
Appeal Decision

Site visit made on 18 November 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/R0660/W/25/3372870

Land off Dark Lane, Dark Lane, Gawsorth, Macclesfield SK11 9QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr P Dean against the decision of Cheshire East Council.
 - The application Ref is 25/0771/PIP.
 - The development proposed is residential development for up to three dwellings including access and garaging.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent routes has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second ('technical details consent') stage ('TDC') is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of the subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission is sought for a minimum of one and a maximum of three dwellings.

Main Issues

5. The main issue is whether the site is suitable for residential development, having regard to its location, proposed land use and the amount of development, in relation to:
 - whether the proposal would constitute 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 of the Green Belt, and;

- whether any 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

6. The Framework indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and within paragraph 143 sets out the five purposes of the Green Belt. Framework paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and paragraph 154 indicates that development in the Green Belt is inappropriate unless one of the specified exceptions applies.
7. Framework paragraph 155 states that the development of homes on grey belt land within the Green Belt should not be regarded as inappropriate where it would not fundamentally undermine the purposes of the remaining Green Belt across the plan area; there is a demonstrable unmet need for the development proposed; the location would be sustainable, with particular reference to paragraphs 110 and 115 of the Framework; and, where applicable, the proposal meets the 'golden rules'.
8. CELPS Policy PG3 states that the construction of new buildings in the Green Belt is to be regarded as inappropriate development unless it is required for specific purposes. CELPS Policy PG10 sets out the circumstances where limited infilling in the Green Belt will be supported, to be read alongside CELPS Policy PG3. These policies are reflected in Policy G1 of the Gawsorth Neighbourhood Plan ('GNP').
9. These policies make no reference to grey belt land as they all pre-date the current Framework. Consequently, and being mindful that weight should be afforded to development plan policies on the basis of their degree of consistency with the Framework, I have afforded greater weight to the Framework in relation to this main issue.
10. There is no suggestion within the evidence that is before me that the proposal would meet any of the exceptions to inappropriate development set out at Framework paragraph 154, such as the proposal comprising infill development. I have no reason to find otherwise, and this is in line with the findings of previous Inspectors. However, as set out above, Framework paragraph 155 now provides an additional exception in relation to grey belt land.
11. Framework paragraph 155 explains that the development of homes in the Green Belt should also not be regarded as inappropriate where all the relevant criteria apply. There is no dispute that the proposal would utilise grey belt land. There is also agreement that it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. I agree on both counts.
12. In relation to a demonstrable unmet need, Framework footnote 56 clarifies that, in relation to housing, this includes a lack of a five-year supply of deliverable housing sites ('5YHLS'). The evidence indicates, and it is not disputed, that the Council cannot currently demonstrate a 5YHLS, and accordingly, there is a demonstrable unmet need for the type of development proposed.

13. Planning Practice Guidance (PPG) advises, in relation to Framework paragraph 155(c), that where grey belt land is not in a location that is, or can be made, sustainable, development on this land is inappropriate. Whether locations are sustainable should be determined in light of local context and site or development-specific considerations, taking into account opportunities to maximise sustainable transport solutions.
14. The appeal site is located towards the northern extent of ribbon development along Dark Lane. The main core of Gawsworth lies to the south-east. I understand that Gawsworth contains a number of local facilities. I also understand that a bus service serves the village on a route between the towns of Macclesfield, Congleton, Sandbach and Crewe. It is not disputed that this service is daily and at approximately hourly interval on weekdays during the day and early evening. There is broad agreement between the parties in terms of the relevant distances involved in accessing local facilities and services.
15. CELPS Policy SD2 states that residential development will be expected to, among other factors, provide access to a range of forms of public transport, open space and key services and amenities. Footnotes to the policy clarify that a “range” includes suitable access to a bus stop, a multi-functional open space, and a convenience store, along with four or more other services or amenities, within the maximum distances for services and facilities as set out in a table within the supporting text (‘Table 9.1’).
16. Considered purely in terms of distances, the appeal site would include access to a bus stop and multi-functional open space, along with four other services and facilities. It would not however, provide adequate access to a convenience store, with Gawsworth Hub being around 900 metres from the appeal site, in excess of the 500 metres set out in Table 9.1.
17. Moreover, there is no footway along the Dark Lane from the appeal site towards the village for some distance, nor is the road lit. It is relatively narrow and in places the proximity of the hedgerows leaves only limited verges. Although the appellant asserts that it is lightly used, Gawsworth Parish Council has provided traffic count data that indicates that in 2017 around 4,000 vehicles per day were using the road. Although this data is now of some age which diminishes the weight to which I can afford it, it nevertheless suggests a higher level of use than that stated by the appellant.
18. It is stated that existing residents of Dark Lane may use the road to access the village by pedestrian means. However, it is notable that the appeal site would be towards the farthest extent from the village core, and existing use does not mean that the pedestrian environment is a safe and attractive option for all. It is also the case that the closest bus stop, although located within reasonable distance, would only be accessible by pedestrian means via this route.
19. Overall, while I accept that the location of the appeal site would not preclude access to services and facilities by bicycle, the overall situation of the appeal site would discourage the use of sustainable methods of travel for some potential future occupants at night or in inclement weather, or in some cases at all. In such circumstances, despite a range of services being within distances and journey times set out by the Chartered Institution of Highways and Transportation (CIHT) and

CELPS Policy SD2, the appeal site cannot be said to have access to a genuine choice of transport modes.

