



Appeal Decision

Site visit made on 22 May 2019

by Julie Dale Clark BA (Hons) Dp TRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/A0665/W/19/3222600

Minstead, Whitehall Lane, Little Budworth, Tarporley CW6 9EP

- 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 Karl and Emma Garner against the decision of Cheshire West and Chester Council.
 - The application Ref 18/03327/FUL, dated 21 August 2018, was refused by notice dated 25 January 2019.
 - The development proposed is Erection of 1 x Timber Holiday Lodge.
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Procedural Matter

1. The Council's reasons for refusal include the Cheshire West and Chester Local Plan (Part One)¹, the emerging Cheshire West and Chester Local Plan (Part 2)² and the Vale Royal Borough Local Plan³. The Cheshire West and Chester Local Plan (Part Two) is now adopted and the Vale Royal Borough Local Plan is deleted. I have therefore based my decision on Part 1 and Part 2 of the Cheshire West and Chester Local Plans together with the National Planning Policy Framework⁴.

Decision

2. The appeal is dismissed.

Main Issues

3. I consider that the main issues are the effect of the development on (1) sustainability; and (2) the effect on the character and appearance of the area.

Reasons

Sustainability

4. The appeal site lies to the south of Minstead and its gardens and comprises a small selection of timber buildings adjacent to Whitehall Lane. The proposed holiday lodge would be located approximately where the existing timber buildings are adjacent to Whitehall Lane. The site is screened from the lane by mature vegetation.

¹ Cheshire West & Chester Council Local Plan (Part One) Strategic Policies, Adopted 29 January 2015.

² Cheshire West & Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies, Adopted 18 July 2019.

³ Adopted Vale Royal Local Plan First Review Alteration, Adopted June 16th 2006.

⁴ Ministry for Housing, Communities & Local Government National Planning Policy Framework, July 2018.

5. Cheshire West & Chester Local Plan Policy STRAT 1 sets out the Council's commitment to sustainable development. Policy STRAT 9 establishes that the intrinsic quality and beauty of the Cheshire countryside will be protected. This restricts development to identified settlements unless the development requires a countryside location. Examples of the latter include agriculture or forestry buildings; replacement buildings; and rural/farm diversification schemes appropriate to the site, location and setting of the area. STRAT 8 identifies the settlements where development in the rural area will be focussed. The appeal site is not within an identified settlement.
6. Whilst the proposal would not fall under one of the examples listed above. I appreciate that the appellants' proposal is for a timber holiday lodge in a rural location and I have considered the tourist locations in the area identified by the appellants. However, the site is clearly outside a settlement and I am not convinced that the proposed timber holiday lodge requires this location, especially given that rural settlements have been identified by the Council. I consider therefore that the proposal would conflict with Cheshire West & Chester Local Plan policies STRAT 1, STRAT 8 and STRAT 9.

Character and Appearance

7. The existing buildings appear as low key outbuildings at the southern end of Minstead. They are positioned in a linear layout adjacent to the road. The proposed tourist lodge would have an exaggerated linear form and although low key in terms of its height, it would be a substantial building within this rural location. I have taken into account the existing vegetation along the boundary adjacent to the lane.
8. Cheshire West & Chester Local Plan (Part One) Policy ENV 6 promotes high quality design and respect for local character. Policy DM 3 of the Cheshire West & Chester Local Plan (Part Two) carries forward this objective. Policy ECON 3 of Part 1 of the Local Plan sets out criteria against which development proposals would be assessed against its objective of encouraging tourism whilst protecting the countryside.
9. The proposed development would not represent the high quality design promoted by the policies above. Whilst it proposes tourist accommodation I do not consider that it would support the protection of the countryside. It would therefore conflict with Cheshire West & Chester Local Plan (Part One) policies ENV 6 and ECON 3 and Part Two Policy DM 3.

Other Matters and Conclusion

10. I have considered the proposal in the light of Equality and Disability and note that the Lodge would be designed to be disabled accessible. I have also considered the National Planning Policy Framework. I have taken into account all other matters raised but none alter my conclusion.
11. I conclude that the proposed development would not be sustainable and it would have a harmful effect on the character and appearance of the area. It would conflict with the policies referred to above and therefore the appeal fails.

J D Clark
INSPECTOR