
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/16/3162837

Ash Tree Farm, Ash House Lane, Little Leigh, Northwich, Cheshire, CW8 4RG

- 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 Ward against the decision of Cheshire West and Chester Council.
 - The application Ref 16/02126/OUT, dated 19 May 2016, was refused by notice dated 15 August 2016.
 - The development proposed is described as 'dismantling of the existing derelict barns on the site, which are to be replaced with residential development'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The proposal is for outline planning permission only. Approval is sought for access and layout with other matters reserved for subsequent approval.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, having regard to national and local policies which seek to promote sustainable patterns of development.

Reasons

4. Policy STRAT1 of the adopted Cheshire West and Chester Local Plan (Part One) Strategic Policies (CWCLP) requires that development follows sustainable development principles. These include the location of new housing with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connections to public transport. Also included is encouragement for the use and redevelopment of previously developed land and buildings in sustainable locations that are not of high environmental value. 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.
 5. Those policies accord with the National Planning Policy Framework (the Framework) which seeks to ensure that development is sustainable. Paragraph 55 says that in rural areas, housing should be located where it will enhance or
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maintain the viability of rural communities. Local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances.

6. The Council maintains that it has a five housing land supply and this is not disputed by the appellants. 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.
7. The appeal site is located some 1.6km from the nearest village of Little Leigh. I have noted that Little Leigh has not been identified as a possible Local Service Centre in the CWCLP Part Two Options Paper and whilst I give this only limited weight in view of its status, I saw at my visit that the village has only a few facilities. Those include a church, a community/village hall and a primary school. Although there are other facilities within a similar or shorter distance in the surrounding rural area which include employment premises opposite the appeal site and a convenience store within the service station on Tarporley Road, most of those are small in scale and, like those in Little Leigh, would necessitate walking or cycling along country lanes in the most part without footways or street lighting. I have also noted that there is a range of towns and villages within 10km of the site and a train station some 3 km away. The appellant has referred to the Rural Rider bus service but I have not been provided with any details of the routes, timing, frequency or cost of that service and cannot be certain that it would provide good accessibility to local services. It is therefore highly likely that most journeys would be made by car.
8. Although this may be the case for many people living in both rural and urban areas and the Framework acknowledges the difference between urban and rural areas and does not explicitly require reliance on cars to be reduced in every instance, it seeks to encourage a sustainable pattern of development and reduce car journeys where possible as do the Council's development plan policies.
9. I have noted that the appeal site would have access to fast broadband and although some residents might wish to work from home and might choose not to commute to employment sites, for those who would have to travel for employment purposes, the limited connections to public transport would increase car dependency and limit travel options.
10. Planning permission was granted previously for the use of the entire farmyard for equestrian purposes. The appellants consider that the number of vehicle movements to and from the site would be significantly less than the former equestrian use which had around 18-25 movements each day. However, the equestrian use is no longer operating to maximum capacity. As this has resulted in a number of the larger barns being redundant and deteriorating, I have no substantive evidence to indicate that there is a significant probability that the full capacity of that use is likely to recommence. Moreover, I have noted that the land to the north would be retained for the livery business and that the appellants' layout plan shows four dwellings with two car parking spaces each. In my experience this is likely to generate a similar or greater number of movements in total than the previous use.

11. I therefore conclude that the appeal site would not be a suitable location for the proposed development having regard to national and local policies which seek to promote sustainable patterns of development. It would be contrary to policy STRAT1 and as the residential development proposed is not included within any of the permitted types of development in policy STRAT9 it would also be contrary to that policy.

Other matters

12. Whilst the proposal would increase the supply of housing land as well as the provision of three bedroom dwellings which the appellants say has been identified as a preference for the area in the Council's Strategic Housing Market Assessment and would represent a small additional increase in Council tax income for the Council, these social and economic benefits would not be great given the limited scale of the proposal for only four units and I attach little weight to them.
13. Although the proposal would make use of previously developed land as encouraged in policy STRAT 1 and thereby minimise the need for the development of greenfield sites, it would not meet the sustainable location requirements of the policy and I therefore attach little weight to this matter.
14. The demolition of the under-utilised and mostly dilapidated barns would be an improvement to the local environment but their condition and appearance is not so serious as to cause severe harm to the character and appearance of this rural area where such buildings are not an uncommon feature. In any case, I am not persuaded that the proposed development is necessary for their demolition or the only means of achieving that. Consequently I also give this matter little weight.
15. I have noted the site's location within the Green Belt but the Council has raised no objection in Green Belt terms and as the proposed layout would reduce the built footprint on the site, it would not constitute inappropriate development in terms of national or local Green Belt policy and would preserve the openness of the Green Belt.
16. I find then that these other matters are insufficient to outweigh the significant and overriding harm I have identified that would be caused in terms of the unsustainable location, notwithstanding my findings regarding absence of harm to the Green Belt.

Conclusion

17. I conclude 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