

Appeal Decision

Site visit made on 16 September 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2024

Appeal Ref: APP/R0660/W/24/3341055

Land to the north side of Coppice Road, Higher Poynton SK12 1SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Frank Potts (on behalf of the estate of Mrs Hilda Potts) against the decision of Cheshire East Council.
 - The application Ref is 22/0474M.
 - The development proposed is the construction of a detached house with access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was submitted in outline form with matters of appearance, landscaping and scale reserved for subsequent consideration. Therefore, other than the point of access to the site and the layout of the proposal, I have treated all other detail shown on the submitted plans as being for indicative purposes only.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness and purposes of the Green Belt; and
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site is a parcel of land within a larger agricultural field. It is located on the north side of Coppice Road. Residential properties are located opposite the site on the southern side of Coppice Road, to the west and to the east

beyond an access point to the field beyond. The site falls within the Green Belt.

5. Policy PG3 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030 (July 2017) (the CELPS) sets out that the construction of new buildings is inappropriate in the Green Belt, with one exception to this being limited infilling in villages. This is reflective of the approach in the Framework and the exception at paragraph 154 e).
6. Policy PG10 of the Cheshire East Local Plan, Site Allocations and Development Policies Document (December 2022) (the SADPD) defines Higher Poynton as an infill village. This policy notes that such settlements do not have a settlement boundary, but rather they have a defined infill boundary and that limited infilling will be supported within such boundaries. The main parties are in agreement that the appeal site falls outside of the village infill boundary of Higher Poynton.
7. Notwithstanding this, case law¹ has established 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. Considering whether a site is in a village is a matter of planning judgement for the decision-maker, having regard to the situation on the ground as well as any relevant policies.
8. On leaving Poynton and travelling along Coppice Road towards the appeal site, the pattern of development changes from compact and dense stretches of built form sited close to the highway to a more dispersed layout and semi-rural character. This is particularly evident on the southern side of Coppice Road, as well as the appeal site and adjoining parcels of land, where fields and undeveloped land abut the highway in parts.
9. On the approach to the appeal site from the east there is a strong presence of built form, particularly around the junction with Shrigley Road North. The residential properties beyond the appeal site on the north and south side of Coppice Road are readily apparent when passing along this part of Coppice Road.
10. Whilst there is not a continuous stretch of ribbon development along all parts and sides of the immediate stretch of Coppice Road, including the appeal site and adjoining parcels of land, built form is a relatively consistent feature in the wider street scene. Overall, the immediate locality is built up with a significant number of residential properties arranged over a large area.
11. Taking account of the particular circumstances of this appeal, including the inter-relationship of the appeal site with existing built form, I find that the site has visual and spatial connections to Higher Poynton and thus falls within a village for the purposes of the Framework test.
12. However, to meet the exception at paragraph 154 e) of the Framework the appeal proposal must also represent limited infilling. The Framework does not provide a definition however the CELPS and Policy PG10 of the SADPD provide assistance and define limited infilling as the development of a relatively small

¹ Julian Wood v Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWHC Civ 195

gap between existing buildings. Whether a particular proposal is to be regarded as limited infilling in a village for the purposes of the Framework is therefore a question of planning judgment.

13. The appeal site itself is of a width and depth which is commensurate with many plots and permitted examples in the wider locality and the layout of the proposal would be reflective of surrounding built form. Whilst the proposal was submitted in outline form, there is nothing to suggest that a dwelling of an appropriate scale and appearance could not be achieved.
14. However, as alluded to above, there is not a continuous ribbon of development along the northern side of the immediate stretch of Coppice Road either side of the appeal site. The nearest property to the eastern boundary of the appeal site is at Springbank Farm. It is orientated at 90 degrees to Coppice Road, with its predominant garden areas abutting the field and Coppice Road. To the west there is considerable separation between the appeal site and the dwelling at 3 Smithfield Cottages due to its extensive and largely undeveloped side garden. All of these factors contribute to an additional generous sense of space along this stretch of the street scene.
15. Accordingly, the appeal site is not within an otherwise continuous and largely uninterrupted built frontage of several dwellings visible in the street scene, but rather the size of the frontage of the appeal site along with the generous undeveloped space to either side results in a very substantial gap between existing buildings. The appeal proposal would not therefore fill an obvious and small gap.
16. My attention has been drawn to three appeal decisions within very close proximity to the appeal site. In each case the Inspector found that the site was within a village. I have also found this to be the case in this appeal. However, with regards to whether a proposal constitutes limited infilling, each case should be determined on its own merits and particular regard should be had to the specifics of the site, the proposal, its immediate context and its relationship to other plots and built form. The details provided suggest to me that, whilst within close proximity to this appeal site, the context of each example is not directly comparable as they have differing relationships with their respective surrounding built form. The examples do not therefore weigh in favour of the appeal scheme in respect of the assessment on whether or not the proposal would be limited infilling.
17. Taking all the above into consideration, I find that the appeal site would not be within the infill village of Higher Poynton as defined by Policy PG10 however it would appear as part of the village for the purposes of the Framework test and following an on-the-ground assessment. Nevertheless, the proposal would not represent limited infilling thus it constitutes inappropriate development in the Green Belt and, overall, it fails to accord with paragraph 154 e) of the Framework, Policy PG3 of the CELPS and PG10 of the SADPD.

Openness and Purposes

18. Paragraph 142 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their

permanence. When applying the concept of openness to the particular facts of a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.

19. The appeal site is an undeveloped parcel of land within a larger agricultural field which fronts Coppice Road. The construction of a dwelling as well as associated access, parking and domestic areas around the property where currently there is no built form would result in a spatial loss of openness and would be readily apparent from public vantage points thus reducing the visual openness of this part of the Green Belt.
20. Whilst matters of appearance, landscaping and scale would be reserved for subsequent consideration, I am not convinced that the impact on openness would be completely overcome by securing such details. The urbanisation of the site would undoubtedly still be discernible to some degree.
21. The introduction of new built form to an undeveloped parcel of land, which forms part of a larger agricultural field, would result in encroachment into the countryside. This would conflict with one of the five purposes of the Green Belt which seeks to assist in safeguarding the countryside from encroachment.
22. Taking all the above into consideration, the proposal would result in harm to the openness of the Green Belt and would conflict with one of its purposes as set out in paragraph 143 of the Framework. Given the scale of the development I find that the overall degree of harm would be moderate.

Other considerations

23. The proposed development would make a contribution to local housing supply, would generate jobs during construction and increase spending in the local area on subsequent occupation. Due to the small scale of the proposal however, I afford these benefits limited weight.
24. A lack of harm to visual amenity and the character of the area are neutral matters that do not weigh in favour of the proposal.

Whether very special circumstances exist

25. The Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt and 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.
26. I have concluded that the proposal would be inappropriate development in the Green Belt and would cause moderate harm to its openness. As required, these are matters to which I give substantial weight.
27. The other considerations advanced in support of the proposed development do not therefore clearly outweigh the harm I have identified thus the very special circumstances necessary to justify the proposal do not exist. The proposal is therefore contrary to policies MP1, SD1, SD2 and PG3 of the CELPS, Policy PG10 of the SADPD and the Framework which collectively seek

to ensure that developments are sustainable through accordance with the development plan, and which also set out the approach to development in the Green Belt.

28. Policy HOU3 of the Poynton-with-Worth Neighbourhood Plan 2016-2030 (September 2019) is referred to within the Council's decision notice however it is not directly relevant to the main issue in this case.

Conclusion

29. The proposal conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan. Therefore, the appeal should not succeed.

H Ellison

INSPECTOR