



Appeal Decision

Site visit made on 9 June 2014

by **S R G Baird BA (Hons), MRTPI**

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

Decision date: 14 July 2014

Appeal Ref: APP/R0660/A/13/2201056

Rectory Farm, Old Knutsford Road, Church Lawton, Cheshire ST7 3EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Northwest Heritage Limited against the decision of Cheshire East Borough Council.
 - The application Ref 12/3016C, dated 2 August 2012, was refused by notice dated 3 April 2013.
 - The development proposed is residential development and access roads for up to 40 dwellings.
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Preliminary Matters

1. Prior to the determination of the application by the local planning authority (lpa), it was amended to: "*residential development and access road for up to 31 dwellings*". The appellant has requested a further amendment to: "*residential development and access road for up to 22 dwellings*". I consider that no party would be prejudiced by considering the proposal on the basis of the latest request. Accordingly, I have determined this appeal on the basis of, the refusal of outline planning permission for the erection of to 22 dwellings, with all matters other than access reserved.
2. The appellant has submitted a Unilateral Undertaking made under S106 of the above Act to: provide and maintain an area of public open space; make a financial contribution to upgrade bus stops in the locality, upgrade the footpaths fronting the site and provide 9 affordable houses.
3. Since the above application was refused, the lpa has granted outline planning permission (13/2136C) for residential development on that part of the site within the settlement Infill Boundary Line¹.

Decision

4. The appeal is dismissed.

Main Issues

5. The site is located within the Green Belt and the appellant acknowledges that, for the purposes of development plan Policy PS7 and paragraph 89 of the National Planning Policy Framework (Framework), the current proposal would represent inappropriate development in the Green Belt. I have no reason to disagree with that conclusion. Framework Paragraph 87 indicates that inappropriate development is, by definition, harmful to the Green Belt and

¹ Policy PS6 Congleton Borough Local Plan First Review (01/05).

should not be approved except in very special circumstances. Paragraph 88 says that substantial weight attaches to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

6. In light of the above, the main issues are: (i) the effect on the openness of the Green Belt and the purposes of including land within it; and (ii) 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 permitting the development.

Reasons

7. For the most part, the appeal site and particularly the area outside the settlement boundary is open land and when viewed from the surrounding area, particularly the canal towpath to the north, clearly form part of the open countryside. I accept that the impact of the development would be mitigated by the presence of surrounding residential development. However, introducing built development onto that part of the site outside the settlement boundary would, by definition, materially reduce openness and result in encroachment, resulting in harm to the Green Belt.
8. The appeal site is in a sustainable location and lpa acknowledges that it does not have a 5-year supply of housing land. However, as development plan Policy PS7 is not a relevant policy for the supply of housing and given the location of the site within the Green Belt, the provisions of Framework paragraphs 49 and 14 (decision taking) do not apply in this case. Notwithstanding, the above, the absence of a 5-year supply of housing land and the provision of 9 affordable homes, are material considerations that weigh significantly in favour of this scheme. Some, but not all, of the site would fall within the definition of previously developed land and development of those parts would represent sustainable development, which the Framework contains a presumption in favour of. Again, this is a material consideration which weighs significantly in favour of this scheme.
9. Having regard to the nature and appearance of nearby development and subject to careful design, layout and landscaping, I have no reason to conclude that this scheme would have an unacceptable effect on the character and appearance of the area or the living conditions of neighbouring residents. Similarly, having regard to the comments of the highway authority and the Environment Agency, I have no reason to conclude that this scheme would have an unacceptable effect on highway and pedestrian safety, drainage or flooding. In terms of the Green Belt balance to be struck these matters are neutral and do not carry weight in favour of the scheme.
10. I fully see the logic in the appellant's argument that, given the nature of the settlement boundary in this location, the recent planning permission, the scale of the development and the size of the site, that this scheme would represent a rounding-off off the settlement. Notwithstanding, my sympathy with the appellant's submission, it is not for me as part of a S78 appeal to redraw the settlement boundary. That process, in my view, rests squarely with the lpa and the residents of Church Lawton as part of the development plan process. Accordingly, the appellant's submission on this matter is something to which I attach minimal weight.

11. Drawing the above together, the proposal is inappropriate development which is harmful to the Green Belt and should not be approved except in very special circumstances. The scheme would result in harm, albeit limited, to openness and to the purpose of the Green Belt to assist in safeguarding the countryside from encroachment. Substantial weight attaches to any harm to the Green Belt and very special circumstances will not exist unless the potential harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Here, the combined weight of the considerations discussed above, although significant, does not, in my view, clearly outweigh the totality of the harm arising from the inappropriateness of the development and the harm to the openness and purpose of the Green Belt and as such very special circumstances do not exist to justify the development. Accordingly, this appeal is dismissed.

George Baird

INSPECTOR

Richborough Estates