



Appeal Decision

Site visit made on 5 August 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/R0660/W/24/3341565

1 Smithfield Cottages, Coppice Road, Poynton, Stockport SK12 1SP

- 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 Ms Debs White against the decision of Cheshire East Council.
 - The application Ref is 23/0283M.
 - The development proposed is erection of a single 3-bed detached house in the grounds of 1 Smithfield Cottages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address within the submitted planning application form does not include a house number. As such, the appeal site address within the above banner heading is taken from the submitted appeal form.
3. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Both parties, within their respective submissions, had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
4. On 30 July 2024 the Government published a consultation on "Proposed reforms to the NPPF and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation". A Written Ministerial Statement entitled "Building the homes we need" was also published on 30 July 2024.
5. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties were given the opportunity to comment on these publications and I have had due regard to these publications in my determination of this appeal.
6. The Council's Officer Report confirms that the Council do not consider No.1 Smithfield Cottage to be a non-designated heritage asset and I have proceeded on that basis.

Main Issues

7. The main issues are:

- Whether the proposal is inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
- the effect on the living conditions of the occupiers of No.1 Smithfield Cottages, with particular regard to outlook; and
- the effect on the character and appearance of the area.

Reasons

Whether the proposal is inappropriate development

8. The appeal relates to the end terrace dwelling known as No.1 Smithfield Cottages (No. 1) on the northern side of Coppice Road. At present there is a detached outbuilding within the side and rear garden area of this property, situated close to the boundary shared with the dwelling at No. 299 Coppice Road, and the proposal seeks to demolish this outbuilding and construct a detached two-storey dwelling in its place.
9. The appeal site is located within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
10. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154. One such exception, criterion (e), being limited infilling in villages.
11. Policy PG 3 of the Cheshire East Local Plan Strategy 2010 – 2030 (2017) (LPS) mirrors the wording of the Framework in respect of the construction of new buildings in the Green Belt, including the listed exceptions.
12. Policy PG 10 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) (SADPD) sets out the approach in relation to 'infill villages' and provides a list of settlements which are defined as infill villages, with their boundaries shown on the adopted policies map. The policy states that outside of these infill village boundaries, development proposals will not be considered to be 'limited infilling in villages' when applying LPS Policies PG 3 and PG 6.
13. The appeal site does not fall within any of the defined infill village boundaries set out in PG 10, as shown on the adopted policies map. However, the infill village boundary of Higher Poynton is situated a short distance to the east of the appeal site.
14. Paragraph 154 (e) of the Framework does not specify that a site must be located within a defined village boundary in order to constitute limited infill within a village. However, I recognise that the SADPD has been adopted fairly recently and Policy PG 10 has therefore been through a public examination and found to

be sound. Nevertheless, the appellant has referred to established case law¹ (Wood case) and this is a material consideration that is relevant to the appeal proposal.

15. In the Wood case it was found that the boundary of a village defined in a local plan may not be determinative in considering whether a site is within a village and regard should also be had to the 'on the ground' situation. As such, whilst the infill village boundaries as defined in SADPD Policy PG 10 are a starting point, a further assessment based on the 'on the ground' situation is also required to ultimately determine whether a site is located within a village for the purposes of the paragraph 154 (e) of the Framework.
16. In respect of the above, the appeal site is located within a long and well-established ribbon of residential dwellings on the northern side of Coppice Road, which connects the key service centre of Poynton in the west to the smaller infill village of Higher Poynton to the east. I observed that the northern side of Coppice Road benefits from a continuous footpath, which connects Poynton and Higher Poynton, and this footpath included a number of bus stops. Furthermore, the southern side of Coppice Road also includes built development, albeit more sporadic than on the northern side, with dwellings situated directly opposite the appeal site.
17. The appeal site is located at the eastern end of Coppice Road and is therefore much closer to the infill village of Higher Poynton than it is to the larger settlement of Poynton. As such, the appeal site clearly has more of a visual and physical relationship with the infill village of Higher Poynton than it does with the larger settlement of Poynton.
18. Given the density of development on both sides of Coppice Road close to the appeal site, but in particular the denser built form on the northern side where the appeal site is located, I am satisfied that the appeal site has a visual connection to the infill village of Higher Poynton.
19. In coming to this view, I note that there is a short gap in this long ribbon of development between the end terrace property at No. 3 Smithfield Cottage and a more recently constructed housing development to the east. Nevertheless, the dwellings on the opposite side of Coppice Road ensure that there is no clear visual separation from the built form on both sides of Coppice Road and the infill village of Higher Poynton.
20. Furthermore, the continuous footpath on the northern side of Coppice Road ensures that there is also a clear physical connection to Higher Poynton, and during my site visit I observed a significant number of people walking in both directions along the northern side of Coppice Road, between the appeal site and the nearby infill village of Higher Poynton.
21. In view of the above, when assessing the 'on the ground' situation, in my judgment the appeal site is both physically and visually well related to the infill village of Higher Poynton and is therefore located in a village for the purposes of the Framework test.
22. With regard to infill, the Framework does not include a definition of 'limited infilling'. However, SADPD Policy PG 10 defines limited infilling as "*the development of a relatively small gap between existing buildings*". As detailed earlier the appeal

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWVA Civ 195

site relates to the side and rear garden area of a residential property, with dwellings directly either side, and opposite.

23. The width of the plot along the frontage facing onto Coppice Road would be largely comparable with other plots on the northern side of this highway and the dwelling would be set back to respect the predominant building line. As such, the proposal represents infill development. Furthermore, the appeal proposal is for one dwelling and is therefore 'limited' in terms of the scale of development proposed. Consequently, I find that the proposal would constitute limited infilling.
24. The proposal would therefore accord with SADPD Policy PG 10 insofar as it would meet the definition of limited infill. However, the appeal proposal would not accord with Policy PG 10 as a whole as it would be located outside of the defined infill village boundary of Higher Poynton, as shown on the policies map. Nevertheless, the case law (Wood case) is a material consideration and when taking this into account in respect of the specific circumstances of the case, I conclude that the appeal site is located within a village for the purposes of the Framework.
25. The appellant has drawn my attention to various other appeal decisions² relating to limited infilling within villages in this borough, some of which are sited close to the appeal site. The Council have commented that some of the decisions were made prior to the adoption of the SADPD, however this is not the case for all these appeal decisions. Therefore, whilst mindful that each appeal is judged on its own merits, these appeal decisions are relevant considerations to my assessment of the merits of this appeal and I have taken them into account in my reasoning.
26. In view of all the above, I conclude that the proposal would represent limited infill within a village and would not be inappropriate development in the Green Belt. The proposal would therefore comply with the Green Belt principles as set out in LPS Policy PG3 and despite the limited conflict with Policy PG 10 of the SADPD, the proposal when considered against the development plan as a whole, would not represent inappropriate development. The proposal would also comply with paragraph 154 (e) of the Framework in this regard.
27. As I have found that the proposed development would not be inappropriate development in the Green Belt, there is no place for a subsequent assessment of the effect of the development on the openness of the Green Belt, or the impact on Green Belt purposes.
28. Additionally, given the proposed development would not amount to inappropriate development, there is no need for me to assess other considerations, and whether very special circumstances exist in order to justify the development.

Living conditions of neighbouring occupiers

29. The proposed dwelling would be situated to the side of the terrace properties known as Smithfield Cottages. This terrace row is relatively unique on Coppice Road in that it is sited close to the back of the footway, whereas the majority of other properties, particularly on the northern side of Coppice Road, are set back from the highway.
30. In order to remain in keeping with the predominant building line on this side of Coppice Road, as well as to provide sufficient car parking provision to the front,

² APP/R0660/W/22/3303882; APP/R0660/W/23/3323794; APP/R0660/W/23/3317932; APP/R0660/W/18/3201548; and APP/R0660/W/21/3276282

the proposed dwelling would be set back with its front elevation almost in line with the front elevation of the neighbouring detached dwelling at No. 299 Coppice Road.

31. As a result of its size, scale and significant setback beyond the rear elevation of No.1 Smithfield Cottages (No.1), the proposed dwelling would have a detrimental impact upon the living conditions of the occupiers of No. 1 by creating an overly oppressive, dominant and overbearing feature when viewed from the rear of this neighbouring property. The scale and siting of the proposed dwelling would therefore create a sense of enclosure for the occupiers of No.1, resulting in a loss of outlook at the rear of this property, both within the garden area and from the rear elevation of the dwelling itself.
32. The impact is only exacerbated by the siting and design of the proposed pitched roof dwelling, with its large two-storey gable elevation and further projecting two-storey rear element, situated directly along the proposed shared boundary. As a result, the substantial two-storey side elevation of the proposed dwelling would extend along a significant length of the retained rear garden area of No.1. The enjoyment occupiers of No.1 therefore enjoy at the rear of their property would be significantly negatively impacted by the appeal proposal.
33. In coming to the above view, I acknowledge the appellant's comment that a considerable amount of the retained rear garden area for No.1 would extend beyond the rear of the proposed dwelling, and would therefore be free from any built form along the shared boundary.
34. However, as detailed above, I find that the proposed dwelling would extend along a considerable amount of the shared boundary and the section that it does extend along is situated close to the rear elevation of No.1. As such, the part of the neighbouring rear garden that would be most detrimentally affected by the proposed dwelling is the area of the garden occupiers are most likely to use, including the paved area (as shown on the plans) which would likely be used as an outdoor patio area for No.1.
35. Furthermore, whilst the outdoor amenity space at the bottom of the garden area may be free from any built form along the shared boundary, this would not overcome the sense of enclosure, overbearing impact and loss of outlook occupiers of No.1 would experience from the rear elevation of the property.
36. The appellant has also stated that the relationship between the proposed dwelling and No.1's garden is common within towns and villages. However, I have been provided with limited evidence, or details of similar nearby examples, that substantiate this claim.
37. The appellant contends that the proposal represents an efficient use of land and has therefore also drawn my attention to paragraph 129 (c) of the Framework which requires a flexible approach to be taken in applying policies or guidance relating to daylight and sunlight.
38. I have had due regard to paragraph 129 (c) when determining this appeal. However, this paragraph makes specific reference to "*policies and guidance relating to daylight and sunlight*" and I have not found that the appeal proposal would have an unacceptable impact in relation to loss of daylight and sunlight.
39. Notwithstanding this, even in the event that paragraph 129 (c) of the Framework was interpreted as including other amenity matters, such as overbearing impact

and loss of outlook, I find that the appeal scheme would not, in any case, provide acceptable living standards for the occupiers of No. 1 as required by paragraph 129 (c).

40. I note that an interested party has commented that the neighbouring property at No. 299 Coppice Road (No. 299) has a habitable window in its side elevation facing towards the appeal site and the proposed dwelling. This interested party thereby comments that the appeal proposal would have a significantly harmful impact upon this window and the occupiers of this neighbouring property.
41. I observed on site that No. 299 does have a window in its side elevation, very close to the shared boundary, facing towards the appeal site and the proposed dwelling. Whilst I note both main parties have briefly made reference to this window, had I been otherwise minded to allow this appeal I would have gone back to both the main parties and sought further comments in respect of the potential impact of the appeal proposal on the neighbouring property No. 299, specifically this window and the room it serves.
42. I conclude that the appeal proposal would have an unacceptable adverse impact upon the living conditions of the occupiers of No. 1 Smithfield Cottages by way of creating an overly oppressive, dominant and overbearing feature, resulting in a loss of outlook when viewed from the rear of this adjacent property (No. 1). The proposal is therefore contrary to Policy SD 1 of the LPS, and Policy HOU 12 of the SADPD. These policies together seek to ensure, among other things, that developments provide a high quality, well-designed environment, and do not cause unacceptable harm to the amenities of adjoining or nearby residential occupiers by way of the overbearing and dominating effect of new buildings.
43. The proposal is also considered to be contrary to paragraph 135(f) of the National Planning Policy Framework (the Framework) which seeks to ensure developments provide a high standard of amenity for existing users.

Character and appearance

44. The Council contend that the proposed dwelling and its curtilage would be out of keeping with the plot densities found at surrounding residential properties. To support their claim the Council has provided plot density calculations for the existing dwellings at No. 1, Nos. 297 and 299 Coppice Road, as well as the proposed plot densities for the appeal site and No. 1 after subdivision.
45. The Council's figures assert that the proposed dwelling would have a plot density of 28.1%, compared to the plot densities at Nos. 297 and 299 which range between 23.8 – 24.8%.
46. In my judgement the proposed plot density of 28.1% is not significantly different from the nearby plot density of 24.8%, and from a visual perspective this difference would not be discernible on the street. Additionally, the sample size provided by the Council of surrounding plot densities is very limited.
47. Furthermore, the Council detail that the plot density of the existing property at No. 1 is currently 8.4% and this would increase to 16.9% post subdivision to accommodate the appeal proposal. These figures therefore demonstrate that there is currently a significant difference in the plot densities between No. 1 and its neighbours at Nos. 297 and 299. Thus, there are already varying plot densities in the immediate vicinity of the appeal site.

48. I conclude that the plot size for the appeal proposal, and its resultant plot density, would not be out of keeping with the plot density and layout of surrounding residential properties. The appeal proposal would therefore not harm the character and appearance of the surrounding area by way of its layout. Consequently, I find no conflict with LPS Policies SE 1, SD 1 and SD 2; Policies GEN 1 and HOU 14 of the SADPD; and Policy HOU 11 of the Poynton-With-Worth Neighbourhood Plan 2016 – 2030 (PNP) insofar as these policies together seek to ensure, among other things, that developments make efficient use of land; reflect, protect and enhance the quality and character of the built environment; reinforce local distinctiveness in terms of its relationship to neighbouring properties and the street scene; take account of the surrounding area when determining an appropriate density; and respect the layout of adjoining and surrounding buildings.
49. The proposal also conforms with paragraph 135 (c) of the Framework where it seeks to ensure that development is sympathetic to local character, including the surrounding built environment.

Other Matters

50. I note LPS Policies MP 1, SD 1 and SD 2, as well as Policy HOU 3 of the PNP, are referred to in the Council's first reason for refusal. However, these policies do not relate to the main issue of the principle of development within the Green Belt and are therefore not determinative in relation to this matter.
51. I also note that the Council's third reason for refusal in relation to the living conditions of the occupiers of No.1 refers to LPS Policies SE 1 and SD 2. The Officer Report makes reference to the text within Policy SE 1 where it seeks to ensure an appropriate level of privacy is provided for new and existing residential properties. However, the Council's case does not raise any issue in respect of harm arising from matters relating to levels of privacy in relation to this appeal and I also found no harm arising from these matters. As such, Policy SE 1 is not determinative in relation to this main issue.
52. Additionally, the Council have not drawn my attention to any specific part of Policy SD2 to which the appeal proposal would conflict with in respect of the living conditions of the occupiers of No.1. Upon review I note this policy relates to sustainable development principles and does not specifically relate to living conditions. As such this policy is not determinative in relation to this matter.

Planning Balance

53. The Council have confirmed that they currently have a five-year housing land supply. Be that as it may, the five-year housing land supply figure is not a target and the proposal would therefore make a positive contribution to the Council's housing land supply. The appellant has also referred to the importance of windfall sites in terms of the Council's overall housing strategy and also drawn my attention to PNP Policy HOU 6 which supports the provision of smaller units to meet local needs. Nevertheless, the benefits arising from the provision of one additional dwelling would be limited.
54. I also acknowledge that the proposed development would result in some economic benefits, including employment during the construction works and additional expenditure in the area through occupation of the proposed dwelling. However, given the scale of the development proposed these benefits are limited.

55. I note the appellant has made reference to additional Council Tax revenue and CIL payments as benefits of the appeal proposal. The Planning Practice Guidance is however clear that it would not be appropriate to make a decision based on the potential for a scheme to raise money for the local authority or other government body. As such, CIL and Council Tax contributions do not add weight in favour of the appeal scheme.
56. The appellant has also stated that the existing building at No.1 is a non-designated heritage asset and is currently in a poor state of condition. The appellant therefore contends that the appeal proposal would represent a partially enabling development that would ensure works to No. 1 are undertaken to the highest standard.
57. As detailed in the preliminary matters section of this appeal the Council have confirmed that the property at No.1 is not considered to be a non-designated heritage asset. Nevertheless, I have been provided with very limited information as to what improvement works would be carried out to No. 1 and more to the point there is no mechanism before me to ensure that any works would be carried out at No. 1 should the appeal be allowed. As such, I attribute this matter very limited weight in favour of the appeal scheme.
58. The submission states that passive sustainability design features would be incorporated into the dwelling, as well as green features to further reduce carbon emissions. No energy statement has been provided to demonstrate the energy efficiency levels of the proposed dwelling. Nevertheless, the use of renewable energy sources carries moderate weight in favour of the appeal scheme and should I be minded to allow the appeal, the provision of these renewable energy sources could be secured by planning condition.
59. Nevertheless, the proposed identified benefits of the appeal proposal would not outweigh the conflict I have found in respect of the harm the proposed development would have upon the living conditions of the occupiers of No.1 Smithfield Cottages.

Conclusion

60. In view of the above, the proposal conflicts with the development plan when taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R. Major

INSPECTOR