



Appeal Decision

Site visit made on 23 July 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/R0660/W/19/3220514

West View, Church Road, Aston Juxta Mondrum CW5 6DR

- 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 G Wheatley against the decision of Cheshire East Council.
 - The application Ref 18/1596N, dated 28 March 2018, was refused by notice dated 30 July 2018.
 - The development proposed is a car park for St Oswald's CE School and St Oswald's Church and one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all other matters reserved for future consideration. I have dealt with the appeal on this basis, treating the site layout plan as indicative.

Main Issues

3. The main issues are whether the appeal site is a suitable location for the proposed development, with particular reference to development plan policies concerns with housing in rural areas; and the effect of the development on the character and appearance of the area with particular regard trees and hedgerow.

Reasons

Local Plan

4. The appeal site is located within an area identified as open countryside, falling outside any defined settlement boundary in the relevant proposals map of the local plan for the area. Policies PG 6 and SD 2 of the Cheshire East Local Plan Strategy 2017 (CELPS) and saved policy RES.5 of the Crewe and Nantwich Replacement Local Plan (CNRLP) direct new development to areas within defined settlement boundaries, so as to ensure the gaps between settlements are protected from inappropriate development retaining their separation, and that the character of the countryside is protected. They also set the criteria for achieving sustainable development which includes, amongst other matters, contributing positively to the character and identity of an area, respecting, and where possibly enhancing landscape character, as well as minimising trip generation.

5. Aston Juxta Mondrum is a small rural settlement comprising of dispersed housing along Church Road in the south-western part of the village, and a cluster of housing to the north-eastern part off Station Road. Policy PG 6 of the CELPS allows for limited infilling in villages consisting of one or two dwellings in an otherwise built up frontage. However, the appeal site is located in the dispersed south-western part of the village, either side and to the rear of the proposed dwelling would be open fields. Therefore, it does not form part of a built up street frontage. Taking this into account the proposed new dwelling would not fill a gap between existing properties and would not constitute limited infill development.
6. The services in the village are limited to a primary school and a church, the nearest day to day services and facilities would be found in Worleston or Nantwich. No details have been provided of bus services, furthermore the roads between Aston Juxta Mondrum and Worleston are narrow, have no footways, no street lighting, and limited places for vehicles to pass safely. Taking this into account future occupants would be deterred from walking or cycling and would therefore be reliant upon private motorised transport. This would not assist in mitigating the effects of climate change and encouraging the health benefits of walking and cycling.
7. Consequently, I conclude that the proposed development would be contrary to policies PG 6 and SD 2 of the CELPS and saved policy RES.5 of the CNRLP which collectively seek to restrict new dwellings in the open countryside to limited infilling, and those which meet an essential need. These Policies are considered to be consistent with the National Planning Policy Framework (the Framework) in respect of rural housing. Accordingly, the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for the location of housing in the development plan and the consistency and relative certainty that should ordinarily flow from a genuinely plan led approach to the location of new development.

Character and Appearance

8. A mature hedgerow and a row of trees spaced regularly run parallel to Church Road, forming the boundary with the fields to the south east. These mature landscape features contribute significantly to the prevailing verdant character and appearance of this rural country road.
9. The submitted indicative plans show that the proposed development would require the removal of a significant amount of this hedgerow and numerous trees to facilitate safe vehicular access and the associated visibility splays. In particular this would substantially open up of the south eastern side of Church Road opposite St Oswald's Church to facilitate the car park. Furthermore, the considerable amount of hard surfacing that would be required would significantly erode the verdant nature of the area, having a harmful impact on the character and appearance of the village.
10. Thus, I conclude that the development would cause significant harm to the character and appearance of the area contrary to policies SD 2 and SE 5 of the CELPS which collectively seek to prevent the loss of hedgerow and trees that provide a significant contribution to the landscape character of an area.

Other Matters

11. With regards to isolated dwellings, the Braintree Judgement¹ defines isolation as to whether a dwelling is physically separate or remote from a settlement, and not its access to local services and facilities. However, it does not state that dwellings that are not isolated should be approved contrary to the local plan policies which relate to the location of development. Above I have identified the harm caused and that the proposal does not accord with development plan policies. Whilst the Framework is a material consideration, in this case it does not justify a decision being made other than in accordance with the development plan.
12. I have considered the support received from local residents in respect of the need for car parking during school drop off and pick up times, and the willingness of the appellant to accept a planning condition to transfer the ownership of the car park to the Parish Council. From the evidence before me there would be moderate benefits of the car park in terms of managing the traffic, reducing congestion and the associated safety concerns of residents. However, this could not be controlled by a planning condition, and no legal agreement has been submitted with the appeal. However, these moderate benefits would not outweigh the policy issues, or the significant harm to the character and appearance of the area that would occur. Therefore, this is not a material consideration that indicates the proposal should be determined other than in accordance with the development plan.

Conclusion

13. The proposed development would be contrary to the development plan and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

R Cooper

INSPECTOR

¹ Braintree District Council v SSCLG & Ors [2017] EWHC 2743 (Admin) (15 November 2017)