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## Appeal Decision

Hearing held on 8 April 2014

Site visit made on 8 April 2014

**by Anthony Lyman BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 May 2014**

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**Appeal Ref: APP/R0660/A/13/2202618**

**The Poplars, Marsh Lane, Edleston, Nantwich, CW5 8PA**

- 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 Ralph Davies against the decision of Cheshire East Council.
  - The application Ref 13/2017N, dated 14 May 2013, was refused by notice dated 12 July 2013.
  - The development proposed is the demolition of stables and erection of a new dwelling and garage.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. After the close of the Hearing, the appellant submitted an appeal Decision<sup>1</sup> published on the 11 April 2014 relating to another site in Cheshire East Council's area. The Council subsequently submitted comments on that Decision. I have had regard to these documents in determining this appeal.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area having regard to national and local planning policies which seek to protect the countryside and to promote sustainable development.

### Reasons

4. The appeal site, until recently, formed part of the grounds to a detached house, The Poplars, which is located on the edge of a dispersed, small group of rural dwellings in the open countryside approximately 1.5 kilometres from the town of Nantwich. The site comprises a grassed area, a small timber stable building, some hardstanding, and an area surrounded by low post and rail fencing previously used as a manège for exercising houses. According to the appellant, the facilities were constructed as permitted development in association with The Poplars for use by the appellant's family, but have not been used for their intended purpose for some time. The proposal is to demolish the stables and to erect a detached dwelling and open double garage.

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<sup>1</sup> APP/R0660/A/13/2196044

5. At the time that the appeal application was made, the appellant lived at The Poplars, and the house and its gardens were included within the blue line on the submitted application plans. Since then, the appellant has sold and moved out of The Poplars, but has retained ownership of the appeal site and an adjacent field. A revised site plan was submitted to reflect this change in ownership. The appellant stated that the proposed new single storey dwelling was intended as an accessible lifetime home for his occupation.
6. Policy NE.2 - *Open Countryside* of the Borough of Crewe and Nantwich Replacement Local Plan 2011, adopted in 2005, (the Local Plan) seeks to protect the character and amenity of the countryside. It sets out a limited range of developments which may be permitted in the countryside including essential facilities for the purpose of agriculture and forestry. The Policy recognises that in the countryside there may also be opportunities for the infilling of a small gap with one or two dwellings in an otherwise built up frontage. The objectives of the Policy are broadly consistent with the policies relating to the countryside in the National Planning Policy Framework (the Framework) and, therefore, the Policy carries due weight.
7. The appellant argued that as the appeal site has properties to three sides the proposal would be infilling and would satisfy Policy NE.2. However, the site does not have a road frontage and is accessed from the main road, Marsh Lane, via a track which serves a few local properties, and then a spur from that track to The Poplars, over which the appellant has retained a right of access to his land beyond. Given the random and dispersed layout of this small group of rural dwellings, the back-land position of the site and the considerable gap that exists between the appeal site and the property Lane End Cottage to the south west, the proposed development could not be construed as *infilling of a small gap.....in an otherwise built up frontage*. The proposal would, therefore, conflict with Policy NE.2 of the Local Plan and, as an isolated home in the countryside, it would not accord with paragraph 55 of the Framework.
8. The new dwelling, garage and parking area would have a footprint of approximately 487sq.m. The appellant argued that this would be considerably less than the footprint of over 800sq.m for the stable building, the existing apron of hardstanding and the manège, and that the re-use of this unused, previously developed land would enhance its immediate setting. However, the existing stable block has a footprint of only about 63sq.m, and being of timber construction with a low roofline is a typical rural building which causes little harm to the character and appearance of the area. The manège, which covers approximately 580sq.m, is surrounded by only a low post and rail fence and gateway typical of field boundaries and is unobtrusive in the rural landscape.
9. By comparison, the proposed relatively substantial dwelling and detached garage, albeit single storey, would have a significantly greater visual impact in this countryside location and would be detrimental to the relatively open character and appearance of the area, particularly as the site adjoins fields and has extensive views across open countryside. The existing hedgerow to the south of the site would provide some screening of the buildings when in leaf during the summer months, as viewed from the fields and a public footpath beyond. However, there would be little to prevent the hedge being reduced in height in the future which would further increase the visibility and prominence of the building and would emphasise the loss of part of the open space between the sporadic properties. Therefore, given the mass, scale and prominence of

the proposed development compared to the minimal structures currently on the site, I am not persuaded by the appellant's claim that the proposal would enhance its immediate setting.

