
Appeal Decision

Site visit made on 20 January 2026 by T Morris BA (Hons) MSc MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Appeal Ref: APP/R0660/W/25/3375425

Land off Plant Lane, Plant Lane, Moston, Sandbach, Cheshire CW11 3PH

- 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 Mark Linge against the decision of Cheshire East Council.
 - The application Ref is 25/3115/PIP.
 - The development proposed was originally described as 'development of up to ten affordable homes'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The proposal is for permission in principle (PiP). Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have made my recommendation on the appeal accordingly.
5. The description of development within the banner heading above is taken from the application form. It refers to a development of up to ten affordable homes, but a development of ten homes would be a major development and would be excluded from PiP. That being said, the description used by the Council in its officer report and decision notice is 'development of a maximum of nine dwellings'. As the Council dealt with the proposal on that basis, I shall do the same.

Main Issues

6. The main issues are:
 - i) whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development; and,

- ii) the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

Location

7. The appeal site comprises a parcel of undeveloped land located outside of, but near to the western edge of the settlement boundary of Sandbach. Therefore, it is situated within the open countryside for the purposes of the Council's planning policy. Policy PG 6 of the Cheshire East Local Plan Strategy 2010 – 2030 (2017) (LP) states that aside from some exceptions, only certain types of development appropriate to a rural area are to be permitted in the countryside. The site is also within the Moston Neighbourhood Plan 2018-2030 (made in 2019) (NP) area. Policy HOU1 of the NP supports small scale residential exception developments, where they comply with Policy PG 6.
8. The exceptions to development in the countryside as set out in Policy PG 6 includes the re-use of existing rural buildings, the replacement of existing buildings, extensions to existing dwellings, development that is essential for the expansion or redevelopment of an existing business and for the conservation and enhancement of heritage assets. The proposal would not meet any of these exceptions.
9. Other exceptions in Policy PG 6 include where there is an opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere. Also, for affordable housing, in accordance with the criteria contained in Policy SC 6 of the LP.
10. However, the site occupies a wide gap along Plant Lane. Given that the buildings either side are far away from each other and that they are set within largely open plots, they do not form a continuous built-up frontage. Furthermore, the maximum number of dwellings at the site could be nine. This would exceed what could reasonably be described as 'limited'. Consequently, the proposal would not meet the limited infilling exception.
11. With regard to affordable housing, Policy SC 6 states that rural exception affordable housing will be permitted as an exception to other policies concerning the countryside, to meet locally identified affordable housing need. However, this is subject to complying with all of the criteria listed under the policy.
12. These criteria include the submission of a thorough site options appraisal and an up-to-date Housing Needs Survey. There is no substantive evidence before me of any such information. Furthermore, the policy requires that occupancy will, in perpetuity, be restricted to a person in housing need and resident and working in the relevant parish. As the proposal relates to a PiP, this requirement could not be achieved since planning conditions or obligations cannot be included in a PiP. Consequently, the proposal does not meet the affordable housing exception.
13. For the above reasons, the site is not suitable for residential development having regard to its location, the proposed land use and the amount of development. It would conflict with Policies PG 6, SD 1, SD 2 and SE 1 of the LP, Policy GEN 1 of the Site Allocations and Development Policies Document (2022) (SADPD) and Policies HOU1 and LCD1 of the NP, insofar as they require that developments make effective use of land and preserve the countryside.

Character and appearance

14. Whilst the scope of PiP is limited to location, land use and amount of development, such matters can have an impact upon the character and appearance of an area.
15. Even though the appeal site has recently been cleared, I observed on my site visit that it is still mostly grassed, with trees along the rear boundary and trees and post and rail fencing along the frontage. Alongside the fields, hedges and woodland in the surroundings, these characteristics contribute positively to the rural and verdant qualities of the area. Furthermore, as the site is undeveloped, it contributes to a gap between the small pockets of development along Plant Lane. This helps to maintain the definition and separation of settlements and the open character of the countryside, the importance of which is referred to in Policy PG 6.
16. Although a smaller development could emerge, the maximum number of nine dwellings would have a conspicuous urbanising effect at the site. Whilst the design and layout of the proposal would be reserved for the technical details stage, the indicative site plan demonstrates the potential harm that would be caused by a densely packed residential development of an urban character. It indicates that in order to achieve nine dwellings at the site, these would have to be a mix of terraced and semi-detached dwellings, in narrow plots sited close together, dominated by frontage parking. This would sharply contrast with the rural and verdant qualities of the site and the surrounding area. It would also significantly erode the gap along Plant Lane, resulting in harm to the open character of the countryside.
17. In drawing these conclusions, I accept that the Council state that the density of the development would not be out of character with development along Plant Lane. Even so, I nevertheless find that the development would be at odds with the prevailing character of the area.
18. In terms of the development pockets referred to by the appellant in Appendix C, Areas 1, 2 and 3 all appear to be further away from the settlement boundary of Sandbach compared to the appeal site. This includes the cluster of dwellings further along Plant Lane in Area 1, which I observed on my site visit. Accordingly, they seem to respect the definition and separation of the settlement. In contrast, as the appeal site is closer to the settlement, the development would have a greater adverse impact in terms of eroding the gap along Plant Lane and thus the separation of the settlement.
19. For these reasons, the proposed development would be harmful to the character of the area. It would conflict with Policies PG 6, SD 1, SD 2 and SE 1 of the LP, Policy GEN 1 of SADPD and Policies HOU1 and LCD1 of the NP, insofar as they require that developments contribute positively to the quality of place through appropriate character and preserve the countryside.

Other Matters

20. The evidence outlines that the Council are unable to demonstrate a five-year supply of deliverable housing sites.
21. In that regard, small sites such as this can make an important contribution to meeting the housing requirement of an area, as is referred to in paragraph 73 of the National Planning Policy Framework (the Framework). Furthermore, they can often be built out quickly. Although the final number of dwellings is not yet defined, the

- provision of between one and nine dwellings at the site would nevertheless increase the Council's overall housing number. This benefit weighs in favour of the appeal.
22. I also note that the development would generate employment opportunities which would contribute to the local economy. Although this is a benefit which weighs in favour of the appeal, it is of limited weight given the modest extent of the development.
23. In terms of the provision of affordable housing, for the reasons I have already explained, this cannot be secured via PiP. Therefore, in the absence of certainty on this matter, I give this benefit limited weight.
24. I have also been referred to two appeal decisions for PiP proposals in Congelton, Cheshire¹ and in Powick, Worcestershire². However, aside from the appeal decisions and some additional commentary from the appellant, I do not have the full details of the circumstances in which those appeals were allowed, including any of the plans. Furthermore, neither are close to the appeal site and I have not had the benefit of a site visit. Consequently, I am unable to make a full comparison between the appeal scheme and the appeal decisions, to the extent that I can only give these decisions limited weight.
25. I also recognise that the Council has found no harm in terms of the sustainability of the location, as well as the absence of its concerns regarding transport, biodiversity and heritage impacts, albeit some of these matters were raised in the third-party representations. Even so, the absence of the Council's objections on such matters is a neutral factor which does not weigh in favour of the appeal.
26. Notwithstanding the above benefits, I have identified that the proposal would conflict with the policies designed to ensure that developments make effective use of land, preserve the countryside and contribute positively to the quality of place through appropriate character. These policies are consistent with the Framework in terms of making effective use of land by taking account of the desirability of maintaining an area's prevailing character and setting, ensuring that developments are sympathetic to local character, and by recognising the intrinsic character and beauty of the countryside. Therefore, the conflict with these policies results in the development conflicting with the development plan when taken as a whole.
27. Paragraph 11 d) ii of the Framework requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, developments should be granted planning permission 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.
28. This applies to applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As the Council are unable to demonstrate a five-year supply of

¹ APP/R0660/W/25/3363421

² APP/J1860/W/24/3355129

deliverable housing sites, it therefore follows that paragraph 11 d) of the Framework is engaged.

29. In terms of the proposed development, the starting point is therefore that permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.
30. In this case, the adverse impacts of the proposal due to its location, land use and the amount of development, in terms of the harm it would cause in failing to preserve the countryside, undermining the definition and separation of the settlement of Sandbach, as well as eroding the rural character and appearance of the site and the surrounding area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This includes having particular regard to key policies outlined in paragraphs 129 and 135 of the Framework in terms of seeking developments that maintain an area's prevailing character and setting, securing well-designed places and ensuring developments are sympathetic to local character
31. Consequently, the proposal does not benefit from the presumption in favour of sustainable development given by paragraph 11 of the Framework.

Planning Balance

32. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
33. The outcome of the Framework paragraph 11 d) process above indicates that the decision should be taken in accordance with the development plan.
34. The proposed development would result in a small increase in the Council's overall housing number and would generate employment opportunities which would contribute to the local economy. When these benefits are combined with the Council's inability to demonstrate a five-year housing land supply, I give these matters moderate weight in favour of the proposed development.
35. Even so, the adverse impacts of the proposed development in terms of the harm it would cause in failing to preserve the countryside, undermining the definition and separation of the settlement of Sandbach, as well as eroding the rural character and appearance of the site and the surrounding area attracts significant weight that outweighs the benefits associated with the proposal.

Conclusion and Recommendation

36. The proposed development would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, I recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

37. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR