



Appeal Decision

Site visit made on 22 May 2019

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/A0665/W/19/3222100

Sherwood, Mickle Trafford, Chester CH2 4EA

- 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 Colin Tunstall against the decision of Cheshire West & Chester Council.
 - The application Ref 18/02288/FUL, dated 12 June 2018, was refused by notice dated 14 August 2018.
 - The development proposed is Erection of Replacement Dwelling.
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Procedural Matter

1. The Council's reasons for refusal include the Cheshire West & Chester Local Plan (Part One)¹ and the Chester District Local Plan². The Chester District Local Plan is now deleted. I have therefore based my decision on the policies set out in the Cheshire West & Chester Local Plan (Part One) together with the National Planning Policy Framework³.

Decision

2. The appeal is dismissed.

Main Issues

3. I consider that the main issues are:-
 - whether the proposal constitutes inappropriate development in the Green Belt and its effect on openness;
 - the effect of the replacement dwelling on the character and appearance of the area; and
 - whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

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

² Chester District Local Plan, Written Statement, Adopted May 2006.

³ Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018 (the Framework).

Reasons

Green Belt

4. Local Plan Policy STRAT 9 of the Cheshire West & Chester Local Plan aims to protect the Green Belt and countryside by restricting development. Sherwood is in a settlement within the Green Belt. No specific policies for such settlements have been referred to and therefore development proposals fall to be considered against general Green Belt policy. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt. The replacement of a building is not considered inappropriate provided that the new building is in the same use and not materially larger than the one it replaces. Reason 1 of the Council's refusal refers to the Chester Local Plan which indicates a threshold of a 30% increase to the original dwelling in explaining the Council's position on 'materially larger'. However, this policy is no longer applicable.
5. Regardless of the lack of a threshold, the existing dwelling is single storey with one bedroom and a bathroom located in the roofspace. The proposed replacement dwelling would add a complete upper floor with three en-suite bedrooms as well as increasing the footprint. Visually this would appear materially larger than the existing bungalow. Also a basement would be added comprising three further rooms and a utility room which would contribute to the overall increase in the size of the property.
6. The Framework explains the importance of the openness of the Green Belt and whilst the appeal site is within an area comprising other dwellings, my assessment must also include the effect of the proposal on openness. Given the overall size and form of the proposed dwelling, I consider that the openness of the Green Belt would be adversely affected. On this issue therefore, I conclude that the proposal constitutes inappropriate development in the Green Belt and has a harmful effect on openness contrary to the Framework and the objectives of Policy STRAT 9.

Character & Appearance

7. The existing bungalow is fairly traditional in design and although there is a mix of house designs in the area, its scale reflects the character of the street scene. The proposed house would be of a completely different style and whilst in itself a different style and design of dwelling could enhance the character and appearance of the street scene, this proposal does not. It would stand out as prominent and out of keeping with the area; this would conflict with the objectives of Local Plan Policy ENV 6 which promotes high quality design and respect for local character. I conclude on this issue therefore that the replacement dwelling would have a harmful effect on the character and appearance of the area contrary to Policy ENV 6. This adds weight against the proposal.

Other Considerations

8. The appellant explains that Mickle Trafford is a large village, suburban in character which should have been excluded from the Green Belt. Whilst I acknowledge this view, the appeal site is within the Green Belt and therefore falls to be considered against Green Belt policies.

9. I note the appellant's reference to the approved dwelling at Hill View Farm and I can understand his view and accept that the Council's decision on that site should be afforded some weight although I consider that weight to be limited. I also appreciate that there are a mix of house types and styles in the area but this does not persuade me that the design, scale or appearance of the proposed replacement house would reflect the character or appearance of the area. This therefore carries limited weight.

Conclusion

10. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances.
11. The harm caused by inappropriateness carries substantial weight and the harm that I have identified to the character and appearance of the area adds to this. I have afforded the other considerations referred to only limited weight. I have taken all matters raised into consideration but conclude that very special circumstances do not exist to clearly outweigh the harm caused by inappropriate development in the Green Belt.
12. I conclude that the proposal would conflict with the Framework and the Local Plan policies referred to. The appeal therefore fails.

J D Clark

INSPECTOR