



Appeal Decision

Site visit made on 4 March 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/R0660/W/24/3356324

Wood View Caravan, Ravens Lane, Burland, Cheshire East CW5 8PE

- 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 Brad Rushton against the decision of Cheshire East Council.
 - The application Ref is 24/2086N.
 - The development proposed is described as “Single dwelling Self-build and Custom Housebuilding Act 2015.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters except for access reserved for subsequent approval. I have therefore assessed the appeal proposal on that basis and have considered the submitted plans as indicative except where they relate to access.
3. Prior to the making of this decision, a revised National Planning Policy Framework (the Framework) was published in December 2024. Both parties have had the opportunity to comment on the changes to the Framework and any comments received have been taken into consideration as part of the decision.

Main Issues

4. The main issues are:
 - whether the site is a suitable location for housing with particular regard to its accessibility to local services; and
 - the effect of the proposed access on highway safety, with specific reference to visibility at the junction with the public highway.

Reasons

Suitable location for housing

5. The appeal site is situated on Ravens Lane and is in the open countryside. Policy PG6 of the Cheshire East Local Plan Strategy 2010-2030 (2017) (CELPS) sets out a number of exceptions for development that is acceptable in the open countryside, however both main parties agree that the proposal would not meet any of these exceptions. Based on the evidence before me, I have no reason to disagree. Policy PG10 of the Cheshire East Local Plan Site Allocation and

Development Policies Document (2022) (SADPD) lists the villages where limited infilling will be supported. The appeal site does not fall within the boundaries of any of these villages.

6. The appeal site currently consists of a ménage area, which was previously granted planning permission¹, as well as grassland and hardstanding or gravel. The Framework sets out a definition of 'previously developed land' which includes large areas of hardstanding which have been lawfully developed. Some of the site could therefore be considered to be previously developed land.
7. CELPS Policy SE2 encourages the redevelopment or re-use of previously developed land, as long as consideration is paid to the sustainable development requirements of CELPS Policies SD1 and SD2. Point 6 of Policy SD1 seeks to ensure that development is accessible by public transport, walking and cycling, while part 2(ii) of Policy SD2 expects development to provide access to a range of forms of public transport, open space, and key services and amenities.
8. In terms of distance, the appellant states that the appeal site is approximately 0.9 miles from both Ravensmoor, which contains some services and facilities, and Swanley which has a bus stop, and 1.4 miles from the town of Nantwich. The Council states that the site is approximately 1200 metres from Ravensmoor and 1500 metres from Acton, although these are linear distances and the route to get to these settlements would follow a more circuitous route. These distances all exceed the appropriate distances for access to services and amenities set out in Table 9.1 as guidance for Policy SD2.
9. The nearest settlements are therefore unlikely to be within walking distance given the lengths of the routes, although they are within cycling distance of the appeal site. However, whilst I noted that the roads that link the site to the nearby settlements are largely straight with good forward visibility, the lack of footpaths or street lighting, and the speed with which vehicles might travel on the roads that have a 60mph speed limit, make it unattractive as a walking and cycling route after dark. Furthermore, from the evidence before me, the nearest bus services are limited in their frequency during the day on weekdays and Saturdays with no evening or Sunday services.
10. There is therefore a poor connection to the local bus service for pedestrians and, consequently, access to and from the site would therefore be largely dependent on private cars to travel to services and facilities. Although there is nothing in the Framework to suggest that the use of a private car would in itself make a development unsustainable, it is clear that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. For the reasons above, I am not persuaded that the site is well connected to the services and facilities that are provided within the nearby settlements, or that the proposed development is accessible by public transport, walking and cycling.
11. I note that an appeal was allowed at The Farthings for a new dwelling and detached garage² at a site that was also in the open countryside and did not meet any of the exceptions of CELPS Policy PG6. However, the proposal did accord in part with Policy H1 of the Wybunbury Combined Parishes Neighbourhood Plan

¹ Planning application ref. 20/0336M

² Appeal ref. APP/R0660/W/22/3312015

(2020), insofar as the proposal utilised a brownfield site in the rural area and made more efficient use of land. The appeal site in the case before me falls outside of the area covered by this Neighbourhood Plan and therefore is not subject to Policy H1. Furthermore, the Farthings site was adjacent to a garden centre complex which included retail stores which weighed in favour of the scheme, whereas the nearest retail stores to the current appeal site are a considerable distance away.

12. Overall, even if the site was considered to be previously developed land and the proposal would utilise a brownfield site in the rural area and make a more efficient use of land, as advocated by the Framework, the appeal site would not be a sustainable location for housing as a result of the poor connection between the appeal site and services, facilities and public transport. The proposal would therefore conflict with CELPS Policies PG6, SD1, SD2 and SE2 and SADPD Policy PG10.

Highway safety

13. The appeal site is currently used for equestrian purposes, and the proposal would utilise the existing access to the site. While the number of vehicle movements for the equestrian use would reduce as a result of the appellant living on the site, there would be additional movements for domestic matters.
14. The appellant's statement includes an annotated aerial photograph measuring the visibility to the south from the access, although it appears this measurement is taken from the edge of the road and not a position set back from the road similar to the position of a driver in a vehicle. At the time of my site visit, from a position set back from the road visibility along Ravens Lane in both directions was obstructed by hedging. Based on the evidence before me, it has not been demonstrated that the current visibility splays are acceptable.
15. Furthermore, the existing hedges are not shown on the submitted drawings, which only show a proposed hedge adjacent to the existing access and entrance gates. It is therefore unclear whether the existing hedges are within the ownership or control of the appellant, and as such it is unknown whether the appropriate visibility splays could be achieved. As Ravens Lane is a single-track road with a 60mph speed limit, substandard visibility would increase the risk of a collision between vehicles exiting the appeal site and other road users.
16. The proposal would therefore cause harm to highway safety. Consequently, the proposal would conflict with CELPS Policy SD1 and SADPD Policy INF3, insofar as they require development to provide safe access.

Other Matters

17. The proposal is for a self-build dwelling, however I have no mechanism before me to secure the new dwelling as a self-build property. I therefore attach limited weight to the self-build benefits.

Planning Balance and Conclusion

18. Following the publication of the revised Framework, the Council currently has a 4.6-year supply of housing sites and, consequently, can no longer demonstrate the 5-year supply required by the Framework. Paragraph 11(d)(ii) suggests, in this situation, the most important policies are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

19. Paragraph 89 of the Framework states that the use of previously developed land should be encouraged where suitable opportunities exist. However, there would be conflict with the Framework insofar as it requires the provision of homes in a sustainable manner and the provision of safe and suitable access to the site. I have also taken into account the modest shortfall in the Council's housing supply. I consequently give significant weight to the conflict between the appeal proposal and CELPS Policies PG6, SD1, SD2 and SE2 and SADPD Policies PG10 and INF3, and limited weight to the use of previously developed land.
20. It is suggested that biodiversity and landscaping enhancements could be secured at the site. Any such enhancements would accord with CELPS Policy SE3 and SADPD Policy ENV2. However, I have no substantive details before me of any such enhancements and, furthermore, landscaping is a matter which would be addressed in a future application for reserved matters. As such I afford limited weight to these enhancements and any compliance with the aforementioned policies, and as such this would not outweigh the significant weight to the conflict to the policies relating to the sustainable location for housing and highway safety. Overall, there would be a conflict with the development plan as a whole.
21. The provision of one additional unit would make a small meaningful difference to the existing supply. Economic advantages would also arise from the construction and occupation of a new house, although these would be temporary and limited by the scale of the scheme. I would therefore ascribe limited weight to these matters.
22. It is therefore sufficiently clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply in this particular case.
23. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR