
Appeal Decision

Site visit made on 18 April 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 18th May 2017

Appeal Ref: APP/A0665/W/16/3161738

Leighton Cottage, Cow Lane, Norley, Northwich WA6 8PW

- 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 and Mrs Cockcroft against the decision of Cheshire West & Chester Council.
 - The application Ref 16/03838/FUL, dated 24 August 2016, was refused by notice dated 3 October 2016.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development included in the header above is that used in both the decision notice and appellants' appeal form. This is a clearer and more accurate description and removes the superfluous descriptive wording used on the original planning application form.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the openness of the Green Belt and the purposes of including land within it;
 - The effect of the development on the character and appearance of the area;
 - Whether the location would provide acceptable access to everyday facilities by a range of means of transport; and
 - If the proposal 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.
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Reasons

Inappropriate development in the Green Belt

4. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development. Exceptions to this include limited infilling in villages. Policy STRAT 9 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (2015)(LP) defers to the Framework in matters of Green Belt policy and is thus consistent with its approach.
5. The Framework does not define what is meant by the term limited infilling in villages. However, I note that the supporting text to Policy STRAT 8, which deals generally with development in rural areas, suggests that infill would constitute the filling of a small gap of up to two dwellings, in an otherwise built up frontage, in a recognised settlement. I consider this to be a logical interpretation of the policy and one I have used as a guide.
6. The appeal site comprises part of the large side garden of Leighton Cottage. On the opposite side of the site to the cottage is what is described as a former poultry farm. Reference is made to buildings on that site, but they are not obviously visible in what appears to be a predominantly overgrown plot of land, which nonetheless contributes to the verdant rural character of the street scene. This does not, however, contribute to a continuous built up frontage along Cow Lane. The next dwelling between the site and the junction with Finger Post Lane is some distance away and has little visual or physical relationship with the site. Even when taking account of plot widths of dwellings in the vicinity of the site, the gap would be considerably wider than two dwellings in distance. In effect, the development would simply extend development along Cow Lane and does not constitute infilling. The proposal does not therefore meet the first part of the exception.
7. The appeal site is outside the settlement boundary of Norley as defined by the made Norley Neighbourhood Plan (2016)(NNP). It may not be necessary for the site to be within the defined boundary to be considered part of the village, but this is clearly indicative of what is considered the main built form and core of the settlement. The site is some distance from the defined boundary and there are significant breaks in the built form between the site and the main built envelope of the village made up of open fields. There are no village facilities or services within the immediate vicinity of the site and the overarching character of the area is more that of dispersed, sporadic development in the open countryside than being an integral part of Norley. I do not therefore consider the site to fall within the village for the purposes of paragraph 89. The proposal also does not meet the second part of the exception.
8. Accordingly, I find the proposal would result in inappropriate development in the Green Belt in conflict with paragraph 89 of the Framework and LP Policy STRAT 9. Inappropriate development is by definition harmful to the Green Belt and in line with the Framework's requirements I have given substantial weight to this harm¹.

¹ See paragraph 88

Openness of the Green Belt and the purpose of including land within it

9. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with their openness and permanence being identified as the essential characteristics of the Green Belt.
10. While the site is currently well screened from Cow Lane by a high conifer hedge, it is still an open and undeveloped garden that is free from any built structures of any size. As a consequence, and contrary to the assertion of the appellants, the construction of the dwelling proposed would mean that this part of the Green Belt would be considerably less open than it is at present. On the basis that the proposal is outside a village, the development would also result in encroachment into the countryside, contrary to the related Green Belt purpose.
11. While the site is screened by a high hedge from Cow Lane, it is clear that there is an open garden area behind it. The open nature of the site is also already visible from parts of Finger Post Lane to the rear. The reduction in the height of the boundary to Cow Lane would reveal more of the site than can currently be seen and this would serve to highlight the reduction in openness. The change in the nature of the site would therefore be discernible and would thus have a negative impact on the visual dimension of openness.
12. The Council has referred me to saved Policy H11 of the Vale Royal Borough Local Plan First Review Alteration (2006) (VRLP). Whilst the policy seeks to protect the openness of the Green Belt, it relates only to the extension of residential curtilage. The development would not lead to any such extension and thus there would be no specific conflict with the policy. Nevertheless, this does not alter the fact that the development would not preserve the openness of the Green Belt and would conflict with the purpose of safeguarding the countryside from encroachment.

Character and Appearance

13. LP Policy STRAT 9 states that the intrinsic beauty of the countryside will be protected by restricting development in the countryside to that which requires a countryside location and cannot be accommodated within settlements. The development would not meet any of the exceptions listed and there is no substantive evidence before me which persuades me that in principle, the development proposed could not take place in a defined settlement.
14. Cow Lane has an overwhelmingly rural character. The verdant landscaping associated with the site and its boundary treatment contributes positively to the character and appearance of the street scene. The reduction in height of the boundary treatment would mean that the new dwelling would be seen as a prominent feature on this part of the lane. As well as the new building, the puncturing of the boundary to create the access and the laying out of the driveway would also have an urbanising effect that would diminish and detract from the rural character of the street scene.
15. The design of the dwelling itself would not be objectionable, although it would take up much of the width of the plot. The resulting reduction in space to the side of Leighton Cottage would only serve to exacerbate the urbanising effect

of the development and lead to a more cramped overall appearance, to the detriment of the existing spacious character of the site.

16. I do not accept the appellants' argument that the development would result in an improvement to the street scene or that the site creates a harmful imbalance, nor do I consider the current nature or height of the boundary treatment to be detrimental to local character. The removal of the conifers would open up views across the site from Finger Post Lane. This may result in some enhancement to an important vista as defined by the NNP. However, this would also be interrupted to an extent by the new dwelling, which would limit the benefits. I consider that the increase in the built form and resulting harm to the rural character of the street outweighs any benefits from the changes to the boundary treatment or plot size.
17. I therefore conclude that the development would have a materially adverse effect on the character and appearance of the area. The proposal would not comprise one of the types of development that Policy STRAT 9 permits in the countryside and would result in harm to the intrinsic beauty of the countryside in conflict with the policy.

Housing Strategy and Access to Facilities

18. The evidence indicates that Norley contains a primary school, a local shop, village hall, churches and local play facilities. The village is identified as a 'local service village' in the emerging Cheshire West and Chester Local Plan Part 2 (LP2). The stage this plan is at means I can give it only limited weight. Nonetheless, it is indicative of the level of service provision that exists in the village and its position in the hierarchy.
19. The most direct route to the village would mean walking along Cow Lane, which is unpaved and has only sporadic street lighting. An alternative route exists along Finger Post Lane. This would be mainly along a pavement, but would involve walking a greater distance. I have had regard to the comments of both the appellants and interested parties in relation to their propensity for walking to the village. However, while this would be possible, it is unlikely to be the preferred or most prevalent form of transport, particularly at night or in inclement weather. Moreover, the village does not appear to provide for all day-to-day facilities or services and thus some travel outside the immediate area would still be necessary. This is unlikely to take place on foot or bicycle.
20. The appellants state that school buses pass by the site and will stop on request. It is also suggested that there is a railway station within walking distance over footpaths. However, there is no substantive evidence before me relating to the frequency of other buses or trains, their routes or destinations, the distance to formal bus stops or any other information which would lead me to conclude the site has what might be considered good access to public transport. Taking all of the above into account, I consider that future occupiers would be likely to be dependent on the car for most day-to-day trips. Even if the appellants themselves are not averse to walking, this would be a permanent dwelling and not all future occupiers may have the same attitudes. I must have regard to the long term effect of the development.
21. I recognise the development would not generate a large number of traffic movements and some dependency on the car is inevitable in rural locations. Reaching facilities in Norley would also not result in a long car distance trips.

Nonetheless, Norley cannot provide for all needs and the likely effect of allowing development in this location would be to cumulatively increase the number of less sustainable journeys.

22. In conclusion on this matter, I find that the development would not be in a location with good access to everyday facilities by a range of means of transport. Accordingly, there would be conflict with LP policies STRAT 1, STRAT 8, STRAT 9 and VRLP Policy GS5 which seek, amongst other things, to direct development to the most sustainable and accessible locations where it would have good access to local shops, community facilities, primary schools and public transport.

Other considerations

23. The intention is for the appellants to move into the development, thus allowing them to downsize and remain in the area. It is also intended that the dwelling would allow an elderly parent to move in with them. Personal circumstances such as this seldom outweigh more general planning considerations. This is because similar circumstances could be repeated in many Green Belt locations across the country. The appellants have however drawn my attention to the NNP which highlights the importance of providing downsize properties in the area. However, the site is outside the settlement boundary and thus the plan provides little support for development in this particular location. Nonetheless, the development would still add to the local supply and mix of housing in the area and, in line with the Framework's objectives of boosting significantly the supply of housing, I have given this factor moderate weight.
24. The appellant has argued that the development would support local services. Whilst any new dwelling is likely to lead to an increase in available expenditure in an area, the scale of development means that any benefits that would arise would be limited in nature. As such, I have given only limited weight to this in my decision. Given my earlier views on the character and appearance of the area, I have given only limited weight to the appellants' arguments in relation to the enhancement of views.
25. I consider that there would be no material harm to the living conditions of nearby occupants, including in relation to the provision of garden space of Leighton Cottage. I also saw nothing which would suggest there would be any additional risk to highway safety. Nonetheless, a lack of harm in these respects are neutral factors.

Other matters

26. The appellants have drawn my attention to a number of appeal decisions. I have not been provided with all of the details of these cases and thus cannot conclude with certainty that they are directly comparable to the proposal before me. I have noted, however, that in each case the Inspector concluded the development would not be inappropriate in the Green Belt. This differs to my view on the proposal before me. As is clear from these decisions, this is an issue that must be determined on a case by case basis. It is apparent that each Inspector has determined, as have I, on the information before them and their observations of the sites and surroundings. I find nothing in these decisions that would lead me to a different conclusion.

27. In the same way I have considered the planning permissions brought to my attention. Again, I do not have the full details of these cases and have considered this appeal on its own merits. Green Belt policy is specific in its requirements and the examples given would not lead me to conclude differently regarding the inappropriateness of the development or the other harm identified. The Council has also demonstrated to my satisfaction that the context in at least one decision has changed significantly and there is no inconsistency of approach.
28. I have noted the letter of support from neighbours. However, this does not lead me to alter my overall conclusion.

Very Special Circumstances and Conclusion

29. The proposal would be inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates such harm should be given substantial weight. I have also given substantial weight to the effect on the openness of the Green Belt and the conflict with LP policy in terms of access to services and the character and appearance of the area.
30. I give moderate weight to the contribution the dwelling would make to the local housing supply. Limited weight is given for the support for the viability of local services. Limited weight is also given to the enhancement of views from Finger Post Lane.
31. Taking all matters into account, I find that the other considerations in this case do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt and other harm arising from the development. Consequently, the very special circumstances necessary to justify the development do not exist. For these reasons I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR