



Appeal Decision

Site visit made on 28 April 2026

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2026

Appeal Ref: APP/R0660/W/25/3374639

Land adjacent to Smithy Bank Cottage, Willbank Lane, Faddiley, Cheshire CW5 8JG

- 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 & Mrs Park against the decision of Cheshire East Council.
 - The application Ref is 21/1061N.
 - The development proposed is outline planning application for 2 semi-detached 2 storey dwellings on infill plot at Willbank Lane, Faddiley, all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application is submitted in outline with all matters reserved for a subsequent reserved matters application. A possible layout for the dwellings has been shown on the Location Plan and Proposed Block Plan. However, as the matters of access, scale, appearance, layout and landscaping are not being considered, I have taken those details into account only in so far as establishing whether or not it would be possible, in principle, to erect 2 dwellings on the site.
3. The Council's third reason for refusal as set out on the decision notice relates to ecology. Further assessments have been complete and submitted in support of this appeal and the Council has confirmed that the third reason for refusal has now been addressed. On this basis, I do not find it necessary for me to consider this matter further.

Main Issues

4. The main issues are:
 - Whether the proposed development would be suitably located having regard to relevant development plan policies governing proposals in the countryside; and
 - Whether future occupiers of the proposed development would be reliant on the use of the private car to access services and amenities.

Reasons

Location

5. The appeal site relates to a parcel of agricultural land to the west of Willbank Lane between Smithy Bank House and Smithy Bank Cottage and is bound by hedging. This section of Willbank Lane is relatively narrow and rural in character with a small number of residential properties located sporadically along the lane. The open and undeveloped nature of the site contributes to the rural character of the lane.
6. The proposed development seeks outline planning permission for 2 semi-detached 2 storey dwellings on the plot of land accessed from the west of Willbank Lane.
7. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
8. The appeal site is located within the open countryside as designated in the adopted Cheshire East Local Plan Strategy 2010-2030, 2017 (CELPS). Policy PG6 of the CELPS relates to open countryside and states that only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by a public service authorities or statutory undertakers, or for other purposes appropriate to a rural area will be permitted.
9. Exceptions may be made to the above criteria, where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere; affordable housing in accordance with the criteria contained in Policy SC6 'Rural exceptions Housing for Local needs' or where the dwelling is exceptional in design and sustainable development terms.
10. The site is not located within an infill village boundary but rather in the countryside adjacent to a sporadic collection of dwellings. Such are set away from the main built form of the small settlement which is located further east where a more uniform pattern of development exists. Policy PG10 of the Site Allocations and Development Policies Document, 2022 (SADPD) confirms that 'outside of the village infill boundaries shown on the adopted policies map, development proposals will not be considered to be limited infilling in villages when applying LPS policies PG3 and PG6'. The proposed development would not therefore be considered to comply with the exemption relating to infilling in villages.
11. The SADPD glossary defines 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'. The SADPD glossary further defines infill development as 'generally the development of a relatively small gap between existing buildings'.
12. The site is located in an area with no substantial line of buildings fronting the road and no dense and uniform pattern of development. The site is currently free from permanent built form, is very rural in context and has more visual affinity with the open countryside. The proposed development would therefore result in further intensification/urbanisation away from any built frontage or main built forms within the area.
13. As referred to above, the site is currently free from permanent built form, and the sporadic cluster of houses are set away from the main built form and no built-up

frontage. As such, there is no gap in which to infill. Therefore, the proposed development would not constitute infilling of a small gap in an otherwise built-up frontage.

14. The proposal has not put forward any serving affordable housing units, nor has any case been advanced in design/sustainable terms.
15. Overall, the proposed development would not fall within any exception categories in the relevant policies relating to development within the open countryside. It would not therefore be suitably located. It would be contrary to Policies SE1, PG6, SD1 and SD2 of the CELPS. Such policies, together, amongst other matters, set out the spatial strategy for the open countryside as well as sustainable development principles. For the same reasons, the proposed development would also be contrary to the guidance in the National Planning Policy Framework (the Framework) which seeks to ensure development is directed to the right location which is further discussed below.
16. While the above-mentioned policies refer to some design matters which would be the subject of a reserved matters application, I still find them to be relevant in the particular circumstances of this case. This is because they seek to ensure a genuinely sustainable form of development which this scheme fails to achieve.

