
Appeal Decision

Site visit made on 13 February 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 06 March 2017

Appeal Ref: APP/A0665/W/16/3164743

1 Birchwood Drive, Nether Peover, Northwich WA16 9QJ

- 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 Dermot McKenna against the decision of Cheshire West & Chester Council.
 - The application Ref 16/03316/FUL, dated 19 July 2016, was refused by a notice dated 7 November 2016.
 - The development proposed is the construction of one number dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of one number dwelling at 1 Birchwood Drive, Nether Peover, Northwich WA16 9QJ in accordance with the terms of the application, Ref 16/03316/FUL, dated 19 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Layout, Drg No. 00 Rev A; Proposed Floor Plan & Elevations, Drg No. 01 Rev A; Boundary Treatment Detail, Drg No. 02.
 - 3) Prior to the commencement of development above ground, samples of all materials to be used in the construction of external surfaces of the building shall be submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.
 - 4) The dwelling shall not be occupied until space has been laid out within the site for two cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
 - 5) The dwelling shall not be occupied until secure covered storage space has been provided within the site for two bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
 - 6) Foul and surface water discharges shall be drained separately from the site and no surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the local planning authority.
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Main Issue

2. The main issue in this case is whether the proposal would be acceptable in principle in such a location in the light of relevant local and national policies.

Reasons

Planning Policy

3. The development plan for the area comprises the Cheshire West and Chester Local Plan (Part One), Strategic Policies (LP) adopted January 2015 and the saved policies of the Vale Royal Borough Local Plan First Review Alteration (VRBLP). The Cheshire West and Chester Local Plan (Part Two), Land Allocations and Detailed Policies Plan (LP Part Two) is still at an early stage in its preparation and there is no dispute between the parties that it can currently be afforded no weight.
4. LP Policy STRAT 1 sets out the Council's sustainable development principles and states that proposals that are in accordance with relevant policies in the Plan and support those specified sustainable development principles will be approved without delay, unless material considerations indicate otherwise. Proposals that fundamentally conflict with these principles or policies within the Local Plan will be refused.
5. LP Policy STRAT 2 sets out a location strategy for development within the Borough. It states that over the Plan period, 2010-2030 at least 22,000 new dwellings will be delivered in line with a defined settlement hierarchy. It states that the majority of new development will be located within on the edge of Chester city and the towns of Ellesmere Port, Northwich and Winsford. Further appropriate levels of development will be provided in identified key service centres and also in smaller rural settlements to be identified in the LP Part Two as local service centres.
6. LP Policy STRAT 8 states that within the rural area at least 4,200 new dwellings will be provided and specifies the minimum number of dwellings that will be provided within each identified key service centre. It further advises that new development will also be accommodated at local service centres which will be identified through the LP Part Two.
7. LP Policy STRAT 9 seeks to protect the character and beauty of Cheshire's countryside by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. The explanatory text to this policy advises that the Council will identify settlement boundaries for the major urban areas, key service centres and local service centres through the LP Part Two. Land beyond these settlement boundaries will be classed as countryside and subject to the requirements of Policy STRAT 9. It further advises that until such time as the LP Part Two has been adopted, the retained policies in the VRBLP relating to settlement boundaries and beyond the existing built form of settlements will continue to operate.
8. Saved Policy GS5 of the VRBLP seeks to protect the character and appearance of the countryside which it defines as all parts of the Borough which lie outside of settlement policy boundaries but excluding North Cheshire Green Belt.

