
Appeal Decision

Site visit made on 11 October 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 18 October 2016

Appeal Ref: APP/A0665/W/16/3155892

Former Women's Institute (opposite Foxcovert Lane), Middlewich Road, Nether Peover, Northwich, Cheshire WA16 9QW

- 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 Mrs M Hilditch against the decision of Cheshire West & Chester Council.
 - The application Ref 16/01651/FUL, dated 18 April 2016, was refused by notice dated 6 June 2016.
 - The development proposed is the erection of a dwelling (re-submission of 15/03526/FUL).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling (re-submission of 15/03526/FUL) at the Former Women's Institute (opposite Foxcovert Lane), Middlewich Road, Nether Peover, Northwich, Cheshire WA16 9QW in accordance with the terms of application Ref 16/01651/FUL, dated 18 April 2016, subject to the attached schedule of conditions.

Procedural Matter

2. The planning application was amended prior to its determination by the Council. In particular, an attached garage was removed from the original proposal. For the avoidance of doubt, I have determined this appeal in respect of plan numbers 0.03a, 0.02a and 0.03b which do not include an attached garage.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the countryside.

Reasons

Site, proposal and planning history

4. The appeal site falls within the open countryside and is in close proximity to the junction of Middlewich Road with Foxcover Lane. The site previously included a single storey building used by the Women's Institute, but this was demolished a short time ago.

5. It is proposed to erect a detached dwelling on the site built in Cheshire facing brick, timber cladding and with a natural slate roof. Existing planting would be retained and a new hedgerow and post and rail timber fencing is proposed to the side and rear boundaries.
6. Planning permission has been approved for a holiday let unit on the appeal site (planning application reference 14/01149/FUL). The Council does not dispute the appellant's claim that all pre-commencement conditions have been discharged and that as the former Women's Institute building has been demolished this planning permission has been implemented. In addition, planning permission was approved in November 2015 (Planning application reference 15/03526/FUL) for the erection of a dwelling on the site. This planning permission remains capable of implementation. Furthermore, planning permission was approved in outline in March 2015 (Planning appeal reference APP/A0655/A/14/2224763) for the erection of 30 dwellings immediately to the south and east of the appeal site (ie abutting the boundaries of the appeal site). The planning history constitutes a material planning consideration and I consider this later on in this decision.
7. The appeal site falls within land defined as open countryside. There is conflict with Policy STRAT 9 of the Cheshire West and Chester Local (Part1) Strategic Policies 2015 (Local Plan) in so far that the erection of a dwelling is not included in the lists of types of development that will be permitted in such a location. However, the Council has raised no objection to the proposal in land use principle terms. I have no reason to disagree with this conclusion, particularly bearing in mind that the 2015 planning permission for the erection of a dwelling could still be implemented at any time. Given this view, it is not therefore necessary for me to consider matters relating to whether or not the proposal would be acceptable from an accessibility and proximity to facilities/services point of view. Given the existence of the extant planning permission for the erection of a dwelling on the site, I consider that in land-use principle terms there is adequate justification for departing from Policy STRAT 9 of the Local Plan. The main area of dispute between the parties relates to whether or not the proposed dwelling would cause harm to the character and appearance of this countryside location.

Character and appearance

8. I accept that the Women's Institute building has now been demolished and that this previously developed site is now essentially open. In this regard, I agree with the Council that the character and appearance of this countryside location has changed. However, there remains a very recent planning permission in place for the erection of a dwelling on the site and the planning permission for the holiday let unit appears to have been implemented. I have no reason to doubt that the appellant would look to implement the permission for the dwelling if this appeal (which is the preferred option) was not allowed.
9. I have considered the evolution of all proposals including the Council's initial desire to ensure that a dwelling on the site was not materially larger (including height) than the former Women's Institute building. However, the character and appearance of this part of Middlewich Road is likely to change significantly in the near future. In particular, the principle of erecting thirty dwellings immediately surrounding the appeal site has already been approved. I have no

reason to doubt, notwithstanding the fact that reserved matters approval is still needed, that the dwellings will be built in the near future.

10. Whilst the proposed dwelling would be higher than the former Women's Institute building (and approximately 1.3 metres higher than the dwelling approved under the 2015 planning permission), I do not consider that the relative changes to the design, scale and massing of the proposed dwelling would cause significant harm to the character and appearance of the countryside. I note that the Council considers that it is not possible to determine what the locality will eventually look like because a reserved matters application has not been approved for the thirty dwellings scheme. However, I have been provided with a layout drawing which shows where the dwellings might be positioned, and I am not aware that there are any reasons why these properties would not be two storeys in height. In broad terms, the erection of two storey development would be reflective of the scale of properties in the surrounding area.
11. The proposed dwelling would be about 6.7 metres in height, and hence would be slightly lower than a conventional two storey dwelling. Furthermore, the design of the dwelling is such that, in the main, velux roof lights are used for the second floor accommodation, rather than roof dormers: this has the effect of minimising the effect of the dwelling when viewed from the main road.
12. Overall, I am satisfied that the proposed dwelling would assimilate well into the landscape, particularly bearing in mind the forthcoming changed environment arising out of the grant of outline planning permission for thirty dwellings. However, the site is positioned on the outer edge of the thirty dwelling site, and in the interests of the character and appearance of the countryside it is necessary to ensure that it continues to provide a soft edge to the extended settlement. A height of 6.7 metres would in part deliver this. However, it is imperative that there remains adequate space both within the plot and between the appeal dwelling and the consented/proposed housing development. Therefore, I consider that there would be exceptional reasons for removing specified permitted development rights from the appeal property. This would ensure that the local planning authority had control over future extensions to the dwelling, including the possible erection of a garage or other structure.
13. For the reasons outlined above, I conclude that the proposed dwelling would not be too large or out of scale, and that it would not cause unacceptable harm to the character and appearance of the countryside. Taking into account the planning history for the site and the surrounding area, the proposal would accord with Policy GS5 of the adopted Vale Royal Local Plan 2006, and Policy STRAT 9 of the Local Plan, which seek to protect the character and appearance of the open countryside.

Other Matters

14. I note that the Council have indicated that they are currently undertaking non-statutory public consultation relating to the Part 2 Cheshire West and Chester Local Plan. They state that Swann Green may not be identified as a local service centre. However, I have attached limited weight to the Part 2 Plan as it has not reached an advanced stage, has not been the subject of any statutory public consultation and has not been examined or adopted. I have considered the respective comments made by both the appellant and the Council about the

location of the site and its sustainability credentials. I afford considerable weight to the fact that there is recent and extant planning permission in place for a dwelling on this site. Consequently, this would outweigh any sustainability shortcomings in respect of the appeal site's accessibility to day to day facilities and public transport provision.

Conditions

15. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
16. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
17. In the interest of the character and appearance of the area, it is necessary to impose landscaping conditions and a materials condition. I have considered the prominent position of the appeal site, its countryside location and the proposed location of other development in the surrounding area. Notwithstanding the appellant's comments, I do consider that there is exceptional justification for removing specified permitted development rights in respect of future extensions to the dwelling and the erection of detached buildings. However, I have amended the wording of the Council's suggested condition so that it specifically refers to relevant classes of development.
18. In the interests of nature conservation, planning conditions are necessary relating to the clearance of vegetation, bat and bird boxes and mitigation measures.

Conclusion

19. For the reasons outlined above, and taking into account all other matters raised, the proposal would not have a detrimental impact upon the character and appearance of the countryside. Whilst there would be some conflict with Policy STRAT 9 of the Local Plan, the existence of an extant planning permission for the erection of a dwelling on the site, coupled with the very recent planning permission for the erection of thirty dwellings surrounding the appeal site, constitute very weighty material considerations. These material considerations outweigh any conflict with Policy STRAT 9 of the Local Plan. I therefore conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 0.02a; Drawing No. 0.03a and Drawing No. 0.03b.
- 3) The materials to be used in the construction of the dwelling hereby approved shall be in accordance with the details submitted with the application. The development shall be carried out in complete accordance with the approved materials.
- 4) No vegetation clearance shall be undertaken during the period 1 March to 31 August inclusive.
- 5) The dwelling hereby permitted shall not be occupied until bird and bat boxes have been installed in accordance with the bat mitigation method statement. Thereafter, the bird and bat boxes shall be retained.
- 6) The development shall be carried out in accordance with the Echo Calls Bat Survey Badger Mitigation and Method Statement Report 02/12/2015 and landscape plan 0.03b.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried within Classes A, B, C, D and E of Part 1 to Schedule 2 thereof without the grant of planning permission by the local planning authority.
- 8) The approved soft landscaping works (Drawing No 0.03b) shall be carried out in the first available planting season following the completion of the dwelling hereby approved. The approved details shall be implemented wholly in accordance with the approved details in the first available planting season after the building is completed.
- 9) If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.