
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: 19 October 2016

Appeal Ref: APP/A0665/W/16/3155932

Woodfield, Station Road, Mouldsworth, Chester, Cheshire CH3 8AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Executors of Mr John Pugh against the decision of Cheshire West & Chester Council.
 - The application Ref 16/00496/OUT, dated 3 February 2016, was refused by notice dated 10 June 2016.
 - The development proposed is outline planning application for one detached house and double garage.
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Decision

1. The appeal is allowed and planning permission is granted for an outline planning application for one detached house and a double garage at Woodfield, Station Road, Mouldsworth, Chester, Cheshire CH3 8AJ in accordance with the terms of application Ref 16/00496/OUT, dated 3 February 2016, subject to the attached schedule of conditions.

Procedural Matter

2. The application is made in outline with all detailed matters reserved for a subsequent reserved matters planning application. An indicative site plan and elevation drawings also accompany the planning application which I have taken into account.

Main Issue

3. The main issue is whether or not the proposal would deliver a sustainable form of development having regard to the Cheshire West and Chester Local Plan (Part 1) Strategic Policies 2015 and the National Planning Policy Framework.

Reasons

Site and proposal

4. The appeal site is washed over by land defined as Green Belt and comprises a garden associated with a detached dwelling known as Woodfield. The garden fronts Station Road and is positioned between two detached dwellings known as Bracken Tor and Egerton House. The site includes some mature trees and hedges along its boundaries.

5. The indicative plans show the erection of a detached house broadly following the front building line of neighbouring dwellings and with a detached garage positioned closer to the main road and to the rear of a mature tree which is proposed to be retained. A new access would be formed from Station Road (adjacent to the access which runs to Woodfield) and would require the removal of part of the existing hedge.

Sustainable development

6. The appeal site is washed over by Green Belt. Policy STRAT 9 of the Cheshire West and Chester Council Local Plan (Part 1) Strategic Policies 2015 (Local Plan) states "*in settlements and areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the National Planning Policy Framework*" (the Framework). Paragraph 89 of the Framework states a "*local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exception to this area limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*". I agree with the Council that the proposal does represent infill development: it is surrounded by existing built development on three sides. The Framework does not define what a village is, but I consider that it is reasonable to conclude that Mouldsworth is a village: it includes a number of properties, a pub, a bowling green and a railway station. Consequently, and notwithstanding comments made by a number of other interested parties, the proposal would not be inappropriate development in the Green Belt. I therefore conclude that the proposal would not conflict with the Green Belt aims of Policy STRAT 9 of the Local Plan and the Framework.
7. Notwithstanding the above, and in considering whether the proposal as a whole would deliver sustainable development, it is necessary to determine the appeal against paragraph 7 of the Framework which states that "*there are three dimensions to sustainable development: economic, social and environmental*".
8. The Council's primary concern is that they consider that the occupiers of the dwelling would be heavily reliant upon the private motor vehicle for day to day needs and that a dwelling in this location would not be permitted taking into account the criteria for allowable development in Policy STRAT 9 of the Local Plan which seeks to direct development to "*identified settlements*". The Council also consider that the proposal would not accord with Policy STRAT 1 of the Local Plan which seeks to "*locate new housing, with good accessibility to existing and proposed local shops, community facilities and primary schools and with good connections to public transport*". They also state that Mouldsworth is not a designated key service centre or local service centre, where Policy STRAT 8 of the Local Plan directs new housing development, and hence the proposal should not be allowed.
9. Policy STRAT 8 of the Local Plan states that local service centres will be identified through the Local Plan (Part Two) Land Allocations and Detailed Policies Plan. This Plan is in the process of being prepared and the Council has confirmed that it is at Preferred Options stage. I note the references made to the Council undertaking an initial assessment of the settlements in the rural area, and comments that it is unlikely to identify Mouldsworth as a local service centre. However, the Plan has not been adopted (or reached an advanced stage) and so in decision making terms the position relating to defined local service centres remains undetermined.

10. I acknowledge that Mouldsworth includes very few facilities (other than a public house and bowling green) from a day to day facilities and services point of view, and that there is a limited bus service which would take the occupiers of the proposed dwelling to settlements (for example Chester) where there is a reasonable range of such services and facilities.
11. However, and notwithstanding the above, Ashton Heyes is approximately 2 km from the site and can be reached on foot along relatively wide footpaths: this settlement includes a primary school and a greater range of facilities and services (for example a church, village hall, playing fields, play area, public house/restaurant, convenient store and restaurant) than Mouldsworth. I accept that 2km is on the margins of the sort of distance that people would be prepared to travel on foot, but nonetheless I do consider that some journeys would be carried out in this way (particularly in the day time).
12. In addition to the above, there is a railway station within about 100 metres of the appeal site which is on the Chester to Manchester Piccadilly line and with services running frequently in each direction and linking the main towns/cities of Chester, Northwich, Knutsford, Altrincham, Stockport and Manchester (I was able to view the train timetables as part of my site visit). Consequently, and in this regard, there is good public transport provision within close proximity to the appeal site which would provide opportunities for the occupiers of the dwelling to shop, to take up a range of employment opportunities and to reach a number of day to day services and facilities without having to rely on the private motor vehicle. I acknowledge the comments made by other interested parties about the train services being less frequent on a Sunday, but on the evidence before me I do consider that the train services/frequency is good for most of the time.
13. On balance, I consider that the appeal site would be accessible to a range of day to day services and facilities and that there is good public transport provision to ensure that the occupiers of the dwelling would not be reliant on the private motor vehicle for most of their requirements. Furthermore, some of the more local/community facilities could be reached by foot and using public footpaths. Therefore, I consider that the proposal would accord with the strategic aims of Policy STRAT 1 of the Local Plan in respect of accessibility and public transport provision. In the context of Paragraph 55 of the Framework, I do not consider that the proposed development would represent an "isolated home" in the countryside.
14. It is not clear whether or not Mouldsworth will be identified as a local service centre, and hence an "identified settlement", for the purposes of applying STRAT 9 of the Local Plan. The preparation of the Part Two Local Plan is at a very early stage (preferred approach) and has not yet been examined or adopted. The Council has referred me to draft Policy R2 of the Part Two Local Plan which does not identify Mouldsworth as a local service centre, but the Council has confirmed that its consultation is not at a "statutory stage". I therefore afford the policies within the Part Two Local Plan very limited weight. Furthermore, and, in any event, on the evidence before me I conclude that Mouldsworth could sustainably accommodate an additional one dwelling. Hence, there is justification for allowing the proposal in principle, despite the fact that the proposed development does not fall within the one of the types of development that Policy STRAT 9 of the Local Plan permits in countryside.

15. In considering the environmental dimension further, I note that in design, terms the Council raises no concerns about the principle of erecting a house on the site. I note that other interested parties have raised such concerns, but I have no reason to disagree with the Council. The erection of a dwelling on this site would continue the linear pattern of development along Station Road and it would be possible to ensure that there was a consistency of scale and space between and around properties in the immediate locality. I acknowledge some comments made about land levels and the height of the proposed dwelling, but the plans as submitted are merely indicative and I am required to determine whether or not in principle a dwelling could be suitably accommodated on the site. I concur with the Council that a dwelling (with subordinate garage) could be erected on the site without harm being caused to the intrinsic character and beauty of the countryside. In this regard, I find that in principle the proposal would not conflict with the aims of Policy STRAT 9 of the Local Plan.
16. The proposal would deliver some social and economic benefits. The occupiers of the dwelling would no doubt spend some money in the local area (both in Mouldsworth and nearby Ashton Heyes) and to this extent would at least maintain the vitality of the rural community. In this regard, the proposal would accord with Paragraph 55 of the Framework. I have not been provided with any information relating to the Council's housing land supply position, but in any event the provision of an additional dwelling would make a limited, albeit positive, contribution to the supply of housing in the area. In addition, the proposal would result in some employment at construction stage. Collectively, these matters are ones which weigh in favour of the proposal.
17. In conclusion, the proposal would not be inappropriate development in the Green Belt. On balance, the site has good accessibility to day to day facilities and services, particularly when the proximity of the railway station (and frequency of services to main towns) and other settlements is taken into account. Whilst the occupiers of the dwelling may utilise the private motor vehicle for some journeys, this would not be their only option as there are realistic sustainable alternatives available. The Part Two Local Plan has not yet been adopted (or reached an advanced stage) and hence local service centres are yet to be finally defined. I conclude, based on my findings, that the proposal would promote sustainable communities and that the proposal would not be at odds with the sustainability aims of Policies STRAT 1, STRAT 2, STRAT 8 and STRAT 9 of the Local Plan and the Framework.

Other Matters

18. I have taken into account the representations made by a number of other interested parties.
19. Comments have been made that the proposal would amount to inappropriate development in the Green Belt, but for the reasons outlined above I have concluded that this would not be the case. Some consider that as Mouldsworth is not listed as a defined settlement, infill development should not be supported. However, the Framework allows infill development in villages and I have concluded that Mouldsworth is a village. Furthermore, and, in any event, the Council has not yet adopted a Plan which defines local service centres. It is not clear whether or not a defined local service centre will equate to a defined village, although this is not a matter for me to consider as part of this appeal.

20. The appellant has prepared an ecological assessment and I have no reason to disagree with the conclusions reached by the Council's Natural Environment Officer that subject to the imposition of planning conditions the *"proposals comply with ecological Local Plan Policy and wildlife legislation"*.
21. I note that paragraph 48 of the Framework states that local planning authorities should not include residential gardens in respect of calculating a windfall allowance. I acknowledge that the appeal site does relate to a garden, but this particular matter relates to the calculation of housing land supply. It does not mean that the erection of a dwelling in a garden should automatically be refused.
22. Comments have been made that a previous planning application (ref 94/01337/OUT) was refused for a dwelling on the site. I do not have details relating to why this application was refused. However, it is of some age and pre-dated the adoption of the Local Plan and the Framework. I have determined this appeal on its individual planning merits and against the most up to date local and national adopted planning policies. I also note reference to a similar proposal being refused by the Council within a mile of the site (Ref 15/01413/OUT, but again I am not aware of the exact details relating to such a proposal.
23. The occupiers of Smithy House consider that the removal of part of the hedge to facilitate access into the site would mean that litter was blown into their property. I do not consider that this would likely occur, and, in any event, the storage and management of waste could be considered and controlled as part of the determination of a subsequent reserved matters planning application.
24. Whilst some consider that the proposal would cause harm to matters of highway safety, in this regard I have no reason to disagree with the views expressed by the Highway Authority. Indeed, and notwithstanding the indicative plans, I consider that it would be possible to include a new access nearer to the boundary with the neighbouring property (thereby minimising conflicts with the existing access) and to achieve acceptable sightlines. Subject to the imposition of a number of planning conditions, and a detailed consideration of access at reserved matters stage, I consider that in principle a dwelling could be erected on the site without material harm being caused to matters of highway safety.
25. I note that some feel that in allowing development, it will set a precedent for other housing proposals in Mouldsworth. However, I have determined this appeal on its individual planning merits and have attributed weight to the policies that have been adopted at this moment in time. The grant of planning permission need not set a precedent for other housing development in Mouldsworth.
26. None of the other matters raised outweigh my conclusion on the main issue.

Conditions

27. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation conditions it is necessary in the interests of precision, to define the plans with which the scheme should accord. In the interests of nature conservation, it is necessary to impose conditions relating to avoidance measures as detailed in

the submitted Statement of Reasonable Avoidance Measures prepared by Leigh Ecology Ltd, and to ensure that suitable features are in place for bats and breeding birds.

Conclusion

28. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Site Location Plan WP/184/01/A.
- 2) Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.
- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.
- 4) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.
- 5) Prior to the commencement of development the applicant shall submit to the Local Planning Authority detailed proposals for the incorporation of features into the scheme suitable for use by bats and breeding birds including house sparrow and other small birds. Such proposals shall be agreed by the Local Planning Authority. The proposals shall be permanently installed in accordance with the approved details.
- 6) The development shall be carried out in strict accordance with the submitted Statement of Reasonable Avoidance Measures prepared by Leigh Ecology Ltd.