The Planning Inspectorate

Appeal Decision

Site visit made on 28 May 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/A0665/W/19/3224003
Hill House Farm, The Hall Lane, Rushton, Tarporley CW6 9AU

- 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 Catherine Rayner against the decision of Cheshire West & Chester Council.
- The application Ref 18/02238/FUL, dated 7 June 2018, was refused by notice dated 13 December 2018.
- The development proposed is described as: 'Two additional log cabins for holiday accommodation to supplement the existing log cabin'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the decision was issued by the Council, the Government has published its Housing Delivery Test (HDT) results alongside the publication of an updated revised National Planning Policy Framework (the Framework) in February 2019. This makes minor revisions including an additional footnote to Paragraph 11. I have had regard to the 2019 Framework when reaching my decision.

3. The parties have referred to policies contained within the Councils emerging Local Plan (Part 2) (LP2). This plan has now been found sound by an Inspector, but has not yet been adopted by the Council. Given the stage of preparation, the fact that there are no longer any unresolved objections and the degree of consistency of with the Framework, I attach significant weight to the emerging policies. Notwithstanding this, the starting point for determining this appeal remains the Cheshire West and Chester Council Local Plan (Part 1) 2015 (LP1) and saved policies contained within the Vale Royal Borough Council Local Plan 2006 (LP). The relevant LP1 and LP policies are broadly consistent with the Framework.

4. For clarity, I have taken the name of the appellant from the appeal form.

Main Issues

5. The main issues in this appeal are:

   - whether the proposal would provide a suitable location for visitor accommodation, having particular regard to the provisions of the development plan and the accessibility of services and facilities; and,

   - the effect of the development on the character and appearance of the appeal site and surrounding area.

Reasons

Suitable location for visitor accommodation

6. The appeal site forms part of an open grassed paddock located off The Hall Lane, which is currently sub-divided with post and tape fencing. The wider field, incorporating the appeal site has a substantial amount of mature hedging forming its boundary treatment, apart from the western boundary where a post and rail fence is also present, incorporating a gate to an area of hardstanding in front of the existing cabin, which in turn provides access to the road.

7. LP1 Policies STRAT 1 and STRAT2 seek to focus development in the most sustainable locations, in order to minimise the loss of greenfield sites, protect the natural environment, and reduce the need to travel. LP1 Policy STRAT 9 seeks to restrict development within the countryside to that which requires a countryside location and cannot be accommodated within identified settlements. LP1 Policy ECON3 promotes the creation of new tourism opportunities where they would be of a suitable scale and type for the location, and preferably located within urban areas, key service centres or local service centres.

8. LP Policy RT9 advises that within the open countryside, proposals for chalet type development will be allowed, subject to certain criteria, including but not limited to having good accessibility via major roads and public transport, amongst other things. LP2 Policy DM7 seeks for proposals for the diversification of agricultural and other land based rural businesses will be supported where they meet the requirements of LP1 Policy STRAT9 and subject to additional criteria, including development proposals must be ancillary and related to the primary rural business and the development must be necessary to support the continued viability of the land based business, amongst other things.

9. Paragraph 83 of the Framework promotes a prosperous rural economy through enabling sustainable rural tourism and leisure developments which respect the character of the countryside, and paragraph 84 of the Framework recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, provided the development is sensitive to its surroundings.

10. The Council contends that the proposal does not require a countryside location. However, the rural location of the site would likely be a fundamental part of its attraction to tourists, providing an escape from urban environments. Log cabins are also not typically associated with urban locations. Reference has been made towards an appeal decision[1], for 5no. holiday lodges at Tushingham cum Grindley. However, I do not know what evidence was before the Inspector at the time of this previous decision. In any event all applications and appeals are judged on their own individual merits. Accordingly, that is how I have assessed this appeal scheme.

11. An existing example of similar style tourist accommodation is located adjacent to the appeal site, although it is contended that this was approved prior to the introduction of the 2012 Framework. Although the site is within the open countryside, the proposed accommodation would be near to an existing

[1] APP/A0665/W/15/3134346

dwelling, agricultural / equestrian buildings and the existing log cabin. Given this, and its proximity to Eaton and Tarporley, the site is not remote in a rural context. Additionally, I note the proximity of the appeal site to the Oulton Park Circuit and the support for the scheme from various local residents, business owners and other organisations such as, but not limited to: Marketing Cheshire and Chester Attractions.

12. The roads from Eaton to the site are relatively narrow in places, and although they have no footpath, they generally have wide verges either side, with good forward visibility. Notwithstanding these pedestrian conditions, it is reasonable to suppose that tourists on a rural holiday may be more prepared to contemplate walking or, indeed, cycling the relatively short distance to visit the coffee shop in Eaton or access the range of services available in Tarporley. With due care and the use of appropriate equipment, such journeys would not be inherently unsafe, but typical of many rural roads, and would reduce reliance on the private car.

13. The Framework states that in considering proposals, it should be ensured that appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location, but it also recognises that these opportunities will vary between urban and rural areas, and this should be taken into account in decision-making. It is not feasible to expect that tourists in rural areas would not require use of a car at all, even if staying within defined settlements, and longer journeys by car to rural tourist attractions would be inevitable. The scale of the proposed development would be modest, and journeys to and from the site for day-to-day needs are likely to be relatively short and infrequent. Therefore, in this context, I find that the site would be accessible to neighbouring settlements.

14. For the reasons above, I conclude that the proposal would represent a suitable location for visitor accommodation as it would accord with the Council's strategy for development and the sustainability aims of LP1 Policies STRAT1, STRAT2, STRAT9 and ECON3; LP2 Policy DM7, LP Policy RT9 and the Framework.

15. LP1 Policy ENV2 has been cited by the Council on its decision notice for the first refusal reason. However, this policy relates to landscape character and therefore I find it more applicable to the next issue.

Character and appearance

16. The site is located adjacent to the existing cabin in part of the existing paddock. The proposed development would be on the opposite side of the road to the main complex of farm / equestrian buildings including the farmhouse. In this location the proposed development would extend further to the east than the existing cluster of buildings. Due to the hedgerow and mature trees that are located on the boundary of the paddock, the site benefits from some screening, when viewing the site from the road. However, the character of the site is very much of open countryside.

17. Whilst the appeal site is located adjacent to an existing log cabin and faces the farmhouse across the road, it has large agricultural fields beyond the northern and eastern boundaries, and across the road. Whilst the appellant considers that the existing vegetation forming the boundaries of the paddock provides sufficient mitigation, and that the proposed buildings could not be seen from

any habitable property or public right of way, I still find that the site would still be visible from the road, particularly when travelling from the east due to the rising topography of the paddock. It has been advanced that the development would represent a form of infilling with Hill House Farm and the log cabin. However, I find that it would represent an extension of the existing built environment.

18. Although the design of the proposed cabins would be similar to the existing cabin and access to the them would be from a footpath, taken from the existing parking area, the effect of erecting 2 cabins on this site, and the associated domestic paraphernalia, that would be associated with a development of this type would nevertheless have an adverse effect on the existing rural character of the site. The site's existing connection to surrounding countryside means it has value in terms of its contribution to the overall landscape and scenic beauty of the area. This would be significantly eroded as a result of any form of development of the type proposed.

19. For all of these reasons, I conclude that the proposed development would have a significantly detrimental impact on the character and appearance of the appeal site and surrounding area and hence that it would conflict with the character and appearance aims of LP1 Policies STRAT9, ENV2, ENV6, ECON3; LP2 Policies DM3, DM7; LP Policy RT9 and the Framework.

Other Matters

20. I acknowledge that the proposed development would allow the appellant to expand their existing holiday accommodation business, especially in light of the apparent preference for self-catering accommodation. This would in turn enhance the tourist accommodation available locally. Additionally, I note that the development would bring some social and economic benefits to the area through the potential to support and maintain the vibrancy of nearby shops and services, and during the construction phase of the development. However, I find that these factors in favour of the development do not outweigh the harm that would be caused. I have considered this appeal proposal on its own planning merits and concluded that the scheme is not acceptable for the reasons set out above.

21. I have had regard to no adverse comments being received from the other statutory consultees, regarding highways or protected species. However, a lack of harm associated with highways or protected species are neutral factors that weigh neither for nor against the development.

Conclusion

22. For the reasons given above, the appeal should be dismissed.

W Johnson

INSPECTOR