
Appeal Decision

Site visit made on 4 July 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 17 July 2017

Appeal Ref: APP/A0665/W/17/3172630

Leawood, Mudhouse Lane, Burton, Neston CH64 5TS

- 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 Mr and Mrs R Lyon against the decision of Cheshire West & Chester Council.
 - The application Ref 16/05648/OUT, dated 20 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is the erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters, except for layout, reserved for future consideration. I have treated the plans as indicative. They have formed part of my consideration of this appeal.

Main Issues

3. The main issues are:
 - whether the proposed development is inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
 - whether the proposal would result in a sustainable pattern of development, having regard to the site's countryside location and accessibility to facilities and services.
 - if the development is inappropriate, 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 inappropriate development

4. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate unless they are one of the

exceptions listed in paragraph 89. One of the exception is the *limited infilling in villages*. The appellant contends that the appeal scheme would be an infill development in the village of Burton.

5. The appeal site, just as the village of Burton is washed over by the Green Belt. Nonetheless, I understand the Council is, in the emerging Local Plan (Part two) Land Allocations and Detailed Policies Plan (Local Plan Part Two), preparing settlement boundaries. However, Burton is no longer being taken forward by the Council as a local service centre. So, while, the Council was inconclusive as to whether the emerging settlement boundary excluded the site in an appeal decision¹ in 2016, the current position means that Burton will continue without a defined settlement boundary and the appeal site, for the purposes of this appeal, lies in the Green Belt.
6. Consideration of whether the appeal site forms part of the village itself was undertaken in the 2016 appeal decision². Notably, residential dwellings are found on both sides of Mudhouse Lane between the site and the core of the village. Given this ribbon form of development I consider that the appeal site could be construed as being within the village of Burton. This view is consistent with the findings of my colleague Inspector.
7. Although the appeal site sits between Leawood and Thorndale, the gap is substantial in size. This sort of gap is not uncharacteristic on this side of the lane unlike development on the opposite side. The Framework does not explain the term limited infilling for the purposes of a Green Belt assessment. The proposal has been revised following the 2016 appeal decision, with a view to forming a development that is better placed in the available space and in respect of other nearby detached dwellings which are set back and within spacious plots. I have no reason to doubt the appellant's view that the proposal would be less quantum value than the previous appeal scheme. Even so, the dwellings would still be two storey four bedroom properties that are of a substantial size, even if their curtilages have been considerably reduced. I am not therefore persuaded that the development of a gap of this size, in the manner proposed, represents a limited infilling.
8. A development on Coppull Moor Lane³ is cited by the appellant, however this scheme is in a very different geographic area and I note the decision was made with regard to Policy HS7 of the Chorley Local Plan 2012-2026 which defines infill development. This is an entirely separate development plan to the Cheshire West and Chester Local Plan (Part One) Strategic Policies (Local Plan). Thus, I do not consider it to set a precedent. In terms of the scheme at Badger Butts⁴, as I do not have the full details of this case I give it little weight.
9. Accordingly, I conclude on this issue that the proposed development would be inappropriate development in the Green Belt as it would not accord with any of the exceptions for new buildings in the Green Belt set out in paragraph 89 of the Framework. This is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I attach this harm substantial weight as directed by paragraph 88 of the Framework. I also conclude that the proposal would be contrary to Local Plan Policy STRAT 9;

¹ Appeal Decision Ref: APP/A0665/W/16/3144762

² Appeal Decision Ref: APP/A0665/W/16/3144762

³ Appeal Decision Ref: APP/D2320/W/16/3154595

⁴ Council Application Ref: 15/02495/OUT

which seeks to apply additional restrictions in settlements and areas of the countryside that are within the Green Belt.

Openness and Purposes of the Green Belt

10. The Framework sets out that 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.
11. The proposal would introduce two detached dwellings to the land. An existing hedgerow across most of the appeal site's boundary with the lane would screen part of the proposed development, albeit the land itself is open. However the proposed dwellings would rise above the height of the hedge and would be, based on the indicative plans, visible from the lane. The site currently affords a positive sense of openness between built form on this side of the lane. So, even though the land is not publically accessible and much of the proposed developments details would be considered at a later date, I consider that the proposal would result in a significant loss of openness of land in the Green Belt. This would be permanent and in conflict with paragraph 79 of the Framework.
12. The layout of the proposed dwellings would be broadly comparable to Leawood and Thorndale either side. I also recognise the reduced extent of the curtilage associated with each dwelling. In this regard, the proposal would be in keeping with the character of the area. Nevertheless, the appeal scheme would result in some limited encroachment of development into the countryside, given the site is otherwise open and undeveloped. Conflict would therefore arise with the third bullet point of paragraph 80 of the Framework.
13. The Framework does not seek to make a distinction regarding the level of harm from a reduction in Green Belt openness or from any conflict with the purposes of including land in the Green Belt. They would be a harm to the Green Belt, which is the subject of Framework paragraph 88. In this respect, I conclude on this issue that the proposal would be contrary to the fundamental aim of Green Belt policy as described in paragraph 79 of the Framework. For these reasons, this harm also attracts substantial weight against the appeal scheme.

Sustainable pattern of development

14. Local Plan Policy STRAT 1 *seeks to enable development that improves and meets the economic, social and environmental objectives of the borough in line with the presumption in favour of sustainable development.* In accordance with a number of sustainable development principles, proposals should *locate new housing, with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connections to public transport.* To deliver this, Local Plan Policy STRAT 2 will bring forward development in line with a settlement hierarchy. As, Burton is no longer being taken forward as a local service centre, and the site falls in the open countryside, it does not lie within any of the settlements identified in the hierarchy. Conflict would therefore occur with Local Plan Policy STRAT 2.
15. Nonetheless, consideration must also be given to all three mutually dependent dimensions of sustainable development in paragraph 7 of the Framework; namely the economic, social and environmental roles. I shall turn to the economic and environmental roles later in my decision.
16. In terms of social sustainability, the core of Burton is a short walk away. There

is a primary school and a church relatively close by, while there is a garden centre slightly further away. Nonetheless there are a limited range of facilities and services in the village itself with the nearest facilities and convenience stores in Little Neston, Willaston and Neston. Thus, the dwellings would not be within 1 mile of existing or proposed local shops or community facilities.

17. There is also no footway connecting the site to the centre of the village and I gather that there could be only one bus service on weekdays between Neston and Ellesmere Port that is for school children. Thus, the evidence indicates that it is not regular enough so that future occupants' could rely upon it to reach facilities and services in villages nearby or be able to get access to train services from Hooton. Local roads are suitable for cycling, but I do not, overall consider that the site is well-connected to public transport and I consider that occupants' would be reliant upon the use of private vehicles to reach facilities and services for their day-to-day needs.
18. While the proposal is likely to increase patronage of local facilities and services, supporting their vitality and viability, there is no tangible evidence to show how great this effect may be to suggest whether it would offset the effect of extra car journeys. Despite the proposed layout facilitating the provision of private driveways and off-street parking in accordance with saved Policies TRANS 5 and TRANS 6 of the Ellesmere Port and Neston Borough Local Plan, the proposal would not address the connections between people and places as explained by paragraph 61 of the Framework.
19. For these reasons, I conclude on this issue that the proposal would not result in a sustainable pattern of development, having regard to the site's countryside location and accessibility to facilities and services. The proposal would conflict with Local Plan Policies STRAT 1 and STRAT 2; which jointly seek to locate new housing, with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connections to public transport.

Other considerations

20. Turning to the economic dimension, the proposal would contribute through jobs directly and indirectly associated with the dwellings construction. This attracts limited positive weight. Future occupants' would also be likely to spend in the local economy on household goods and services. I attach this matter a limited positive weight. While it is suggested that the scheme would generate Council tax and business rates for the Council, no evidence is before me that proves a direct beneficial link between monies from these and Burton. As a result, these matters do not attract any weight as benefits in the planning balance.
21. In environmental terms, I give limited positive weight to the proposal's energy efficient design, landscape enhancements and to the proposal's effect on the living conditions of neighbouring residents'. However, this is countered by the access to local facilities and services. I attach this moderate negative weight. This overlaps into the social role. I am also not certain of the reference to Local Plan Policy STRAT 8, given that Burton is not being taken forward as a local service centre and the proposal has not been submitted as an affordable housing development, or to meet a specific local need for housing, despite the view expressed by a resident. Matters relating to drainage, flooding and ecology all attract a neutral weight.
22. The appellant has cited paragraphs 47, 49 and 187 of the Framework in terms

of their support for boosting the supply of housing and working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In terms of the supply of housing, I attach a limited weight to the provision of two extra houses given the scale of the contribution, even if there is a need for more families and population growth in the village. Also, in support of the appeal scheme, the appellant has referred to paragraph 14 of the Framework which explains the presumption in favour of sustainable development and sets out that *for decision-taking this means approving proposals that accord with the development plan without delay*. Nonetheless, I have set out the scheme's conflict with Local Plan Policies STRAT 1, STRAT 2 and STRAT 9 which means that the proposal would not accord with the social and environmental roles.

Conclusion

23. The appeal scheme would be inappropriate development in the Green Belt and result in a loss of openness and not safeguard the countryside from encroachment. By definition these are harmful and I attach them substantial weight as required by paragraph 88 of the Framework. As such there is a clear conflict with the environmental role of sustainable development. I have also concluded that the proposal would lead to an unsustainable pattern of development. I afford this matter significant weight, as conflict would arise with the social and environmental roles of sustainable development.
24. I have considered matters put before me in favour of the scheme by the appellant, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal does not represent sustainable development, even though the scheme would fulfil the economic role.
25. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR