



Appeal Decision

Site visit made on 18 November 2025

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2025

Appeal Ref: APP/R0660/W/25/3373189

4 Shores Lane, Burland, Cheshire CW5 8LU

- 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 Mrs S Aspinall against the decision of Cheshire East Council.
 - The application Ref is 25/1138/FUL.
 - The development proposed is described as: Proposed dwelling on land adjacent to 4 Shores Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site is suitable for the proposed development, having regard to a) relevant policies for the location of housing and b) its accessibility to services and facilities; and
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Location

3. The appeal site comprises part of the garden associated with the dwelling at No 4 Shores Lane and is located towards the end of an unadopted road within Burland. The parties agree that the appeal site lies outside of any defined settlement boundary such that it is defined as being within the open countryside. However, it is not isolated given the presence of numerous other dwellings within Burland.
4. Policy PG 6 of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) (CELPS) confirms that the only development permitted in the open countryside is that which is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. However, exceptions to this policy include the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere. The parties disagree over whether the proposal meets this exception.
5. The Council confirm that within the Cheshire East Site Allocations and Development Policies Document (December 2022) (SADPD) the glossary identifies

a built-up frontage as 'a substantial line of buildings fronting a road with a fairly dense and uniform pattern of development. Loose built-up frontage groupings of buildings in substantial grounds or with other spaces between them are not considered to be built-up frontages'.

6. From my observations, Shores Lane comprises a narrow lane, mostly lined by hedgerows, occupied by a small number of dwellings of different designs and scale, set back from the road by varying degrees, some with substantial gardens resulting in large gaps between most dwellings. The character of the area is one which is verdant, fairly open and semi-rural and not therefore corresponding with the above definition of a built-up frontage. This differs from the nearby Brooks Lane, as referenced by the appellant, which is a much shorter unadopted road that has dwellings sited closer together in a row, therefore being more consistent with that definition. It follows that the proposal would not fall within the above exception, and it is not within the appellant's case that the proposal would fall within any of the remaining express exceptions to Policy PG 6 of the CELPS.
7. Local facilities within Burland are limited to a post box, a fitness and wellness service and a car repair and MOT centre and so it lacks day-to-day services. The nearest settlement of Acton also has limited facilities, such as a primary school, church and village hall but it does have regular bus services to Chester, Nantwich and Crewe. Nantwich has a wide range of services and facilities that would be sufficient for most day-to-day needs.
8. The appellant has drawn my attention to a Demand Responsive Transport (DRT) service known as 'Go-too' which operates in the area 6 days a week during the day and early evening, providing transport to Nantwich. This service can be booked the day before travel and has a digital bus stop at the end of Shores Lane.
9. Whilst this service is available, on a pre-planned basis, I consider that other sustainable modes of transport such as walking and cycling would be unattractive for many people, particularly during inclement weather and the hours of darkness. This is on the basis of the excessive distance, of approximately 1.6km to Acton and approximately 2.9km to Nantwich, the provision of a narrow unlit footpath for the majority of the route, the cessation of the footpath near to a road junction necessitating crossing the road and the speed of the road, which has a 60 mile per hour limit for the majority of the route. It is therefore likely that future occupiers of the proposed dwelling would still be heavily reliant on the use of a private car.
10. Although paragraph 110 of the National Planning Policy Framework (the Framework) acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it also sets out that significant development should be focused on locations that either are or can be made sustainable by limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 of the Framework adds that sustainable transport modes should be prioritised taking into account the type of development and its location. The appeal proposal only relates to one dwelling however, as outlined above, it is unlikely that future occupiers would choose sustainable modes of transport, such as walking or cycling, to access necessary services and facilities.
11. For the above reasons, I therefore conclude that the appeal site is not suitable for the proposed development in terms of its location and its accessibility to services and facilities, having regard to the development plan and national planning policy.

The principle of the proposed development conflicts with Policies PG 6, SD 1 and SD 2 of the CELPS and PG 10 of the SADPD which seek, amongst other things, to preserve and enhance the appearance and distinctiveness of the countryside, ensure that development is accessible by public transport, walking and cycling, provides access to key services and amenities and not just by private car. It would also conflict with parts of the Framework that seek to promote sustainable travel.

Character and Appearance

12. As outlined above, the area is semi-rural and verdant with a wide variety of dwelling designs and sizes, beyond which lies open fields and a marina adjoining the nearby Shropshire Union Canal. The appeal site, currently a side garden and driveway to the adjacent dwelling, forms a vital gap that preserves the openness of the countryside and semi-rural character. Infilling this space with a large dwelling would urbanise the street scene and encroach on the countryside having a harmful effect on the character and appearance of the surrounding area.
13. I find that the proposals would therefore be contrary to Policies SE 1 and SD 2 of the CELPS and GEN 1 of the SADPD insofar as they seek to protect and enhance the quality, distinctiveness and character of settlements, respecting and, where possible, enhancing the landscape character of the area and maintain a strong sense of quality and place fitting in with the overall form and layout of their surroundings.

Other Matters

14. There would be some economic benefits associated with the occupation of the proposed dwelling, although this would not be significant given the quantum of development proposed. There would be some economic benefit from construction employment although this would be short lived.
15. I note that no concerns are raised with regards to the design or materials proposed. However, the avoidance of harm in these respects does not amount to a benefit, rather they are expectations of local and national policies. They do not address nor surmount the harm I have identified above.
16. My attention has been drawn by the appellant to separate legislative requirements for the provision of electric vehicle charging facilities for new dwellings. However, this would not prevent future occupiers or visitors from using non-electric cars and is therefore not determinative in my decision making.
17. A number of appeal decisions have been referenced by both parties which come to differing conclusions regarding their locational suitability and accessibility. Based on the evidence provided I am not satisfied that they are directly comparable to the circumstances in the appeal before me. The weight attributable to these is therefore limited and does not outweigh the harm that I have found.
18. The Council accepts that it cannot demonstrate a 5-year supply of deliverable housing sites. Therefore, the presumption in favour of sustainable development contained within paragraph 11 d) of the Framework is engaged. This requires that 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.

19. However, whilst the proposal would make a limited but positive contribution to housing supply, I have concluded that the location of the development and the effect on the character and appearance of the area conflict with the development plan. The adverse impacts would significantly and demonstrably outweigh the benefits of the delivery of 1 dwelling, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of development would not apply in this case.

Conclusion

20. For the reasons set out above, I conclude that the proposal conflicts with the development plan considered as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Mee

INSPECTOR