Reasons for the decision

9. The appeal site lies within the village of Swan Green and there is no dispute between the parties that it falls within Swan Green's settlement boundary as defined by the VRBLP. The LP retains these settlement boundaries until such time as the LP Part Two is adopted, and in doing so provides clarity over which parts of the Borough are considered to be countryside. A clear basis is therefore provided for the operation of LP Policy STRAT 9 and VRBLP Policy GS5 and also for decision taking.
10. Despite the Council acknowledging that the appeal site lies within the settlement boundary for Swan Green, they still consider the site to lie within open countryside. Notwithstanding the Council's concern over the accessibility of the site to services and facilities, which I shall consider in detail later on in my decision, it is clear to me from the explanatory text to Policy STRAT 9 that only land outside of the VRBLP defined settlement boundaries is considered to be countryside in the development plan. In this case the site does not therefore lie within the countryside, and consequently the proposed development would not conflict with either LP Policy STRAT 9 or VRBLP Policy GS5.
11. Turning to matters of location, the Council consider that the site is unsuitable for a new dwelling as it does not have good accessibility to services and facilities. It is clear that Swan Green is not directly served by public transport, although the local railway station is close enough to access by a bicycle. Moreover, the village has a local convenience store with a post office counter, a Public House and a children's play area, all of which lie close to the site. Although, the local primary school and church are approximately a kilometre away, there is a pavement along the connecting roads and I see no reason to disagree with the evidence provided by the appellant¹ that these facilities are all within an acceptable walking distance.
12. I am mindful that whilst the National Planning Policy Framework advises local planning authorities to avoid new isolated homes in the countryside (paragraph 55), it also recognises that new housing in rural areas can enhance or maintain the vitality of rural communities. I have taken into consideration the Council's position in relation to Swan Green's accessibility to services and facilities, and I understand that the village is not listed as a potential Local Service Centre in the LP Part Two consultation document. However, the LP Part Two is only at consultation stage and therefore carries no weight at this time. The proposed dwelling would not be isolated, and although access to public transport is limited in this location, the proposal is only for a single dwelling and consequently the use of the private car for some journeys would not in my view have a significantly harmful effect on highway congestion or greenhouse gas emissions. Furthermore, the proposal would almost certainly make a contribution to maintaining the services and facilities available within Swan Green, albeit that contribution may be small.
13. I have found that the proposal does not lie within an area of countryside and does not conflict with LP Policy STRAT 9 or VRBLP Policy GS5. Although the site does not have good connections to public transport, for the reasons given

¹ Chartered Institution of Highways and Transportation "Guidelines for Providing for Journey on Foot" (2000) & "Planning for Walking" (2015)

above I am satisfied that the proposal would have good accessibility to a local shop, community facilities and primary schools. I therefore find no conflict with the sustainable development principles set out in LP Policy STRAT 1. Furthermore there would be no conflict with LP Policy STRAT 2 or Policy STRAT 8 as these policies provide for a minimum number of houses, including housing in local service centres which as yet have not been identified in the LP Part Two.

14. I therefore conclude that the appeal proposal would be acceptable in principle in such a location in the light of relevant local and national policies. The proposal would comply with the development plan, and in particular I find no conflict with Policy GS5 of the VRBLP or with LP Policies STRAT1, STRAT 2, STRAT 8 or STRAT 9, the aims of which are set out above.

Other Matters

15. I have had regard to the appeal decision referred to by the Council², however in that case the site was situated outside of the settlement boundary and in an area of countryside. It is not therefore directly comparable to this case which I have considered on its own merits.
16. I have taken into consideration third party representations regarding the suitability of the site for a dwelling. The Council did not raise any concerns over the effect the proposal would have on the character or appearance of the area nor did the local highway authority raise any objections in relation to parking provision or highway safety. From my inspection of the site I see no reason to disagree with the views of the Council.
17. I noted on my visit to the site that there were a number of mature trees on the adjoining highway verge. However, the canopy of those trees would be some distance from the proposed development and I am satisfied that the proposal would not have a harmful effect on them.
18. I understand the concerns of third parties regarding further housing development in the village. However, it will be seen from my decision that I have found that this proposal does not conflict with the development plan, and is therefore a sustainable form of development which should be permitted.

Conditions

19. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guidance. I have amended some of them for clarity.
20. A condition specifying the approved plans is required as this provides certainty.
21. I have imposed a condition requiring details of the materials to be agreed to safeguard to character and appearance of the area.

² APP/A0665/W/16/3151068

22. Conditions are necessary to require on-site parking provision and cycle storage provision in the interests of highway safety and to encourage sustainable transport methods.

23. A condition is necessary to specify drainage details to protect the integrity of the public sewerage system and the living conditions of residents.

Conclusion

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

Elizabeth Pleasant

INSPECTOR