
Appeal Decision

Site visit made on 22 August 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 30 August 2017

Appeal Ref: APP/A0665/W/17/3175271

Land East of Springfield House, Back Lane (Loop Road), Threapwood, Malpas SY14 7AT

- 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 Linsey Stansfield against the decision of Cheshire West & Chester Council.
 - The application Ref 17/00341/OUT, dated 24 January 2017, was refused by notice dated 23 March 2017.
 - The development proposed is the erection of one dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council did not refer to saved Policy H0 4 of the adopted Chester District Local Plan 2006 (CDLP) in its reasons for refusal. However, at my request, and given the references made to it by the appellant, the Council has provided me with a copy. I have taken this policy into account as part of the determination of this appeal.
3. The application is submitted in outline with all detailed matters reserved. An indicative site layout plan accompanies the outline application and I have taken this into account only in so far as considering whether, in principle, some form of dwelling (with garage) could be erected on the site.

Main Issues

4. The main issues are (i) the effect of the proposal upon protected species and bio-diversity and (ii) whether or not the proposal would deliver a sustainable form of development.

Reasons

Site and proposal

5. The application site comprises an open field located between residential properties known as Springfield House and Saddlers View. It is located on Back Lane in Threapwood in an area designated as countryside. There is a residential property to the south and open land to the north.
 6. It is proposed to erect a dwelling with a garage.
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Bio-diversity and protected species

7. At planning application stage the appellant did not submit an ecology report. Consequently, it was not possible for the Council to determine the likely effect of the proposal upon possible protected species and matters of bio-diversity taking into account Policy ENV 4 of the adopted Cheshire West and Chester Council Local Plan (Part 1) Strategic Policies 2015 (LP). However, the appellant has included an Extended Phase 1 Habitat Report (prepared by Leigh Ecology Ltd) as part of the appeal. I have considered this document and note that as well as the provision of desk top information, a site survey was also undertaken on 12 April 2017.
8. On the evidence that is before me, I do not consider that the proposal would have a significantly adverse impact upon any protected species or bio-diversity matters. In view of the completion of the Extended Phase 1 Habitat Report the Council also share this view subject to the imposition of planning conditions.
9. Subject to planning conditions, I conclude that the proposal would accord with the ecological and bio-diversity aims of Policy ENV 4 of the LP and paragraph 118 of the National Planning Policy Framework (the Framework).

Sustainability

10. Policy STRAT 2 of the LP indicates that most new development will be located within or on the edge of the City of Chester and towns of Ellesmere Port, Northwich and Winsford and that to maintain the vitality and viability of rural areas development will be focused in *the "key service centres of Cuddington and Sandiway, Farndon, Frodsham, Helsby, Kelsall, Malpas, Neston and Parkgate, Tarporley, Tattenhall and Tarvin, which represent the most sustainable rural locations"*. The appeal site falls within Threapwood and hence does not fall within any of the above settlements.
11. Notwithstanding the above, Policy STRAT 2 goes on to say that *"an appropriate level of development will also be brought forward in smaller rural settlements which have adequate services and facilities and access to public transport. These local service centres will be identified through the Local Plan (Part Two) Land Allocations and Detailed Policies Plan and/or neighbourhood plans"*. This is also referenced in Policy STRAT 8 of the LP and the reasoned justification to this policy (paragraph 5.67) states that *"it is not the intention of the policy to allow development in unsustainable locations therefore for a settlement to be identified as a local service centre there will need to be an adequate level of existing services and some access to public transport"*.
12. The Council has commenced work on the Cheshire West and Cheshire (Part Two) Land Allocations and Detailed Policies Plan (LP2) including consultation on the preferred options. The Council have considered the settlement of Threapwood and they have given it a score of one out of four in respect of its services and facilities and state that it does not have acceptable access to public transport. As the LP2 is at a very early stage, the policies within it should be afforded only very limited weight. Nonetheless, I do not disagree with the preliminary views of the Council about the limited services and facilities in Threapwood and I have not been provided with any contrary information to suggest that the appeal site is close to public transport provision.

13. As there appears to be no convenient access to public transport, it would be reasonable to conclude that the site would unlikely be designated a local service centre in the emerging LP2. This is because the reasoned justification to Policy STRAT 8 refers to such centres as having "*some*" access to public transport. However, I accept that it is not possible to reach a final conclusion on whether or not Threapwood would be defined as a local service centre as the LP2 is not yet adopted. However, the evidence before me suggests that the appeal site is not served by a reasonable amount of day to day services and facilities and that there is not suitable access to public transport. To this extent, I do find conflict with the sustainability aims of Policies STRAT 2 and STRAT 8 of the LP.
14. Furthermore, and, in any event, paragraph 34 of the National Planning Policy Framework (the Framework) states that "*plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised*". Given the lack of facilities and services and access to public transport in Threapwood, I consider that the occupiers of the proposed dwelling would be heavily reliant upon the private motor vehicle for most journeys. Such a reliance on the private motor vehicle would be compounded by the fact that there is an absence of pavements and lighting on the predominantly narrow country roads which separate the rural settlements.
15. In respect of day to day facilities and services, it would be necessary for journeys to be made to settlements such as Malpas and beyond which are much further afield. Consequently, I consider that the proposal would conflict with the sustainable transport aims of the Framework as well as Policy STRAT 1 of the LP which states that 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*".
16. I have considered the proposal against saved Policy HO 4 of the adopted CDLP. This policy allows infill development of one or two dwellings in the rural areas within the built up envelope of towns and villages within an "*otherwise built up frontage*" subject to meeting defined criteria. The reasoned justification to the policy explains that the policy is to "*avoid inappropriate development and in particular to ensure that the cumulative effects of such development do not adversely affect the character or amenity of established residential areas*".
17. The appeal site is sandwiched between two existing dwellings on Back Lane and forms part of a built frontage. On the evidence that is before me, I do consider that the site falls within the village of Threapwood. There are highway signs referring to Threapwood and as part of my site visit I was able to see a collection of dwellings, a service station and a shop.
18. I am satisfied that it would be possible to erect a dwelling (with garage) on the site without it causing significant harm to the character and appearance of the countryside. This is an outline application, but I have no reason to doubt that it would be possible to erect a dwelling (with garage) on the site which would accord with all of the requirements of Policy HO4. Furthermore, in visual/physical terms, I conclude that the dwelling would not be "isolated" and to this extent the proposal would accord with paragraph 55 of the Framework.
19. Paragraph 7 of the Framework states that there are three dimensions to sustainable development: economic, social and environmental roles. I have

concluded that in environmental terms it would be possible to erect a dwelling on the site without material harm being caused to the character and appearance of the countryside. However, the appeal site would be remote from a reasonable number of day to day services and facilities and public transport. There would be heavy reliance on the private motor vehicle for most journeys and there would be conflict with the sustainability aims of the LP and the Framework. In terms of access to facilities and services and public transport, the dwelling would constitute an "*isolated dwelling in the countryside*" with reference to paragraph 55 of the Framework. Consequently, I do not consider that the proposal would completely fulfil the environmental role of sustainability.

20. I acknowledge that the proposal would boost the supply of housing in the area, although the contribution from one dwelling would be limited. There would be some employment created at construction stage, although this would be short lived. The occupiers of the dwelling would no doubt spend some money in the rural area, thereby helping to support rural communities. However, this would not be significant from the occupiers of one dwelling. Consequently, I afford these social and economic factors limited weight in the overall planning balance.
21. In conclusion, the proposal would accord with the infill development requirements of saved Policy HO 4 of the CDLP. Furthermore, the proposal would not cause significant harm to protected species or matters of biodiversity and therefore would accord with Policy ENV 4 of the LP. However, this latter matter has neutral weight in the overall planning balance.
22. Despite the above, and for aforementioned reasons, the proposal would not fully accord with the settlement hierarchy, transport and environmental sustainability aims of Policies STRAT 1, STRAT 2 and STRAT 8 of the LP and the Framework. These are matters of overriding concern and significantly and demonstrably outweigh the identified benefits of the proposal. Furthermore, and whilst afforded only limited weight, the proposal would not accord with the overall sustainability aims of the emerging LP2. On balance, I therefore conclude that the proposal would not deliver a sustainable form of development.

Other Matters

23. The appellant has referred me to a number of other appeal decisions in the rural area. However, these appeal decisions are not directly comparable to the appeal proposal as they relate to land in Green Belt and different locations. Hence, decisions were made against a different set of planning policies. Furthermore, some of the sites were considered to be accessible to public transport services and I found that the appeal site would not be. In any event, I am not bound by previous decisions and have determined this appeal on its individual planning merits taking into account both adopted and emerging planning policies as well as policy in the Framework.
24. I have considered the representation made by the occupier of Pear Tree Cottage and the comments made have largely been addressed in the reasoning above. Reference to the formation of accesses without the benefit of planning permission would be for the Council to separately consider utilising its enforcement investigatory powers.

25. None of the other matters raised outweigh my overall conclusion on the main issues.

Conclusion

26. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR