



Appeal Decision

Site visit made on 16 July 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/A0665/W/19/3228041

Yeld Lane Farm, Yeld Lane, Delamere, Northwich CW6 0TB

- 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 Bow Property Development Ltd against the decision of Cheshire West & Chester Council.
 - The application Ref:18/03213/FUL, dated 14 August 2018, was refused by notice dated 4 April 2019.
 - The development proposed is demolition of existing garage/storeroom and replace with 4 bed dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for a partial award of costs was made by Bow Property Development Ltd against Cheshire West and Chester Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether the appeal site is in a suitable location for housing having regard to local and national policies and the character and appearance of the area.

Reasons

4. The appeal site comprises an area of land to the rear of Yeld Lane Farm, it is bounded by existing residential development to the west, Chester Road to the south and the A54 to the north-east.
5. The proposal is to demolish an existing garage that is situated to the rear of the existing residential properties at Yeld Lane Farm and replace it with a two-storey dwelling on the same site.
6. The appeal site is located outside of the settlement limits of Kelsall as identified within Policy L1 of the Kelsall and Willington Neighbourhood Plan (made March 2017) (NP). Furthermore, Policy STRAT 2 of the Cheshire West and Chester Local Plan (Part One) 2015 (LP) seeks to focus new development in the key service centres in order to maintain the vitality and viability of rural areas.
7. The appeal site is therefore located within the open countryside. Policy STRAT 9 of the LP seeks to protect the intrinsic character and beauty of the Cheshire

countryside by restricting development to that which requires a countryside location.

8. The proposal constitutes a replacement building and whilst there is provision for this within the policy, there is no justification provided that would suggest the dwelling requires a countryside location. Consequently, I find conflict with Policy STRAT 9 of the LP.
9. In regard to Policy STRAT 2 of the LP and Policy L1 of the NP, the appellant's view is that whilst the policy wording says that development will be focused within the key service areas/settlement limits it does not expressly say that development will not be permitted outside. I do not agree that this is the case. Policy STRAT 2 directs development to sites in key service areas, Policy L1 to sites within the settlement limits, outside of these areas is defined as open countryside and therefore governed by the appropriate policy, in this case Policy STRAT 9 as set out above.
10. Having regard to the particular character of the appeal site, it is located to the north of Chester Road and on the side of the road where most of the built form associated with the settlement is located. Nevertheless, the site is separated from the built form by an open field and Yeld Lane to the west and whilst I accept that the site is within a reasonable walking distance of services and facilities, through the intervening field it appears physically separated from the main built up area and in a countryside location and not part of the settlement. Accordingly, new residential development in this location would conflict with STRAT 2 of the LP and Policy L1 of the NP and the Development Plan as a whole and by virtue cause significant harm.
11. The appeal site is located to the north of Chester Road and on the side of the road where most of the built form associated with the settlement is located. However, it is separated from the built form by an open field and Yeld Lane. Whilst I accept that the site is within a reasonable walking distance of services and facilities, through the intervening field it appears physically separated from the main built up area and in very much in a countryside location and not part of the settlement.
12. Even though the proposed dwelling would sit back from the highway, within a cluster of buildings that are relatively well screened from public view it would be substantially larger than the existing garage structure. Whilst it would have a simple linear form reflecting a farmstead building, through its scale it would intensify the built form in the countryside on the edge of the settlement. This would have an urbanising effect harming the rural character and appearance of the area and rural setting of the settlement.
13. Accordingly, the proposed development would not be in a suitable location having regard to local and national policies and the character and appearance of the area. It would therefore conflict with STRAT 2 and STRAT 9 of the LP and Policy L1 of the NP which taken together seek to direct new residential development to within settlements and safeguard the intrinsic beauty and character of the countryside.
14. Insofar as is relevant to the appeal the aims of these policies are consistent with those within the National Planning Policy Framework. Even though the appeal site is not in an isolated location, there is no substantive evidence

before me which leads me to make my decision other than in accordance with the development plan.

Other Matters.

15. The appellant has drawn my attention to other planning approvals which relate to the wider Yeld Lane Farm site including 16/02124/OUT and its corresponding reserved matters application 17/03724/REM. I do not have the full details of these cases before me however, I note that they were determined prior to the making of the NP and therefore is a different policy context and I afford limited weight to these previous cases.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, the proposal would not accord with the development plan and the appeal should therefore be dismissed.

J. Hunter

INSPECTOR