



Appeal Decision

Hearing held on 16 April 2025

Site visit made on 16 April 2025

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/R0660/W/24/3354674

Broadheath Farm, Over Alderley, Macclesfield, Cheshire SK10 4SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Rubicon Estates Ltd against the decision of Cheshire East Council.
 - The application Ref is 23/2978M.
 - The development proposed is rebuilding works to provide 2 no. dwellings with associated works (resubmission of 21/1848M).
-

Decision

1. The appeal is allowed and planning permission is granted for rebuilding works to provide 2 no. dwellings with associated works (resubmission of 21/1848M) at Broadheath Farm, Over Alderley, Macclesfield, Cheshire SK10 4SN in accordance with the terms of the application, Ref 23/2978M, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). Amongst other matters, this introduced the concept of Grey Belt. The Council and the appellant have referenced this document within their appeal statements and as such I am satisfied that no party would be prejudiced by my also making reference to the Framework in this decision.
3. The appeal relates to two dwellings, a farmhouse (plot 1) and former barn building (plot 2). The Council have raised to issue with regards to the development at plot 1, which they consider to represent appropriate development, and compliant with paragraph 154d of the Framework. From what is in front of me and from what I have observed, I have no reason to disagree. As such, the main issues below relate to plot 2.

Main Issues

4. The appeal site is located within an area of Green Belt. Accordingly, I consider the main issues are:
 - whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies;

- the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

5. The appeal site is located in the Green Belt as defined by Policy PG3 of the Cheshire East Local Plan Strategy 2010 – 2030 (2017) (CELPS).
6. Policy RUR13 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) and CELPS Policy PG3 state that the construction of new buildings in the Green Belt is to be regarded as inappropriate development unless it is required for specific purposes. The list of exceptions does not include development on grey belt land. This is because these policies significantly predate the December 2024 Framework. Due weight should be given to development plan policies according to their degree of consistency with the Framework. Accordingly, I have given significantly greater weight to the Framework in determining whether the appeal proposal is inappropriate development.
7. The sporadic wider pattern of development along this part of the B5087 does not represent the unrestricted sprawl of a large built-up area. The development would not merge towns into another nor affect the setting and special character of any historic town. As such, the site does not strongly contribute to these Green Belt purposes. I therefore have no reason to disagree with the main parties that the appeal site meets the definition of Grey Belt provided in Annex 2 of the Framework.
8. Paragraph 155 of the Framework notes that the development of homes in the Green Belt should not be regarded as inappropriate where the development meets all the criteria set out under four bullet points:
 - *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - *There is a demonstrable unmet need for the type of development proposed;*
 - *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
 - *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*
9. Given the limited scale of development, the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The Council accepts that it cannot demonstrate a 5 year supply of deliverable housing sites, and therefore the proposal meets the criteria of demonstrable unmet need. The scale of development does not meet the

Framework major development definition, and so the 'Golden Rules' requirements of Framework paragraphs 156-157 are not applicable.

10. The Council confirmed at the Hearing that there is no conflict with any development plan policy relating to the accessibility/sustainability of the appeal site. Both main parties were in agreement at the Hearing that the site was within the settlement of Over Alderley. Over Alderley has limited services and facilities, as set out in the Council's Settlement and Infill Boundaries Review document (2020) (SIBR). These include a village hall, post box, and children's play area.
11. Nonetheless, the site sits in reasonable proximity to the larger settlements of Macclesfield, Prestbury and Alderley Edge. In the SIBR, Macclesfield is a designated principal town, whilst Alderley Edge and Prestbury are local service centres. They therefore contain numerous facilities and services. Any journeys by car to these services and facilities would be brief and given the scale of development, limited. Whilst there is no pavement providing easy or convenient separate pedestrian access, these settlements are also within realistic and comfortable cycling distance and a designated cycle route^[1] is close by. In addition, there are country parks and schools in reasonably close proximity, as well as a public right of way.
12. The Framework is clear that development in one village may support services in a village nearby and sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
13. Even without convenient walking options or nearby bus stops, given the proximity to services and facilities, the appeal site is therefore reasonably well connected for a rural location.
14. Accordingly, the intended future occupiers of the new dwelling would not necessarily be likely to have a high reliance on a private motor vehicle to access day to day services. As set out above, any journeys by car would also not be far or numerous. Consequently, I find the proposal would not conflict with paragraphs 110 and 115 of the Framework, which seek to maximise sustainable transport solutions.
15. None of the criteria relating to grey belt land are concerned with openness. Therefore, this should not be a consideration in determining whether proposals are inappropriate development in this regard or not, as set out in Framework footnote 55, and no further consideration on this matter is necessary.
16. As such, I conclude that the development meets the criteria of paragraph 155 of the Framework, and therefore does not represent inappropriate development in the Green Belt.

Conditions

17. Both main parties have provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.

^[1] Cheshire Cycleway route No.70

18. I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
19. Conditions requiring samples of external materials and a brickwork method statement in relation to plot 2 will ensure that the finished building will retain an appropriate agricultural character.
20. Conditions securing the landscaping and biodiversity enhancement details as submitted are necessary in order to safeguard the character and appearance of the area and in the interest of ecology. A management plan in relation to a communal landscaped area is necessary to clarify and ensure proper management of this area, again in the interests of the character and appearance of the area. A condition securing tree protection measures is also necessary in order to ensure their retention and long term health for the remaining construction period, in the interest of the visual and ecological qualities of the site.
21. A condition securing suitable visibility splays is necessary in the interest of highway safety. A condition securing the submission of appropriate cycle storage details is necessary in order for future residents to have access to this facility.
22. Conditions relating to contamination are necessary, given the previous agricultural use of the site and to ensure that the site is suitable for future occupants.
23. The red line and curtilage area of both properties are clearly shown and defined on drawing 124-020-A, and as such a further condition in this regard is not necessary.

Conclusion

24. For the reasons given above, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with drawing nos: 124-001 A (Location Plan), 124-021 (Plot 1), and 124-022 (Plot 2), received 3 August 2023, 124-020-A (Site Plan), received 18 September 2023, and M3376-PA-01-03 (Landscape Layout), received 7 May 2024.
2. Notwithstanding any description of materials on the plans hereby approved, no further above ground construction works shall take place in relation to Plot 2, as identified on the approved site layout plan (ref: 124-020-A), until samples of all external facing materials to be used (including brickwork, roofing, rainwater goods, garage doors and fenestration) have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour, and texture of the materials. The development shall be carried out in accordance with the approved details and retained in such a form at all times thereafter.
3. Notwithstanding any description of materials on the plans hereby approved, no further above ground construction works shall take place to Plot 2, as identified on the approved site layout plan (ref: 124-020-A), until a brickwork method statement has been submitted to and approved in writing by the local planning authority. This shall include details of the brick bond pattern, pointing and mortar, and a sample panel(s) of the brickwork to be used shall be made available on-site for inspection. The development shall be carried out in accordance with the approved details and retained in such a form at all times thereafter.
4. No further development or works of site preparation shall take place until all trees that are to be retained, as indicated on drawing M3376-PA-01-03, have been enclosed with temporary protective fencing in accordance with BS: 5837:2012 "Trees in relation to design, demolition and construction - Recommendations". The fencing shall be retained throughout the period of construction and no activity prohibited by BS: 5837:2012 shall take place within such protective fencing during the construction period.
5. The landscaping works shown on the approved scheme (drawing ref: on drawing ref: M3376-PA-01-03) shall carried out within the next planting season following occupation of both dwellings hereby permitted. Any trees or shrubs planted or retained in accordance with this condition which are subsequently removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season (1 October – 31 March or as defined in the scheme for the timing and phasing of implementation works) by trees or shrubs of similar size and species to those originally required to be planted shown on the approved scheme.
6. The development hereby approved shall be carried in full accordance with the following sections of the UES Ecological Management Plan, dated 3 May 2024 (ref: UES03868/05): 2.2.2 (Bat Loft); 2.2.3 (Bat Boxes); 2.3.1 (Breeding Birds); and 2.3.2 (Bird Boxes).
7. Prior to the first occupation of the development hereby approved, site access visibility splays shall be provided in accordance with the details illustrated on the approved site layout plan (ref: 124-020-A); any foliage or other obstruction falling

within the visibility splays should be cut back/re-planted/positioned behind the visibility splays or maintained at/not exceed 1.0m in height relative to the level of the site access.

8. Prior to the first occupation of the development hereby approved, a Landscape Management Plan relating to the communal areas only shall be submitted to and approved in writing by the local planning authority. The approved Landscape Management Plan shall include details of a management company with management responsibilities and maintenance schedules for all landscaped areas and the site shall be managed in accordance with the approved Management Plan thereafter.
9. Prior to the first occupation of the development hereby approved, a scheme for the installation of cycle storage facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be installed in accordance with the approved scheme and retained at all times thereafter.
10. The recommendations set out through Section 9 (Recommendations and Remedial Strategy) of the Phase 2 Geo-Environmental Investigation, Risk Assessment & Remediation Strategy by LK Group, dated November 2022 (ref: LK 22 1469), shall be implemented in full and no part of the development shall be occupied unless and until a Site Completion Report has been submitted to and approved in writing by the local planning authority.
11. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the local planning authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the local planning authority. Prior to first occupation/use of the development, confirmation should be provided to the local planning authority that no such contamination was found, and if so what remedial measures were agreed and implemented.

End of Schedule

APPEARANCES

FOR THE COUNCIL –

Matthew Keen - Senior Planning Officer - Cheshire East Council.

FOR THE APPELLANT :

Gareth Salthouse – Director, Emery Planning

Mr Nic Folland (BA (Hons) DipLA CMLI) – Director, Barnes Walker

Mr Piers Riley-Smith – Counsel from Kings Chambers

Richard Stevens - Appellant

DOCUMENTS SUBMITTED AT THE HEARING

Suggested site visit locations.