



Appeal Decision

Site visit made on 29 July 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2024

Appeal Ref: APP/R0660/W/24/3336355

The Small Holding, Mill Lane, Blakenhall, Cheshire, CW5 7NP

- 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 Barbara Dale against the decision of Cheshire East Council.
 - The application Ref is 23/0948N.
 - The development proposed is a new detached dwelling on vacant land.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has raised concerns regarding the Council's handling of the planning application and in particular the lack of opportunity she had to revise the scheme to address design issues raised by the Council. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the appeal site represents a suitable site for housing development having regard to its location in the open countryside; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether a suitable site

4. The appeal site forms part of the large garden associated with The Small Holding. It is located in the open countryside where Policy PG.6 of the *Cheshire East Local Plan Strategy 2010-2030 (adopted July 2017)* (LP) restricts development unless it is for one of a limited number of uses, or it meets one of a number of exceptions. These exceptions include where it would be infilling of a small gap with one or two dwellings in an otherwise built up frontage.
5. Similarly, whilst Policy H1 of the *Wybunbury Combined Parishes Neighbourhood Plan 2010 – 2030 (April 2020)* (NP) seeks to focus new development on sites within the built up areas of settlements, it indicates that, across the area covered by the plan, proposals for small scale development will be supported

- where, amongst other things, they fill a small gap, with up to 2 dwellings, (infill development) in an otherwise built up frontage.
6. Mill Lane is a rural lane that contains sporadic housing and farmsteads along its length interspersed by fields. The dwellings are detached or semi-detached houses set in generous plots and many of them are largely hidden from view from the road due to their set back behind vegetation.
 7. To the east of the appeal site are 2 houses both of which are set at an angle to the road, beyond which are fields. To the west lies the host property which has a large area of garden on the western side. Beyond this garden area is a house associated with Ash Tree Farm which is set centrally within open land to the front of the main farm buildings and perpendicular to the road. Ash Tree Farmhouse is set back some distance from the road frontage with a field in front of it which extends some distance to the west.
 8. In the context of plot sizes in the area, the appeal site represents a suitable site for one house. However, whilst the site is located between two existing houses, this small collection of 3 existing houses with open fields to one side and a farmstead with open land adjacent to the road to the other, does not in my view form an otherwise built up frontage.
 9. Although with the pair of semi-detached houses on the opposite side of the road, the existing dwellings may make a small cluster of 5 houses, the policy requires that the site forms part of an otherwise built up frontage not that it should be located in a cluster of houses.
 10. Consequently, even though it would be a development of 1 house in a small gap, it would not represent infill development as the gap is not in an otherwise built up frontage. The proposal would therefore not fall into the exceptions outlined in Policies PG.6 and H1.
 11. As a result, the appeal site would not be a suitable site for housing development having regard to its location in the open countryside and it would be contrary to Policy PG.6 of the LP and Policy H1 of the NP.
 12. In support of the appeal my attention has been drawn to another appeal¹ in Wybunbury where it was decided that a site was part of an otherwise built up frontage. However, it is clear that whether or not this was the case was very finely balanced and that it involves matters that are primarily a matter of judgement based on the locational characteristics of the specific site. Given this, and as acknowledged in that decision, the particular locational characteristics of that site are not necessarily replicated elsewhere. In this case, I have concluded that the locational characteristics of the appeal site mean it is not located in an otherwise built up frontage.

Character and appearance

13. In the immediate vicinity of the appeal site properties consist of 2 storey dwellings of a traditional design. Whilst the houses are generally quite large, the Council have indicated that the height of the proposed dwelling would be significantly greater than the houses to either side. This has not been disputed by the appellant. As a result, combined with its significant width and depth the proposed dwelling would be an uncharacteristically bulky property. It would

¹ Appel Ref APP/R0660/W/17/3187427

also fill much of the width of the plot, making the site appear overdeveloped in comparison to the other houses in the vicinity which do not fill the width of their plots. As such the proposed development would be an incongruous feature in the street scene.

14. Therefore, the proposal would unacceptably harm the character and appearance of the area and would not accord with Policies SE-1 of the LP and H1 of the NP which require, amongst other things, that proposals should make a positive contribution to their surroundings, be well designed and be of a scale appropriate to the rural character of the area.
15. Whilst I note the Council Tax banding information provided by the appellant, this does not show that the design of the property is appropriate for the area in which it is located.

Other Matters

16. The proposal would make a small positive contribution to the housing supply in the area with associated social and economic benefits during the construction period and once the dwelling is occupied. However, given the proposal is only for one dwelling, the scale of these benefits is very small and do not outweigh the harm I have identified the proposal would cause. Moreover, in the absence of any services or facilities other than the village hall within walking distance of the site, future occupiers would be heavily dependent on the private car to meet their day to day needs.
17. The appellant has highlighted that many of the nearby properties have outbuildings that could be converted to dwellings and that along the lane various barns and the chapel have been converted to residential uses. Be that as it may, this proposal is not for the conversion of an existing building but for a new building which is subject to different considerations.

Conclusion

18. The proposal conflicts with the development plan and material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR