
Appeal Decision

Site visit made on 4 October 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 4th November 2016

Appeal Ref: APP/A0665/W/16/3152549

Land adjacent to The Firs, Chester Road, No Man's Heath, Cheshire

- 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 Mr J Blake against the decision of Cheshire West & Chester Council.
 - The application Ref 16/00530/OUT, dated 4 February 2016, was refused by notice dated 22 March 2016.
 - The development proposed is two dwellings.
-

Decision

1. The appeal is allowed and outline planning permission is granted for two dwellings at Land adjacent to The Firs, Chester Road, No Man's Heath, Cheshire in accordance with the terms of the application, Ref 16/00530/OUT, dated 4 February 2016, subject to the conditions set out in Annex A.

Application for costs

2. An application for costs was made by Mr J Blake against Cheshire West & Chester Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with only access to be determined at this stage. I have determined the appeal on this basis, treating the proposed housing site plan as indicative in respects of all matters other than access.
 4. The site address stated on the planning application form was the appellant's home address. However, it is clear from the plans, decision notice, appeal form, and the other evidence, that the site that is the subject of this application and appeal is as given above. I have determined the appeal on this basis.
 5. The reason for refusal referred to the site being designated as greenspace in the *Chester District Local Plan (adopted May 2006)* (CDLP). The Council have confirmed that the site is not in fact designated in this way, and have set out a revised reason for refusal that does not include the relevant sentence or reference to Policy ENV17 of the CDLP. I have determined the appeal in the light of this.
-

Main Issues

6. The main issues in this appeal are:

- Whether or not the site represents a suitable site for housing having regard to local and national policies; and
- The effect of the proposed development on the character and appearance of the area.

Reasons

Whether a suitable site for housing

7. Within the rural area STRAT 8 of the *Cheshire West and Chester Local Plan (Part One) (adopted January 2015)* (CWCLP) steers development towards the most sustainable locations. To this end the policy identifies a number of Key Service Centres which will be the focus for new development. However, it is recognised that new development will also need to be accommodated in Local Service Centres which will be identified through the Local Plan (Part Two) which is yet to be adopted. No Man's Heath is not identified as a Key Service Centre, and whilst I understand early work on the Part Two Plan has suggested it may be designated as a Local Service Centre, given the early stage of preparation, little weight can be given to this.
8. The settlement boundary for No Man's Heath is not defined in either the CWCLP or the CDLP, and therefore is a matter of judgement. Whether the site is within the built up envelope of the village is a matter of dispute between the parties. The Council have argued that the site does not form part of the village but is in the open countryside. In order to protect the intrinsic character and beauty of such areas, Policy STRAT 9 of CWCLP and Policy HO7 of the CDLP seek to restrict the forms of development that are allowed there. The appeal proposal is for two open market houses, and so would not be for any of the forms of development considered acceptable in the countryside under these policies.
9. The appeal site fronts onto Chester Road which since the creation of the A41 bypass is no longer a through road. At present the site forms part of an agricultural field. To the south of the site a development of 9 houses is currently under construction, and beyond this are a public house and other housing. There is also residential development to the north of the site, and on the opposite side of Chester Road. The site is therefore surrounded on three sides by residential development which forms a ribbon of development stretching north-west from the village. Moreover, the site is within easy walking distance not only of the public house, but the village shop/post office and a bus stop. As a consequence, I consider that both visually and functionally the site forms part of the village, and Policies STRAT 9 and HO7 are not applicable.
10. Within the built up envelope of a village, Policy HO4 of the CDLP states that infill development is allowed subject to a number of criteria. Infill development is defined as the construction of one or two dwellings in a small gap in an otherwise built-up frontage. The site fronts onto Chester Road, and is located between other residential developments that form part of the built up frontage that extends out from the village. The scheme proposes that two dwellings would be accommodated on the site. Housing in the area varies considerably

with a number having quite lengthy frontages to the road. In this context, the appeal scheme would represent infill development.

11. Apart from the requirement to ensure that satisfactory provision is made for access and parking, the other criteria set out in Policy HO4 relate to matters that are reserved for future consideration. The Council has raised no objection to the proposed access for the dwellings, and nothing I have seen or read leads me to come to a different conclusion on this matter. In addition, from the indicative plans, and my own observations of the site and surroundings, I am satisfied that two houses can be accommodated on the site in accordance with the other criteria in Policy HO4, and the requirement in Policy STRAT 8 for development in rural areas to be appropriate in scale and design to the character and setting of the settlement.
12. To promote sustainable development in rural areas paragraph 55 of the *National Planning Policy Framework* (the Framework) indicates that housing should be located where it will enhance or maintain the vitality of rural communities. As the site is within easy walking distance of the services and facilities in the village, the development would help to support these, and thus the vitality of the local community.
13. Consequently, I consider that the site represents a suitable site for housing having regard to the local and national policies as outlined above.

Character and appearance

14. The site currently forms part of a field used for agricultural purposes. However, the surrounding land uses are residential, and Chester Road itself has more of an urban than rural character. Public views of the site are limited to short range views from Chester Road, and in these the site is seen in the context of the surrounding residential development. In addition, the site is not covered by any statutory or local landscape designations.
15. As a result of the proposed development the currently open and agricultural nature of the site would be lost. However, the dwellings would relate well to the housing along Chester Road to either side of the site, and so would not appear out of character. Whilst part of the roadside hedge would be lost to create the access, this loss could be mitigated by improvements to the rest of the hedge as part of the landscaping scheme which is a reserved matter.
16. Housing in the area varies considerably in age, design, type, size, and siting in relation to the road. The scale, siting and appearance of the proposed dwellings is not to be determined at this stage, but I am satisfied that two houses can be designed and accommodated on the site in a way that would not be out of keeping with the street scene.
17. Overall, although the proposal would result in the loss of part of the field, it would not cause unacceptable harm to the character and appearance of the area. As such there would be no conflict with Policies STRAT 1 and STRAT 8 of the CWCLP which require that developments protect, enhance and improve the natural and historic environment, and conserve the character and setting of the settlement.

Other Matters

18. The Council have indicated that they can currently demonstrate a 5 year housing land supply, and the appellant has not disputed this, although he notes that it has been a matter of considerable debate. However, this is a minimum requirement, and the government's objective as set out in the Framework, is to boost significantly the supply of housing.
19. It has been suggested that the scheme would create additional traffic movements and congestion. However, the amount of traffic created by two new houses would be unlikely to significantly increase the amount of traffic on the road, and I note there is no objection to the scheme from the Highways Engineer.
20. Whilst details of the design and layout are not to be determined at this stage, the illustrative layout shows that adequate separation distances can be provided between the houses, and also with the existing houses. Therefore, I am satisfied that the development can be accommodated within the site without resulting in a loss of privacy to neighbouring residents. Moreover, whilst the views of various residents may change, the scheme would not have an unacceptable impact on the outlook from nearby houses.
21. Whilst I note the concerns raised about drainage issues, subject to conditions, there is no objection to the scheme from United Utilities. Given that there is no substantive evidence to the contrary I am satisfied that the proposal would not have any significantly adverse effect in respect of these issues. It has been put to me that existing services such as doctors and primary schools are already full. However, I have not been given any detailed evidence which quantifies the extent of any local shortage, or the need for new facilities.
22. It has been suggested that the scheme would cause a reduction in property values. Nevertheless, I have not seen any convincing evidence that this would be the case, and given that I have concluded that the proposal would not cause any harm, I am not persuaded that this justifies the refusal of permission for the scheme. It has been argued that the scheme might set a precedent for development on more of the field. However, such a scheme is not before me at this appeal, and the acceptability of any development on the remaining field would have to be considered by the Council. As such, this does not constitute a reason for refusing the application that is before me.
23. I understand that a Neighbourhood Plan is currently being prepared, but as this is at an early stage of preparation, it can only be afforded very limited weight. It has been suggested that the site is in the Green Belt. However, there is no evidence from the Council that this is the case.
24. Some residents have questioned the need for new houses of this size in the area, highlighting that other new houses of this size are unsold. However, the scale of the properties is a matter reserved for future consideration. Nevertheless, I have not been provided with any firm evidence to show that there is an oversupply of larger houses in the area.
25. A Great Crested Newt Pond and Habitat Assessment for the site was submitted with the application, and in the light of its findings, I am satisfied that the potential effect on ecology would be limited.

Conclusion and Conditions

26. The proposal would be a small-scale housing scheme on an infill plot within the built up envelope of the village. In a modest way it would help towards improving the supply of housing, and towards supporting local facilities, and local economic activity. Moreover, the scheme can be accommodated on the site without causing harm to the character and appearance of the area. As such, the proposal represents sustainable development.
27. For the reasons set out above, I conclude the appeal should be allowed.
28. In addition to the standard outline conditions, I have imposed a condition specifying the relevant plan, as this provides certainty. To ensure the satisfactory drainage of the site a condition is necessary to control details of the disposal of foul and surface water from the site. In the interest of highway safety, conditions are necessary to ensure adequate accesses are provided to the dwellings. However, as the other condition suggested by the Council relates to the layout of the site, which is a matter reserved for future consideration, I consider that it is not necessary, or appropriate, to apply it at this stage.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) Details of the 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 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 three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two 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 approved plan 6436-sk4 insofar as it relates to access.
- 5) No development shall take place until details of the works for the disposal of sewage and surface water have been submitted to, and approved in writing by, the local planning authority. The dwellings shall not be occupied until the approved works have been completed in accordance with the approved details.
- 6) The approved accesses shall not be brought into use until visibility splays have been provided at each side of the points of access in accordance with plans which have first been submitted to, and approved in writing by, the local planning authority. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1m above the level of the adjacent carriageway at all times.
- 7) No development shall take place until detailed plans in respect of the works required within the highway including the formation of a footway and vehicular crossing have been submitted to, and approved in writing by, the local planning authority. The works shall be carried out in strict conformity with the agreed details and completed prior to the first occupation of the development.