
Appeal Decision

Site visit made on 25 April 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 18th May 2017

Appeal Ref: APP/A0665/W/17/3170797

Land adjacent to Orchard House, Orchard Road, Elton, Cheshire, CH2 4MD

- 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 Ray Eaton against the decision of Cheshire West & Chester Council.
 - The application Ref 16/04824/FUL, dated 18 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the erection of a detached dwelling on land adjacent to Orchard Cottage, Orchard Road, Elton.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and
 - The effect of the proposal on the openness and purposes of including land in the Green Belt; and
 - The effect of the proposal on the character and appearance of the area; and
 - If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. The appeal site forms part of the garden of Orchard Cottage and is an open area of land at the end of a private drive that serves four other dwellings. The railway line adjoins the site to the south and there is woodland to the east.
 4. The site is within the Green Belt. The Framework establishes that new buildings within the Green Belt are inappropriate development, subject to a number of exceptions which include, amongst other things, limited infilling in villages (paragraph 89).
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5. Policy STRAT9 of Part 1 of the adopted Cheshire West and Chester Local Plan (Local Plan) relates to the Green Belt. The supporting text at paragraph 5.77 allows the exceptions identified in the Framework, including limiting infilling in villages. Additionally Local Plan Policy STRAT8 concerns rural areas. The supporting text at paragraph 5.66 recognises that the housing targets and policies for key and local service centres set out in the Local Plan are not intended to constrain any infill (the filling of a small gap, up to two dwellings, in an otherwise built up frontage in a recognised settlement) or redevelopment opportunities.
6. Local Plan Policy STRAT2 sets out the strategic development settlement hierarchy and indicates that an appropriate level of development will be brought forward in smaller rural settlements which have adequate services and facilities and access to public transport. These local service centres will be identified in the Local Plan (Part Two) Land Allocations and Detailed Policies Plan (Emerging Local Plan). The Emerging Local Plan has been subject to consultation on the preferred approach, but is at a relatively early stage of production. It remains subject to further consultation and has not yet been examined, and is therefore of only limited weight.
7. The supporting text to Local Plan Policy STRAT9 at paragraph 5.73 explains that until the Emerging Local Plan has been adopted, the retained policies in the retained Chester District Local Plan relating to settlement boundaries and development beyond the existing built form of settlements will continue to operate. The appellant confirms that the appeal site is washed over by the Green Belt in the Chester District Local Plan.
8. The Emerging Local Plan identifies Elton as a local service centre where infill development within the settlement would be allowed under Local Plan Policy STRAT8. The appellant also refers to Emerging Local Plan Policy R2 which allows infill development within the settlement boundaries of local service centres. Additionally I note his view that, despite the early stage of the production of the Emerging Local Plan, that proposed designation for Elton is unlikely to change.
9. However, the appeal site is outside the settlement boundary for Elton as defined in the Emerging Local Plan. The boundary as currently drawn includes the main urban area of Elton but only extends northwards as far as the railway line. As a result it excludes the appeal site and the other properties north of the railway line from the village.
10. The appellant considers that the settlement boundary is flawed and does not accurately reflect the urban area. He argues that it should include the existing development north of the railway (which is suburban in nature and well related to the settlement) and follow the northern edge of the Green Belt boundary. He refers to a new affordable housing development at Station Close off Station Road and considers that this 'rounds off' the existing built up area of the village and should be included in the boundary.
11. Furthermore the appellant is concerned that the current extent of Elton put forward in the Emerging Local Plan is insufficient for the long term planning of the village's development needs, and will restrict and prejudice the potential for any future Neighbourhood Plan to identify its own boundary and potential development sites.

12. As set out above, I give only limited weight to the proposed settlement boundaries set out in the Emerging Local Plan and concur with the appellant that the boundary for Elton is not yet settled. The important matter of the extent of Elton's settlement boundary is one for consideration through the Emerging Local Plan in the context of any anticipated growth for the village and is beyond the remit of this appeal.
13. However, as things stand, and without prejudice to the outcome of the Emerging Local Plan process, in my view the appeal site and the other existing development north of the railway is somewhat divorced from the main extent of Elton to the south and rather out on a limb in relation to it. The railway line provides a clear physical boundary separating the village from the more dispersed and sporadic development to the north of the railway that includes dwellings such as the appeal property which relate readily to the surrounding countryside and areas of open land and are in the Green Belt.
14. Thus, even having regard to the matters raised by the appellant, in the current absence of any adopted settlement boundary for Elton, I do not regard the appeal site to be in the village, and so cannot find that the proposal would constitute limited infilling in a village. As such it would not meet the exceptions to Green Belt policy set out in the Framework or Local Plan Policies STRAT9 and STRAT8 (which requires the site to be in a recognised settlement).
15. The proposal would therefore be inappropriate development for the purposes of national Green Belt policy as set out in the Framework and the development plan. The Framework confirms that inappropriate development is by definition harmful to the Green Belt (paragraph 87).

Openness and purposes

16. The appeal site is open garden land. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. In introducing a two storey house to the currently undeveloped site, the proposal would result in a considerable loss of openness.
17. Paragraph 80 of the Framework sets out the purposes of the Green Belt. These include (amongst other things) to assist in safeguarding the countryside from encroachment. The appeal site is a small area of well contained garden land bounded by the railway to the south and located on the edge of the Green Belt boundary which lies to its east. The appellant advises that the land beyond is an industrial area excluded from the Green Belt. As such, whilst it would extend built development into the Green Belt, the proposal would not encroach into the wider open countryside or landscape per se. As such, the harm caused to this purpose of the Green Belt would only be small.

Character and appearance

18. The site is well screened along its east and south boundaries and would be located within a cluster of existing dwellings. The introduction of a single house would not be readily appreciated from public vantage points and would be inkeeping with the development nearby. Thus, I am satisfied that the proposal would not appear as a harmful intrusion into the countryside and would cause no undue harm to the character and appearance of the area. Accordingly, I see no conflict in this specific regard with Local Plan Policy STRAT9 which protects the intrinsic character and beauty of the countryside.

Other considerations

19. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. I have considered the appellant's argument that the site should be considered to be with Elton's settlement boundary above. The Council raises no objections to the scheme in relation to the living conditions of nearby occupiers, highway safety or the adequacy of the provision of outdoor amenity space. There are no objections from local residents. The absence of harm in these regards counts neither for, nor against the proposal.
21. As detailed above, the appellant refers to a development of affordable housing within the Green Belt at nearby Station Road. I am not aware of the full circumstances that led to that approval but, unlike in the case before me, that scheme was considered as a rural exception under Local Plan Policy SC02. This being so, I do not regard that development to be comparable to the appeal proposal, which I have in any case considered on its own planning merits. Consequently, this matter adds no weight in favour of the appeal proposal.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

22. The proposal would be inappropriate development. According to the Framework (paragraph 87) inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a considerable loss of openness and very limited harm to one of the purposes of including land in the Green Belt. In accordance with the Framework (paragraph 88) substantial weight is given to this harm in the Green Belt.
23. There would be no harm to the character and appearance of the area. Along with matters considered in paragraph 20 above, the absence of harm in this respect is neutral in the balance. The other nearby development cited by the appellant is not comparable with the appeal proposal and adds no weight in its favour. Whilst not raised by the parties, it seems to me that some benefits would arise from construction jobs, support for local services and facilities by the future occupiers, and an addition to the Council's housing land supply. However, given the very limited scale of the proposal for a single dwelling, its contributions in these regards would not be great.
24. Overall, the other considerations in this case do not clearly outweigh the totality of the harm identified. As such, the very special circumstances necessary to justify the development do not exist.

Conclusion

25. For the reasons given above and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR