
Appeal Decision

Site visit made on 4 April 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/A0665/W/16/3167360

Land adjacent to Crabmill Lane, Norley, Frodsham, Cheshire WA6 8JN

- 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 David Spruce against the decision of Cheshire West & Chester Council.
 - The application Ref 15/02568/OUT, dated 17 June 2015, was refused by notice dated 28 June 2016.
 - The development proposed is two self-contained two storey dwellings incorporating an integral double garage. Vehicular access to each dwelling will be from a refurbished existing access off Crabmill Lane.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for subsequent approval.

Main Issues

3. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt and, if so whether very special circumstances exist such as to justify a grant of planning permission; and
 - (b) The effect the proposal on the character and appearance of the area having regard to the site's location in the open countryside.

Reasons

Green Belt

4. Policy STRAT 9 of the Cheshire West and Cheshire Local Plan (Part One) (Local Plan) states that the general extent of the North Cheshire Green Belt will be retained and that, within the Green Belt, development restrictions will apply in line with the National Planning Policy Framework (Framework).
 5. Paragraph 89 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The only exception that might potentially apply to the appeal proposal is that under the fifth bullet which relates to limited infilling in villages
-

and limited affordable housing for local community needs. The appeal proposal is not for affordable housing.

6. The properties on Crabmill Lane and Post Office Lane constitute a small cluster of dwellings separate from the main body of Norley village and the site lies outside of the settlement boundary as recently redefined in the Norley Neighbourhood Plan (NNP) (2016). The proposal would not, therefore, constitute limited infilling in a village and would be inappropriate development.
7. The development of two detached houses with garages on currently undeveloped land would inevitably reduce the openness of the land by a significant degree. Although not visible from further afield, there are open views across the site from both directions along Crabmill Lane and the site makes a valuable contribution to the openness of this area. The proposal would substantially reduce that contribution and cause significant harm to the openness of the Green Belt. The encroachment of built development into the open countryside that would result from the proposal would also give rise to a conflict with one of the five purposes of including land in the Green Belt.
8. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Character and appearance

9. The NNP advises that Norley has grown by means of organic, small scale development in dispersed clusters. It also notes that there are many open spaces interspersed between houses and that agriculture is an important activity on these open spaces. These characteristics are important in defining the small scale and rural character of Norley.
10. The dwellings on Crabmill Lane form one of those small clusters and the appeal site reflects the characteristic pattern of houses being interspersed with open land in agricultural use. The site forms an important gap in the built frontage to the lane and its loss to new housing would result in significant harm to the rural character of this part of the settlement.
11. The proposal conflicts with Local Plan Policy STRAT 9 which seeks to protect the open countryside from built development, and STRAT 8, which directs development to local service centres so as to support thriving rural communities whilst protecting the intrinsic character and beauty of the countryside. It also conflicts with NNP Policy ENV2 which restricts development in the open countryside to that which requires a countryside location and cannot be accommodated within the settlements.
12. The NNP aims to encourage limited, small scale and sensitive development which protects and enhances the existing rural character, built form and landscape setting of the village. Policy HOU1 limits new housing to infill and small scale sites within the settlement boundary, the re-use or redevelopment of existing buildings or previously developed land, and development outside of the settlement boundary where it satisfies Green Belt policy or where it would provide affordable housing in line with the Local Plan. The proposal would not

meet any of these criteria. It would, therefore, conflict with Policy HOU 1 and undermine one of the key aims of the NNP.

Other Matters

13. The appellant contends that the Green Belt boundary should be amended to exclude the appeal site. Paragraph 83 of the Framework states that Green Belt boundaries should only be altered through the preparation or review of the Local Plan and no such change can, therefore, be made through the appeal process.
14. I note the appellant's frustration as to length of time taken to determine the application and that the NNP was formally made some months after the application was lodged. However, the NNP does now form part of the development plan and I am required to have regard to it in my determination of the appeal.
15. The appellant has referred to various permissions for new dwellings in Norley which the Council indicates were granted before the Cheshire West and Chester Local Plan was adopted and when the Council did not have a 5 year forward housing land supply. That situation no longer exists and full weight must now be given to the relevant policies in the development plan.
16. The proposal would provide economic benefits in terms of the construction investment and employment involved. It would also provide social benefit through the provision of 2 additional homes. Those benefits would, however, be of a modest scale and the recently made NNP indicates that there is little need for additional market housing in the parish. In the absence of any other identified benefits, I find that the very special circumstances needed to justify a grant of planning permission have not been demonstrated. The proposal would, therefore conflict with the policies in section 9 of the Framework and with Local Plan Policy STRAT 9 which seeks to protect the Green Belt from inappropriate development.

Conclusions

17. The proposal conflicts with Local Plan Policies SRAT 8 and 9 and with NNP Policies ENV2 and HOU1. I have not been referred to any policies which support the appeal proposal and, therefore, conclude that it also conflicts with the plan as a whole. S38(6) of the Planning and Compulsory Act 2004 states that applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. No material considerations have been identified which would override the conflict with the development plan or with the policies in the Framework.
18. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR