

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/17/3171062

8 The Street, Chester CH2 4ES

- 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 D Robson against the decision of Cheshire West & Chester Council.
 - The application Ref 16/05064/FUL, dated 10 November 2016, was refused by notice dated 16 January 2016.
 - The development proposed is a dwelling to the side garden of the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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; and
 - iv. 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

3. 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 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.
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4. The appeal site is within an area known as Hoole Bank which contains a small row of residential properties with a sporadic group of other residential properties on the opposite side of The Street. The properties are close to the junction of The Street and Oak Bank Lane. There are other sporadic properties scattered in the vicinity. The proposal is to erect a residential property in the side garden of No 8 The Street, which is a semi-detached property situated in the small row of approximately twelve properties.
5. Although the appellant contends that the site is in a village which is 'washed over' Green Belt this is not the case from a development plan point of view since Saved Policy H0 6 of the Chester District Local Plan Written Statement May 2006 (Chester LP) identifies specific 'washed over' villages in the Green Belt where infill development will be permitted subject to identified criteria. Hoole Bank / Hoole Village is not one such identified settlement.
6. The explanation to Policy STRAT8 of the Cheshire West and Chester Local Plan (CWCLP Part One) defines 'infill' as *'the filling of a small gap, up to two dwellings, in an otherwise built up frontage in a recognised settlement'*. The National Planning Policy Framework (the Framework) does not define what constitutes a settlement. However, having regard to previous appeal decisions in this regard it seems to me that paragraph 89 of the Framework does not limit infilling to specific settlements but that it appears to apply to all villages.
7. Nonetheless, at my site visit I observed that the area around the appeal site is part of an isolated cluster of mainly residential properties surrounded by open countryside. There is a small employment area nearby and The Hammond School (an independent school for girls and boys from eleven years to which specialises in performing arts) is also adjacent to the group of properties. There is a budget hotel and public house on Warrington Road which is separated from the group of properties by Oak Bank Lane. I also saw the Hoole Village sign on the A56 Warrington Road and noted that the public house has 'Hoole Village' on its sign.
8. The area immediately around the site is rural in character and the cluster of buildings in its immediate vicinity does not feel like a village, but rather a relatively isolated group of properties in the open countryside rather than a definable village or settlement. The presence of a number of properties and other dispersed uses, a nearby public house with budget hotel showing the name of Hoole Village and a nearby village road sign does not define a village or change the defining spacious rural character of the area. I understand that villages take various forms in terms of size, shape, mix of uses and layout and that they are not clearly defined in the development plan. However, in this particular case given the evidence before me and my own observations I consider that the appeal site is not located in a village or recognised settlement, but rather is in the open countryside which is designated as Green Belt.
9. Therefore, 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

10. 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 result in built development where there is currently none and would partly close the gap between Nos 8 and 9 The Street. As well as the built development the proposal would inevitably lead to some further domestication of the locality in terms of ancillary paraphernalia, boundary treatment and other features that would come with a new residential property.
11. However, as a consequence of the narrowness of the property frontage and its very close relationship to No 8, in particular, I do not consider that the additional dwelling would be particularly visually intrusive in terms of the immediate surroundings in this rural area. Nonetheless, by definition new built form would erode the openness of the Green Belt in this location to a relatively small degree and on this issue I therefore conclude that overall the scheme would have a harmful effect on the openness of the Green Belt. In this respect I find that it would be contrary to the provisions of Policy STRAT 9 of the CWCLP Part One and the Framework.

Character and appearance

12. The design of the development would be sensitive to the local area in terms of overall scale, design and architectural detailing. Therefore, on this issue I conclude that the proposal would not be harmful to the character and appearance of the area. As such it would be in line with the provisions of Policy STRAT 9 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.

Other Considerations

13. As previously discussed the area around the site has very few facilities to serve the day to day needs of residents. 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.
14. I am aware that there is a range of services and facilities in Hoole and also in Mickle Trafford, including primary school, sports club, a superstore, other shops and services, a railway station and a High School at nearby Upton. There are bus stops on Warrington Road providing regular public transport access to Chester, Helsby and Frodsham. However, many of these facilities are not a realistic walk from the appeal site given the lack of footpaths in the area, the absence of street lighting in the rural surroundings and the distances from the site. I also observed that the route to Hoole is on an incline and along a relatively narrow lane. The walking route to the nearest bus stops is also unattractive for pedestrians as there is no footpath on Oak Bank Lane and no street lighting. Neither do I consider cycling to be a realistic option for the type of journeys that would be required for the day to day service and facility requirements of future occupants. Therefore, there is no realistic alternative to the private motor vehicle to access local facilities and services.
15. I am aware that the site is relatively close to Chester and that sustainable development is not just about the amount of journeys but about minimising the length of journeys. Journeys to Chester would be relatively short, but as a

consequence of the lack of local accessible local facilities the majority of journeys would be undertaken by car which is clearly not sustainable.

16. Therefore, with respect to the provisions of STRAT1 of the CWCLP Part One the proposal would not be a form of sustainable development or promote sustainable communities.

Conclusions

17. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found there to be some harmful effect on the openness of the Green Belt. I have found that the proposal would not be harmful to the character and appearance of the area. 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.
18. I have given consideration to the appeal decisions to which my attention has been drawn. From the evidence before me it is clear that the circumstances are different with particular reference to my findings that the site is not located in an infill site in a village and is not a defined 'washed over' village. I have also noted that not all were determined under the current up to date development plan. In any case, the current 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.
19. 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