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## Appeal Decision

Site visit made on 4 August 2014

**by Alison Partington BA (Hons) MA MRTPI**

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

**Decision date: 8<sup>th</sup> August 2014**

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**Appeal Ref: APP/R0660/A/14/2220496**

**Briarwood, Goostrey Lane, Cranage, Crewe CW4 8HE**

- 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 planning permission.
  - The appeal is made by Mr Mike Hodge against Cheshire East Council.
  - The application Ref 13/4501C, is dated 23 October 2013.
  - The development proposed is a new house adjacent to Briarwood.
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### Decision

1. The appeal is allowed and planning permission is granted for a new house adjacent to Briarwood at Briarwood, Goostrey Lane, Cranage, Crewe CW4 8HE in accordance with the terms of the application, Ref 12/4501C, dated 23 October 2013, subject to the conditions set out in Annex A.

### Application for Costs

2. An application for costs was made by Mr Mike Hodge against Cheshire East Council. This application will be the subject of a separate decision.

### Background and Main Issue

3. Following the submission of the appeal against non-determination the Council has not clarified the position it would have taken on the application if it had had the opportunity to make a decision. On the analysis of the evidence before me and from what I saw at my site visit I consider that the main issues in the appeal are:
  - Whether the proposal represents a sustainable form of development within the countryside; and
  - The effect of the proposed development on the character and appearance of the area.

### Reasons

*Whether a sustainable form of development*

4. The appeal site is located within a small row of dwellings close to the junction of Goostrey Lane with the A50. Although situated within the village of Cranage, it is indicated that the site is designated as open countryside. In such areas Policy PS8 of the *Congleton Borough Local Plan First Review (adopted January 2005)* (CBLP) sets out the broad types of development that are likely

to be acceptable and Policy H6 sets out the specific circumstances when new housing is acceptable. These policies allow for limited development within the infill boundary of certain settlements but I understand that the CBLP does not define an infill boundary for Cranage.

5. The appellant has also highlighted that Policy GP5 of the submission version of the *Cheshire East Local Plan (dated March 2104)* indicates that within the open countryside development may be allowed if it represents the infilling of a small gap with one or two dwellings in an otherwise built up frontage. Paragraph 216 of the *National Planning Policy Framework* (the Framework) provides that decision makers may give weight to relevant policies in emerging plans according to the stage of preparation of the plan, whether there are unresolved objections to the policy and its degree of consistency with the Framework. Although the CELP is at a relatively advanced stage in its preparation, I have not been provided with any indication of whether this policy has unresolved objections to it or not. Therefore, in this case, only limited weight can be afforded to this policy.
6. The Framework sets out in paragraph 47 that, to boost significantly the supply of housing, local planning authorities should be able to demonstrate a five year supply of deliverable housing sites. The appellant has indicated that a recent appeal decision<sup>1</sup> showed that the Council is unable to demonstrate a deliverable 5 year housing land supply. In the absence of any evidence to the contrary from the Council, I accept this to be the current position. The Framework further states, in paragraph 49, that where local planning authorities are unable to demonstrate a 5 year supply, relevant housing supply policies should be considered out of date.
7. Policies PS8 and H6 seek to protect the countryside from unnecessary development which is consistent with the Framework's objective of recognising its intrinsic character and beauty. However, I agree with the conclusion of the Inspector in the aforementioned appeal that in the absence of a deliverable 5 year housing land supply, it is no longer appropriate to apply these policies to every part of the countryside and to refuse planning permissions for proposals simply because they do not comply with the criteria of these policies.
8. Paragraph 14 explains that, where relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework emphasises that such development should seek to achieve economic, social and environmental gains. To promote sustainable development in rural areas, paragraph 55 makes it clear that most new housing should be located where it would enhance or maintain the vitality of rural communities.
9. The village of Cranage is very dispersed in nature and only has a very limited range of facilities. A wider range of facilities, including a primary school, train station and limited range of shops, are found in Goostrey which is approximately 1.5km from the site. Whilst the road linking the site to Goostrey has no pavements, it is not unduly narrow and is relatively lightly trafficked. As such I am satisfied that the lack of pavements would not be a deterrent to

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

walking or cycling along this route. A greater range of facilities and services are also found in the small town of Holmes Chapel which is approximately 3km away. A limited bus service, available from near the site, means that these facilities can be accessed by means other than the private car.

10. Therefore, whilst the development would only create one dwelling, its location would enable it to help to support services in other nearby settlements as envisaged by paragraph 55 of the Framework.
11. The proposed dwelling would be located on land that is currently the side garden of Briarwood and would have 3 dwellings to one side and 6 to the other. It would therefore not be an isolated new dwelling. Moreover, it would not extend the built form into the open countryside or result in the urbanisation of land that is currently open fields. As a result of the boundary treatments around the site no views of the open countryside are available through the site and when seen in views from the surrounding area it would be seen in the context of the other houses that already exist. Consequently, it would not harm the character and appearance of the surrounding countryside and so would accord with the environmental dimension of sustainable development.
12. Although limited, the construction of the dwelling would contribute, in the short term, to local economic activity, but otherwise would it not contribute to the economic dimension of sustainable development. Notwithstanding this, as it would be consistent with the social and environmental dimensions, I consider that it would represent a sustainable form of development.

#### *Character and Appearance*

13. Policies GR1 and GR2 of the CBLP require that new development should conserve or enhance the character of the surrounding area and set out various criteria against which proposals will be considered. I have already concluded above that the proposal would not have a detrimental effect on the character and appearance of the countryside. The existing dwellings in the immediate vicinity of the site comprise a detached bungalow and semi-detached houses. The proposed dwelling would be of a similar scale to the other two storey houses and its position in relation to the neighbouring houses would reflect the staggered building line along the lane.
14. The proposed dwelling would be provided with adequate space both to the front and the rear to ensure that it would not appear cramped or out of keeping with the other houses, which generally have generous amounts of garden space. In addition, various architectural details would be incorporated into the design of the house that reflect those found on the adjacent properties. Overall therefore, I consider that the proposal would be sympathetic to the character and appearance of the surrounding area and would not conflict with Policies GR1 and GR2.

#### *Other Matters*

15. Policy GR6 of the CBLP states that development should not have a detrimental impact on the living conditions of nearby residents. The main windows in the proposed dwelling would be in the front and rear elevations. The plans show one first floor window on the side elevation facing Briarwood. However, this would serve a bathroom and as such can be conditioned to have obscure glazing. Therefore, subject to this, and a condition to ensure adequate

boundary treatments are provided, I am satisfied that the privacy of neighbouring occupiers would not be affected. Although set forward in relation to No 1, the distance between the proposal and this house is sufficient to ensure it would not have a detrimental impact on the outlook or light received by this property. Accordingly, I consider that the proposed dwelling would not have an unacceptable impact on the living conditions of nearby residents and would not be contrary to Policy GR6.

16. The proposed dwelling would have a double garage and off-street parking for at least two cars. There would also be sufficient space to enable cars to turn within the site and thus ensure that cars are able to enter and exit the site in forward gear. Consequently the proposal would not have any adverse impact on highway safety.

### **Conclusion and Conditions**

17. The proposed development would be a sustainable form of development in the countryside and, although it would only make a minimal contribution to the housing supply in the borough, there are no adverse impacts that outweigh the benefits of the proposal. Consequently, for the reasons set out above I conclude that the appeal should be allowed.
18. The Council has not suggested any conditions which it considers appropriate were I minded to allow the appeal. However, I consider that there are a number of conditions that are necessary.
19. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area conditions are required to control the external appearance of the dwellings and the landscaping of the proposed development.
20. In order to protect the living conditions of neighbouring residents, conditions are required to restrict the hours of construction, and to ensure obscure glazing in the first floor window in the side elevation. For reasons of highway safety a condition is required to ensure the provision of the parking/turning areas before the development is first occupied

*Alison Partington*

INSPECTOR

## **Annex A**

### **Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No 701 LO1; Existing Site Plan Drawing No 701 205; Proposed Site Plan / Block Plan Drawing No 700 200; Proposed Plans Drawing No 701 201 Rev D; Street Scene Drawing No 701 203 Rev B; and Proposed Elevations Drawing No 701 202 Rev D.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling 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.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. These details shall include; means of enclosure; hard surfacing materials; planting plans; written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 5) All planting comprised in the approved details of landscaping shall be carried out in the first planting seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) Demolition or construction works and associated deliveries to the site shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 14:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 7) The dwelling hereby permitted shall not be occupied until the parking and turning space has been laid out within the site in accordance with the plans approved under condition 2 to this permission and these shall be permanently retained as such thereafter.