

Appeal Decision

Hearing held on 6 June 2017

Site visit made on 6 June 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/A0665/W/17/3168371

Weavervale Park, Warrington Road, Bartington, Northwich, CW8 4QU

- 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 Mrs Joan Lee against the decision of Cheshire West and Chester Council.
 - The application Ref 16/01215/OUT, dated 21 March 2016, was refused by notice dated 21 September 2016.
 - The development proposed is an extension to Weavervale Park (12 additional homes).
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt. Both parties agree that the proposal would be inappropriate development in the Green Belt. Therefore, the main issues are:
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the countryside;
 - Whether the development would constitute sustainable development in terms of its location;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposal?

Reasons

Openness

3. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
 4. The site is an undeveloped field which is adjoined by residential development, the existing park homes, and other open land. Whilst the site is well-screened from Warrington Road, it can be seen from the park homes, the dwelling at Bridge Water, the canal, and the surrounding open land. I acknowledge that more screening could be planted but openness is not just about visibility, it is a
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lack of development. The introduction of 12 homes, their curtilages, the road and car parking, would introduce a substantial amount of development where currently none exists. I therefore consider that the development would result in significant harm to the openness of the Green Belt.

5. Consequently, I find conflict with Cheshire West and Chester Local Plan 2015 (CWCLP) Policy STRAT 9 which indicates that development within the Green Belt should be restricted in line with the National Planning Policy Framework (The Framework) which seeks to protect the openness of the Green Belt.

Character and Appearance

6. The park homes site is surrounded by open countryside. Paragraph 17 of the Framework indicates that planning should take account of the character of different areas and should recognise the intrinsic character and beauty of the countryside.
7. The proposal would encroach into the countryside. The installation of 12 park homes and their associated infrastructure would create a development of a suburban appearance, which would be at odds with the surrounding rural environment. Additional screening would not overcome the actual loss of natural landscape.
8. I conclude that the proposal would harm the character and appearance of the countryside. Consequently, the proposal would be contrary to CWCLP Policy STRAT 9 and Policy GS5 of the Crewe and Nantwich Local Plan which, in combination, seek to protect the intrinsic character and beauty of the countryside.

Locational Sustainability

9. The site is outside of any defined settlement boundary. The nearest Service Centre is Weaverham which is some 2.8km from the site. This is not within walking distance.
10. I heard at the hearing that there is a tea room, pub, florist, chapel, plant nursery, and boutique within walking distance of the site and this is not disputed. However, these facilities are not enough to provide for all day to day needs. The residents would also need access to medical services; a good range of leisure and community facilities; a wider range of shops, including food shops; and access to employment. Although many of the residents are retired because the site is for the over 50s, 50 is far from the statutory retirement age and I understand that some residents still work.
11. I appreciate that there is a shop at the petrol station on Warrington Road. The Council agree that the petrol station is just about within walking distance. Nevertheless, I noted at my visit that there is a substantial section of the route without a pavement. Warrington Road is the busy A49 and this lack of pavement would make for a very unattractive walk, especially for older people who may well have limited mobility.
12. It was agreed at the hearing that Weaverham provides all the usual services and community facilities. I understand that there is a "Dial a Ride" bus service which visits the site around 4 times a week which can take people to Weaverham. However, this is a very infrequent service. There is also a bus stop some 850m away from the site, but according to the Council, this only

provides 5 services a day in each direction and the last buses return at 16:00 and 16:45. In view of the infrequent bus services, I consider that the site has limited access to public transport. Given the lack of accessibility to a wide range of services by foot and by public transport, it is likely that residents will be reliant upon car journeys.

13. I conclude that the proposed development would not constitute sustainable development in terms of its location. Consequently, it would conflict with Policy STRAT 1 of the CWCLP which seeks to ensure that new housing is located to reduce the need to travel; with good accessibility to local shops and community facilities; and that it has good connections to public transport. It would also conflict with the Framework, which has similar objectives.

Other Considerations

14. The appellant's case is that the current business is unviable and that the extension to the park would rectify this. A model has been put forward which demonstrates a current return on the appellant's investment of around 3.6%. It was explained to me at the hearing that the optimal return would be around 6% and that a lower return does not adequately reflect the risk associated with the investment so that it would not be attractive to a purchaser. The appellant explained that the low return would also lead to the park site becoming poorly maintained and run-down.
15. The appellant also argued that the return would be even less (around 2.67%) over the next couple of years if the septic tank is to be replaced. That said, whilst the appellant explained to me at the hearing that the septic tank is old and in poor working condition, I have not been provided with any technical evidence that it actually needs a full replacement and could not be repaired.
16. I have doubts that the return is as low as the appellant claims. For example, the appellant's 3.6% figure does not include any income from the 10% commission that the site owner receives from the sale of homes. The appellant's evidence says that if this assumed income is factored into the net income stream, this would produce an improvement in the level of return to between 4.5 and 5%. This would be based on one commission a year.
17. However, it was explained at the hearing that this commission should be treated as an "ad hoc" payment because homes are not sold regularly given that people tend to live in them for around 20 years. However, if there is a turnover every 20 years per home on around 40 homes, there should be an average of more than one sale per year. Indeed, I noted some 4 homes were advertised "For Sale" at my site visit. Furthermore, the appellant sometimes re-develops the plots when they become available and no allowance has been made for any redevelopment profits.
18. Based on the above, I do not believe that the 3.6% return has been substantiated. Had the appellant provided certified accounts for the business, the viability argument may have been more robust, but their absence significantly weakens the viability case.
19. Even if I were to accept the appellant's figures, the business still shows a positive return, which although not optimal, demonstrates that it is at least "ticking over". The worst case scenario that has been presented to me is that the park would become poorly maintained as a result of a 3.6% return. That

said, even the 3.6% return incorporates an annual figure for site maintenance. Based on all of the viability evidence that I have read and heard, I am unconvinced that the extension to the park is needed to ensure the future maintenance or commercial viability of the site.

20. It was agreed by both parties at the hearing that the development would provide manageable, single level homes for older people. The future residents would downsize from larger dwellings, thereby freeing up family homes in the area.
21. The development would also make a small contribution to the economy in terms of the short term construction of the park extension and the future residents' use of local business.

The Green Belt Balance

22. The proposal would constitute inappropriate development in the Green Belt. Paragraph 87 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that I give substantial weight to this harm.
23. In addition, I have also found harm to the openness of the Green Belt, harm to the character and appearance of the countryside, and that the dwellings would be in an unsustainable location. These factors carry additional and significant weight against the proposal.
24. I give little weight in favour of the appellant's arguments that a lack of financial return would result in the poor maintenance and deterioration of the park and I give minimal weight in favour of the potential increase in profits as a result of the proposal.
25. I give a small amount of weight in favour of the proposal's contribution to a mix of dwellings in the area and its contribution to the local economy.
26. When taken together, the other considerations would not clearly outweigh the harm that I have identified. Therefore, the very special circumstances needed to justify the development do not exist.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

Siobhan Watson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs Joan Lee, Weavervale Park
Mr Richard Lee, Richard Lee Project Planning
Mr Colin Jennings, Lambert Smith Hampton

FOR THE LOCAL PLANNING AUTHORITY:

Mr Steven Holmes, Cheshire West and Chester Council
Mr Nick Edwards, Cheshire West and Chester Council

INTERESTED PERSONS:

Mrs Margaret Holah, Neighbour
Neil Holden.

DOCUMENT SUBMITTED AT THE HEARING:

Corrected Appendix 9 to RLPP Viability Statement, March 2016