



Appeal Decision

Site visit made on 2 October 2018

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2018

Appeal Ref: APP/R0660/W/18/3206539

Ollerton Nursery, Chelford Road, Ollerton, Cheshire WA16 8RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Brighthouse of Brighthouse Homes (Mobberley) Ltd against the decision of Cheshire East Council.
 - The application Ref 17/6072M, dated 24 November 2017, was refused by notice dated 10 May 2018.
 - The development proposed is described as 'Redevelopment of former garden centre to 17no dwellings, public open spaces including associated landscape works together with conversion of existing building to office use.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode listed on the Application Form relates to an area further south on Chelford Road. The Decision Notice and the Appeal Form list a different postcode which corresponds with the appeal site, and I have therefore used that postcode in the address for this appeal decision.
3. The appellant states that the number of dwellings proposed increased after the planning application was registered from 16 to 17. The drawings upon which the Council refused planning permission show 17 dwellings, including dwellings 3a and 3b, and the Decision Notice states that there are 17 dwellings. I have determined the appeal on the basis of the development that was refused planning permission by the Council, and have amended the description in the banner heading above accordingly.
4. I note the comments from the appellant in terms of the accuracy of parts of the Council's officer report, including in relation to the height of the proposed dwellings and the proposed use of the barn. In these respects, I have determined the appeal on the basis of the drawings which the Council refused planning permission.
5. The Government published the revised National Planning Policy Framework (the Framework) on 24 July 2018. The appellant was notified of the publication and invited to make comments, and the Council were notified of this action. Representations received in relation to the Framework have been taken into account in determining this appeal.

Main Issues

6. The main issues are:

- whether the proposal is inappropriate development in the Green Belt having regard to the Framework and development plan policy
- if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development in the Green Belt

7. Policy GC1 (Green Belt) of the Macclesfield Borough Local Plan 2004 (MBLP) and PG3 (Green Belt) of the Cheshire East Local Plan Strategy (CELPS) 2017 outline circumstances in which the construction of new buildings in the Green Belt can be considered acceptable. Policy GC1 predates and is inconsistent with Paragraph 145 of the Framework, including by not referencing previously developed land, and accordingly I attribute it very limited weight. Policy PG3 also predates the Framework, and whilst generally consistent, differs in certain respects relevant to this appeal, and so I have given it only limited weight in my decision.
8. The Framework states that new buildings are inappropriate within the Green Belt unless they comprise one of the exceptions outlined in paragraph 145. These include limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

I have given significant weight to the Framework as a material consideration in determining this appeal.

9. The appeal site is on the western side of Chelford Road, a short distance north of the junction with Seven Sisters Road. It is the site of a former horticultural nursery containing various buildings associated with this type of use, including glasshouses, polytunnels and other outbuildings, including a brick barn that would be retained. There are also a number of areas of hardstanding within the site, together with grassed areas, mature and younger trees and bushes. A Lawful Development Certificate for the use of the site as a Garden Centre (Class A1) was granted in 2016¹, and the classification of the site as previously developed land is not in dispute.

¹ Ref 16/1775M

10. A single-storey, wood-faced dwellinghouse in the north of the site was granted a Lawful Development Certificate in 2013², although I note that the Application Form does not list any existing residential units. Given that I observed this dwellinghouse when I visited the site and the Lawful Development Certificate is not in dispute, I have had regard to it in terms of my assessment of the site, including in terms of its effect on openness.
11. I note what the appellant says about the proposed development representing a reduction in both the footprint and volume of above ground built form on the site. I also note what the appellant says about the increase in undeveloped land in the site as a result of the proposed development. However, proposed buildings 13, 14, 15 and 16 on the northern part of the site³ would replace the single flat-roofed dwellinghouse referred to above, which is the only permanent substantive structure in this part of the site. Notwithstanding the heights of the proposed dwellings and their appearance on the submitted drawings, this would be a significant increase in the built form on this part of the site, which would consequently reduce its openness.
12. I note that the Council only referred to three buildings in this regard in the officer's report. However, from the information before me and my observations in the field, in my view, four buildings - Nos 13-16 referred to above - would significantly reduce the openness of the Green Belt in this area. The proposed development would, therefore, have a greater impact upon the openness of the Green Belt than existing development in this part of the site.
13. For the reasons given above the proposal would be inappropriate development within the Green Belt. It would therefore conflict with Policy PG3 of the CELPS 2017, Policy GC1 of the MBLP and with the Framework, in this regard.

Other Considerations

14. The Council state that the proposed development would represent encroachment into the countryside; this would conflict with one of the purposes for Green Belt land set out in Paragraph 134 of the Framework. The encroachment relates to the provision of three dwellings in the northern part of the site, currently occupied by a wood-faced dwellinghouse, its garden and drive, as well as some trees, bushes and grass. Given the current use of the land and its associated built form, and that the wider site has a lawful development certificate for a garden centre use, the harm from encroachment would in my view, not be significant in this case. I have therefore given this only limited weight.
15. There is no dispute between the main parties in terms of non-Green Belt harm from the appeal development, and this is therefore a neutral factor which does not weigh for or against the proposal.
16. The proposed development would provide 17 new houses. Six of these dwellings would be affordable homes, which with reference to the Council's officer report, there is a demand for in Cheshire East. The existing wood-faced dwellinghouse in the north of the site would be removed according to the submitted drawings, but nevertheless there would be an increase in housing, including affordable housing, and I therefore give this factor moderate weight.

² Ref 13/3560M

³ Shown on submitted drawings PL(03)C, M2917.01C, and M2917.03

17. Some employment space would be provided in the retained and currently unused barn on the site, which would provide up to five job opportunities in the area and would support the local economy. I therefore give this factor some weight.
18. The appeal site is previously developed land. The proposed development would remove empty and decaying buildings, structures and equipment linked to the previous use from the site, and new landscaping is proposed. Redundant areas of hardstanding would also be removed. Improvements to the visual appearance of the site would be beneficial and I give these considerations moderate weight.
19. The design of the proposed development seeks to respond to the setting and context of the site in the countryside and in the Green Belt, including through sympathetic materials, and the bulk and massing of the dwellings. Notwithstanding these points, the proposed dwellings would still be more substantial structures than the glasshouses, and 'lightweight' polytunnels that exist at present, and I therefore give these considerations only limited weight.
20. The proposed development would provide new public open space for the area and would enhance the setting and condition of three substantial trees that are subject to a Tree Preservation Order as part of a comprehensive landscaping scheme. This would benefit the character and appearance and biodiversity of the area, and I therefore give this moderate weight.
21. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I find that the other considerations in this case, as set out above, do not clearly outweigh the totality of the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would therefore conflict with Policy PG3 of the CELPS 2017, Policy GC1 of the MBLP and with the Framework, in this regard.

Conclusion

22. For the reasons given above, the appeal should be dismissed.

Andrew Parkin

INSPECTOR