Accessibility

17. Policy SD1 of the CELPS states that wherever possible, development should be accessible by public transport, walking and cycling and that development should prioritise the most accessible and sustainable locations. The justification to Policy SD2 then provides suggested distances to services and amenities at Table 9.1.
18. Given the close proximity to the small number of sporadically positioned dwellings, the proposed development would not technically be isolated in terms of paragraph 84 of the Framework which seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. The site is however isolated away from other key services such as shops, schools, employment, leisure, health facilities etc. All of which are considered to be day-to-day services and facilities.
19. I am aware that Faddiley no longer has a regular bus service but that the Council operates a flexilink dial-a-ride service as well as a school bus service. The flexilink service is however a limited demand-responsive service for those who live beyond the reach of other public transport, those over 80, or those living with disabilities. Such a service cannot reasonably be regarded as equivalent to a regular and generally available public transport service of the kind ordinarily associated with a sustainably located housing site. Whilst a school bus service may provide access to local schools, the site still has a restricted range of day-to-day services. In coming to such findings, I have considered the proximity of the site to Goodwill Hall, but this would not alter my findings. I also note that the nearby Public House has closed and others would be further afield.
20. Other bus services are understood to be outside of the suggested distances as noted in Table 9.1 of Policy SD2 and the Head of Strategic Transport also added that the site is poorly located with regards to locational sustainability. Whilst there are services and facilities located further afield such as those in Acton, Burland, Nantwich and Crewe, these are some distance from the appeal site and are also accessed via Wrexham Road (A534) which is a busy main road of rural character

incorporating sharp bends and narrow sections. Some sections also have no footways and are unlit. This route would not be an attractive or safe route for those commuting via walking or cycling particularly after dark or during unpleasant weather conditions. Future occupants of the development would therefore be reliant on private car to access day-to-day services.

21. My attention has been drawn to a previous scheme¹ which was granted planning permission by the Council within Faddiley in 2019. However, that scheme was considered to constitute a form of infill development compliant with Policy PG6 of the CELPS at that time and predating the SADPD and current version of the Framework. The SADPD provides specific definitions relating to infilling which I must consider, and I have assessed this accordingly. Further, the officer's report in that scheme notes that it is within a small settlement which, although not recognised as suitable for development in the Local Plan, does have a public house and meeting room. The Public House has however closed, and I understand Goodwill Hall has limited facilities being described as mainly a day nursery. On this basis, I do not therefore find that scheme to be directly comparable.
22. I have had due regard to the appeal² put forward at Macclesfield for two dwellings whereby it was considered reasonably well connected for a rural location. However, the location of that scheme is indeed different to the one I am considering, and I note the Inspector's reference to it being in reasonable proximity to the larger settlements. The settlements are also within realistic and comfortable cycling distance, and a designated cycle route is close by. Additionally, it was explained that there are country parks and schools in reasonably close proximity as well as a public right of way. It was therefore concluded that future occupiers would not necessarily be likely to have high reliance on a private motor vehicle to access day-to-day services. On the basis of the above and specific considerations in the Macclesfield case, I do not find that scheme to be directly comparable to the scheme before me. While it was noted in the Macclesfield case that journeys by car would not be far or numerous given the scale of development, this appears to have been considered in context of the above and would not in the particular circumstances of this case be sufficient to allow unsustainable development.
23. The appellant refers to a further appeal at Moston³ which related to a single dwelling. The very limited transport options, other than private motor vehicle, to access services and facilities did indeed weigh against the proposal. However, the concerns about the location did not significantly and demonstrably outweigh the clear benefits which included high quality design, effective use of land and transforming an unattractive site. Further, the Inspector in that scheme also noted a previous use on the site which would have generated movements of vehicles to and from. Such matters are indeed different to the appeal I am considering which is in a different location and is of a different scheme. That previous decision is not therefore directly comparable to the one before me which I have assessed based on its own merits.
24. For the above reasons, future occupiers of the development would be reliant on the use of the private car to access services and amenities. It would not therefore be locationally sustainable. It would be contrary to Policies SD1, SD2 and CO1 of

