
Appeal Decision

Site visit made on 20 June 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/A0665/W/17/3170943

Land adjacent to Norwood, Smithy Lane, Mouldsworth, Chester CH3 8AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Worrall c/o Wright Marshall against the decision of Cheshire West & Chester Council.
 - The application Ref 16/04609/OUT, dated 11 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is the construction of two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved and I have therefore dealt with this appeal on that basis.

Main Issues

3. The main issues are:
 - i. Whether or not 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;
 - ii. The effect on the openness of the Green Belt and the purposes of including land within it;
 - iii. The effect on the character and appearance of the area;
 - iv. The effect on protected species; and
 - v. 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.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

4. The site is situated in the Green Belt. Paragraph 89 of the Framework indicates that, other than in the case of a few exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. New buildings
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within the Green Belt are inappropriate unless, among other matters, they represent limited infilling in villages. Policy STRAT 9 of the Cheshire West and Chester Local Plan (Part One) Strategic Policies (CWCLP Part One) restricts development within the Green Belt and countryside in line with the Framework.

5. The appeal site comprises an open area of land on Smithy Lane, between the existing residential properties known as The Old Police House and Norwood. Smithy Lane itself comprises continuous ribbon development along its northern side with a smaller area of ribbon development along the southern side which stops at The Old Police House, beyond which there is a farm access track, the open field appeal site with a frontage width of approximately 88 metres, a small paddock and two further residential properties.
6. The open appeal site with a relatively wide frontage is a definite visual break and clearly marks the point at which the character of Smithy Lane changes from village to open countryside. The properties beyond the appeal site, which I understand to be Norwood and Smithy Cottage are well established residential properties and are separated from the ribbon of development along the southern side of Smithy Lane by an access track, the appeal site and a paddock. Consequently, I would not describe the site as being within the village. The two existing dwellings to the south west of the appeal site do not represent a continuation of the built up frontage along Smithy Lane.
7. The appellant has submitted a comparison of the width of residential plots in the area and claims that the size of plots proposed would be comparable to others. However, this does not overcome my concern with respect to the conclusion that the appeal site is not within the village and does not represent a continuation of Smithy Lane's built frontage.
8. The proposal would be inappropriate development in the Green Belt as it would not be limited infilling in a village. Consequently, by not complying with the listed exception the scheme would be inappropriate development in the Green Belt, which Paragraph 87 of the Framework states is, by definition, harmful and should not be approved except in very special circumstances. As a consequence, I find that the proposal would be contrary to Policy STRAT 9 of the CWCLP Part One and the Framework.

Openness and Green Belt purposes

9. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework is to keep land permanently open. The proposal would lead to the development of two dwellings on the site where there are currently none. Although the current proposal is in outline only and the number of dwellings proposed has been reduced from three to two, the proposal would inevitably lead to a loss of openness. The site currently has no buildings or other development on it and is an important part of the open views across the countryside from Smithy Lane across fields with hedges and trees as part of the backdrop.
10. The appellant acknowledges that the proposal would result in some harm to the openness of this particular location. However, having regard to a number of local characteristics including the scale of development, adjoining land uses, topography and landscaping it is contended that there would be no material harm to openness. However, the nature of the proposal would result in the encroachment of built form into an existing open field and, although detailed

matters are reserved for future determination, would undoubtedly reduce the openness of the site and the Green Belt of which it is part.

11. The site is open countryside rather than part of the village and therefore, the proposal would lead to encroachment of development into the countryside which would have an impact on the purpose of Green Belt designation. I conclude that the development would result in a significant loss in the openness of the Green Belt and would have a harmful effect on the purpose of safeguarding the countryside from encroachment.
12. On this issue I conclude that the proposal would be contrary to the provisions of Policy STRAT 9 of the CWCLP Part One and the Framework.

Character and appearance

13. The development of the site would erode its contribution to the open countryside adjacent to Mouldsworth. The design of the development could be sensitive to the local vernacular and landscaping could be incorporated into the scheme. However, the presence of the development would have a negative effect on the locality and would clearly erode the open countryside character and appearance of the site as it exists.
14. Therefore, on this issue I conclude that the proposal would have a harmful effect on the character and appearance of the area. As such it would be contrary to the provisions of Policy STRAT 8 of the CWCLP Part One and the Framework which, among other matters, seek to ensure that development is appropriate to conserve the setting of settlements.

Protected Species

15. No supporting surveys or information have been submitted to establish the presence or otherwise of protected species in the area. Given the location and character of the site there is a reasonable likelihood of protected species being present on or near to the site and there is a risk that they may be adversely affected by the proposal.
16. I have no details to establish the ecological interest of the site and whether measures for safeguarding such interest or suitable mitigation or compensation could be provided. Therefore, on this issue I conclude that the proposal would be contrary to the ecology provisions of Policy ENV4 of the CWCLP Part One and the Framework which state that sites will be protected from loss or damage to biodiversity taking account of the impacts on protected species, among other matters.

Other Considerations

17. The site is close to Mouldsworth, which can be considered to be a village, having a wide range of residential properties, a public house, a church, a bowling green and a railway station. The Council's key concern is that the future occupants of the development would be heavily reliant on the use of private motor vehicles to access employment and community facilities.
18. Mouldsworth has few facilities to serve the day to day requirements of residents. The appellant states that there is a local shuttle bus, but at my site visit I saw no evidence of local bus services. I am aware that there is a range of services and facilities in Ashton Heyes, including another church, village hall,

shop, playing fields and a primary school, among others. However, given the distance from the appeal site (around three kilometres), the lack of a footpath along Smithy Lane and the absence of street lighting in the area I consider it highly unlikely that journeys to Ashton Heyes would be undertaken by foot.

19. There is a railway station in Mouldsworth which provides regular train services to Chester and Manchester via Altrincham. Although the station is only approximately one kilometre from the appeal site pedestrian access along Smithy Lane is poor as there is no street lighting or dedicated footpath either side of the road. Consequently, although there is a relatively good train service locally residents would be deterred from accessing the station by foot.
20. Therefore, with respect to the provisions of STRAT1, STRAT 2 and STRAT 8 of the CWCLP Part One and Policy H06 of the Chester District Local Plan Written Statement May 2006, including the settlement hierarchy included therein, the proposal would not be a form of sustainable development or promote sustainable communities.

Other matter

21. The appellant contends that the proposal would not result in the loss of fertile and productive agricultural land and I have no evidence to dispute this. However, this matter does not persuade me that the proposal would not be harmful in other respects as set out in this decision.

Conclusions

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition I have found there to be adverse effects on the openness of the Green Belt, the Green Belt purpose of safeguarding the countryside from encroachment, character and appearance and potential harm to protected species. Substantial weight should be given to the identified harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
23. Limited weight should be given to the appeal decisions to which my attention has been drawn as from the evidence before me it is clear that the circumstances are different and, in any case, the appeal should be determined on its own merits. The substantial weight to be given to the Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
24. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR