



Appeal Decision

Site visit made on 22 July 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/R0660/W/25/3362465

4 Green Avenue, Alraham, Tarporley CW6 9LP

- 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 James Evans against the decision of Cheshire East Council.
 - The application reference is 24/3218N.
 - The development proposed is two dwellings and relocated replacement garage for existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the appeal, the appellant provided drawings which were described as a “revised layout” of the bungalow on the appeal site. This was part of their response to the second reason for which planning permission had been refused, which related to living conditions in the existing dwelling. The additional drawings in fact showed only the current layout of the bungalow, so it has not been necessary for me to consider whether to accept an amended scheme. I have determined the appeal based on the proposal as it was considered by the Council.

Main Issues

3. The main issues are:
 - Whether the appeal site is an appropriate and sustainable location for the proposed development, having regard to relevant local and national policy, and to its effect on the character of the area;
 - The effect of the proposed development on living conditions for occupiers of the existing dwelling on the site, with particular regard to daylight, separation distances and privacy, and whether it would be harmfully overbearing; and
 - Whether the development would make appropriate provision in respect of biodiversity net gain.

Reasons

Location and character

4. The appeal relates to a detached bungalow on Green Avenue, a short cul-de-sac of similar properties on the north-eastern edge of the small settlement of Alraham. The proposed development is the demolition of a detached garage and the construction of two new four-bedroom houses, as well as a separate block of four garages to serve them, on what is currently part of the large rear garden north

of No 4. A replacement garage for the existing dwelling would also be erected to the south-east of the bungalow.

5. Policy PG2 of the 2017 Cheshire East Local Plan Strategy (“the CELPS”) defines the settlement hierarchy for the area, and Policy PG6 addresses development in the “open countryside”. Together, they place Alpraham within the lowest tier of the settlement hierarchy, “other settlements and rural areas”; these are described in PG2 as places where development should be confined to “a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement”. PG2 also notes that “it may be appropriate for local needs to be met within larger settlements, dependent on location”.
6. Policy PG10 of the 2022 Site Allocations and Development Policies Document (“the SA DPD”) identifies certain of the “other settlements” as infill villages. These have a defined “village infill boundary”, within which limited infilling will only be supported where it is in keeping with the scale, character and appearance of its surroundings and the local area; does not give rise to unacceptable impacts; and does not involve the loss of undeveloped land that makes a positive contribution to the character of the area. However, Alpraham is not identified as one of the infill villages.
7. PG10 goes on to say that “outside of the village infill boundaries [...] development proposals will not be considered to be ‘limited infilling in villages’ when applying [CELPS] Policies PG3 and PG6”. The site is therefore in the “open countryside” in the development plan’s terms. Policy PG6 of the CELPS states that “only development that is essential” for various purposes including agriculture, forestry, outdoor recreation, public infrastructure, or “other uses appropriate to a rural area” will be permitted in open countryside areas. PG6 also provides for exceptions, including where there is the opportunity for limited infilling in villages but, as I have set out in the preceding paragraph, Policy PG10 of the more recent SA DPD is clear that that exception only applies in the named “infill villages”. The appeal site is not a location where the policies of the development plan are supportive of the principle of residential development.
8. Policies SD1 and SD2 of the CELPS seek to achieve sustainable development, including prioritising the most accessible and sustainable locations, and set out a range of related principles. These include that residential development should have access to a range of public transport and key services and amenities. While the site is reasonably close to a public house, bus stops, and the village hall, Alpraham is not otherwise well-provided with key services and amenities. The submitted Design and Access Statement identifies Tarporley as offering retail and commercial services, though it is around 13 minutes away by an hourly bus service which is unlikely to be relied on by residents for day-to-day shopping trips and suchlike. Occupiers of the proposed dwellings would be likely to be overwhelmingly dependent on the private car for access to shops, services and community facilities. Given this, they would very well often choose to drive to use clusters of shops and services in larger centres in the surrounding area, such as Nantwich, Crewe or Chester, bypassing the smaller and more limited facilities in rural towns and villages. The development would therefore be unlikely to make a significant contribution to maintaining the vitality of rural communities.

9. The existing housing on Green Avenue is essentially suburban in character and appearance, but the low-rise bungalows are largely screened in views from the fields and public footpaths to the north and east by trees and hedgerows along boundaries. The two proposed dwellings would be within the existing garden of No 4, so would not represent a physical encroachment into undeveloped land. However, the houses would be taller than, and so more conspicuous or prominent than, the existing bungalow on the site. They would be likely to be visible from Hilbre Bank (the road leading into Alpraham from the north) and from the footpath immediately to the north of the site. However, the boundary trees and hedges would continue to provide some screening, so while there would be a degree of visual impact on the surrounding countryside this would be limited in scale.
10. The National Planning Policy Framework (“the Framework”) seeks to ensure that housing in rural areas is located where it will enhance or maintain the vitality of rural communities (Paragraph 83). However, for the reasons I have set out in paragraph 8 above, I consider that the proposed development would be unlikely to make a significant contribution to achieving that aim. There is no suggestion, nor do I find, that the scheme would lead to the development of an isolated home in the countryside, in the terms set out in Paragraph 84 of the Framework. An absence of conflict with this aspect of national planning policy is a neutral factor in my overall decision.
11. The appellant drew my attention to several cases elsewhere in Alpraham where planning permission has been granted for residential development¹, some of which I saw during my site visit. However, I have not been provided with further information setting out why those applications were allowed, including the development plan policies in force at the time² and any other considerations which may have been taken into account. In the absence of this important context, those permissions carry very limited weight in favour of this appeal scheme.
12. The appeal site is in the “open countryside”, in a location where residents would have limited access to services by a range of sustainable transport options. I conclude that it would not be an appropriate location for the proposed development, having regard to local and national planning policy. The development would conflict with Policies SD1, SD2 and PG6 of the CELPS, the principle relevant provisions of which I have set out above. The development would also not be supported by the provisions of Paragraph 83 of the Framework which seek to promote sustainable development in rural areas.
13. Although the two proposed houses would be visible from the fields and footpaths north of the appeal site, I consider that the limited impact of this would not amount to causing significant harm to the character of the countryside. There would therefore be no conflict in this respect with Policy SE1 of the CELPS, or with Policy GEN1 of the SA DPD, which seek to ensure that development is well designed, makes a positive contribution to its surroundings, and protects the quality, distinctiveness and character of the area. This does not outweigh or negate the other conflict which I have found on this matter.

¹ Sites at Meadowside (LPA Ref: 22/4955N), South View (LPA Ref: 22/0524N), and two at Chester Road (LPA Refs: 21/6435N and 21/0141N)

² In view of the LPA reference numbers it is possible that at least some of those permissions may have been granted before the SA DPD was adopted in 2022.

Living conditions

14. The side elevation of the proposed house on Plot 2 would be around 2.1m from the rear elevation of the existing bungalow at No 4. It would be very close to three windows on that elevation, which serve two of the bungalow's four bedrooms and an ensuite bathroom. It would not comply with the minimum standards set out in Policy HOU13 of the SA DPD, which in this case would require at least 14m of separation where a habitable room faces a blank wall.
15. There would be likely to be a reduction in daylight reaching those windows, and the new dwelling would be overbearing, severely obstructing the outlook from the two bedrooms. I saw on my visit that there would also be likely to be some adverse effects in respect of daylight and outlook for the westernmost window serving the main lounge in the bungalow. However, as the new dwelling would be offset from that window, and because the lounge has other large windows on two elevations which would not be affected, the effect on the that room would be limited. Nevertheless, the impact on the two bedrooms would be significant.
16. I emphasise again here that the "revised layout" referred to by the appellant has not been provided to me, though I acknowledge that a reconfiguration of the living accommodation within the bungalow could be carried out without requiring planning permission. However, the appellant's criticism of "the assumption of the [Council's] planning officer that the principal bedrooms [are on the north side] of the property", along with the assertion that "those bedrooms are hardly ever used", seems misplaced. They are the two largest bedrooms in the bungalow, and the one with the ensuite bathroom (the only such facility in the property) is clearly labelled "master bedroom" on the submitted floorplan. While I acknowledge that the appellant may not therefore seek to make maximum use of those rooms, objectively speaking they are likely to be the two "best" bedrooms in the property.
17. The possibilities for internally reconfiguring the bungalow would in any event be constrained by the new dwellings. The physical presence of the house on Plot 2 would affect daylight and outlook as described above, while any additional windows proposed for the western side elevation of the bungalow would be likely to have limited privacy (or require obscure glazing) as they would be very close to the driveway serving the two new houses. Either way, the proposed development would have the effect of limiting the usefulness of the entire north-western corner of the existing bungalow for habitable rooms.
18. I conclude that the proposed development would cause unacceptable harm to living conditions for occupiers of the existing dwelling on the site. It would therefore conflict with Policies HOU12 and HOU13 of the SA DPD which, as well as setting the separation standard described above, seek to ensure that development provides an acceptable standard of amenity, including in respect of privacy, daylight, and that new buildings do not have an overbearing or dominating effect.

Biodiversity

19. The planning application was submitted after biodiversity net gain ("BNG") became mandatory via the Environment Act 2021. Policy SE3 of the CELPS seeks to ensure that all development aims to positively contribute to the conservation and enhancement of biodiversity, while Policy ENV2 of the SA DPD seeks to ensure that all development provides for a net gain in biodiversity in line with national requirements.

20. It was claimed on the application form that the BNG condition³ would not apply, as the development would be subject to the *de minimis* exemption. However, the supporting information provided showed that more than 25m² of habitats would be impacted by the development; the mandatory BNG requirements do therefore apply.
21. Although the application included a Biodiversity Net Gain Plan⁴, the Council highlighted deficiencies in the submitted information. These matters were not addressed by the appellant at all in their appeal submissions. There is no mechanism before me by which a net gain in biodiversity could be secured.
22. I therefore cannot be satisfied that the proposed development would make an appropriate provision in respect of BNG. It would conflict with Policy SE3 of the CELPS and Policy ENV2 of the SA DPD, the relevant requirements of which I have summarised above.

Planning Balance and Conclusion

23. There is no dispute between the main parties that the Council cannot demonstrate a deliverable five-year supply of housing sites; the appellant initially suggested that the supply stood at 4.58 years, but the Council confirmed during the appeal that its most recently available figure is only 3.8 years. The provisions of Paragraph 11 d) of the Framework, are therefore engaged.
24. Paragraph 61 of the Framework seeks to significantly boost the supply of housing; Paragraph 73 highlights the important contribution small sites can make to meeting the housing requirement of an area, and notes that they can often be built-out relatively quickly. The proposed development would provide two new dwellings, providing a small boost to the supply of homes in the area. There would be some economic benefits arising from increasing the housing stock, including to local trades and suppliers during the construction phase. Given the small scale of the scheme these benefits would be correspondingly modest; they therefore carry only moderate weight in its favour. I have also found that the development would not cause significant harm to the character or appearance of the countryside, though this lack of harm is a neutral factor in the overall balance.
25. However, I have also found that the appeal site would not provide future occupiers with good access to shops and services by a range of transport options, and would be likely to do little to enhance or maintain the vitality of rural services. It would not therefore be supported by Paragraph 83 of the Framework.
26. The development would have a significant adverse effect on living conditions in the existing bungalow on the appeal site. Although this is something that the appellant would be willing to accept, the scheme would conflict with the aims of Paragraphs 129 and 135 of the Framework, as the site would not be suitable for accommodating the proposed development, and the development would not offer a high standard of amenity for all users. There would also be conflict with the objective of providing net gains for biodiversity set out in Paragraph 187 of the Framework. Harm caused today in these respects would be likely to endure for many years into the future, and probably for the lifetime of the proposed

³ Set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended).

⁴ Leigh Ecology Ltd, 4 September 2024

development. I therefore give these harms substantial weight in the overall balance.

27. Overall, I consider that the harm from the development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. The proposal would not therefore amount to sustainable development in the terms set out in the Framework.
28. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
29. The proposed development conflict with the development plan taken as a whole. There are no material considerations, including those of the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
30. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector