



Appeal Decision

Site visit made on 13 August 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/A0665/W/19/3228375

Walnut Tree Farm, Primrose Lane, Alvanley, Cheshire WA6 9BW

- 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 Alistair Marsden against the decision of Cheshire West & Chester Council.
 - The application Ref 18/02134/OUT, dated 24 May 2018, was refused by notice dated 13 February 2019.
 - The development proposed is four bedroom house and double garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline form with access to be determined at this stage. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - whether the proposed development would amount to inappropriate development in the Green Belt;
 - whether the proposal would represent sustainable development in respect of its location; and
 - if it 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 required to justify the proposal.

Reasons

4. The appeal site is a parcel of land adjacent to Walnut Tree Farmhouse and from my site visit, it appears to be grassed and maintained as a garden area. The land is set at a slightly higher site level than Primrose Lane.
5. The Framework states that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 145 or 146 of the Framework.

6. Limited infilling in villages is listed as an exception in Paragraph 145 of the Framework and the appellant maintains that the proposed development would meet this exception.
7. The existing detached property (Walnut Tree Farmhouse) is the final property on that section of Helsby Road before the junction with Primrose Lane.
8. Whilst there is no definition of limited infilling within the Framework, I find that the implication is that it would represent a site located between existing buildings. The site is a large semi-domesticated area of land that sits within the context of Walnut Tree Farmhouse but is close to undeveloped land in use as garden or for the purposes of agriculture. Given this setting, I do not consider that the development represents infilling, and therefore fails to accord with the relevant exception in Paragraph 145 of the Framework.
9. From the evidence presented to me, I do not consider that it would meet any of the other exception criteria identified in the Framework, and as a result, the proposal would be inappropriate development within the Green Belt. The Framework states that the Government attaches great importance to Green Belts and the resultant harm should be given substantial weight in determining the appeal.
10. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and advises that one of the essential characteristics of the Green Belt is its openness.
11. Openness has both a visual and a spatial dimension. In visual terms, the new dwelling would be set back from the highway and would be partially screened by the existing vegetation to the edges of the site. However, there would still be some visibility from vantage points, and the proposals would therefore have some visual impact on the openness of the Green Belt. Moreover, as the surrounding land contains buildings in what is ostensibly a rural location, any form of additional building would undoubtedly reduce the spatial aspects of the site.
12. Therefore, I find that the harm to the openness of the Green Belt adds to the substantial harm by reason of inappropriateness and the proposal would conflict with Policy STRAT 9 of the Cheshire West and Cheshire Local Plan Part One (LP1) and Policy DM19 of the Cheshire West and Cheshire Local Plan Part 2 (LP2), which amongst other matters, set out the criteria for development within the Green Belt and are consistent with Paragraphs 143 to 146 of the Framework.

Locational sustainability

13. The site is located on the edge of the settlement of Alvanley and is identified as an area of open countryside as part of LP2. The appellant considers that the site is not within the open countryside, however. I note that the allocation was made as part of LP2, which was adopted in July 2019, so can be considered to be up-to-date.
14. Despite the presence of nearby dwellings, the site is within an area displaying distinct rural characteristics, including hedgerows along the highway on the Primrose Lane and Helsby Road frontage. Moreover, open areas surround this pocket of development near to the appeal site. I find no convincing reason to

disagree with the Council's stance that the site should be treated, for policy purposes, as falling within the countryside.

15. The site is close to other housing, so I do not consider that the site would be isolated. Alvanley has some local facilities, including a school and public house, but these are located in the main village area, and pedestrian access is restricted by a lack of street lighting and footpaths. The Council have indicated that Alvanley does not have public transport links and has limited employment opportunities. I note from the evidence of the appellant that there is a supermarket in Helsby, but I find that use of this facility would largely be reliant on trips via the private car. I do not agree with the appellant who considers that residents would combine supermarket trips with vehicle journeys to employment; this does not address the limited options for residents other than use of the private car.
16. Therefore, it is likely that the future occupiers of the dwelling would be reliant on car journeys to access most day to day services and employment. It would also be contrary to Paragraphs 102 and 103 of the Framework which says that planning should actively manage patterns of growth in support of the objective to promote walking, cycling and the use of public transport. Whilst I recognise that sustainable transport solutions will vary between urban and rural areas, from the evidence before me, it seems that there is very little that would be accessible from the site by sustainable transport modes.

Other Considerations

17. I have identified that the proposal would amount to inappropriate development in the Green Belt, and the presumption against inappropriate development means that this harm alone attracts substantial weight. The development would also have an adverse effect on the openness of the Green Belt and would contribute to urban sprawl by introducing development on this allocated countryside site. The development would therefore be contrary to the purposes of the Green Belt as set out in the Framework.
18. There are benefits relating to the construction process, local expenditure by future residents and a contribution to housing supply, although the Council can demonstrate a five-year housing supply. These factors attract limited weight given the scale of the proposal.
19. Therefore, in summary, these considerations do not clearly outweigh the identified harm to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify this development do not exist.

Conclusion

20. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR