

2 Cliff Avenue, Summerseat

Planning Statement

July 2023

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ED0948

July 2023

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Summary

This Planning Statement supports a full planning application for the redevelopment of 2 Cliff Avenue, Summerseat, Bury for a replacement dwelling and four infill dwellings.

The proposal presents the opportunity to redevelop this large residential plot with five new family homes that will significantly improve the appearance of the site whilst positively integrating with the surrounding area.

Following formal pre-application advice received from the Council in August 2022 (ref. 02743/E), the proposal has evolved through positive and proactive discussions with the technical team, having detailed consideration of the protection of the openness of the Green Belt, ecology, trees and potential contamination.

It is considered the proposal fully accords with the Development Plan and other material considerations.

01

Introduction



Introduction

This Planning Statement has been prepared by Eden Planning & Development Ltd (Eden Planning) on behalf of Sterling Property Co Ltd (the Applicant). It supports a full planning application for residential development at 2 Cliff Avenue, Summerseat, Bury, BL9 5NT (the Site).

The description of development reads:

“Demolition of existing dwelling and construction of a replacement dwelling and four infill dwellings, together with car parking, landscaping and associated works”.

This application is submitted to Bury Metropolitan Borough Council (BMBC) via the Planning Portal (Ref. PP-12218880).

Initial engagement with BMBC was undertaken through a request for pre-application advice, with a formal response received from the Senior Planning Officer in August 2022. The written advice received has been taken into consideration and the proposal has evolved as presented within this statement.

This statement confirms that the proposal satisfies the key policy tests and summarises the technical reports for officers.

The Submission Package

Plans

Location Plan, T0931_BCA-KMA-XX-XX-DR-A-7000-A3-P1

Existing Block Plan, T0931_BCA-KMA-XX-XX-DR-A-7001-A3-P1

Proposed Block Plan, T0931_BCA-KMA-XX-XX-DR-A-7002-A3-P1

Proposed Site Plan, T0931_BCA-KMA-XX-XX-DR-A-7003-A3-P1

Existing/ Proposed Streetscene Elevation, T0931_BCA-KMA-XX-XX-DR-A-7004-A3-P1

Existing/ Proposed Site Section A-A, T0931_BCA-KMA-XX-XX-DR-A-7005-A3-P1

Proposed House Type A (Plans), T0931_BCA-KMA-XX-XX-DR-A-7006-A3-P1

Proposed House Type A (Elevations), T0931_BCA-KMA-XX-XX-DR-A-7007-A3-P1

Proposed House Type B (Plans), T0931_BCA-KMA-XX-XX-DR-A-7008-A3-P1

Proposed House Type B (Elevations), T0931_BCA-KMA-XX-XX-DR-A-7009-A3-P1

Documents

Completed Application Form and Ownership Certificate (PP-12218880)

Planning Statement, prepared by Eden Planning (this Statement)

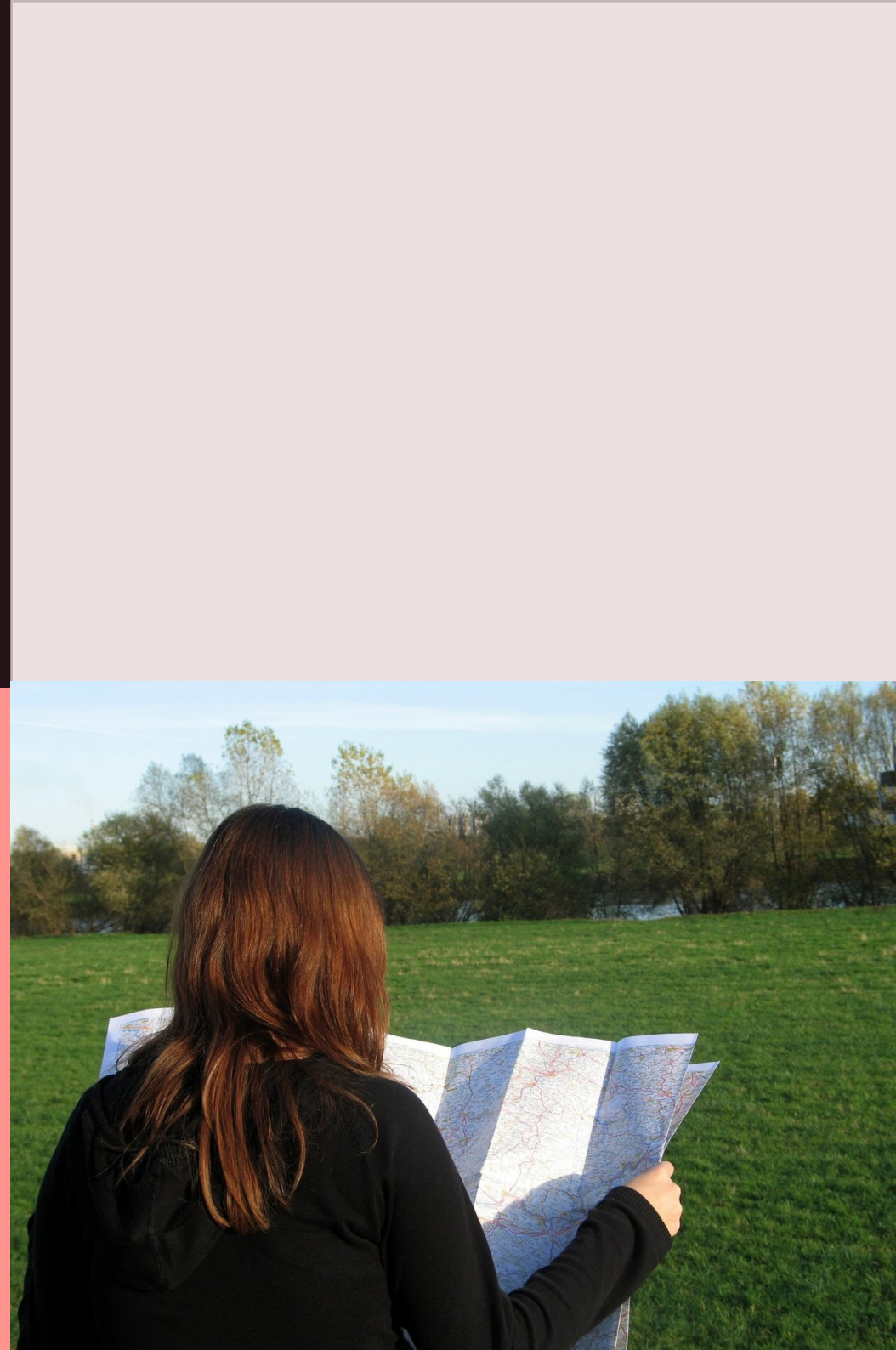
Design and Access Statement, prepared by Studio KMA,
T0931_BCA-KMA-XX-XX-RP-A-0001-A3-P1_DAS

Preliminary Ecological Appraisal (PEA), prepared by Indigo Surveys, 20543_Rev 1
Tree Survey, Arboricultural Impact Assessment & Method Statement, prepared by
Indigo Surveys, 20543.23/A1_AIA

Phase 1 Preliminary Risk Assessment, prepared by LK Group

02

Site



Site

The site is located within the village of Summerseat, Bury and is identified within the Green Belt and designated Special Landscape Area and River Valley. The site comprises a detached dwelling with associated attached carport sitting within extensive gardens. Varying in levels across the site, the dwelling is two storeys to the south elevation, two and half storeys to the east and single storey to the north and west.

The site is well screened from the highway, bounded by mature vegetation to the eastern and southern boundaries.

The site is bounded:

- To the north by a public footpath that runs from the corner of Bass Lane/Crag Lane to Hill Street. Beyond the footpath to the north is the River Irwell.
- To the east is Crag Lane with a group of residential properties comprising a mix of single- and two-storey terrace, semi-detached dwellings and bungalows. Beyond this are agricultural fields.
- To the south is Cliff Avenue and residential properties fronting Cliff Avenue, Crag Lane and Crag Avenue.
- To the west are residential properties fronting Cliff Avenue.

In summary, the site is enclosed by residential development to the east, west and south, with the River Irwell to the north. The prevailing surrounding land use is residential, with a mix of architectural styles and heights up to 2.5 storeys.



Figure 1: View towards existing dwelling from the east of the site



Figure 2: View towards existing dwelling from the entrance on Crag Lane

Accessibility and Parking

The site benefits from two existing vehicular and pedestrian access points located on the southern boundary onto Cliff Avenue and at the north-eastern corner of the site onto Crag Lane.

The nearest bus stop lies approximately 70 metres to the south of the site on Crag Lane and provides frequent services to Bury and Peel Brow.

Summerseat Railway Station forms part of the East Lancashire Railway heritage line, located c.380 metres southwest of the site. The service runs between Bury, Heywood, Greater Manchester and Rawtenstall.

Flood Risk

The site is within Flood Zone 1 on the Environment Agency's Flood Map, with a low probability of flooding. The probability of flooding from surface water is very low for the site with the southwest corner of the site having low probability.

The River Irwell is located to the north of the site, which is within Flood Zone 3, having a high probability of flooding. However, the land slopes sharply between the northern boundary of the site and the river, with no direct access available.

Heritage

There are no Listed Buildings or Scheduled Monuments located within or immediately adjacent to the site.

The site is not located within a Conservation Area. The nearest Conservation Area is Brooksbottoms, Rowlands located c.90 metres to the west and c.80 metres to the south.

Landscape and Trees

The topography of the west of the site is predominately flat, but there is a steep incline at the east and south of the site to Crag Lane and Cliff Avenue.

There are a significant number of existing trees along the southern, eastern and northern boundaries, visually screening the site from its surroundings.

There are 12 no. individual Tree Preservation Orders (TPOs) located on the eastern boundary of the site, including 11 no. Acer Pseudoplatanus and 1 no. Fraxinus Excelsior.

Public Rights of Way (PRoW)

There are no designated PRoWs within or immediately adjacent to the site.

There is a public footpath that runs along the northern boundary of the site from Crag Lane to Hill Street.

Planning History

A review of BMBC's online records highlights that the site has previously been subject to two planning applications.

- 54800 - Change of use from residential (Class C3) to children's day nursery (Class D1) - Refused 01 March 2012.
- 4115 - Outline - Demolition of dwelling & erection of 10 apartments - Withdrawn 22 September 2005.

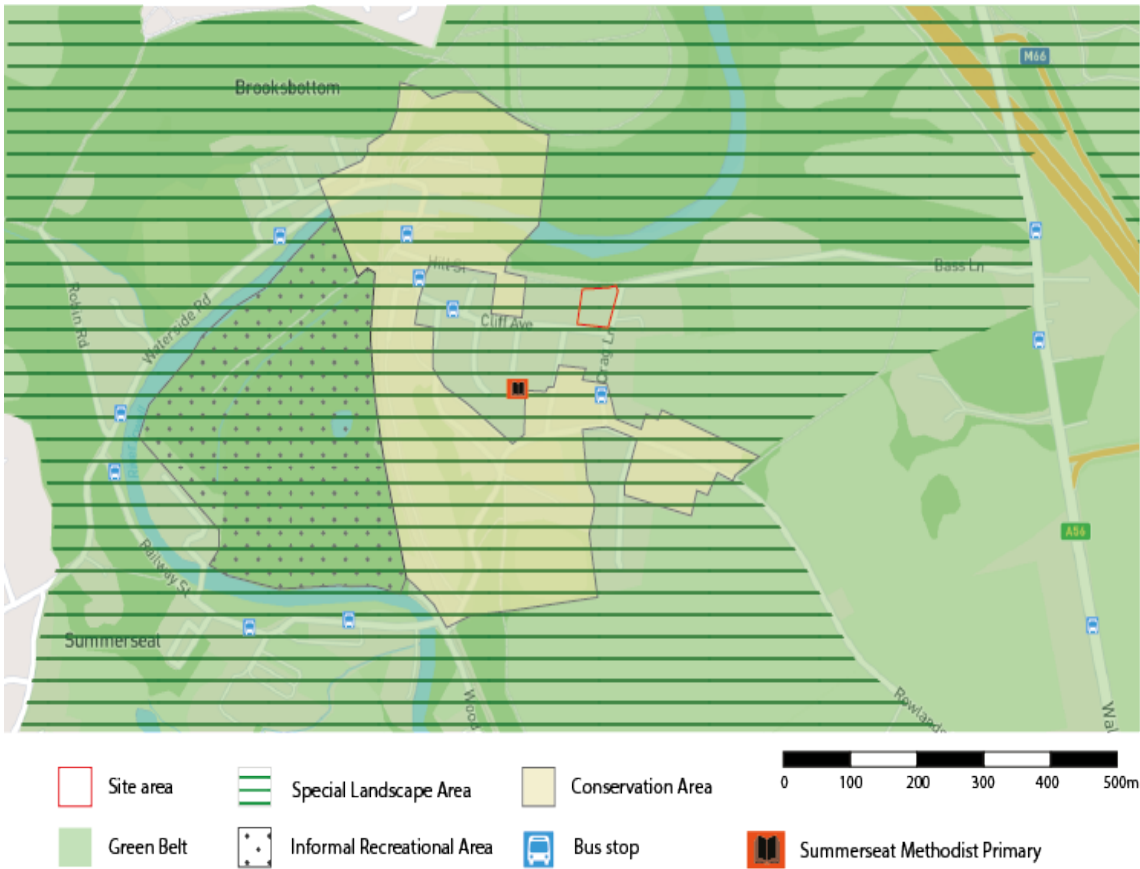


Figure 3: Site Location Map

Site Stats

Site Area	0.22 ha
Policy Designations	Green Belt, Special Landscape Area, and River Valley
Public Rights of Way	None
Tree Preservation Orders	12

03

Engagement



Engagement

The applicant sought pre-application advice (ref. 02743/E) for the demolition of the existing detached dwelling, construction of a replacement dwelling and erection of two infill dwellings, together with car parking and associated landscaping.

The pre-application response was received on 08 August 2022. In summary, the advice included the following key points:

- The principle of redeveloping the site for residential is acceptable, taking into account UDP Policies H1/2, H2/1 and H2/6.
- The surrounding area is characterised by a distinctive and defined urban grain, following linear arrangements.
- The site is challenged by the topography with varying levels.
- TPOs present on site should be retained and protected.
- The shared visitor parking was questioned and highlighted that it may not be needed.
- The proposed intensification of use for the existing access onto Crag Lane to serve three properties is not supported.
- The existing access onto Crag Lane would require improved visibility.
- There is a main pipeline located under the north western corner of the site and should not be built over.

- Confirmation on the validation checklist, including the need for an Arboricultural Method Statement, Ecological Appraisal, and Preliminary Risk Assessment to support the full application.

Following the receipt of the pre-application advice, the proposal has since evolved into a scheme for five dwellings, comprising one replacement and four infill dwellings.

The Officer's comments have been considered and have informed the design of the proposed development.

04

Proposal



Full planning permission is sought for:

“Demolition of existing dwelling and construction of a replacement dwelling and four infill dwellings, together with car parking, landscaping and associated works”.

Replacement Dwelling

The proposal will demolish the existing 2.5-storey detached dwelling and erect a replacement dwelling.

The replacement dwelling will be a 4-bedroom detached dwelling located towards the north of the site, with vehicular access from the existing entrance onto Crag Lane.

The GEA of the dwelling will measure c.1,486.5 sqm which is significantly smaller than the dwelling it would replace. The floorspace of the existing dwelling and proposed replacement are seen in the schedule below.

	Floorspace (sqm/sqft)
Existing Dwelling	486.5/5,236
Proposed Replacement	237.5/2,556
Total	-249/-2,680

Design and Layout

The proposals have been designed to respond to the physical context of the site. The supporting Design and Access Statement has been prepared by KMA Studio and should be read in conjunction with this chapter.

Along with the replacement dwelling, the proposal includes four semi-detached dwellings at the south of the site. The table below sets out the types of development proposed:

	House Type	Dwelling Type	Bedrooms	Scale
Plots 1-4 (Infill dwellings)	A	Semi-detached	Three	Two storey
Plot 5 (Replacement dwelling)	B	Detached	Four	Two storey with single storey element to the rear

Key features of the proposal include:

- Infill dwellings (Plots 1-4) to front Cliff Avenue, requiring the removal of the existing access and some vegetation along the southern boundary.
- Replacement dwelling (Plot 5) positioned towards the north of the site, predominantly within the footprint of the existing dwelling. The dwelling will be single storey at the rear where it extends beyond the existing footprint.

Proposal

- The appearance of the dwellings have been carefully considered, ensuring that the scale, massing and materiality harmonise with the surrounding residential properties.
- Appropriate car parking provision is provided for each dwelling.
- Private rear gardens are provided for each dwelling.
- The existing access onto Crag Lane will be retained and improved.
- The trees with TPOs will be retained and there will be complementary planting along the western boundary and within the site.

Appearance

It is noted the architectural character of dwellings within close proximity of the site vary in style. The palette of materials has been chosen with the intent to complement the character of the area.

The dwellings are proposed to be finished in high quality materials, including two types of multi-red brick to provide sections of detailing and subtle contrast, together with an artificial slate roof, uPVC windows and bi-folding doors, and composite front door.



Figure 4: House Type A Proposed Front Elevation



Figure 5: House Type B Proposed Front Elevation

Access and Parking

The existing access via Crag Lane will be retained. This access will be utilised for the driveway of plot 5, leading to the property car parking area for three car parking spaces. Works are proposed to the entrance to improve visibility onto Crag Lane for occupiers and visitors.

The access off Cliff Avenue will be removed to accommodate the semi-detached dwellings at the south of the site. Each dwelling will have two roll-on/ roll-off car parking spaces to the front of the properties along Cliff Avenue.

Occupiers will be able to accommodate secure cycle parking within the dwellings.

Trees and Landscaping

The existing trees at the south-western boundary of the site will be removed to facilitate construction of the four semi-detached dwellings.

The dense vegetation along the eastern boundary of the site, comprising 12no. individual TPOs, are to be retained with new planting incorporated within the rear gardens, along the western boundary to improve visual screening to the neighbouring property and adjacent to the proposed car parking within the site and fronting Cliff Avenue.

There will be private gardens to the rear of each property with a mix of soft and hard landscaping, including patios and lawned areas.

Detailed landscaping plans have not been submitted as part of this application and it is proposed that these details are conditioned.

05

Policy Spotlight



Policy Spotlight

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan is the starting point for the determination of any application.

An application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. Applications which accord with the development plan should be approved without delay.

Planning Policy

The Development Plan for the site comprises the adopted Bury Unitary Development Plan (UDP) (1997).

Within the adopted Development Plan, the site is identified as being within the Green Belt, Special Landscape Area and River Valley.

The following UDP policies are pertinent to the proposal:

- H1/2 Further Housing Development.
- H2/1 The Form of New Residential Development.
- H2/2 The Layout of New Residential Development.
- H2/6 Garden and Backland Development.
- EN1 Built Environment.
- EN1/1 Visual Amenity.

- EN1/2 Townscape and Built Design.
- EN5/1 New Development and Flood Risk.
- EN6 Conservation of the Natural Environment.
- EN6/3 Features of Ecological Value.
- HT2/4 Car Parking and New Development.
- EN9/1 Special Landscape Areas.
- EN8 Woodland and Trees.
- OL1 Green Belt.
- OL1/2 New Buildings in the Green Belt.
- OL1/3 Infill in Existing Villages in the Green Belt.
- OL5/2 Development in River Valleys.
- HT4 New Development.

A summary of the pertinent Development Plan policies can be found in **Appendix 1**.

Material Considerations

Section 70(2) of the 1990 Act deals with determination of applications: general considerations requires that the authority in dealing with the application shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations.

Whether a consideration is material is a matter for the courts; the weight to be accorded to a material consideration is a matter for the decision-maker.

The following documents are considered relevant to the determination of this application:

- National Planning Policy Framework (2021) (the Framework).
- Planning Practice Guidance (the Practice Guidance).
- The National Design Guide.
- SPD7 Managing the supply of housing land in Bury.
- SPD8 New building and associated development in the Green Belt.
- SPD11 Parking standards in Bury.
- SPD16 Design and layout of new development.

The relevant material considerations are summarised in **Appendix 2**.

Emerging Development Plan

The Council are in the process of preparing a new Local Plan which when adopted will replace the policies contained in the Bury UDP.

The submission of the Local Plan is in the early stages of development, as such it is not considered relevant to the assessment of the proposal.

Housing Land Supply

According to the Bury Five Year Supply of Deliverable Housing Land Report, as of April 2022, the Council cannot demonstrate a 5-year housing land supply for the Borough, rather 2.3 years.

Housing Delivery Test

The Government published its results for the Housing Delivery Test (HDT) (2021) in January 2022. The HDT is an annual measurement of housing delivery in the area of the relevant plan making authority.

The result demonstrates that the Council delivered just 808 dwellings against a requirement to deliver 1,547 over the period 2018/19 - 2019/21 with a HDT measurement of 52%.

Policy Spotlight

Bury Council's Housing Delivery Test Action Plan (2019) states at paragraph 3.15 that:

"Despite falling below 75% of the required delivery rate, Bury will not, at this stage, be subject to the presumption in favour of sustainable development given the transitional arrangements for this to apply to delivery falling below 25% for the November 2018 assessment".

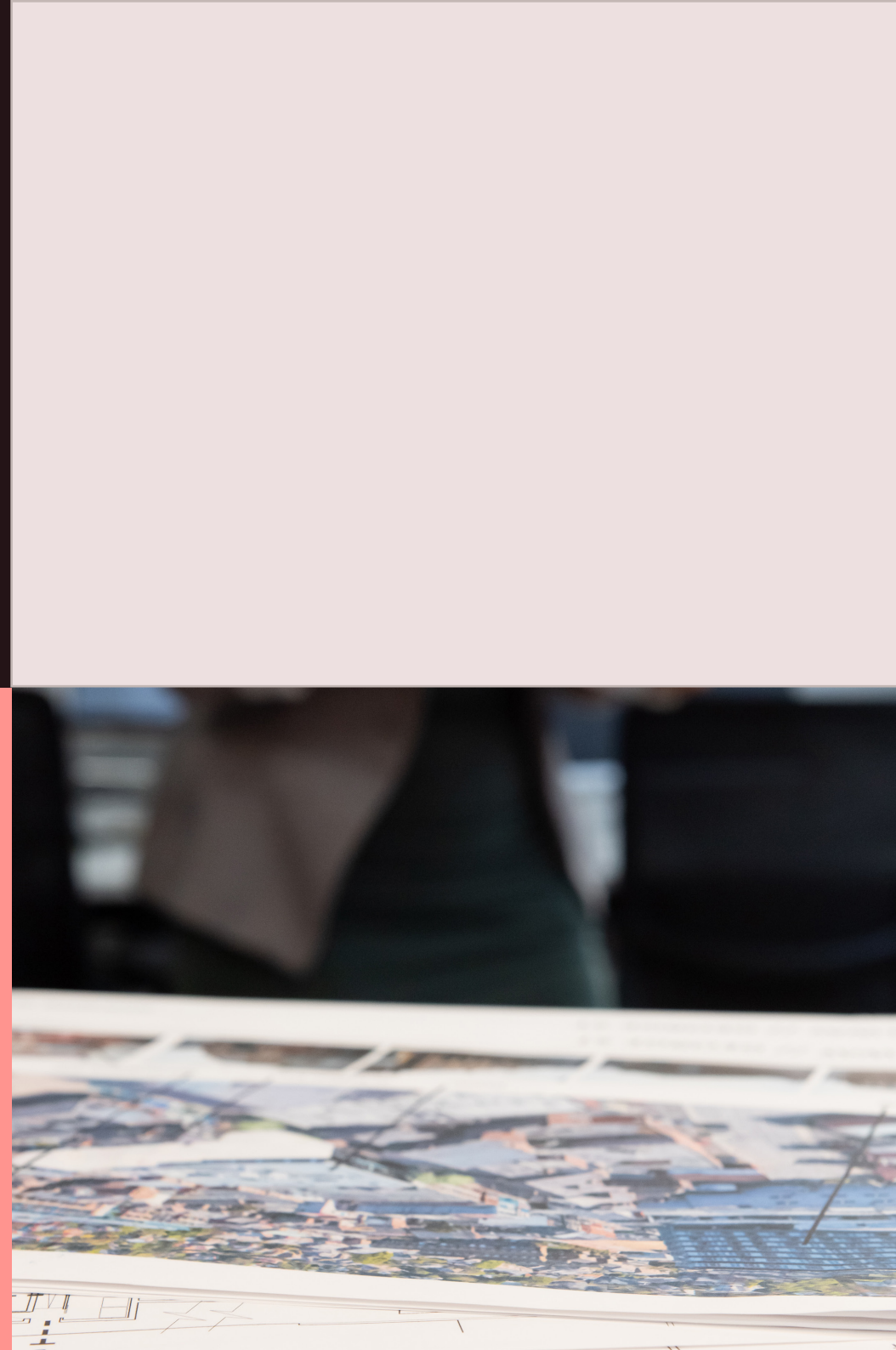
It is not clear why this position has been taken in light of national guidance, but in any event, the action plan reinforces the need for Bury to proactively pursue opportunities to increase housing in the Borough.

Summary

Examination of the site characteristics, the Development Plan and material considerations have led us to establish that the principle of development and the appropriateness of the proposal in the Green Belt are the key considerations to be examined in this Statement to demonstrate acceptability in planning terms.

06

Assessment



This section considers the compliance of the proposal with the key Development Plan policies and material considerations.

Principle of Development

The subject site is located within the village of Summerseat, Bury which is located within the Green Belt, Special Landscape Area, and River Valley designation as identified in the Bury UDP Proposals Map. The existing use of the site and immediate surrounding area is predominately residential.

Policy OL1/2 supports the replacement of existing dwellings where the new dwelling is not materially larger than the one it replaces.

Policy OL1/3 supports limited infill development within existing villages provided that it is in scale with the village and would not adversely affect its character or surroundings.

The proposals will provide a sustainable development in an accessible area, close to public modes of transport.

As mentioned, the Council cannot demonstrate a 5-year housing land supply and the proposal will contribute towards housing supply within the borough. Significant weight should be given the proposal's ability to contribute to the identified local housing shortfall and the Government's objective to addressing housing needs.

Paragraph 69 of the Framework is highly relevant in the context of the Site as it places great emphasis on the importance of small and medium sized sites and the role they can play in meeting housing needs in the short term, due to their ability to come forward and be built out quickly.

The proposal will redevelop the established residential site for residential purposes. As such, the development is proposed to be in the same use as existing. The pre-application advice received from the Council in August 2022 also considers the principle of development for residential is acceptable.

The principle of the redevelopment of the site to provide five dwellings (net gain of four) is acceptable in terms of helping to deliver new homes in sustainable locations, it is not inappropriate in the Green Belt (as defined by the Framework) and furthermore, there is no harm to the openness of the Green Belt. This is discussed in more detail below.

Appropriateness in the Green Belt

The development proposes a replacement dwelling and infill dwellings within the Green Belt.

The approach of combining infill and replacement dwellings within a single application has been accepted in a recent appeal (Ref: APP/R0660/W/21/3268648):

“However, I have found that the replacement dwelling would fall within the exception described in Paragraph 149(d) of the Framework. The additional dwelling would, in filling the small gap between the replacement dwelling and the neighbouring dwelling No 6, represent limited infilling in a village, and would therefore fall within the exception described in Paragraph 149(e). There is no substantive evidence to persuade me that a scheme which to my mind would clearly be “not inappropriate” if carried out in two discrete steps should become “inappropriate” when proposed, as here, as a single development.”

Replacement Dwelling

A replacement building is considered appropriate development in the Green Belt subject to being in the same use and not materially larger than the one it replaces, as set out in the Framework and UDP Policy OL1/2.

According to UDP Policy OL1/2, new buildings within the Green Belt should not result in disproportionate additions above the original dwelling. The replacement dwelling will be significantly smaller than the existing dwelling and would not create unreasonable additions as set out in the table opposite.

	Existing Dwelling	Replacement Dwelling	Difference (+/-)
Volume (m3)	1349.5	693	-48.65
Footprint (m3)	340.5	145.5	-57.27
Floorspace (GEA) (m2)	486.5	237.5	-51.18

Supplementary Planning Document (SPD) 8 supports UDP Policy OL1/2 providing further clarification that the massing, siting, footprint and height of the original dwelling should be reflected. The intended purpose of Policy OL1/2, local and national guidance is to resist proposals that will result in a disproportionate increase to the existing dwelling and have a negative impact on the Green Belt.

The replacement dwelling (plot 5) will be the largest of the five dwellings; however, it will not be materially larger than the one it replaces. The scheme proposes the replacement dwelling to be c. 48% smaller than the existing dwelling. The replacement dwelling will instead have greater similarities with the surrounding residential properties and would not have a negative impact on the openness of the Green Belt and appropriateness of the proposal in the Green Belt.

Assessment

The replacement dwelling is sited on a similar footprint to the one it replaces, with a single storey element to the rear where the development extends beyond the existing footprint. This will mitigate potential impacts on the openness of the Green Belt; however, it is acknowledged that the Site will be well screened from the public footpath that runs along the northern boundary of the Site and the highway to the east and south. New planting is also proposed to bolster the western boundary to screen the proposal from the neighbouring property.

A recent appeal (ref. APP/R0660/W/21/3268648) (attached to Appendix 3) proposed a replacement dwelling in the Green Belt that would not be wholly sited on the same footprint as the existing dwelling and would have a smaller footprint by c. 13.7% with c.7% increase in internal floor area. The appeal site is located within the Green Belt and was considered acceptable in internal floor area. The proposal was considered acceptable and would not constitute inappropriate development in the Green Belt. Despite the footprint of the replacement dwelling not being wholly within the existing footprint, the appeal determined that development would not impact the openness of the Green Belt.

Overall, the replacement dwelling is not materially larger than the one it replaces, is predominantly within the existing footprint and hardstanding and retains mature landscaped boundaries. The dwelling will be well screened and will not have a detrimental impact on the openness of the Green Belt.

The proposed development is considered to accord with paragraph 149 of the Framework and UDP Policy OL1/2.

Infill Dwellings

The site is located within Summerseat, which is named within UDP Policy OL1/3 as a village in the Green Belt that may allow for limited infill development, subject to the proposal being of a scale that reflects the character of the village. The character of the surrounding area is summarised below:

- The site lies within the village envelope, surrounded by housing and is highly visually contained by the mature vegetation.
- It occupies a corner plot with existing access from Crag Lane and Cliff Avenue.
- At 2,405sqm the site is significantly larger than any of the surrounding plots with the next largest site being just 695sqm (17 Cliff Ave).
- The average plot density along Crag Lane and Cliff Avenue is approximately 540sqm per dwelling.
- There is a mix of architectural styles in the vicinity.

Assessment

The infill dwellings will be two storeys in height and measure c.371sqm per dwelling, sitting within the existing building line along Cliff Avenue. The dwellings have been designed to be of a more appropriate scale that better reflect the character of the surrounding area than the existing dwelling.

To accommodate the infill dwellings to the south of the site, the existing access and trees along the southern boundary will be removed. New planting will be provided along the southern boundary which will create a more attractive frontage along Cliff Avenue than existing.

The infill dwellings will be partially positioned on the existing footprint and hardstanding. In the table opposite, we have considered the cumulative impact of the proposal against existing.

Despite the built form being greater than existing, the development proposes a net gain of four dwellings, making efficient use of the site to contribute to the housing need for the borough.

	Existing Dwelling	Proposed House Type A (per dwelling)	Proposed House Type B (per dwelling)	Proposed Total (4 x Type A, 1 x Type B)	Difference (%) between existing and total proposed
Gross Internal Area (GIA) (m2)	386.0	97.0	200	588	+52.33
Gross External Area (GEA) (m2)	486.5	115.0	237.5	697.5	+43.37
Footprint (m3)	340.5	66.5	145.5	411.5	~+20.85
Volume (m3)	1349.5	371.0	693	2,177	+61.32

Assessment

Infill development is not defined at national level but has been subject to interpretation in case law, (including consideration in appeal decisions). Infill development is defined in policy OL/3 as:

"The term 'limited infilling development' may include forms of development other than frontage infilling such as the development of backland where it would be in keeping with the village's character. However, this is not intended as a general dispensation to develop houses in the back gardens of frontage properties."

To validate that the proposed semi-detached dwellings should be considered infill development, we have reviewed the below appeals.

In a similar proposal for a replacement dwelling and one infill dwelling, the appeal decision (ref. APP/R 0660/W/21/3268648) states:

*"I note the Council's comment, and others to the same effect by interested parties, that "for the development to be considered as limited infilling, it needs to be built within a gap" but "currently there is no such gap, as it is occupied by an existing building". However, I have found that the replacement dwelling would fall within the exception described in Paragraph 149(d) of the Framework. The additional dwelling would, **in filling the small gap** between the replacement dwelling and the neighbouring dwelling No 6, represent limited infilling in a village, and would therefore fall within the exception described in Paragraph 149(e)."*

The replacement dwelling will be located towards the north of the site, creating a small gap between the replacement dwelling and the highway. The proposal comprises an additional four semi-detached properties which will fill the gap, fronting Cliff Avenue with existing residential development to the east, south and west.

This is supported by another recent appeal (Ref. APP/R0660/W/20/3259305) (attached in **Appendix 4**), for the construction of a replacement dwelling and one infill dwelling, the Inspector determined,

"Plot 1' would fill a relatively small gap between the replacement dwelling 'Plot 2' and the existing property at No.105, as such, it would represent limited infilling" (paragraph 12).

The appeals confirm the proposal for four semi-detached dwellings which will infill the gap between the proposed replacement dwelling to the north and existing residential properties along Cliff Avenue and Crag Lane is considered limited infilling in accordance with the criterion set out at paragraph 145 (e) of the Framework.

Summary

This Statement and the accompanying plans demonstrate that the existing site is an anomaly in the local area and the dwellings proposed are of a scale which better reflects the character of the surrounding area (a more detailed assessment of the design and character is provided within the Design and Access Statement).

Although the Site is located within the Green Belt, this is true for the whole of Summerseat. In general terms, the principle of the proposal is acceptable and in accordance with paragraph 149 of the Framework as an exception to inappropriate development within the Green Belt.

We consider that the principle of development for a replacement dwelling and four infill dwellings in the Green Belt complies with UDP Policies OL1/2 and OL1/3 and the exceptions identified in paragraph 149 (d) and (e) of the Framework.

07

Technical



Design and Layout

The Design and Access Statement and accompanying plans have been prepared by Studio KMA to support this submission.

Plots 1-4 (House Type A) has been heavily influenced by the character of the surrounding area, positioned in a linear format sitting within the existing building line. The surrounding area has a mix of architectural styles, predominately characterised with single/two storey dwellings, incorporating gables and driveways fronting the street. To integrate into the surrounding area whilst being visually interesting, the dwellings are designed with gables and roll-on/roll-off driveways.

Taking into account the topography of the site and the openness of the Green Belt, the eaves and ridge height of plot 5 (House Type B) has been designed to be lower than plots 1-4 to ensure that it is not visible from Cliff Avenue. The replacement dwelling will be two storeys in height with a single storey element to the rear where the development extends into the undeveloped part of the site.

The three car parking spaces for plot 5 are contained within the site at the end of the existing driveway from Crag Lane. The dense vegetation to the east of the site will largely screen the detached dwelling from the highway to the east and the public footpath to the north.

The materiality of the dwellings will also have a contemporary design, incorporating high quality materials, including two contrasting multi-bricks with artificial blue/grey slate roofs. The proposed finishes enhance the overall design of all properties.

The dwellings are well proportioned, providing appropriate indoor and outdoor amenity space and meet nationally described space standards. Each dwelling will have a private rear garden, separated by boundary treatment. The gardens will comprise soft and hard landscaping and will accommodate separate refuse storage, accessible by the dwelling and a side walkway.

The existing dwelling has a unique character, sitting in a large plot and not conforming to the linear nature of the surrounding properties. The proposal provides the opportunity to enhance the visual attractiveness of the site and providing additional family homes that are of high quality design to the area.

The proposal would add to the overall quality of the area, as a result of good architectural design and layout. It responds positively to the character and form of the surroundings and complies with UDP Policies H2/1, H2/2 and EN1, and paragraph 126 of the Framework.

Landscape, Trees and Ecology

A supporting Arboricultural Impact Assessment and Method Statement (including Tree Survey) (AIA and AMS), and Preliminary Ecological Appraisal (PEA) has been prepared by Indigo Surveys to support the application. The appraisal identified the trees on site are connected to a designated ancient woodland, Gollinrod Wood SBI. As such, existing trees and native hedgerow should be retained where possible, and additional planting should comprise native species.

The site is identified within a Special Landscape Area and River Valley and there are 12no. TPOs at the east of the site. The proposals seek to retain the protected trees and will not be negatively impacted by the proposed development.

The statement identifies trees to be removed as part of the proposal. This includes Category 'U' trees (T4, T9, T20, T22, and T33) which have noted defects and limited future potential. Existing vegetation along the southern boundary is proposed to be removed to facilitate the erection of the infill dwellings (G4, T24-T28). These have been identified as Category 'C', having low quality and value. New planting is proposed to bolster the western boundary and along the boundaries of the rear gardens and car parking spaces.

The existing and proposed vegetation will provide screening to the rear of the site whilst the dwellings fronting Cliff Avenue will continue the existing building line. The landscaping has been designed to embellish the existing residential site and will not detract from the visual interest of the Special Landscape Area and River Valley, in accordance with UDP EN1/1.

Recommendations of the supporting documents include precautionary working methods during the construction phase for amphibians and reptiles, along with further bat surveys prior to commencement of the development, and consideration is given to features for nesting birds.

The PEA concludes the proposed development will have a negligible impact on biodiversity where mitigation and precautionary working methods are undertaken to protect species and appropriate native trees and hedgerow are planted where possible.

It is considered the proposals comply with UDP policies EN1/1, EN6, EN6/3, EN8 and EN9/1.

Highways, Parking and Access

The proposal provides two car parking spaces per 3-bedroom semi-detached property (plots 1-4) and three car parking spaces for the 4-bedroom detached property (plot 5). In line with the guidance in SPD11, the properties provide adequate parking provision for the proposals.

The existing access at the north east of the site is to be retained for access and egress of the occupier and visitors of plot 5. As confirmed by the pre-application advice, the existing access is in need of improvements. As set out in the proposed site plan and the supporting Design and Access Statement, enhancements to the Crag Lane access are proposed to increase visibility to improve the safety of vehicles and pedestrians exiting the site.

The existing access to the north east of the site is to be retained for access and egress of the occupier and visitors of plot 5. As confirmed by the pre-application advice, the existing access is in need of improvements. As set out in the proposed site plan and the supporting Design and Access Statement, enhancements to the Crag Lane access are proposed to increase visibility to improve the safety of vehicles and pedestrians exiting the site.

The existing access from Cliff Avenue will be removed to accommodate plots 1-4. The car parking spaces are designed to be roll-on/ roll-off driveways to reflect the character of the neighbouring properties. It is considered these car parking spaces will provide safe and easy access to the highway with adequate visibility. Rear access to each property is provided by an adjacent side walkway. Plots 2 and 3 will share a walkway between the dwelling to access the rear gardens and a route to manoeuvre bins from the refuse stores to the highway for collection. The dwellings and rear gardens will also provide sufficient space for secure cycle storage.

The proposals are in accordance with UDP Policy HT2/4 and SPD11.

Contamination

The Council's pre-application response advised the site and surrounding areas were developed for housing in 1977. Prior to this, the use of the site was for a sandstone quarry adjacent to a farm and river. Due to the historic use of the site, it was advised that a Preliminary Risk Assessment supports this application.

A Phase 1 Preliminary Risk Assessment has been prepared by LK Group to support this application and will follow submission.

08

Conclusion



Conclusion

The site is located within an existing village within the Green Belt in an accessible and highly sustainable location. The proposal makes efficient use of the site, providing additional family homes to contribute to the housing supply of the borough.

The proposal has been designed to be visually interesting whilst respecting the character of the surrounding residential area. The principal of the development for a replacement and infill dwellings within the Green Belt is considered acceptable and the scheme will not impact the openness of the Green Belt.

The submitted technical reports confirm the scheme will not adversely impact trees, ecology and potential contamination from historic use.

This statement demonstrates the proposals are compliant with the relevant Development Plan policies, and there are material considerations which should be considered as part of the planning balance which support the grant of planning permission. As such we respectfully request planning permission be granted.

Appendix 1 Location Development Plan Policies

Appendix 2 Material Considerations

Appendix 3: Appeal Decision APP/R0660/W/20/3259305

Appendix 4: Appeal Decision APP/R0660/W/21/3268648

Appendix 1: Local Development Plan Policies

Bury Unitary Development Plan (UDP) (1997)

Policy H1/2 Further Housing Development – Where housing development is proposed on sites not identified within the Proposals Map for housing, the Council will consider the existing infrastructure available, the need to avoid the release of peripheral open land, suitability of amenity and the surrounding land uses.

Policy H2/1 The Form of New Residential Development - New residential development must make a positive contribution to the form and quality of the area to ensure reasonable standards of privacy and to improve the quality of life in the borough. Factors such as height, impact on residential amenity, density, character and materials will be assessed.

Policy H2/2 The Layout of New Residential Development - Accessible standards of layout are essential for new residential developments. This can be achieved by having car parking provision as well as pedestrian access, an appropriate density, landscaping, public open space, consideration for safety and facilities for the disabled.

Policy H2/6 Garden and Backland Development - The loss of private gardens and backland for infill development will not be supported by the Council unless it can demonstrate that it does not adversely affect the character or amenity of the area.

Policy EN1/1 Visual Amenity - Where proposals impose a detrimental effect on public views of prominent buildings or the visual amenity of environmental interests (green belt, special landscape areas or river valleys) the council will not support.

Policy EN1/2 Townscape and Built Design – The Council will support proposals which do not have an unacceptable adverse effect on the character and townscape or the Borough's settlements.

Policy EN5/1 New Development and Flood Risk - Where development would be at risk of flooding, it will not be accepted if mitigation methods are proposed which could increase the risk of flooding elsewhere.

Policy EN6 Conservation of the Natural Environment – The Council will protect and enhance the Borough's natural environment.

Policy EN6/3 Features of Ecological Value – Proposal should seek to retain existing features of ecological or wildlife value.

Policy HT2/4 Car Parking and New Development - Adequate provision of car parking for the proposed development will be required, in accordance with the Bury Car Parking standards in Appendix 4 of the UDP. The level of parking provision should also encourage the use of public transport.

Appendix 1: Local Development Plan Policies

Policy EN8 Woodland and Trees - The Council will support the retention of trees, woods, copses and hedgerows and encourage natural regeneration and new and replacement tree planting throughout the Borough.

Policy EN9/1 Special Landscape Areas - Any permitted development proposed in special landscape areas will have a sympathetic visual impact to its surroundings and will be subject to strict control to protect the existing character.

Policy OL1 Green Belt - The Green Belt will be maintained in Bury to contain sprawl of built-up areas, prevent towns from merging and to assist in safeguarding the countryside from further encroachment.

Policy OL1/2 New Buildings in the Green Belt - The construction of new buildings in the Green Belt is considered inappropriate unless it is for limited infilling in existing villages (as set out in policy OL1/3).

Policy OL1/3 Infill in Existing Villages in the Green Belt - Limited infill development may be permitted, provided that it is in scale with the village and would not adversely affect its character or surroundings. Summerseat is recognised as an existing village acceptable for limited infilling.

The term 'limited infilling development' may include development of backland but is not intended as a general dispensation to develop houses in the back gardens of frontage properties.

Policy OL5/2 Development in River Valleys - The only development acceptable within the River Valleys will be those which would not lead to the diversion of the open parts of the valleys into sections. This includes where the area is designated as Green Belt or the development represents limited infilling to an established valley settlement.

Policy HT4 New Development - Proposals which support the principles of sustainable development and where public transport can be used to reduce the need for car journeys and distance driven will be supported when considering the location of new or intensified development.

Appendix 1 Local Development Plan Policies

Appendix 2 Material Considerations

Appendix 3: Appeal Decision APP/R0660/W/20/3259305

Appendix 4: Appeal Decision APP/R0660/W/21/3268648

Appendix 2: Material Considerations

National Planning Policy Framework (the Framework)

The Framework (July 2021) sets out the Government's policies for the planning system and the expectation for them to be applied positively and pro-actively to deliver sustainable development. The relevant paragraphs to the development proposed are listed below.

It confirms that applications for planning permission must be determined in accordance with the Development Plan unless materials considerations, including the Framework, indicate otherwise, and that due weight should be given to the development plan policies according to their consistency with the Framework (Paragraph 47).

Paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development in their plan-making and decision-taking. Paragraph 11 (c) requires planning permission to be granted for proposed development that accords with an up-to date development plan.

Other relevant policies of the Framework to the development proposal are:

Delivering a sufficient supply of homes

"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay" (Paragraph 60).

Protection Green Belt Land

"Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns;*
and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land" (Paragraph 138).*

Proposals affecting the Green Belt

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

Appendix 2: Material Considerations

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), 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" (Paragraph 149).

Planning Practice Guidance (the Practice Guidance)

Green Belt (July 2019)

To assess the impact of openness of the Green Belt, consideration should be taken on both the spatial and visual aspects of openness, the duration of the development and its remediability, and the degree of activity likely to be generated.

Supplementary Planning Documents

SPD7 Managing the supply of housing land in Bury:

This supplementary planning document seeks to manage the supply of housing land, identifying that there was equivalent to a 7-year supply in 2008, confirming that there has previously been sufficient housing land provided.

The document concludes that residential development proposals on sites which are not allocated for residential purposes will be assessed against Policy H1/2.

The SPD sets out advice on the criteria on Policy H1/2:

a) The need to direct development towards the urban area - Reminds of the criteria for building in the Green Belt, that being very restrictive and limited to infill development as the exceptions.

Appendix 2: Material Considerations

b) Availability of infrastructure - Emphasises the importance for new residential development to be located in sustainable locations with access to existing services and infrastructure.

SPD8 New building and associated development in the Green Belt:

This supplementary planning document highlights the acceptable forms of development in the Green Belt and provides general guidance on the construction of buildings in the Green Belt.

SPD11 Parking standards in Bury:

This supplementary planning document sets out the maximum standards for car parking and minimum standards for cycle parking provision for various development. There is no specific cycle parking provision standards for dwellings.

For car parking provision, the following standards are applied:

Dwelling Houses (C3)	Max. Car parking provision (per unit)	
	High Access Area	Low Access Area
1 bed	1349.5	693
2 bed	340.5	145.5

SPD16 Design and layout of new development:

This supplementary planning document provides guidance on the key design principles, ensuring good design that reflects the distinctiveness of Bury whilst respecting, harmonising and enhancing the character of the borough.

Appendix 1 Local Development Plan Policies

Appendix 2 Material Considerations

Appendix 3: Appeal Decision APP/R0660/W/21/3268648

Appendix 4: Appeal Decision APP/R0660/W/20/3259305



Appeal Decision

Site visit made on 22 June 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2021

Appeal Ref: APP/R0660/W/21/3268648

"Rydal", 8 Moss Road, Alderley Edge SK9 7HZ

- 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 and Mrs Hirst against the decision of Cheshire East Council.
 - The application Ref 20/4003M, dated 11 September 2020, was refused by notice dated 3 December 2020.
 - The development proposed is the demolition of the existing dwelling and its replacement with a detached dwelling and detached infill dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and its replacement with a detached dwelling and detached infill dwelling at "Rydal", 8 Moss Road, Alderley Edge SK9 7HZ in accordance with the terms of the application, Ref 20/4003M, dated 11 September 2020, subject to the conditions in the attached Schedule 1.

Procedural Matters

2. Alderley Edge Neighbourhood Plan ("the AENP") was "made" and became part of the development plan following a referendum in May 2021, and its policies can be given full weight in determining this appeal. Both main parties referred to the emerging policies, as they then were, in their appeal submissions; I am therefore satisfied both that there is no requirement for me to seek further comments in respect of the AENP, and that no party's interests have been prejudiced by my taking this approach. Although the Council's decision notice did not refer to policies of the AENP, I have referred to them at relevant points in my reasoning below.
3. The appellant submitted as further evidence, after the normal deadline for submitting comments had passed, an appeal decision relating to a site elsewhere within Cheshire East ("the Prestbury appeal")¹. This evidence is relevant to the proposal before me, and as the decision was issued on 13 July 2021 it could not have been submitted earlier in the appeal process. The Council has been given an opportunity to comment on the Prestbury appeal decision, and although it chose not to do so I am satisfied that no party has been prejudiced by my accepting this late evidence.
4. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February

¹ Ref: APP/R0660/W/20/3259305

2019. The parts of the Framework referred to in the Council's reasons for refusal, and therefore most relevant to this appeal, have not been significantly amended. As a result I consider that there is no requirement for me to seek further submissions on the revised Framework, and again I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Main Issues

5. The appeal site is within the Green Belt. Accordingly, I consider that the main issues are:
 - Whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposed extension on the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

6. "Rydal" is a large detached dwelling set in a generous plot on the south side of Moss Road on the eastern side of Alderley Edge, half a mile or so from the village centre. The appeal site lies entirely within the Green Belt.
7. The proposed development is the demolition of the existing dwelling and the division of the site into two plots, followed by the construction of two new two-storey detached dwellings. The first new dwelling ("the replacement dwelling") would be approximately, though not exactly, on the same footprint as the existing dwelling towards the eastern side of the appeal site. The second dwelling ("the additional dwelling") would be situated towards the western edge of the appeal site, in the space between the replacement dwelling and the boundary with the neighbouring property at No 6 Moss Road.

Whether or not inappropriate development in the Green Belt

8. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Paragraph 149 of the Framework states that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. The list of exceptions includes at Paragraph 149(d) "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces", and at 149(e) "limited infilling in villages".

10. The development plan consists of the saved policies of the 2004 Macclesfield Local Plan ("the MLP"), the 2017 Cheshire East Local Plan ("the CELP"), and the AENP. Policy PG3 of the CELP sets out the Council's approach to development in the Green Belt and is highly consistent with the requirements of the Framework; accordingly I give it full weight in the overall planning balance.
11. The adoption of the MLP pre-dates the introduction of the Framework in March 2012 by many years. Having regard to advice in Paragraph 219 of the Framework it does not follow that its policies should automatically be considered out-of-date. However, among other things Saved Policy GC1 allows for limited infilling in only a small number of named settlements, not including Alderley Edge. In this respect Saved Policy GC1 is more restrictive than the Framework, and consequently I give it limited weight in my decision.
12. Policy AE1 of the AENP sets out the development strategy for Alderley Edge. It seeks to direct development to appropriate locations where high levels of integration, sustainability, connectivity and design quality can be achieved. It does not specifically address the Green Belt, but indicates that (subject to other considerations) residential development within the settlement boundary will be supported. I shall return to the relevance of the settlement boundary in a moment, but consider that AE1 is positively worded and does not seek to introduce restrictions on development within the Green Belt which would be at odds with the approach set out in the Framework. Accordingly, I give it full weight in my decision.

The replacement dwelling

13. There is no guidance in either the CELP or the Framework as to the interpretation of "not materially larger" for a replacement building in the Green Belt, although I note that the Council has not sought to argue that the replacement dwelling would be materially larger than the existing dwelling on the site. The proposed replacement dwelling would have a smaller footprint than the existing dwelling (by around 13.7% by the Council's calculation), but a larger internal floor area (around 7%, according to the appellants) and volume (around 12.8%, again by the Council's calculation). Its height would be the same as the existing dwelling, at around 7.5m.
14. Having regard to all the evidence before me, including my observations on site and the dimensions provided by both main parties, I am of the view that the increase in both floor area and volume are relatively modest, and consider that the replacement dwelling would not be materially larger than the one it would replace.

The additional dwelling

15. There is also no definition in the Framework of "limited infilling in villages", although the CELP describes "infill development" as "the development of a relatively small gap between existing buildings", and the MLP defines "infilling" as "the infilling of a small gap in an otherwise built-up frontage (a small gap is one which could be filled by one or two houses)". I have also been directed towards caselaw established in *Wood*², which considered the interpretation of Paragraph 149(e)³ of the Framework.

² *Wood v SSCLG and Gravesham BC* [2015] EWCA Civ 195

³ Paragraph 89 as it then was.

16. The appeal site is part of a ribbon of development extending out of Alderley Edge into the countryside to the east along Moss Road. It is not a matter of dispute between the main parties that the appeal site is outside the CELP settlement boundary of Alderley Edge; the boundary is around 54m west of the site, and incorporates the buildings on both sides of Heyes Lane and Duke Street but, with the exception of Nos 1 and 2 excludes the dwellings on Moss Road.
17. Moss Road has detached houses which are predominantly set in generous plots, while the dwellings on Heyes Lane and Duke Street are mostly semi-detached or in short terraces, and generally more densely-packed. There is also no footway on Moss Road, with grass verges separating properties from the carriageway, so there are undoubtedly some differences in character between Moss Road and the area immediately to its west. However, there are continuous developed frontages on both sides of Moss Road, extend to what was for me some 3 or 4 minutes' walk beyond the appeal site. Here, after an "S" bend in Moss Road, beyond the dwelling known as "Moss Hall Cottage" countryside opens up on the north side of the road and the character of Moss Road changes somewhat, although built development continues on the south side to the junction with Hough Lane some way further east. I also saw on my site visit that the appeal site, No 6 to its west, and Nos 10 and 12 to its east, appear to be on plots with wider street frontages than most of their neighbours, so for the most part Moss Road has a built-up feel.
18. Based on my observations on my site visit, the prevailing character of Moss Road between Duke Street and "Moss Hall Cottage" is one which I would associate far more with an affluent and spacious suburban part of Alderley Edge, rather than the surrounding rural area. The village centre a short distance away is also readily and easily accessible from the appeal site, including for those travelling on foot or by bicycle. I therefore consider that for the purposes of determining this appeal, notwithstanding that it lies outside the Alderley Edge settlement boundary as defined in the CELP, the appeal site should be treated as being within the village.
19. By the Council's calculation, the gap between the proposed replacement dwelling and No 6 would be around 33m. In the context of Moss Road this is a space which would typically be occupied by a single dwelling, and I also therefore consider that the proposed additional dwelling would fill a relatively small gap.
20. In coming to this view I have had regard to the *Wood* judgment, the essential points of which (though I paraphrase) is that whether a site falls within a "village" and whether a proposal constitutes "limited infilling" are matters which cannot be determined solely by reference to boundaries or policies in the development plan but are questions of planning judgement for the decision maker. That reflects the approach which I have taken in determining this appeal, as set out in the preceding paragraphs.

Findings in respect of inappropriate development in the Green Belt

21. I note the Council's comment, and others to the same effect by interested parties, that "for the development to be considered as limited infilling, it needs to be built within a gap" but "currently there is no such gap, as it is occupied by an existing building". However, I have found that the replacement dwelling would fall within the exception described in Paragraph 149(d) of the

Framework. The additional dwelling would, in filling the small gap between the replacement dwelling and the neighbouring dwelling No 6, represent limited infilling in a village, and would therefore fall within the exception described in Paragraph 149(e). There is no substantive evidence to persuade me that a scheme which to my mind would clearly be “not inappropriate” if carried out in two discrete steps should become “inappropriate” when proposed, as here, as a single development.

22. I have also had regard to the decision in the Prestbury appeal to which my attention was drawn. The proposed development in that case was the demolition of an existing dwelling, and the construction of replacement dwelling and one infill dwelling on the site. While I do not know all the details of that other case, there are on the face of it significant similarities in terms of whether the proposals represent inappropriate development in the Green Belt. My conclusions in that respect here are consistent with those of my colleague in the Prestbury appeal.
23. I conclude that the proposed development falls within the exceptions set out in Paragraphs 149(d) and 149(e) of the Framework. It also complies with Policy PG3 of the CELP in this regard. The proposal for a replacement dwelling complies with Saved Policy GC1 of the MLP, although the proposed additional dwelling conflicts with that policy. However, for the reasons I have already set out I afford limited weight to conflict with GC1, and very substantial weight to compliance with national policy as set out in the Green Belt. I therefore conclude that the proposal would not be inappropriate development in the Green Belt.
24. Although it does not directly address the protection of the Green Belt, Policy AE1 of the AENP sets out the development strategy for the village. AE1 is supportive of residential development within the settlement boundary of Alderley Edge, and the proposed development lies outside the settlement boundary. However, I have found that the appeal site is an appropriate location for the proposed development, which would be well-integrated with the rest of the village. To the extent that AE1 addresses the location of development, I therefore find no conflict with that policy.

Openness of the Green Belt, very special circumstances

25. As I have found that the proposed development would not be inappropriate development in the Green Belt in the terms set out in Paragraph 149 of the Framework, it is not necessary for me to assess its effects on the openness of the Green Belt, or whether there are very special circumstances which might otherwise justify the proposal.

Character and appearance

26. Although I have found that the proposed development would be “not inappropriate” in Green Belt terms, it still remains to be appraised against other requirements of the development plan.
27. The existing dwelling “Rydal” is a large detached two storey dwelling which, based on its appearance, I estimate to date from the mid- to late-20th century. It has evidently been expanded and altered over the years, and is generously sized, although otherwise modest and unremarkable in appearance. It occupies about two thirds of the width of its plot, and sits towards the eastern side of

the site close to No 10. The side garden on the western part of the site towards No 6 is occupied by an outdoor swimming pool, which is secluded from the street by a brick wall as well as mature trees and other planting in the front garden. At the rear, the spacious garden extends south towards open fields behind the property.

28. The surrounding area is characterised by dwellings extending along Moss Road on both sides, although beyond the fact that nearly all are detached two-storey houses there is little in the way of a unifying theme – houses are of a variety of ages, architectural styles, roof types, and materials. There is some variation in plot sizes, and while plot widths are not uniform most are within a similar range. The appeal site and its neighbours at Nos 6, 10 and 12 have wider street frontages than is typical along most of Moss Road. Buildings are, more or less, set to a clear line on both sides of the road, albeit with some variations. Front gardens tend to be smaller than those at the rear, and many are largely given over to car parking space, although they are generally well-screened from the street by mature hedges and other planting, and this gives the street a verdant feel and contributes to its pleasant and affluent character.
29. The subdivision of the appeal site would create two plots which would be of a comparable width to most of those on Moss Road, including those on the north side of the road facing the site. The loss of the swimming pool and part of the garden area would inevitably reduce the amount of open space within the appeal site. However, this area is currently largely screened from Moss Road and public views through the site are restricted, so it makes a very limited contribution any rural and open character which may be perceived on this part of Moss Road (and which in any event, as I have explained above, does not really begin to become apparent until passing “Moss Hall Cottage” some way east of the appeal site).
30. The separation between the two proposed dwellings, and between them and their neighbours on either side, would not lead to the appeal site becoming unattractively cramped or appearing overdeveloped. I consider therefore that the proposed layout would not be at odds with the character and density of development on Moss Road.
31. The two proposed dwellings would be broadly similar in their overall design, with twin gables on the front elevation either side of a central front door, a single tall chimney stack on one flank, and a flat roofed rear projection with large glazed doors opening onto the rear garden. There would be some differences between the two; they would be of different brick, the replacement dwelling would have a gable roof, while that of the additional dwelling would be hipped, and there would be other variations in details such as the windows. However, given the diversity of styles and sizes of housing on Moss Road, both proposed dwellings would fit comfortably into the parameters of size, scale, design and detailing of other nearby, and neither would be unattractively bulky or intrusive.
32. I note the Council’s concern about the proposed use of buff brick for the additional dwelling, as this is not a typical material in the area, although this is a matter which I consider can be satisfactorily addressed by an appropriate condition in respect of materials. The protected trees on the site make a valuable contribution to the area’s verdant character, and appropriate

conditions can be used to ensure that they are safeguarded during construction.

33. The additional dwelling would have a loft room on the second floor, which would be served by a dormer on the rear roof slope. The dormer would occupy a substantial width of the roof slope, but it would be set below the roof ridge and well back from the rear eaves. From neighbouring rear gardens it would either be screened by, or seen set against, the adjoining rear gable; in longer views from open land at the rear (including the public footpath a short distance to the south of the appeal site) it would be seen against the main roof. While it would be a reasonably large feature, it would not in my view be dominant or overbearing.
34. Some interested parties suggested that the proposal should be treated as a rear garden development, rather than a side infill. There are some merits to that argument, given that the swimming pool area is visually, spatially and functionally connected to the rest of the rear garden on the site. However, even if I had taken that approach, for the reasons I have set out above I consider that the development would be well integrated into the built form of the surrounding area, there would be no harmful loss of mature planting or openness, and as a result there would be no unacceptable impact on the character of the local area. In this case therefore, focussing on the perceived distinction between a side garden and a rear garden would not have altered my overall decision.
35. Taking all of these points together, I consider that the effects of the proposed development on the character and appearance of the surrounding area. I therefore conclude that the proposal complies with Policies SD2 and SE1 of the CELP, which among other things seek to ensure that development is well designed and in keeping with an area's character and identity, including in such matters as scale, materials, relationship to neighbouring properties and the street scene.
36. I also consider that the proposed development complies with Policies AE2 and AE4 of the AENP, which require residential development proposals to respond to their context in scale, character, plot density, height and massing, and which seeks to protect [rear] gardens from development which would have an unacceptable impact on the character of the local area.

Other matters

37. A significant number of interested parties submitted comments on this appeal. Many of these related to matters such as infill development, the nature of the Green Belt, the effect of the proposal on the character and appearance of the area, and protected trees which I have addressed in the main issues above. Other matters such as surface water run-off can be addressed through appropriate conditions.
38. The Council was satisfied that the proposed development would not be harmful to neighbours' living conditions subject to a condition being imposed which would require obscure glazing to be used on the side elevation of the additional dwelling closest to No 6. Based on my observations on site, I agree.
39. I note comments that neither proposed dwelling would have a garage. I am not aware of any specific requirement for homes to have garages, and each would

have off-street parking for up to three cars in line with the Council's guidelines. Any future proposals for the development of garages in front of the principal (street) elevations would require planning permission, and would be assessed accordingly at the time. Although one interested party suggested that the proposal would lead to severe road congestion, no substantive evidence of this was provided, and it seems to me unlikely to result from permitting a single additional dwelling. Overall I accept the Council's view that there would be no significant impacts on traffic flow or highway safety arising from the scheme.

40. In respect of the wider landscape, the appeal site lies within the Alderley Edge and West Macclesfield Wooded Estates Local Landscape Designation Area ("LLDA"). This is described in the 2018 Cheshire East Local Landscape Designation Review as a broadly undulating landscape, with focal points of wooded backdrops and locally varied topography with occasional steeper valley slopes. The area closest to the appeal site is characterised by gently rising fields, which contrast with the steep and wooded escarpment of Alderley Edge itself to the south. In longer views towards and past the appeal site, the proposed development would be read as a small part of an established "finger" of dwellings extending into the surrounding countryside. I note, and accept, the comments of the Council's Landscape Officer that the proposal would not have an adverse impact on the character, appearance and setting of the wider designated landscape.
41. My attention has been drawn to other planning applications in respect of Nos 1, 6 and 7 Moss Road for proposals described as "infill" development, or similar, and the possibility that permitting this proposal would set a precedent for those and other similar developments. I have determined this appeal on its own merits, and while I do not know the full details of those other schemes it will be for the decision maker in those cases to take the same approach.
42. Finally, the appellant raised in their statement a number of concerns about the Council's decision-making in respect of the planning application. Concerns with the detailed committee proceedings are not a matter for my deliberations but would need to be taken up with the Council. They are not directly related to the planning merits of the proposal, and have had no bearing on my determination of the appeal.

Conditions

43. I have considered the conditions suggested by the Council having regard to the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have also taken into account comments made by the appellants. Where necessary I have altered the ordering and proposed wording in the interests of clarity and effectiveness.
44. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2).
45. Although the planning application was accompanied by an Arboricultural Impact Assessment and an Arboricultural Method Statement, further details are required to ensure the protection of trees during construction and beyond (3, 4 and 5). Details of drainage, including measures to protect trees, are also necessary to ensure compliance with Policy SE13 of the CELP (6) – I have incorporated comments from the Lead Local Flood Authority into the wording

suggested by the Council, so have effectively amalgamated two suggested conditions into a single one. These are all necessarily pre-commencement conditions, for which the appellants have provided written agreement in accordance with Section 100ZA of the Town and Country Planning Act 1990.

46. Conditions in respect of site and structure levels (7), materials (9), landscaping (10 and 11), boundary treatments (12), and proposed garden sheds (13) are necessary to protect the character and appearance of the site and surrounding area. Conditions in respect of the possible effects on nesting birds of removing vegetation or carrying out building works (8), and requiring features to be provided to support bats (14) are necessary in order to safeguard biodiversity in line with local and national planning policy. A condition in respect of electric vehicle charging points and infrastructure is required to encourage and support the uptake of plug-in vehicles in line with Paragraph 112(e) of the Framework (15). A condition requiring obscure glazing to be used on the western side elevation of the additional dwelling is necessary to protect the privacy of occupiers of the adjoining No 6 Moss Road (16).
47. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so, and the PPG advises that conditions restricting the future use of permitted development rights or changes of use “may not pass the test of reasonableness or necessity”⁴. In this case, I consider that it is necessary to remove certain permitted development rights including those in respect of extensions, roof alterations, and outbuildings, in order to protect the spacious character and appearance of the area, and in order to control the effect of the development on the character and quality of the surrounding Alderley Edge and West Macclesfield Wooded Estates LLDA. As such, a condition restricting the permitted development rights of the dwellings (17) would be in accordance with the Framework and the PPG.

Conclusion

48. The proposed development would not be inappropriate development in the Green Belt, and no other harm has been identified which would justify refusing planning permission. The appeal is therefore allowed.

M Cryan

Inspector

⁴ Paragraph: 017 Reference ID: 21a-017-20190723

Schedule 1: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the attached Schedule 2: Schedule of Approved Plans.
- 3)
 - (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
 - (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- 4) Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Method Statement for the retained trees referred to as T1, T2 and T5 shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Method Statement.
- 5) Prior to the commencement of development or other operations being undertaken on site in connection with the development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification/Method Statement for installation of engineer designed foundations shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in

- complete accordance with the approved Construction Specification/ Method Statement.
- 6) Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed service and foul and surface water drainage layout shall be submitted to and approved in writing by the Local Planning Authority (notwithstanding any additional approvals which may be required under any other Legislation). This will include details of existing surface water run-off rates, measures to ensure that these are not exceeded following the development, as well as details of a management and maintenance plan, and the management of overland flow routes. Such layout shall provide for the long-term retention of the protected trees on the site. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
 - 7) Prior to commencement of development, (apart from demolition) details of finished levels including full details of all retaining structures to be utilised (site sections and topographical survey) and spot heights adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in full accordance with the details approved.
 - 8) No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.
 - 9) No development involving the use of any facing or roofing materials shall take place until details or samples of the materials to be used in the construction of external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless any variation is agreed with the Local Planning Authority.
 - 10) Prior to first occupation of the dwellings hereby approved, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.
 - 11) The landscaping plan shall be implemented in full accordance with the approved scheme within the first planting season following first

occupation of the dwellings hereby approved, or in accordance with a programme first agreed in writing with the Local Planning Authority. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

- 12) Prior to first occupation of the dwellings hereby approved, details of all boundary treatments shall be submitted to and approved in writing by the local planning authority. Prior to first occupation of the dwellings hereby approved, the boundary treatments shall be installed in accordance with the approved details.
- 13) Prior to first occupation of the dwellings hereby approved details of the garden sheds shown on the block plan shall be submitted to and approved in writing by the Local Planning Authority.
- 14) Prior to the first occupation of any consented unit features are to be provided on site in accordance with the recommendations detailed in paragraph 4.2.2 of the submitted Bat Survey Report dated the 4th September 2020. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.
- 15) Prior to first occupation of the properties, the developer shall provide Electric Vehicle Infrastructure to the following specification:
 - A single Mode 3 compliant Electric Vehicle Charging Point per property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
 - Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
 - Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted.The infrastructure shall be maintained and operational in perpetuity.
- 16) The proposed first floor windows in the western elevation of the proposed infill plot shall be:
 - Obscure-glazed (minimum Level 3 obscurity level on the Pilkington Scale or equivalent) and
 - Of a design not capable of being opened below a height of 1.7m above finished floor level and shall remain so glazed and non-openable.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A, AA, B and E of the Order shall be carried out.

--End of Schedule of Conditions--

Schedule 2: Schedule of Approved Plans

- 19116 (PL) 001 (Location Plan) received by the Local Planning Authority on 14 September 2020
- 19116 (PL) 003 E (Proposed Block Plan) received by the Local Planning Authority on 19 November 2020
- 19116 (PL) 007 (Proposed Location Plan) received by the Local Planning Authority on 16 November 2020
- 19116 (PL) 100 D (Proposed Floor Plans – Replacement Dwelling) received by the Local Planning Authority on 21 October 2020
- 19116 (PL) 101 B (Proposed Floor Plans – Infill Dwelling) received by the Local Planning Authority on 20 November 2020
- 19116 (PL) 200 B (Proposed Elevations – Replacement Dwelling) received by the Local Planning Authority on 21 October 2020
- 19116 (PL) 201 C (Proposed Elevations – Infill Dwelling) received by the Local Planning Authority on 20 November 2020
- 19116 (PL) 300 B (Site Sections 1) received by the Local Planning Authority on 16 November 2020
- 19116 (PL) 301 A (Site Sections 2) received by the Local Planning Authority on 16 November 2020

--End of Schedule of Approved Plans --

Appendix 1 Local Development Plan Policies

Appendix 2 Material Considerations

Appendix 3: Appeal Decision APP/R0660/W/21/3268648

Appendix 4: Appeal Decision APP/R0660/W/20/3259305



Appeal Decision

Virtual Hearing Held on 5 May 2021

Site Visit made on 6 May 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021

Appeal Ref: APP/R0660/W/20/3259305

Prestbury Lodge, 107 Macclesfield Road, Prestbury SK10 4AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr Jim Mole against Cheshire East Council.
 - The application Ref 20/2574M, is dated 19 June 2020.
 - The development proposed is outline application for the demolition of existing dwelling, construction of replacement dwelling and one infill dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for outline application for the demolition of existing dwelling, construction of replacement dwelling and one infill dwelling at Prestbury Lodge, 107 Macclesfield Road, Prestbury SK10 4AG in accordance with the terms of the application, Ref 20/2574M, dated 19 June 2020, and the plans submitted with it, subject to the following conditions set out in the schedule attached to this decision.

Procedural Matters

2. The Council have not issued a refusal notice. However, I have had regard to the Council's accompanying statement of case, in so far that it provides clarity in terms of the reasons why the Council would have refused planning permission had it been able to do so. The main issues as set out below were drawn from the statement and agreed by the parties at the Hearing.
3. The application was submitted in outline. The application form indicates that approval was sought for access and scale, with the matters of appearance, landscaping and layout reserved for future approval, the Council dealt with the application on this basis and so shall I. The appellant has provided indicative plans relating to the site layout and cross sections to illustrate how the properties could be accommodated in the site. I have therefore taken these into account in so far as establishing whether it would be possible, in principle, to erect the dwellings on the site.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework, (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and

- If the proposal would be inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The Framework sets out the Government's planning policies for England and is an important material consideration in all planning decisions. Paragraph 145 of the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development, unless it meets one or more of a list of exceptions. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Exceptions set out in the Framework; include paragraph 145(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and paragraph 145(e) limited infilling in villages.
7. At the Hearing, both parties agreed that Saved Policy GC1, of the Macclesfield Borough Local Plan, 2004 (MBLP) which relates to new buildings in the Green Belt is inconsistent with the wording in the Framework. Policy PG3 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, 2017 (CELP) sets out the relevant criteria exceptions for the construction of new buildings in the Green Belt, and that permission will not be granted for inappropriate development, except in very special circumstances, it is consistent, and in accordance with the Framework.
8. The appeal site is located within the Green Belt and the proposal consists of two elements. 'Plot 1' being the construction of a new two-storey dwelling within the garden area of Prestbury Lodge and 'Plot 2' involving the demolition of the existing property with the replacement of a two-storey dwelling.
9. The Council at the Hearing confirmed that the appeal site falls outside of the settlement boundary of Prestbury, which is classed as a village within the Local Plan. Both parties agree that the site is within the Prestbury Parish, and my attention was drawn to the Prestbury Village Design Statement, Supplementary Planning Document, 2007, in particular Appendix 6 - the Macclesfield Road, Middle and South map.
10. In regard to 'Plot 1', the Council consider that the notion of 'limited infilling in villages' is unqualified. There is no definition in the Framework, but the glossary to the CELP defines it as '*The development of a relatively small gap between existing buildings*'. The MBLP also sets out a definition, '*The filling of a small gap in an otherwise built-up frontage. (A small gap is one which could be filled by one or two houses)*'.
11. The properties along Macclesfield Road are of a linear form, the appeal site is positioned along the east side. Although, there appears to be a gap between properties towards the north from No.101, there is an otherwise built up frontage of those houses to the south forming No's. 101, 103, 105 and the appeal site. The existing properties are large and set in substantial grounds,

- with the appeal site having almost double the size of the plot widths in comparison to those immediately to the north.
12. The existing garden area of 'Prestbury Lodge' would be sub-divided to create the two plots, with 'Plot 1' being the closest to No.105. The new plot sizes would be of an average plot width in comparison to others and each plot would be capable of accommodating a dwelling. There would be no encroachment into the countryside and the indicative plans show how the proposals would assimilate into the immediate and wider site context and the character of the area. Taking these factors together, the proposed dwelling 'Plot 1' would fill a relatively small gap between the replacement dwelling 'Plot 2' and the existing property at No.105, as such, it would represent limited infilling.
 13. At the Hearing, the Council maintained there was a clear distinction between Prestbury Village and the appeal site, particularly in relation to existing development on the east in comparison to the west. I have had regard to the judgement¹, in considering whether a settlement is a village or whether a site is in a village as the local plan boundary of a village is not determinative for that purpose. Therefore, it is necessary to consider the situation "on the ground" as well as any relevant policies. It is a matter of judgement depending on those factors.
 14. In this case, although falling outside of the settlement boundary on the proposals map, Prestbury contains a significant amount of residential properties. There are also several local services nearby, including a nursery, school, leisure centre and recreational fields opposite. I also observed that there were bus stops immediately and adjacent to the site, along Macclesfield Road. Despite, the centre of the village being some distance away for day-to-day services, it would still be accessible by other means if necessary, including walking or cycling and, even if, cars were the primary use the journeys would be a short distance. Moreover, just because occupants may choose to frequent other services in the nearby town of Macclesfield instead of the village centre, this is not a reason in itself to dismiss the appeal.
 15. I accept that there is a more apparent continuous line of development along the west of Macclesfield Road to Summerhill Road and along the east it becomes more sporadic from No.79 until reaching No.101. However, there still appears to be built form set back from the main roadway, which is visible, and along the east there are continuous footpaths towards the village centre, unlike the west where there are none.
 16. The appeal site forms part of a group of four houses to the southern end of Macclesfield Road, and it is not clearly defined that they would appear, or be seen in isolation to those properties to the north on both the east and the west sides. From my observations, although the site lies away from the main village cluster of development, it would form part of the linear pattern of development along Macclesfield Road from the main built up area. Therefore, taking these considerations together I find that the proposal would amount to limited infilling within a village.
 17. In terms, of 'Plot 2', the replacement dwelling, the main parties agree that subject to an appropriately designed reserved matters submission the proposed dwelling would not be inappropriate development in the Green Belt.

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

Nonetheless, the matters to be considered in this case included scale – *‘the height, width and length of each building proposed within the development in relation to its surroundings’*².

18. There is no definition in the Framework or the CELP of ‘materially’ larger, accordingly this is a matter of planning judgement having regard to the particular circumstances of the case. At the Hearing, the appellant confirmed the comparative figures for the replacement dwelling with the existing. These are set out in the statement of case, which also formed the ‘Planning Statement’³ with the original submission for the outline application. Table 1 - footprint calculations indicated some 25.3% increase, Table 2 – volume calculations is indicated some 14.7% increase and Table 3 – Height, was +1m in height. The parties agreed at the Hearing that there was the potential for a suitably worded condition that could ensure that these parameters were adhered to in any subsequent reserved matters.
19. Although the footprint would be over 25% there would be a modest increase in volume. Therefore, having regard to the scale parameters put forward, the comparative plot widths and the context of the appeal site and its wider surroundings. I consider that the proposed dwelling would not be materially larger than the one it replaces.
20. For the reasons given above, I conclude that the proposed development would not be inappropriate development in the Green Belt, it would be limited infilling in a village and the replacement building would be in the same use and not be materially larger than the one it would replace. There would be no conflict with Policy PG3 of the CELP and it would be in accordance with the criterion set out at paragraph 145 (d) and (e) of the Framework.
21. As I have found that the proposed development would not be inappropriate development in the Green Belt, there is no requirement for a subsequent assessment of the effect of the development on the openness of the Green Belt, or the impact on Green Belt purposes, having also regard to the judgement in the Court of Appeal⁴.
22. Moreover, given that the proposed development would not amount to inappropriate development, there is no need for me to assess other considerations, and whether very special circumstances exist in order to justify the development.

Other Matters

23. In coming to my decision, I have had regard to other developments granted by the Council in nearby areas, appeal decisions the appellant has put forward at the Hearing and within their statement of case, including the recent decision at Stone Cottage⁵. Although, there may be some similarities with the appeal scheme, I do not consider these are directly comparable with the appeal site with regard to the siting, location of built development, scale parameters and infilling of a small gap. In any case I have considered the appeal proposal on its own merits.

² PPG Paragraph: 006 Reference ID: 14-006-20140306, Revision date: 06 03 2014

³ Planning Statement, Project 19-219, dated 18 June 2020

⁴ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

⁵ APP/R0660/W/20/3252110 & APP/R0660/W/20/3252114

Conditions

24. I have considered the conditions suggested by the Council, and in light of the Planning Practice Guidance (PPG). The appellant has made clear which conditions are deemed to be acceptable, including those that are pre commencement. For clarity, precision and to ensure compliance with the PPG, I have undertaken some minor editing and rationalisation.
25. I have attached conditions related to the time scale for reserved matters applications and commencement of development to ensure it is carried out in a timely manner. Condition (4) is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. Condition (5) is relevant to the development being permitted and necessary for the scale parameters to be included.
26. I have imposed conditions (6), (7), (8) in the interests of protecting wildlife and ecology at the site, condition (9) is necessary relating to trees, as there a number of trees on the site that would require protection during construction and in the interests of the character and appearance of the area. Condition (10), relating to electric vehicle charging points, is required in accordance with paragraph 110 e) of the Framework. Condition (11) is necessary to alleviate any flood risk at the site.

Conclusion

27. The proposed development would not be inappropriate development in the Green Belt and would not conflict with the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan.
28. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

KA Taylor

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Jim Mole
Mr Nick Smith BA (Hons), DIP TP, MRTPI

Appellant
Emery Planning

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Keen

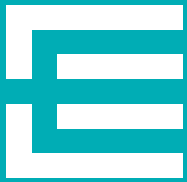
Cheshire East Council

Appeal Ref: APP/R0660/W/20/3259305
Prestbury Lodge, 107 Macclesfield Road, Prestbury SK10 4AG

Schedule of conditions attached to planning permission

- 1) Details of the appearance, landscaping, and layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: AR-E-100-ST-001 Rev A, AR-X-100-ST-001 Rev A.
- 5) The development hereby permitted shall be carried out in accordance with the scale parameters as set out within Table 1, Table 2 and Table 3 of the 'Planning Statement, Project 19-219, dated 18 June 2020' which accompanied the outline application.
- 6) No removal of any vegetation or the demolition of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place.
- 7) The proposed development shall be carried out in accordance with the recommendation made by section 5.1 of the submitted Bat Activity Survey Report (Elite Ecology, May 2020). If any future Reserved Matters are submitted following a period of two years from the date of this decision, an updated survey will be required to be submitted to and approved in writing by the Local Planning Authority. Agreed features for roosting bats shall be permanently installed in accordance with the approved details.
- 8) Concurrent with the first Reserved Matters submission, detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrows, shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained.

- 9) Concurrent with the first Reserved Matters submission an updated Arboricultural Impact Assessment which reflects any alterations to the outline application, method statement and special engineered surface details shall be submitted to and approved in writing with the Local Planning Authority. All works on site shall be undertaken in accordance with the approved details.
- 10) Prior to the first occupation of the properties, an Electric Vehicle Infrastructure plan shall be submitted to and agreed in writing by the Local Planning Authority. The Infrastructure plan shall aim to meet the following specification:
 - a. A single Mode 3 compliant Electric Vehicle Charging Point per property with off road parking. The charging point shall be,
 - i) independently wired to a 30A spur to enable minimum 7kW fast charging or the best available given the electrical infrastructure.
 - ii) Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to the local planning authority prior to discharge.
 - iii) Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted.
 - iv) The infrastructure shall be implemented and maintained throughout the use of the development.
- 11) No development shall commence until full details of the existing ground levels, proposed ground levels and the level of proposed floor slabs have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels. No levels should be raised on site that may result in the flooding offsite. If the levels need to be raised, then the site boundary will need to be adequately protected to ensure that any flood risk is contained and managed onsite and not transferred off site.



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