10. The appellant argued that the Council cannot demonstrate a five year supply of housing land and that, therefore, in accordance with paragraph 49 of the Framework, relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the Framework confirms the presumption in favour of sustainable development and advocates that where relevant policies are out of date development proposals should be granted 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.
11. Shortly before the Hearing, the Council submitted their updated Five Year Housing Land Supply Position Statement which uses a base date of 31 December 2013. This document concludes that the Council has a 5.95 or 5.21 year supply depending on whether a 5% or 20% buffer is applied. The appellant disagreed with the Position Statement and referred to the Council's previous position of a 4.2 year supply, the need for a 20% buffer, and several appeal Decisions which had concluded that the Council could not demonstrate a five year supply of deliverable housing sites at the time of each appeal. However, amongst other things, the Council argued that since the latest appeal Decision referred to in my procedural paragraph above, the housing figures have been further refined and that when C2 Use Class permissions relating to care homes etc, are included, in accordance with the recently published Planning Policy Guidance, only a 5% buffer should be applied as the C2 permissions take away the suggestion of persistent under delivery.
12. At the Hearing I did not have presented to me detailed evidence to substantiate the appellant's claim regarding the lack of a five year supply. Therefore, having regard to the Council's latest in depth Position Statement and the increase in the Council's housing land supply arising from the several hundred dwellings permitted on appeal over the last year in Cheshire East, I am not persuaded on the evidence before me, that the Council cannot demonstrate a 5 year supply of deliverable housing land.
13. Nevertheless, irrespective of the housing land supply position, it is necessary to consider whether the proposal would be sustainable development for which there is a presumption in favour. The Framework identifies three dimensions to sustainable development – economic, social and environmental and advocates that gains in each dimension should be sought jointly and simultaneously to achieve sustainable development.
14. The building of a single dwelling would generate some temporary economic/financial benefits during the construction phase and the occupants of the dwelling would provide support, albeit limited, for businesses in local towns and villages. The Framework advocates as part of the social dimension the provision of housing to meet the needs of present and future generations and the creation of a high quality built environment with accessible local services. The provision of a single life time home for the existing landowner would provide some benefit although the overall social gain would be very limited.
15. Under the heading of 'Environmental Role' the appellant argued, amongst other things, that the site comprises a sustainable location and that the proposal

would make more efficient use of land by effectively re-using a previously developed site. There are few facilities in the small hamlet, and although there is a public house in the neighbouring settlement, the majority of services, including shops, banks, schools and medical services are available in Nantwich. There is a bus service along Marsh Lane which may stop on request where it is safe to do so. Nevertheless, it is highly likely that the future occupants of the proposed dwelling would be largely dependent on the use of a private vehicle. I conclude that the site, remote from services and facilities, is not in a sustainable location.

16. Although the proposal would be an energy efficient dwelling, other sustainability issues raised, including lack of flood risk, waste recycling facilities and tree retention are at best neutral factors. I am not convinced that there would be significant benefits to local biodiversity and wildlife from the introduction of a kitchen garden as suggested by the appellant.
17. Little weight is attached to the environmental argument that the proposal would make more efficient use of the site, as only a small area of the appeal site covered by the stable building and its apron would be previously developed land (PDL). The manège with its loose crumb and sand surface and the area of grassland, which together cover the majority of the site, are not considered to be PDL.
18. The Framework advocates that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Nevertheless, on the basis of the information before me, I conclude that the construction of this single dwelling in the open countryside, remote from facilities and services would not satisfy the Framework's definition of sustainable development. The benefits arising from the proposal would be limited and would be significantly and demonstrably outweighed by the adverse impacts of this development in the open countryside and its harm to the intrinsic character and appearance of the area. The proposal would therefore, be contrary to the provisions of the Framework and the countryside protection objectives of Policy NE.2.
19. In support of the proposal the appellant referred me to a recent appeal decision<sup>2</sup> relating to a single dwelling in the Norfolk countryside. Although there are some apparent similarities with the appeal proposal before me, I am not aware of the full details relating to that case. I must determine this appeal on the basis of the particular circumstances pertaining to it.
20. Therefore, for the reasons given and having had regard to all other matters raised, including other appeal Decisions in Cheshire East, the appeal is dismissed.

*Anthony Lyman*

INSPECTOR

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<sup>2</sup> APP/L2630/A/13/2205855

## **APPEARANCES**

### FOR THE APPELLANT:

Helen Leggett BSc (Hons) MSC MRTPI	Emery Planning
Ralph Davies	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Susie Bishop	Development Management Services, Cheshire East Council
Ben Haywood BA (Hons) MA MBA MRTPI MCMI	Cheshire East Council

### INTERESTED PERSONS:

Mr. R Wainwright	Local resident
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## **DOCUMENTS**

Submitted at the Hearing

- 1 Copy of draft Policy PG 5 - Cheshire East Local Plan Strategy -  
Submission Version: March 2014
- 2 Updated aerial photograph of the site.

## **DOCUMENTS**

Submitted after the Hearing

- 1 Email from Emery Planning dated 11 April 2014, enclosing Appeal  
Decision APP/R0660/A/13/2196044
- 2 Response from the Council dated 16 April 2014