20. It is likely, therefore, that the private car would perform a significant role in enabling any future occupiers of the proposal to access facilities and services, although given the level of services within Gawsworth and Macclesfield, some such journeys to fulfil day-to-day needs would not necessarily be lengthy.
21. Nevertheless, even if a wider range of services are located within a relatively local area, such as in Macclesfield, if not Gawsworth itself, many would not be easily accessible by means other than the private car or bicycle due to the limitations of the infrastructure in the immediate environs of the appeal site. This would not represent the maximisation of sustainable transport solutions.
22. I am mindful of the rural context of the appeal site, and the advice set out at Framework paragraph 110, which acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, the appeal site would not be easily accessible by sustainable means for all, and given the nature of Dark Lane, nor would safe access to the development be provided for all users, as advised at Framework paragraph 115.
23. Bringing these strands together, I find that the proposal would conflict with CELPS Policy SD2 as it would fail to provide access to a range of forms of public transport, open space and key services and amenities. I also find that the proposal would not be in a sustainable location for the purposes of Framework paragraph 155.
24. I have before me an appeal decision relating to a proposal for two dwellings at a site elsewhere in the area. The Inspector in that case also considered whether the proposal would meet the grey belt tests at Framework paragraph 155, and in doing so gave consideration to whether the site could be considered sustainable for the purposes of these tests.
25. Other than the decision itself, there is little evidence before me in relation to this case. For example, I have not been provided with a site location plan. It is therefore difficult for me to consider the circumstances of that decision in detail. Nevertheless, based on the evidence which is before me, I accept that there are some similarities. However, there are also differences; as an example, the Inspector took into consideration the presence of public rights of way, which it has not been shown would provide meaningful access to local services in the case currently before me.
26. Overall, while I have had regard to this decision, I cannot be certain that the circumstances of it are entirely comparable. Consequently, I am satisfied that my own conclusion would not represent inconsistency, having regard to the specific circumstances of the case which is before me.
27. Framework paragraph 155(d) is not relevant to this proposal, so I have not considered it further.
28. As not all of the criteria with Framework paragraph 155 would be met, the proposal would not comprise an exception to inappropriate development in the Green Belt for the purposes of this paragraph. As no other exemptions apply in this case, I conclude that it would comprise inappropriate development in the Green Belt.
29. The proposal would conflict with CELPS Policies SD2, PG3 and PG10. It would also conflict with GNP Policy G1, the content of which I have set out above. Having found

that the proposal would not meet the relevant criteria for grey belt development, or any of the other exceptions set out in the Framework, I conclude that it would comprise inappropriate development in the Green Belt.

30. The Council has also referred to CELPS Policy SD1 in refusing planning permission. However, this policy does not relate to the main issue of the principle of development within the Green Belt and are therefore not determinative in relation to this matter.

Effect on Openness

31. The Framework sets out that the 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.
32. The appeal site is undeveloped and has a high degree of openness both visual and spatial terms. While the overall scale and design of the proposed dwellings are matters which would fall to be considered at the technical details stage, it is nevertheless inevitable that the construction of between one and three dwellings, which would have associated gardens, residential paraphernalia and parking areas, in a field which is currently absent of development, would be harmful to openness.
33. The proposal, regardless of the number of dwellings ultimately brought forward, would be clearly visible from the road, and although, depending on the layout proposed, existing dwellings to the east and west would have the potential to provide a degree of screening, this would not wholly mitigate the effects of the proposal upon the openness of the Green Belt, particularly in spatial terms.
34. Accordingly, I find that the proposal would lead to harm to the openness of the Green Belt.

Other Considerations

35. The proposal would provide up to three dwellings, which would support the Government's objective of significantly boosting the supply of housing. As a small site it could also be brought forward relatively quickly.
36. There is no dispute that the Council cannot currently demonstrate a 5YHLS, with the evidence indicating a position of around 3.8 years of supply. Any additional housing therefore carries significant weight, however although a notable benefit, up to three dwellings would represent only a modest increase to the local housing supply in the context of a shortfall of around 3,000 dwellings across the accounting period.
37. Economic and social benefits would also arise from the proposal both during construction and in the longer term, following occupation. Other benefits may also accrue, however as consideration of detailed design would only occur at the TDC stage, these are not apparent from the evidence before me, nor could they be adequately secured at this stage such that they could be afforded meaningful weight.

Green Belt Balance

38. The proposal would be an inappropriate form of development within the Green Belt, which would harm its openness. Paragraph 153 of the Framework states I should afford substantial weight to any harm to the Green Belt, including harm to its

openness. The benefits of the proposal would not clearly outweigh this harm. Therefore, the very special circumstances necessary to justify the proposal do not exist in this case. The proposal would therefore conflict with CELPS Policies SD2, PG3 and PG10, as well as GNP Policy G1 and the aims of the Framework with regards to Green Belt.

39. Accordingly, the appeal site would not be in a suitable location for the type and amount of development proposed when applying the development strategy set out in the Local Plan and national policy in relation to the Green Belt.

Planning Balance and Conclusion

40. Given the shortfall in housing supply, I am taken to Framework paragraph 11d). In this case, I have found that the proposal would comprise inappropriate development within the Green Belt, which would harm its openness. The application of policies in the Framework that protect the Green Belt therefore provide a strong reason for refusing the development proposed. Consequently, the proposal would not benefit from the presumption in favour of sustainable development outlined within Framework paragraph 11.
41. Consequently, for the reasons above, the proposal would conflict with the development plan as a whole. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.
42. I therefore conclude that the appeal is dismissed.

C Harding

INSPECTOR