

Appeal Decision

Site visit made on 2 November 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 03 March 2017

Appeal Ref: APP/A0665/W/16/3157010

Land at Broomacres, Broomheath Lane, Stapleford, Tarvin, Chester, Cheshire, CH3 8HD

- 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 Sidney Barrett against the decision of Cheshire West and Chester Council.
 - The application Ref 15/04979/OUT, dated 23 December 2015, was refused by notice dated 10 February 2016.
 - The development proposed is for one bungalow.
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Procedural Matters

1. There is variation between the description of the proposed development as set out in the planning application forms, and that adopted by the Council on the Notice of Decision. Whilst I have had regard to the appellant's very detailed description, I am satisfied that the more concise version used by the Council is an accurate and satisfactory summary of the proposed development, and I have therefore also adopted this description.
2. The application has been submitted in outline with all matters (access, layout, appearance, landscaping and scale) reserved for later approval. I have dealt with the appeal on this basis, treating the plans submitted as indicative of the type of development that could be carried out.

Decision

3. The appeal is dismissed.

Main Issue

4. The main issue is whether, having regard to local and national planning policy, the proposal would amount to a sustainable form of development, having regard to its location within the countryside.

Reasons

5. The appeal site occupies a parcel of land within a larger broadly rectangular field, adjacent to the dwelling, Broomacres. At the time of my visit, the site was occupied by two caravans, with evidence of residential occupation of the land including gardens and domestic paraphernalia such as washing lines. A letterbox was visible attached to the gate to the larger field. Whilst the appeal is in outline with all matters reserved, the indicative plans show a 2/3 bedroom bungalow would be proposed to be located on the appeal site.
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6. The Council has highlighted that the proposed development would be contrary to Policies STRAT 1 and STRAT 9 of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies 2015 (the Local Plan). These policies seek to ensure that new housing is located with good accessibility to existing or proposed local shops, community facilities and primary schools, and good connections to public transport, and ensure that new development in the countryside is restricted to that which requires a countryside location and cannot be accommodated within identified settlements, as a means of protecting the intrinsic character and beauty of the countryside.
7. The appeal site is located within an area of relatively sporadic development along Broomheath Lane, and occupies part of a sizeable gap along the lane between existing dwellings. The appellant has not provided any evidence of a specific requirement for the proposed dwelling to be located within the open countryside or that the accommodation could not be provided within existing settlements. I would agree with the Council's assessment that the appeal site is isolated from, and has relatively poor accessibility to, local services and facilities, due to its distance from Tarvin, and as a consequence there would be a reliance on the private motor vehicle. Furthermore, I would accept that the erection of even a single-storey dwelling in this location would result in some limited adverse visual intrusion into the open countryside, to the detriment of its character and beauty.
8. I have noted the comparisons drawn by the appellant between the location of the appeal site and other residential development in surrounding settlements which would also be similarly reliant upon access to the services and facilities within Tarvin. In this respect, I have had regard to paragraph 55 of the National Planning Policy Framework (the Framework) and its advocacy of development in one village having the potential to support the services of another. However, I note that in this instance the proposed development would not be located within a designated settlement or immediately abutting the main built-up area of Tarvin, and could not therefore be said to meet this criteria as set out in the Framework. In any event, the contribution which a single dwelling would make towards the vitality of the rural community would be very limited, although I accept that there would be a potential benefit for local employment during the construction period.
9. The appellant has also contended that the appeal site could not be considered to be isolated, as a consequence of the proximity to other development. From my observations on site, I acknowledge that the proposed development would not be located far from existing nearby dwellings. However, as already set out, it would be located a significant distance from the edge of the main built-up area of the settlement, and as a consequence the services and facilities available within the village. In this respect, I am satisfied that the proposed development has been accurately described as isolated for the purposes of assessing whether it would amount to sustainable development.
10. Detailed submissions relating to the historic occupation of the appeal site have been provided, including the various horticultural enterprises undertaken over the years. I have also had regard to the indication that planning permission was granted in the early 1980's for a static caravan. However, whilst the particulars of the decision have not been provided, it would seem from the submitted evidence, which includes a map date stamped by Chester City Council in 1981 that the permission granted at appeal related to a different

parcel of land in the vicinity of Broomacres, and not the appeal site. This would appear to be further corroborated by the statement from the agricultural contractor confirming the movement of the caravan to its current position in 2008. I have had regard to the appellant's contention that the nature of the permission allows some latitude in moving the caravan because of other factors including crop rotation, but I am not persuaded on the basis of the submissions that this would have been an intended consequence of the original permission.

11. I have also noted the evidence submitted by the appellant related to the duration of occupation of the land by a caravan, and that the proposals should therefore essentially be regarded as a replacement rather than new dwelling. However, in the absence of any evidence that a lawful use of the appeal site has already been established for residential occupation for planning purposes, I would agree with the Council's conclusion that the proposed development must be treated as a new rather than replacement dwelling. Whilst I have had regard to the appellant's submissions related to a postal address and provision of services, the establishment of whether there is an existing lawful residential use of the site is not a matter which would fall within the remit of this planning appeal. In such circumstances, it is open for the appellant to seek a determination for a Certificate of Lawfulness of Existing Use or Development (CLEUD) under Section 191/192 of the Town and Country Planning Act 1990 to settle this point, and I have not therefore ascribed any significant weight to these submissions in reaching my decision.
12. The appellant has not drawn my attention to the development according with any of the special circumstances or requirements which would provide support for new isolated homes in the countryside, although I have had regard to the limited economic and social benefits which would arise from the construction of the property and the provision of an additional dwelling. Nevertheless, these benefits would not be sufficient to outweigh the unjustified and unsustainable form of development which would result within the countryside, and which would also have a limited adverse visual impact on the character and beauty of the countryside. The proposal would therefore not accord with Policies STRAT 1 and STRAT 9 of the Local Plan or paragraph 55 of the Framework, which sets out the special circumstances which would justify new isolated residential development in the countryside. Furthermore, the proposal would conflict with paragraph 17 of the Framework as the development would not protect the intrinsic character and beauty of the countryside.

Conclusion

13. For the reasons given above, the appeal should be dismissed.

M Seaton

INSPECTOR