The Planning Inspectorate

Appeal Decision

Site visit made on 4 September 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/A0665/W/19/3228122
Land adjacent to Hooton Lodge, Hooton Road, Ellesmere Port CH66 7NL

- 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 P Keenan against the decision of Cheshire West & Chester Council.
- The application Ref 18/02851/OUT, dated 22 July 2018, was refused by notice dated 14 November 2018.
- The development proposed is the construction of two pairs of semi-detached dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application to which this appeal relates was made in outline only with details of access, appearance, layout and scale included, matters relating to landscaping are reserved.

3. Since the determination of the application, the Cheshire West and Chester Local Plan (Part Two) (LP2) has been adopted, replacing the saved policies of the District Local Plan. The parties have been given the opportunity to comment.

Main Issues

4. The main issues are:

   i. Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the Framework) and any relevant development plan policies.

   ii. The effect of the proposed development on the openness of the Green Belt.

   iii. Whether or not the appeal site is a suitable location for the proposed development having regard to access to services.

   iv. The effect of the proposal on local ecological interests.

   v. The effect of the proposal on the character and appearance of the area

   vi. If the proposed development is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

5. The appeal site consists of part of the garden area of the adjacent dwelling, Hooton Lodge. The submitted plans show two pairs of semi detached properties with access directly off Hooton Road and long rear gardens.

6. The site is not within a defined settlement and is within the designated Green Belt. Policy STRAT9 of the Cheshire West and Chester Local Plan (part 1) (LP1) relates to the Green Belt, seeking to restrict development in line with the provisions of the Framework.

Whether the proposal would be inappropriate development in the Green Belt

7. The Appellant's statement refers to the site and the proposed dwellings as infill development. The Framework paragraph 145 details that new buildings are inappropriate in the Green Belt subject to a number of exceptions, including *e) limited infilling in villages.*

8. The Framework does not define a village, infilling or what could constitute limited infilling. The built development around the appeal site is distinctly separate from Hooton, as a result of intervening agricultural fields, and is not identified by the Cheshire West and Chester Local Plan as a village or other form of settlement.

9. Nonetheless I saw at my site visit that the area around the appeal site includes two streets of residential properties, an office park and an area of industrial buildings. Furthermore, the site is in close proximity to a train station, bus stop and a Public House, albeit it had the appearance of being permanently closed at the time of my site visit.

10. The Appellant has made reference to planning permission[1] for the redevelopment of the former Roften Works (RW) for 265 houses, a care home and community facilities. I have been provided with very limited information regarding this development and therefore I am not aware of all of the policies and circumstances that led to the granting of planning permission. I understand that it relates to a site adjacent to the train station and I observed at my site visit that work appears to be underway but that the completion of the development is still some way off.

11. I have no substantive evidence before me with regards the likely timetable for the completion of the RW development and I have no proposal before me to link the development under consideration in this appeal to the provision of the community facilities in the RW development. I therefore only attach limited weight to the RW development and the facilities that it may provide upon completion.

12. I accept that the area around the appeal site is undergoing considerable change and clearly has some of the characteristics of a village. However, I find that, on balance, in the absence of a sufficient quantum of built development and community facilities at this time the area is not a village for the purpose of paragraph 145 e) of the Framework.

13. The appeal site lies between Hooton Lodge and 8 Hooton Road, fronting on to Hooton Road and, consisting of a grass lawn, represents a clear gap in the

[1] 17/02741/FUL

otherwise built up frontage of this part of Hooton Road. The size of the gap, as shown on the submitted plans and the number of dwellings to be provided appears substantial in the context of the quantum of the surrounding residential properties. Therefore, I am satisfied that the redevelopment of the site for two pairs of semi-detached dwellings does not represent limited infilling for the purposes of paragraph 145 e) of the Framework.

14. For the reasons detailed above I find that the proposed development would not represent limited infilling in a village, as such does not meet exemption e of paragraph 145 of the Framework and is inappropriate development in the Green Belt and is therefore contrary to STRAT9 of LP1 in so far as they relate to infill development and development within the Green Belt.

The effect on the openness of the Green Belt.

15. Openness has a spatial as well a visual component. In spatial terms, by reason of their size and height, the buildings, while of a similar style and size to other dwellings in the area, would have a significantly harmful effect on the openness of the Green Belt in this location

16. In visual terms, the proposed dwellings and associated access and turning areas are proposed on land which is currently largely free from development and as such would have a significantly greater impact on openness of the Green Belt.

17. The proposal would therefore result in significant harm to the openness of the Green Belt in this location contrary to the provisions of the Framework.

Whether or not the appeal site is a suitable location

18. The appeal site is located in close proximity to a train station and a number of bus stops. The Appellant has detailed the closest location for a number of services and facilities many of which could be accessed by train from the nearby train station.

19. Nonetheless, the immediate area around the appeal site lacks the necessary services and facilities to meet the day to day needs of the future residents of the proposed development and while the services accessible by train provide an a theoretical alternative, I find that it is likely that future residents would be more or less dependent upon the private motor car to access services and facilities to meet their day to day needs.

20. The additional services to be provided as a result of the RW development, referred to by the Appellant, have not yet been developed and I do not have a timetable as to their likely completion. Therefore, I afford this only limited weight.

21. I find that, on balance, the area around the appeal site does not provide the necessary services to support future residents of the proposed development and as such the appeal site is not a suitable location for the proposed development at this time. Therefore, the proposed development is contrary to LP1 policies STRAT1, STRAT2 and STRAT9 in so far as they relate to the location of new development with regards access to services.

The effect of the proposal on local ecological interests

22. The Appellant submitted a report, Preliminary Ecological Appraisal Survey – Arbtech, to support the proposed development. Appendix 1:Phase 1 Habitat Survey Map of that report is an aerial image of the appeal site, annotated to indicate amenity grassland, mature vegetation and fence. The plans submitted in support of the application appear to show that the appeal site is larger, extending further to the South than that annotated as amenity grassland in the map.

23. No annotations have been made to indicate the boundaries of the appeal site or with regards the southern portion of the appeal site that appears to include an area of amenity grass and trees. Furthermore, the report identifies that the site *comprises an area of approximately 0.1ha* but the application form identifies that the site is notably larger at *1340 sq. metres* (0.134ha).

24. For the reasons detailed above I find that, on the basis of the evidence before me, the Preliminary Ecological Appraisal Survey – Arbtech, does not cover all of the site. The omission of this additional area may mean that effects of the proposed development on local ecology have not been fully addressed.

25. Furthermore, the Council notes that a previous planning application identified the presence of Great Crested Newts in a pond near to the appeal site. The is not addressed in the Appellant's survey.

26. As such, for the reasons detailed above I find that the proposed development does not adequately assess the impact on the proposed development on local ecological interests and as such is contrary to Policy DM44 of the LP2 and section 15 *Conserving and enhancing the natural environment* of the National Planning Policy Framework.

The character and appearance of the area

27. The proposed development would be in a prominent roadside location in an undeveloped gap between Hooton Lodge and 8 Hooton Road. As such, the proposed development would represent a significant change in the current appearance and character of the appeal site.

28. However, consisting of two pairs of semi-detached properties in an area where similar properties are the predominate dwelling type, the proposed development would not appear incongruous.

29. The location of the appeal site relates well to the neighbouring residential and industrial development. As such the proposed development would not appear out of character in the context of the wider area.

30. Therefore, I find that the proposed development would not harm the character and appearance of the area and as such is not contrary to LP1 policy ENV6 in so far as it seeks to protect the character and appearance of the area around new development.

Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations

31. The proposed development of two pairs of semidetached dwellings in a location that benefits from access to public transport would make a very small contribution to housing needs of the area. Furthermore, I acknowledge that the

proposed development would be a productive use of land, described by the Appellant, as currently underused. I therefore give this matter some weight.

32. I note the absence of highways and flooding issues as referred to by the Appellant. However, the absence of harm in this respect are not factors that weight in favour of the proposed development.

Planning balance

33. The proposed dwellings would be inappropriate development in the Green Belt resulting in a significant loss of openness. Paragraph 143 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Harm to local ecological interests also weigh against the proposal.

34. Set against this harm, there would be some benefit with the delivery of the dwellings. This benefit would not however clearly outweigh the harm to the Green Belt and the other areas of harm. The balance is therefore against the proposal and very special circumstances cannot be demonstrated. As such the proposal would be contrary to LP1 policy STRAT9 and paragraph 143 of the Framework.

Conclusion

35. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR