
Appeal Decision

Site visit made on 6 June 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/A0665/W/16/3163763

Land at Northgate, Utkinton, Cheshire, CW6 0JX

- 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 Johnson against the decision of Cheshire West and Chester Council.
 - The application Ref 16/00611/OUT, dated 11 February 2016, was refused by notice dated 25 May 2016.
 - The development proposed is described as 'outline residential application for a detached two storey dwelling with new access onto Northgate'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The proposal is for outline planning permission only for a detached two storey dwelling. Approval is sought for access with other matters reserved for subsequent approval.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is identified as outside the village settlement boundary and within open countryside under saved policies GS5 and NE11 of the Vale Royal Local Plan (VRBLP). Policy GS5 states that new buildings in the countryside will not be permitted unless provided for by other policies in the Local Plan. Policy NE11 in the VRBLP identifies Utkinton as within an Area of Special County Value for its high landscape quality in which development which preserves or enhances the character of the area will be allowed. Policies STRAT2 and STRAT8 of the adopted Cheshire West and Chester Local Plan (Part One) Strategic Policies (CWCLP) set out a settlement hierarchy for development. Those policies also state that local service centres will be identified in the emerging Local Plan (Part Two) Land Allocations and Detailed Policies Plan. Policy STRAT9 says that within the countryside certain types of development will be permitted, including for agricultural or forestry operations, replacement buildings, farm diversification, the re-use of buildings or the expansion of buildings for business use.
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5. Those policies accord with the National Planning Policy Framework (the Framework) whose core principles seek to ensure that development is sustainable and that planning should recognise the intrinsic character and beauty of the countryside.
6. Utkinton has been identified in the emerging Local Plan (Part Two) as an acceptable location for development. I have noted that both the appeal site and the land to the west (the parking area and field below it) lie outside the settlement boundary in the emerging plan but in view of its early stage, I have given it little weight.
7. The appellants say that the Council claims that it has in excess of a five year housing land supply and do not dispute that, although they consider that the supply is one of 6.85 years rather than the 7.8 years they say the Council claims. In these circumstances, paragraph 14 of the Framework, the presumption in favour of sustainable development, is not engaged and I must therefore determine the appeal in accordance with the development plan (the VRBLP and the CWCLP (Part One)) unless there are any material considerations that justify determining it otherwise.
8. The appeal site forms a parcel of land which was previously used for agricultural purposes but has been disused for many years and is located close to the edge of the built area of the village of Utkinton, accessed from Northgate. There is an agricultural building at the far end of the site. It lies within a small partly wooded valley that extends eastwards from the village from the rear of dwellings on Croft Close and no 7 Northgate out into the countryside. There are dwellings on the opposite side of the road to the south including a thatched cottage (no 16) opposite the site and dwellings on higher land to the north at the former Rose Farm site which lie within the settlement boundary. The site sits at a lower level than the road and is screened from no 16 by a mature hedge along the road boundary. A steeply sloping grassy bank separates it from the dwellings to the north. From the nearest dwelling on the north side of Northgate (no 7) it is separated by a parking area and a small field.
9. Although views into the site are localised, limited to views from Northgate and from the rear of the dwellings to the north, and include views of other dwellings, the site provides a link between the field and trees to the west adjacent to the built edge of the village and the trees to the east which give way into the more open countryside beyond. Consequently the degree of separation and the surrounding topography and vegetation give it a distinctly rural character and appearance which differs from the more built up nature of the village and which contributes to the character and appearance of the wider landscape.
10. Although the proposal is for one dwelling only, the immediate surrounding landscape is small in scale and the proposed development of a two storey detached dwelling would diminish the predominantly open rural character of the site and would not be well related to nearby development. It would break up the swathe of mostly undeveloped land in the small valley in which the site is located. I conclude, therefore, that the proposal would cause significant harm to the character and appearance of the area, contrary to policies VRBLP GS5 and NE11 and CWCLP policies STRAT2, STRAT8 and STRAT9 and to the Framework.

Other matters

11. Although the appellants argue that the proposal would make use of disused and redundant land, thereby relieving pressure on more sensitive sites, by reason of its previous agricultural use it does not constitute previously developed land as defined in the Framework. At the time of my visit, the site was in reasonable condition but even if it were overgrown, its condition could be improved through maintenance. I have noted that it is not high grade agricultural land but there is no objection to the proposal in those terms. I therefore attach little weight to these matters.
12. I have noted the 2014 Autumn Statement referred to by the appellants which encourages the approval of small sites. The site would provide a very small increase to the supply of housing land in the area, construction jobs and spending in the local area. The Framework says that housing should be located where it will enhance or maintain the vitality of rural communities. However, I have no compelling evidence that services in the area are under threat of closure or that one additional house in this location would provide a level of support that would significantly enhance or maintain the vitality of those communities. These social and economic benefits would not be great given the limited scale of the proposal for only one unit and I attach little weight to them.
13. The appellants have referred to other examples of recent decisions within the district in which housing has been granted permission. The Winsford case (15/04391/FUL) differs in that the Inspector found no harm to the character and appearance of the countryside and the site is within the housing area of Winsford in the Neighbourhood Plan. The Utkinton case (16/00248/OUT) differs in that the site is within the settlement boundary in the development plan, albeit outside the boundary in the emerging plan. These cases therefore differ significantly from this case and do not persuade me to alter my view.
14. I have had special regard to the desirability of preserving the setting of the grade II listed building, the thatched cottage at no 16 Northgate, in accordance with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The appeal site is separated from the listed building by the road and a mature hedge and is sited at a lower level. It is therefore capable of accommodating a detached two storey dwelling without resulting in material harm to the heritage asset or its setting, notwithstanding that the size, scale and details would be subject to subsequent approval if the appeal were allowed.
15. For the above reasons, and notwithstanding my findings in regard to the absence of harm to the setting of the listed building, these other matters are insufficient to outweigh the significant and overriding harm I have identified that would be caused in terms of the character and appearance of the area.

Conclusion

16. I conclude then that the proposal fails to accord with the development plan and the Framework as a whole and does not, therefore, constitute sustainable development. There are no other material considerations that warrant determining the appeal otherwise and the appeal should be dismissed.

Sarah Colebourne

Inspector