
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: 9th November 2016

Appeal Ref: APP/A0665/W/16/3155284

Rouge Farm, Normans Lane, Whitley, Northwich WA4 4PY

- 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 Mr Mark Crook against the decision of Cheshire West & Chester Council.
 - The application Ref 15/05044/FUL, dated 14 December 2015, was refused by notice dated 8 July 2016.
 - The development proposed is the demolition of existing commercial building and erection of one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing commercial building and erection of one dwelling at Rouge Farm, Normans Lane, Whitley, Northwich WA4 4PY in accordance with the terms of the application, Ref 15/05044/FUL, dated 14 December 2015, subject to the conditions set out in Annex A.

Background and Main Issue

2. The appeal site lies within the Green Belt. Paragraphs 89 and 90 of the Framework set out the forms of development that are not inappropriate within the Green Belt. The Framework establishes in paragraph 89 that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the limited infilling, or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt, and the purposes of including land within it, than the existing development.
 3. The appeal site consists of a steel framed commercial building surrounded by an area of hardstanding on which a number of containers are currently situated. Although the height of the proposed dwelling would be greater than the existing building, it is agreed that the volume would be around 40% less, and the footprint would also be reduced. As such, the appeal scheme would not have a greater impact on the openness of the Green Belt. Nor would it conflict with any of the purposes of Green Belt. I therefore agree with the Council, and the appellant, that the proposal does not represent inappropriate development within the Green Belt.
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4. In the light of this the main issue in the appeal is whether or not the proposal would represent a suitable site for new house in light of national and local policies.

Reasons

Whether a suitable site for housing

5. A core planning principle of the Framework is to focus development in locations which are, or can be made, sustainable. With the aim of promoting sustainable development in rural areas, paragraph 55 directs housing to areas where it will enhance, or maintain, the vitality of rural communities. In general, new residential development is most appropriate in locations where there is access to services, opportunities for employment, and alternative modes of transport than the private car (paragraph 30 and 37).
6. This is also reflected in Policy STRAT 1 of the *Cheshire West and Chester Local Plan (adopted January 2015)* (CWCLP) which indicates that new housing should be located where there is good accessibility to existing or proposed local shops, community facilities and primary schools, and with good connections to public transport. Within the rural area Policy STRAT 8 of the CWCLP steers development towards the most sustainable locations. To this end it identifies a number of Key Service Centres which will be the focus for new development. 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 at present is only at an early stage of preparation.
7. Policy STRAT 9 of the CWCLP seeks to resist new development within the countryside to that which requires a countryside location. In the Green Belt, it indicates additional restrictions will apply to development in line with the Framework, which as outlined above, allows the limited infilling, or the partial or complete redevelopment of previously developed sites.
8. The Council have stated that the site lies in the open countryside outside the defined boundary of the settlement of Higher and Lower Whitley, and this has not been disputed by the appellant. Whitley is not defined as a Key Service Centre, and only has a limited range of facilities, comprising a primary school, village hall, church and pub, spread over the two parts of the settlement. Beyond this, I have not been provided with any details of the location of the nearest centre with a good range of services and facilities.
9. The appellant has indicated that the primary school (the nearest facility) is approximately 850m from the site. Whilst this may be considered to be within walking distance, in my view, the majority of people with young children, would be more likely to drive, especially as there is no pavement or street lighting on the road between the site and Whitley. Whilst the Council has indicated that there is no public transport in Whitley, the appellant has indicated that there are bus stops on the A559 which provide regular services to Warrington and Northwich.
10. The Framework acknowledges that the opportunities to travel by sustainable means, and to minimise journey lengths, will vary from urban to rural areas. However, given the limited range of services within Whitley, future occupiers of the dwelling, would have to travel some distance to meet the majority of their day to day needs, and would be largely dependent on the private car to

do so. As such, the site is not well located in relation to access to jobs, shops, and other services by modes other than the private car.

11. However, although currently vacant, the building could still be used for commercial purposes which would also attract vehicular movements to the site. I understand the building has been used for a variety of purposes over the years, some of which could have generated significant daily vehicular movements. As a consequence, it is likely that the use of the site as a dwelling, rather than for commercial uses, would not generate any more movements, and could in fact lead to a significant reduction in unsustainable journeys.
12. I understand that permission was granted in 2014¹ for the demolition of the neighbouring commercial unit, and the erection of a dwelling and garage. Under that scheme, the appeal building was to be used as a storage building ancillary to the house. The principle of the use of the site for a dwelling was accepted due to net loss of vehicular movements and the improvement to the openness of the Green Belt.
13. In the appeal scheme, the footprint and volume of the proposed dwelling would be significantly less than the existing building. Although the height of the dwelling would be greater, overall I consider that the proposal would result in an increase in the openness of the Green Belt.
14. The council have argued that the benefit in terms of the reduction in traffic movements has already been taken into account in the granting of the previous permission. Nevertheless, there is no guarantee that the existing permission will be implemented. Given this, and as the appeal building has the potential to be occupied as a separate unit, and so generate its own traffic movements, the proposed development would also be likely to result in a net loss of vehicular movements, and increase the openness of the Green Belt.
15. Consequently, although the site has limited access to service and facilities, given the particular circumstances of this case, this would not necessarily result in an increase in the number of unsustainable journeys made. This material consideration outweighs the conflict with Policies STRAT1, STRAT8 and STRAT9 of the CWCLP outlined above. Therefore, I consider that the proposal would represent a suitable site for a new house.

Other Matters

16. The proposal would result in the redevelopment of previously developed land and the Framework seeks to make effective use of land by reusing such land. It would also make a limited contribution to the supply of new housing. In addition, the construction of the dwelling would provide some work for local contractors, and spending by the new residents would also be beneficial to the local economy, although the modest size of the development would limit these contributions.
17. The existing building, although in a reasonable state of repair is an incongruous feature in the open countryside. Although the Council have

¹ Application Reference 14/01556/FUL

stated that the design of the proposal is acceptable, dwellings do not generally contribute positively to character and appearance of the countryside either. However, the appeal scheme would also result in a considerable area of hardstanding being converted into garden space, and so overall, I consider that the proposed development would represent an improvement in this regard. Nevertheless, as the site has little visibility from the public realm, the weight I give to this is limited.

18. In support of their cases both sides have drawn my attention to other appeal decisions for the demolition of existing buildings in either the Green Belt or the open countryside, and their replacement with a dwelling(s). In several of these the accessibility of the site, or the traffic generated by previous uses were matters considered by the Inspectors. The range of conclusions reached in this regard highlight that appeals must be determined in the light of the circumstances of each case.

Conclusion and Conditions

19. Bringing these points together, although the dwelling would not have good access to services and facilities, given the lawful commercial use of the site, it would not increase the amount of unsustainable journeys made. The proposal would not be inappropriate development in the Green Belt, would increase the openness of the Green Belt, and enhance the character and appearance of the area. The scheme would also make a limited contribution to the supply of rural housing, and the rural economy, by reusing previously developed land. There are no other material considerations that outweigh these matters and so the appeal should be allowed.
20. In addition to the standard implementation and reserved matters conditions, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of the character and appearance of the area it is necessary to control the external appearance of the dwelling, and the finished floor levels of the building and site. A construction management plan is necessary to protect the living conditions of nearby residents.

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: Site Plan, Location Plan, Floor Plans and Elevations Drawing Number 0250-22 Rev i.
- 3) No development shall commence 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 samples.
- 4) No development shall take place, including any works of demolition, until a Demolition/Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall provide for:
 - i) proposed construction access arrangements;
 - ii) site compound and offices;
 - iii) appropriate mitigation techniques to prevent unnecessary disturbance to neighbouring properties especially from noise, dust, vibration, light and odour;
 - iv) details of the management/operation for the construction of the dwellings;
 - v) details of any piling to take place including the details for the management / monitoring of vibration levels at neighbouring properties; and
 - vi) delivery, demolition and construction working hours.

The approved Demolition/Construction Management Plan shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until full details of the existing levels, and proposed finished floor (slab) of the proposed dwelling, and site (garden) levels of the application site have been submitted to, and approved in writing by, the local planning authority. All submitted details must relate to adjoining land. The development shall be carried out in accordance with the approved levels, and completed prior to the occupation of the dwellings hereby permitted.