
Appeal Decision

Site visit made on 21 March 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 19 April 2017

Appeal Ref: APP/A0665/W/16/3165697

Land at Snig Hall, Holmes Chapel Road, Lach Dennis CW9 7SZ

- 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 Scott Ashall against the decision of Cheshire West and Chester Council.
 - The application Ref 16/03763/FUL, dated 22 August 2016, was refused by notice dated 18 November 2016.
 - The development proposed is the development of a two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the countryside, having regard to the site's accessibility to local facilities and services.

Reasons

3. The appeal site is part of Snig Hall which is a detached mock Tudor dwelling set within spacious grounds off Holmes Chapel Road. The majority of dwellings in Lach Dennis are detached and set within spacious verdant plots, generally on Holmes Chapel Road and Common Lane. Access to the site is and would be obtained using the existing tree-lined driveway that extends from Holmes Chapel Road, through a gated entrance and along the north and west edges of the appeal site. The access also serves as a public right of way (FP7).
 4. The dwellings would be built on a paddock and private garden area for Snig Hall. The site is flat. A mixture of trees and hedgerows line the southern boundary. To the east is a pond. To the north, south and east of the site, beyond Snig Hall are open agricultural fields. To the west is the small rural settlement of Lach Dennis that has a limited range of facilities and services consisting of a public house, village hall, church and a petrol filling station.
 5. Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part One) Strategic Policies (Local Plan) seeks to restrict development in the countryside. It explains that *the intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements*. Saved Policy GS5 of the Adopted Vale Royal Borough Local Plan
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First Review Alteration (VRLP) has similar objectives. To protect the character and appearance of the open countryside saved VRLP Policy GS5 seeks to restrict new buildings in this area. The site has a slightly different character to the open agricultural land beyond Snig Hall due to the mature landscaping next to the access and on the southern boundary. However, the land itself has an open character which extends to Snig Hall and I consider that it visually connects to the open agricultural land beyond. The appellant accepts that the appeal scheme would not fit into any of the types of development identified in Local Plan Policy STRAT9. Conflict would therefore arise with not only this policy but also saved Policy GS5 of the VRLP.

6. I understand the settlement boundaries will be defined in the emerging *Local Plan (Part two) Land Allocations and Detailed Policies Plan* (Local Plan Part Two). In any event, this does not change the site's countryside location for the purposes of this appeal.
7. With regards to character and appearance, paragraph 56 of the National Planning Policy Framework (the Framework) explains that *The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.* Local Plan Policy ENV6 and saved VRLP Policy BE1 seek, together, new development to achieve a high quality design and set out a number of considerations that will be used to assess this. I also note the appellant considers Saved VRLP Policy NE7 to be relevant and in their opinion the proposal would maintain and enhance the landscape character of the surrounding area.
8. Snig Hall is set back and does not directly front Holmes Chapel Road. The two storey dwelling is within far more spacious grounds than nearby properties. Dwellings along Common Lane are generally in a linear pattern, although I note the three dwellings to the rear of Long Lea¹. Dwellings nearby are a mixture of bungalows and traditional two storey properties.
9. The proposed dwellings would be sited in spacious plots, thereby upholding neighbouring residents living conditions. However, the high mature vegetation along the access to Snig Hall and PR7 would be removed. This currently curbs views northwards from Holmes Chapel Road opposite to the access, but less so to the east. Native landscaping would be planted to supplement the retention of some existing landscaping which over time would reflect the countryside landscape that extends away from Lach Dennis in accordance with saved VRLP Policy NE7. However this would take time to develop and it would not restrict views of the substantial two storey dwellings from Holmes Chapel Road. The proposal would also be far more visible from both directions along the footpath. I recognise the development would be at times, viewed in the context of dwellings on Common Lane and Holmes Chapel Road. However, I do not consider that the dwellings would necessarily be viewed against the backdrop of Snig Hall, due to the space in-between them, planting on the eastern boundary and the extent of the built form itself.
10. While the ridge heights, footprint and use of dormer windows may all compare to other dwellings locally. However, despite the use of timber boarding and neutral render, I consider that the proposed dwellings would be far more prominent due to their significant size and layout which would result in a

¹ Council Application Refs: 13/05082/OUT and 15/02224/REM

mixture of roof forms, even if they are of bespoke design. This would be at odds with the uncomplicated form of development near to the site on Holmes Chapel Road. Even though some of the existing landscaping would be retained, the size of the dwellings would be emphasised in their surroundings by the removal of large amounts of the mature landscaping, especially along the vehicular access. Conflict would therefore arise with Local Plan Policy ENV2.

11. Aside to this, I recognise the proposed use of materials; green oak frame; the hybrid timber envelope; air source heat pump and PV panels would make sure that each dwelling is not a typical house. These would all help in adapting the dwellings to climate change including moving to a low carbon economy and ensuring they would meet and exceed current Building Regulations standards. Nevertheless, I do not consider that these elements, together with the architectural approach to the dwellings, would result in an outstanding or innovative design that paragraph 63 of the Framework attaches great weight to. Comparisons are drawn by the appellant to the schemes at Rempstone Hall Farm² and Long Lea. Insofar as the latter, I do not have copies of the approved plans before me. In terms of the former, I do not consider that the proposal would represent an exemplar new-build housing development that would raise the standard of design in the rural area.
12. In my view, the proposal would result in a significant change to the character and appearance of the appeal site, due to the proposed built form and removal of existing landscaping. While the development would be relatively close to dwellings to the west, the visibility of the site from the public realm, including the footpath through the site itself would mean that significant harm would arise to the character and appearance of the countryside. The proposal would not therefore accord with paragraph 17 of the Framework.
13. Given the range of facilities and services, I am informed Lach Dennis is unlikely to be identified as a local service centre in the Local Plan Part Two. Paragraph 29 of the Framework highlights sustainable transport solutions will vary from urban to rural areas. Hence, to some extent future occupants would rely on the private car to reach facilities and services in Lach Dennis or in towns further away for their day-to-day needs. However, there is no bus service and there are limited pedestrian links. Some journeys could be made by cycle, but these would not stop the heavy use of the private car. So, while the site is near to other housing, the scheme would not accord with Local Plan Policies STRAT1, STRAT2 and STRAT10, in terms of the site's accessibility to facilities and services, public transport connections and alternative means of transport to the car.
14. Nevertheless, the Framework in paragraph 55 seeks to promote sustainable development in rural areas and confirms that housing should be located where it will enhance or maintain the vitality of local communities. It cautions against isolated new homes in the countryside. The proposal would be next to, albeit set back from properties that line Holmes Chapel Road. The site is not therefore isolated, given that it is not lonely or remote. Future occupants would also make a very limited contribution to supporting the services that do exist within Lach Dennis³ which would maintain the vitality of the rural community. As the scheme would comply with paragraph 55 of the Framework it is not necessary for me to consider whether there are *special circumstances*

² Appeal Decision Ref: APP/P3040/W/15/3029744

³ Planning Practice Guidance, Paragraph 001 Ref ID: 50-001-20160519

in this case, but even if it was, I do not consider that the proposal would satisfy the fourth bullet point for the reasons that I have set out earlier. However, the proposal would make a limited contribution to the supply of housing, which is not bound by a cap⁴, given the aim of paragraph 47 of the Framework and Local Plan Policy STRAT2 seeks to *deliver at least 22,000 new dwellings*.

15. Although the Framework is a material consideration in planning decisions, it does not change planning law which *requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*.
16. The appellant refers to STRAT8 of the Local Plan, however this policy does not list Lach Dennis as a service centre, as it does not have a good range of facilities and services. Furthermore, even if I were to treat this site as previously developed land, as suggested by the appellant⁵, this would not change the significant harm that I consider would occur to the character of the countryside. The Local Plan policies that I have referred to were adopted by the Council on 29 January 2015 and post-date decisions taken on schemes at Common Lane⁶ and at Long Lea⁷.
17. For these reasons, I conclude that the proposal would have a significant effect on the character and appearance of the countryside, having regard to the site's accessibility to local facilities and services. The proposal would not accord with Local Plan Policies STRAT1, STRAT2, STRAT9, STRAT10, ENV2, ENV6, saved VRLP Policies GS5 and BE1 and paragraph 17 of the Framework. Jointly these seek, among other things, development of an appropriate scale and design which respects local character and achieves a high standard of design so that it does not harm the intrinsic character and beauty of the open countryside; in locations which have adequate services and facilities and good connections to public transport as an alternative means of transport to the car.
18. While I acknowledge that the proposal would accord with saved VRLP Policy NE7 and paragraph 55 of the Framework, I do not consider that they outweigh the conflict with identified in the preceding paragraph.

Conclusion

19. While the proposal would, as the appellant sets out, deliver economic benefits, the proposal would result in significant harm to the social and environmental roles for the reasons set out above. It would not therefore represent sustainable development.
20. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

⁴ Appeal Decision Ref: APP/A0665/W/16/3149924

⁵ Dartford Borough Council v Secretary of State for Communities and Local Government [2016] EWHC 635(Admin)

⁶ Council Application Ref: 12/05076/OUT

⁷ Appeal Decision Ref: APP/ A0665/A/14/2217545