

---

# Appeal Decision

Site visit made on 10 September 2024

**by S Ashworth BA BPL (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 October 2024**

---

**Appeal Ref: APP/R0660/W/23/3330931**

**Former Council Depot located to the east of Disley, Buxton Road West, Disley SK12 2AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Bates against the decision of Cheshire East Council.
  - The application Ref is 22/0812M.
  - The development proposed is an exemplar, zero carbon detached dwelling with landscape improvements under paragraph 80(e) of the NPPF.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The National Planning Policy Framework (the Framework) was amended in December 2023, after the decision on the planning application was made. Paragraph 80 e), referred to in the description of development, has been renumbered as paragraph 84 e) although the substance of the policy remains similar. To avoid any doubt, I have referred to paragraph 84 e) in my decision.
3. The Framework is currently under further review and new draft policies relating to development in the Green Belt, amongst other things, are currently the subject of consultation. As the revised Framework is at an early stage of preparation, it can carry little weight in my decision. Accordingly, I have determined the appeal on the basis of current policy and guidance.

## Main Issues

4. The main issues in this case are:
  - Whether the proposal would be inappropriate development, including the effect of the proposal on the openness of the Green Belt, having regard to the development plan and the Framework; and
  - Whether any harm by reason of inappropriateness would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

## Reasons

5. The appeal site lies in a wider area of woodland within the designated Green Belt to the west of the centre of Disley. Policy PG3 of the Cheshire East Local

Plan Strategy (CELPs) 2010-2030 (adopted in July 2017) states that within the Green Belt, planning permission will not be granted for inappropriate development except in very special circumstances in accordance with national policy.

6. The Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this include, at paragraph 154 g) limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development; or would not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. There is no suggestion that the proposal would meet an identified affordable housing need.
7. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land. The definition excludes, amongst other things, land that was last occupied by agricultural or forestry buildings, and land that was previously developed but where the remains of fixed structures have blended into the landscape.
8. The appeal site is a predominantly wooded area with a cleared, hard surfaced area located on a level part of the site adjacent to the vehicular access off Buxton Road West (A6). I understand that a former Council depot which occupied part of the site for many years ceased to exist in the last part of the 20<sup>th</sup> century. However, evidence of any permanent structure on the site, and details of its last use, is limited and contradictory. The appellant suggests there once was a building used for by Cheshire East Highways although reference is also made to Network Rail, and I note aerial photographs shows what appear to be markings on the ground which are claimed to be the outline of a building on site. However, maps dating back to 1900 indicate a clearing in the woods of various sizes over time but no building is indicated and indeed the map dated 1970 describes the clearing as a 'Council Yard'. Furthermore, a representation from Disley Parish Council does not recollect a building on site but suggests that the site was used for 'basic open storage' by the former Macclesfield Borough Council.
9. I note that the Inspector in the previous appeal<sup>1</sup> accepted that the site is previously developed land although I am not aware of the evidence that was put before him. It seems to me that the hardstanding is evidence of the former commercial use of part of the site, but nevertheless, on the basis of the evidence before me, I cannot be certain that the site meets the definition of previously developed land as set out in the Framework. However, even if the site were previously developed land, the test in paragraph 154 g) requires an assessment of the effect of the proposal on the openness of the Green Belt.
10. The proposal would introduce a substantial building into a currently open part of the site. The proposed dwelling has been carefully designed to take advantage of the topography of the land and keep the height of the building to a minimum. Nevertheless, in spatial terms, the proposal would introduce built form where none currently exists.

---

<sup>1</sup> Appeal ref: APP/R0660/W/21/3273039

11. In terms of its visual impact on openness, the plans have been amended since the previous appeal, such that the dwelling would be sited at an angle from the access into the site, and the entrance gates set away, such that the building would not be immediately apparent from the site entrance along the access drive. Trees within the woodland would partially screen the building from view from both the highway and the public footpath which runs to the east of the site, although glimpses of the site through the trees are possible and it seems to me that the development would be apparent to passers-by particularly in the winter months. Similarly, although there is significant tree coverage on the sloping land to the south of the site which would partially screen the development, it is likely to be glimpsed from the railway line and in distant views from the hillside beyond.
12. Accordingly, for the above reasons in both spatial and visual terms the development would have a considerably greater impact on the openness of the Green Belt than any existing development. As such the proposal constitutes inappropriate development. There is no disagreement by the parties on that matter. Inappropriate development, the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### **Other Considerations**

