There are occasional agricultural buildings, farmhouses and cottages, such as Yew Tree Cottage, which is on the opposite side of the lane. These features contribute towards a pleasant rural character.
13. While the existing storage buildings on the site are large utilitarian structures, their general design and materials are not dissimilar to agricultural buildings typically found in the wider countryside, and they are set back into the site some distance from the lane. The stables and smaller shed towards the site frontage are modest, unassuming structures. For these reasons, the existing buildings do not unduly detract from their rural setting.
14. The proposed development would be a substantial two storey house with four bedrooms, and a detached garage to the site frontage. The design of the new dwelling would feature some traditional elements such as the pitched, gabled roof and projecting gables to both the front and rear elevations and it would be constructed in materials to reflect the local vernacular. The proposal would reduce the overall footprint compared to the totality of the existing buildings. In contrast to the existing buildings, which are spread across the site, the development would consolidate the built form into the central part of the site. However, it would be a considerably taller structure and would be perceived as a substantial and imposing dwelling set within a large curtilage.
15. While there would be a reduction in hardstanding on the site, the provision of a domestic curtilage, new boundary treatments, and domestic paraphernalia associated with residential occupation, would increase the prominence of the development and have an urbanising effect on the character of the countryside.
16. The proposal would be a dominant feature viewed from Hocker Lane. As a result of its substantial size and scale, it would also likely be visible in the wider landscape, particularly when intervening trees are not in leaf. That would contrast with the existing collection of relatively modest buildings and stables which sit comfortably within this rural setting. Although large, detached dwellings are not an uncommon feature of the surrounding countryside, the proposal would result in two dwellings facing one another across the lane, which would be an uncharacteristic form of development in this area.
17. The Visual Appraisal and Landscape Strategy does not alter my reasoning regarding the harm that would result. It still shows that there would be some effect on the landscape, which I have reasoned would be harmful. The plans indicate new hedgerow and tree planting along the boundaries of the site which would provide some screening. However, such landscaping would take some time to mature and, given the siting and scale of the proposed dwelling and garage, would not sufficiently mitigate the harm to the landscape.
18. I therefore conclude that the proposal would be harmful to the character and appearance of the area, and it would diminish the landscape value of the LLD area. Therefore, it would conflict with Policies GEN1 and RUR13 of the Site Allocations and Development Policies Document (2022) and CELPS Policies ENV3, SE1 and SE4. Amongst other things, these policies seek to ensure that development conserves the landscape character of the area and positively contributes to its surroundings.

Other considerations

19. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
20. On the basis that they do not consider the proposal to be inappropriate development, the appellant has not advanced very special circumstances. Nonetheless, I have considered the likely benefits, notably including the provision of a new dwelling, the creation of construction employment opportunities, and the contribution that future occupiers would make to the local economy. The proposal would also make efficient use of a previously developed site. Given the scale of the development, I attach limited positive weight to these matters. I have also taken into account that the proposal is intended to be a self-build dwelling for the appellant, but there is no substantive evidence before me to suggest that the Council is not meeting the demand for self-build plots in the area, which limits the weight that can be given to this matter.

Other Matters

21. The Council's statement refers to policies of the draft Over Alderley Neighbourhood Plan (NP). While the NP has been submitted for examination, it is not yet made. I therefore attach limited weight to the policies within it.
22. I note the other concerns raised by interested parties. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider these further. The Council does not raise an objection to the effects on the neighbours' living conditions, highway safety or ecology, though a lack of harm in respect of these or other matters would be neutral in any balance.
23. Although the appellant is dissatisfied with the Council's handling of the planning application, I have been concerned only with the planning merits of the case.

Planning Balance and Conclusion

24. I have found that the proposal would be inappropriate development in the Green Belt. The harm to the Green Belt should be given substantial weight in determining the appeal. The proposal would also be moderately harmful to the character and appearance of the area.
25. I have considered the factors in favour of the proposal and have given some weight to these, as set out above. Even when taken together, however, they do not clearly outweigh the harm arising from the proposal. Consequently, having regard to Framework paragraph 153, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
26. The proposal would not accord with the development plan or national policy in relation to Green Belt. There are no other considerations which outweigh these findings. For these reasons I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR