
Appeal Decision

Site visit made on 25 June 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/A0665/W/19/3225656

Dunham Hall, Village Road, Dunham On The Hill, Chester WA6 0LU

- 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 Mr Robert Johnson against the decision of Cheshire West & Chester Council.
 - The application Ref 18/02497/FUL, dated 12 June 2018, was refused by notice dated 11 January 2019.
 - The development proposed is development of no. 2 live/work units.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In July 2019, after the Council determined the application, the Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (CWCLP2) was formally adopted. Consequently, saved policies HO4 and HO6 of the Chester District Local Plan Adopted May 2006 cited in the Council's decision notice have been superseded. They are not therefore relevant to my consideration of the appeal, which must be determined in accordance with the current development plan.
3. The CWCLP2 was at advanced stage of preparation when the appeal was made. Both parties were aware of, and had the opportunity to comment on, the policies contained within it and which have now been adopted. I am therefore satisfied that neither party has been prejudiced by my determination of the appeal on this basis.

Main Issues

4. The main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) The effect of the proposal on the character and appearance of the countryside;

- iv) Whether or not the proposal is in a suitable location for new development, having regard to national and local policies for housing and commercial development; and
- v) If the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

5. The appeal site is a field of grassland with boundary hedgerows and scattered hedgerow trees. It lies within the Green Belt in an elevated position on a rock exposure above Village Road. There is no direct access into the site from the road, the field gate being to the rear of the field and opening onto the field behind. It is accessed from the road via a track which separates the site from Dunham Hall Farmhouse and which serves the rear of the Hall and Dunham Mews. Dunham-on-the-Hill (Dunham) is spread over a fairly wide area. It includes clusters of more densely built residential development and more sparsely developed areas, including farmsteads and open agricultural land characteristic of the rural countryside.
6. Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part 1) Strategic Policies Adopted January 2015 (the CWCLP1) sets out that in the Green Belt, development will be restricted in line with the Framework. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of specific exceptions, the only one of which is relevant to this case is 145 e) limited infilling in villages.
7. There is no definition of a village in the Framework or the Local Plan. Dunham is not identified as a key or local service centre in the CWCLP1 or the CWCLP2. It has limited facilities and it is not a recognised settlement. It is in the countryside for the purposes of the development plan. Nevertheless, I accept that Dunham does appear to function as a village.
8. Notwithstanding recent development elsewhere in Dunham including to the rear of Dunham Hall Farm, the open land along Village Road which includes the appeal site retains a sparsely developed and rural character and appearance. The appeal site does not relate well to the built environment of Dunham, having greater affinity with the wider countryside beyond and of which it forms part. The rural countryside character of the immediate area is also reinforced by the adjacent Dunham Hall Farm. I am therefore of the view that the site is neither visually or functionally part of a village for the purposes of my assessment.
9. My attention has been drawn to a recent appeal decision¹ in Mouldsworth in the Green Belt, where the settlement was neither identified as a local service centre in the emerging CWCLP2 nor a “washed over” village for the purposes of saved Policy HO6. In that case, the Inspector reached a view that Mouldsworth

¹ APP/A0665/W/19/3222690

was a village on the basis of the characteristics of the area, including the built envelope of development and local facilities. While I accept that Dunham may be a village, on the basis of the characteristics of the area the appeal site is not part of the built envelope of Dunham.

10. Infill development is defined in the CWCCLP1 as the filling of a small gap, up to two dwellings, in an otherwise built up frontage in a recognised settlement.
11. In this case, the appeal site is outside of the built-up envelope of Dunham, which is not in any case a recognised settlement. The distance between buildings to either side is significantly greater than, and uncharacteristic of, the domestic residential plot sizes within Dunham. The site is therefore a large gap. The closest property to the south, Pool Cottage, is separated from the site by a generous garden and it is well separated from the built form of Pear Tree Farm beyond. To the north, beyond Dunham Hall, properties are widely spaced, in generous plots and set back from the road to varying distances. The site is not therefore in an otherwise built-up frontage. Moreover, although the proposal is for 2 dwellings, the detached office buildings would be both substantial and domestic in appearance, resulting in the appearance of 4 buildings. The proposal would not therefore be limited infilling.
12. I am aware that appeal decisions² and permissions³ elsewhere have also addressed the issue of infilling within villages. The assessment of whether or not a scheme can be considered to be limited infilling will be dependent on the circumstances of a particular site. Schemes which have been granted by the Council or allowed on appeal, some of which were considered in an earlier policy context, are therefore not directly comparable with the scheme before me, which I have assessed on its own merits.
13. I therefore conclude that the proposal would be inappropriate development in the Green Belt, as it would not meet any of the exceptions for the construction of new buildings set out in the Framework. It would also conflict with the purposes of the Green Belt, in respect of safeguarding the countryside from encroachment. It would conflict with Policy STRAT9 of the CWCCLP1 and policies in the Framework for the protection of the Green Belt.

The openness of the Green Belt

14. Paragraph 133 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and includes both spatial and visual aspects.
15. The appeal site is a field with boundaries formed by fences and hedgerows with scattered trees. The proposal would introduce 4 detached buildings, vehicular access, parking and turning areas, pathways and associated domestic paraphernalia. The significant footprint of permanent development would erode the open character of the site and there would be a spatial effect on openness.
16. The vegetated site boundaries would be likely to provide some screening of the appeal scheme, particularly when trees and shrubs are in leaf. However, the proposal would be visible including from locations along Village Road, surrounding properties and the wider countryside. There would be a significant

² Including APP/A0665/W/19/3222690, APP/A0665/W/18/3198387, APP/A0665/W/14/3000557, APP/A0665/W/15/3016547, APP/A0665/A/14/2225108

³ Ref 15/01223/FUL

visual impact as a result of the substantial bulk of built development proposed. Consequently, there would be a harmful loss of openness of the Green Belt. While this would be small in the context of the Green Belt as a whole, there would be a moderate loss of openness in this locality. This would conflict with national and local policy to protect the Green Belt and is a matter to which I attach substantial weight.

The character and appearance of the countryside

17. The appeal site is a field abutting Village Road adjacent to Dunham Hall Farm. There is a change in character along this part of the road as the more densely developed residential built form gives way to more sporadic and widely spaced development with intervening farmed land and farmsteads.
18. While the design of the buildings might be in keeping with properties elsewhere in the area, the proposal would nevertheless extend the envelope of more densely-built residential development. The proposal would encroach into the open countryside and it would have an urbanising effect in this location. Consequently, it would have a detrimental impact on the rural character of this part of Dunham.
19. The proposal would result in harm to the rural character and appearance of the countryside. It would conflict with Policy STRAT9 of the CWCLP1 which requires, among other things, that development should be of any appropriate scale and should not harm the character of the countryside. This is a matter which attracts significant weight in my assessment.

The suitability of the location for new development

20. Policies STRAT2 of the CWCLP1 sets out the Council's locational strategy. This is based on the hierarchy of settlements and seeks to focus development in more accessible locations which are better served by facilities and services. Dunham is not identified as a suitable settlement for new residential development. Moreover, while the site may be close to Chester and motorway junctions, it is not identified as an appropriate location for business growth.
21. Development proposals outside of identified settlements fall to consideration under Policy STRAT9 of the CWCLP1 and other relevant development plan policies, including Policy DM19 of the CWCLP2 and Policy STRAT8 of the CWCLP1. In this respect, the appeal proposal does not demonstrate a specific need for residential or business development in a countryside location and the dwellings would not meet any of the exception criteria for new housing in the countryside. However, the appeal site is in the Green Belt and therefore falls to consideration under the more restrictive Green Belt policies. Consequently, even if the proposal had been able to demonstrate a need for development in a countryside location, it would nevertheless conflict with the policies that protect the Green Belt.
22. As befits its position in the settlement hierarchy, Dunham does not have the range of services and facilities considered necessary to meet the reasonable daily needs of future occupiers. Notwithstanding the presence of a footway along the A56 Chester Road, the distance to the nearest key service centre of Helsby is approximately 2km and therefore beyond what could be considered a short or convenient walk. While Helsby is within easy cycling distance, the

journey would require crossing the busy junction of Chester Road and the A5177 which would be likely to be a deterrent for many casual cyclists.

23. There are bus services between Dunham and larger settlements, offering the opportunity for more sustainable forms of transport from this location. However, the proposed development would not minimise the need to travel and the majority of journeys would be likely to be made by private vehicles.
24. While I accept that home-working can reduce journeys by removing the need to commute to work, the dwellings would be substantial 4 bedroom properties suitable to be occupied by large families. There is little before me to suggest that all, or even a majority, of future occupiers would work from home. The proposal would therefore be likely to result in an increase in residential travel from this location.
25. Each of the commercial buildings is illustrated as easily accommodating 4 workstations and each would have a large separate meeting room. Moreover, they would appear to be B1 commercial units rather than home offices solely for the benefit of future residential occupiers. On this basis, the commercial use of the site could support a large number of employees and visitors. The majority of journeys would be likely to be made by private car. Consequently, there is little evidence that either the residential or the business use of the site would minimise the need to travel.
26. I accept that future occupiers and employees would be likely to make some contribution to supporting local amenities and facilities such as exist in Dunham and also further afield, including in the key and local service centres. Nevertheless, it remains the case that Dunham is not identified as an accessible settlement where new development would be supported.
27. Therefore, the appeal site is not in a suitable location for new residential or commercial development, having regard to relevant local and national planning policy. The location is in conflict with the development plan, including policies STRAT1, STRAT2, STRAT8, STRAT9, STRAT10 of the CWCCLP1 and Policy R1 of the CWCLP2. These require, amongst other things, that residential development is focused towards the larger settlements where it will support the local economy, minimise the need to travel by car and be accessible by a range of transport modes. In the countryside, the policies seek to avoid new housing without exceptional justification. It would also conflict with the rural housing and business aims of the Framework which, among other things, promotes development in accessible locations and that meets local needs.
28. Other appeals have addressed the issue of the suitability of sites outside of identified service centres for residential development⁴. On the basis of the evidence before me, there are differences in terms of the immediate area, the distances involved, the character of intervening land and the opportunities for travel and the nature and scale of the proposals. They do not therefore appear directly comparable to the scheme before me, which in any case must be considered on its own merits and assessed against the development plan.

Other Considerations

29. The appeal site is within Dunham-On-The-Hill Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act

⁴ Including APP/A/0665/W/15/3140690, APP/A0665/W/15/3016547, APP/A0665/W/14/3000557

1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Council considers that the proposed development would respect local character and the design of dwellings in the CA. As it would be in keeping with the character of the CA, I am satisfied that the proposal would preserve the character of the CA. However, an absence of harm to the CA is a neutral factor in my assessment.

30. The site is adjacent to Dunham Hall Farmhouse, a Grade II Listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. In this case, given the separation distances, intervening land and the design of the proposal, it would have a neutral effect on the setting of the heritage asset. However, the absence of harm to the setting of the listed building is not a factor that weighs in favour of the scheme.
31. The proposal would be acceptable in terms of its effects on highway safety and capacity. Impacts on biodiversity could be avoided through mitigation secured by planning condition. These are neutral factors and do not weigh in favour of the scheme.
32. Electric vehicle charging points are proposed at both dwellings and commercial units, together with sustainable drainage systems to aid flood defence and create habitats. However, these appear to address requirements of the development plan and they therefore carry little weight in my assessment.
33. The Framework directs planning policies to allow for new and flexible working practices, including live/work accommodation. However, this would be a very small benefit that carries little weight in my assessment.

The Green Belt Balance

34. I have concluded that the proposed development would be inappropriate development in the Green Belt. It would result in a moderate loss of openness of the Green Belt. These matters attract substantial weight. It would also result in harm to the character and appearance of the countryside. Furthermore, the site is not a suitable location for new residential or commercial development, having regard to the Council's locational strategy.
35. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

36. For the reasons set out above, and having regard to all other matters raised, the appeal should be dismissed.

Sarah Manchester

INSPECTOR