13. Paragraph 84 of the Framework seeks to ensure that the development of isolated homes in the countryside is avoided except in certain specified circumstances including where the design is of exceptional quality and would significantly enhance its immediate setting.
14. There is no dispute that the site lies in the countryside for planning purposes. However, there is sporadic built development on both sides of the road and the appellant acknowledges that the site is within walking distance of the built-up part of Disley, which contains a range of services and facilities, and a railway station linking Disley to Manchester. There is no dispute that satisfactory access can be achieved onto the A6 and I note that this part of the road has cycle lanes and pavements on both sides. Accordingly, taking these factors into account I am unconvinced that the site is in an isolated location.
15. Nevertheless, the Framework emphasises the importance of good design generally. Paragraph 139 b) states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standards of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
16. The proposed dwelling is well designed to take into account its woodland setting. Its split-level design utilises the slope of the land such that the impact its bulk and massing is reduced. The building would be orientated to take advantage of views of the surrounding countryside and maximise solar gain whilst minimising its visual impact from the highway. It would have a high quality, contemporary appearance, constructed in concrete finished in a colour to reflect the stone of local buildings and timber to reflect its woodland setting. The dwelling has been designed to Passive House principles, specifically with a very high level of insulation and low air leakage and it would incorporate an innovative blue roof to maximise water efficiency, a green roof and angled photovoltaic panels.

17. The proposal has been assessed by a Council appointed design expert, an architect, who noted that it was a wholly comprehensive approach to sustainability and is 'the adoption of a properly lifetime approach with the stated aim of taking the house off-grid in the future'. I have no reason to disagree.
18. Accordingly, the development is of exceptional design quality in that it reflects the highest standards in architecture, a standard the government is seeking to promote. As such, and particularly given the conclusions of the design review expert, this consideration adds significant weight to the proposal. I also acknowledge that the dwelling would be occupied by the architect and that the Framework seeks to encourage self-build development.
19. The proposal seeks to conserve and improve the immediate environment by, for example, the removal of an invasive species, Japanese Knotweed, the planting of additional trees and removal of the existing area of tarmac. It is clear that considerable effort has already gone into improving the land in that respect. However, other than the hard surfacing, the site is similar in terms of its character and appearance to the wider area of woodland around it. The introduction of a large building and new, albeit permeable, hard surfacing and domestic activity into the woodland, limits the weight I can give the woodland management as a benefit of the scheme.
20. The appellant considers that the site could be re-used for open storage without the need for planning permission. Such a storage use could be harmful to the character and appearance of the area. However, no Certificate of Lawfulness for such a use has been sought and granted. Moreover, the appellant is seeking to develop the site for domestic use and there is no evidence before me of any intent to use the land for storage purposes. Accordingly, whilst I have taken the matter into consideration, it carries little weight in support of the proposal.
21. The development would provide an additional dwelling in the area, adding to housing supply and choice, in a location with good accessibility to local services and public transport links. It would also have some economic benefits during the construction period and beyond. However, I understand that the local planning authority can demonstrate a 5 year housing land supply, and this, plus the small scale of the development limits the weight I can give the matter as a benefit.
22. My attention has been drawn to various other sites within the Green Belt where planning permission has been granted for residential development, including permission for 3 dwellings at a former Council depot site in Poynton. However, whilst I note that proposal would have no adverse impact on the provision of open space or recreational land, as is the case here, I do not know whether the case is directly comparable to that before me in terms of the site-specific considerations the Council took into account in reaching its conclusions. Moreover, that development does not justify the case before me.
23. The other identified cases include cases in the Green Belt where proposals were assessed as being of exceptional design quality, a matter which appears to have provided the very special circumstances needed to justify them. However, paragraph 84 g) relates to development in the countryside generally and does not have a direct bearing on the application of Green Belt Policy. Moreover, whilst the Framework seeks to promote a high standard in design, such development is not listed as an exception in the Green Belt, albeit it can be a

material consideration. Moreover, I am not aware of all the relevant details of these cases and have dealt with the proposal before me on its own merits.

*Whether very special circumstances exist*

24. The Green Belt is a strategic designation, the purposes of which are set out in paragraph 143 of the Framework. The proposal would introduce a new building in the Green Belt and for the reasons outlined above would be inappropriate development and as such cause harm by definition. There would also be some harm to the openness of the Green Belt. The Framework is clear that substantial weight should be given to any harm to the Green Belt.
25. The proposal has undoubted benefits, particularly in respect of the outstanding and innovative quality of the architecture and its sustainability credentials. This matter in itself carries significant weight. However, even considered cumulatively, the considerations set out above do not clearly outweigh the harm resulting from the proposal.
26. On that basis the very special circumstances needed to justify inappropriate development do not exist. As such the proposal conflicts with the development plan considered as a whole, and the Framework. There are no other material considerations that indicate that permission should be granted contrary to the development plan.
27. Therefore, having regard to all other matters raised, the appeal is dismissed.

*S Ashworth*

INSPECTOR