¹ 19/2380N

² APP/R0660/W/24/3354674

³ APP/R0660/W/25/3358342

the CELPS which together, amongst other matters, expects development to reduce the need to travel by ensuring development gives priority to walking, cycling and public transport within its design.

Other Matters

25. The Council accept that at present they cannot demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 8, paragraph 11d) of the Framework should be applied. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. 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.
26. The Framework advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also advises that decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
27. The Framework in paragraph 110, states amongst other things that the planning system should actively manage patterns of growth in support of objectives set out in paragraph 109, including identifying and pursuing opportunities to promote walking, cycling and public transport use. Paragraph 110 explains that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It goes on to state that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Paragraph 115 of the Framework, explains that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst others, sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
28. Whilst the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it nevertheless sets out that the planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. It is clear that both local and national policy take a responsible approach to spatial distribution. The management of new development to more rather than less sustainable locations is an important development plan purpose which is reflected in both local and national policy. I do not dispute that the proposed development would help maintain and enhance the very limited facilities and services on offer and those further afield. I am also aware of the guidance in the Framework relating to maintaining the vitality of rural communities, but this does not justify development in this location nor overcome the proposals conflict with the spatial strategy and sustainability / accessibility issues.

29. Although the local plan policies are considered to be out of date given the provisions of footnote 8 of paragraph 11d), they are still considered to carry weight in decision making particularly as the relevant policies in the CELPS and SADPD seek to achieve sustainable development and prioritises the most accessible and sustainable locations. This is consistent with the Framework in protecting the countryside and ensuring development occurs in sustainable locations.
30. Set against the harm identified, there would be some social, economic and environmental benefits associated with the proposals, and I am aware of the appellant's arguments in this regard including matters relating to energy efficiency, ecology etc. Even taking this into account as well as the government's commitment to the delivery of more homes along with the Council's housing land supply position, the modest contribution of two properties would make a small difference to the overall supply of housing, and the overall benefits would indeed be limited. The appellant claims that the dwellings would be for self-build, but I understand that local policies such as HOU3 of the SADPD only supports proposals for self-build housing in suitable locations which this location is not. I therefore attribute limited weight to this. The appellant claims that the land has been redundant for a long time but as set out earlier, the open and undeveloped nature of the site contributes to the rural character of the area, and I did not find at my site visit that the land was so unmaintained/redundant as to benefit from the proposed development. I therefore give limited weight to this.
31. Collectively, such benefits would attract limited weight. The adverse impacts identified above namely the conflict with the adopted spatial strategy, unjustified development in the open countryside and its unsustainable location would however carry significant weight. Such would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply and the scheme would be contrary with paragraphs 11 and 115 of the Framework relating to achieving sustainable development and promoting sustainable transport.
32. The matters not in dispute would not weigh in favour of the scheme but would rather be a neutral factor in my overall decision.

Planning Balance and Conclusion

33. I have found that the proposed development would not fall within any exception categories in the relevant policies relating to development within the open countryside. It would not therefore be suitably located. Future occupiers of the development would also be reliant on the use of the private car to access day-to-day services and amenities. I attribute significant weight to such matters.
34. Paragraph 11 (d) ii. of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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.

35. I have considered the stated benefits including provision of housing and housing land supply, but such benefits attract limited weight particularly given the small-scale nature of the proposals. The adverse impacts in respect of the main issues would therefore significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal is therefore dismissed.

N Teasdale

INSPECTOR