

Appeal Decision

Site visit made on 4 February 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/A0665/W/19/3240817

**Land Rear of 7 Old Quay Close, Manorial Road South, Parkgate, Neston
CH64 6UA**

- 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 D Corran of Wirral Methodist Housing Association against the decision of Cheshire West & Chester Council.
 - The application Ref 18/04026/FUL, dated 1 October 2018, was refused by notice dated 19 July 2019.
 - The development proposed is described as "construction of 10no. semi-detached bungalows for over 55's".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have confirmed that Policy CBC2 referred to in their decision notice was a grammatical error and should have referred to Policy GBC2. The Council and the appellant have both referred to Policy GBC2 in their statements and I do not consider that either party has been prejudiced by this matter. I have therefore assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - i. Whether the proposal is inappropriate development in the Green Belt;
 - ii. The effect of the proposal on the character and appearance of the surrounding area;
 - iii. The effect of the proposal on highway safety with regard to layout and access;
 - iv. The effect of the proposal on ecological sites; and
 - v. If the proposal is inappropriate, whether any 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 inappropriate development

4. Policies STRAT9 and SOC2 of the Cheshire West and Chester Local Plan Part 1 (CWACLP1) relate to development within the Green Belt. I consider these policies to be consistent with the National Planning Policy Framework (the Framework) including paragraph 145 which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exceptions list. This list includes limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites). The appellant considers that the proposal falls within this exception criteria and is therefore not inappropriate development.
5. Policies R1 and DM24 of the Cheshire West and Chester Local Plan Part 2 (CWACLP2) and Policy NNH3 of the Neston Neighbourhood Plan (NNP) seek to allow rural exceptions sites where a current local affordable housing need can be demonstrated in collaboration with the Parish Council. As the appellant is indicating that the proposal is for limited affordable housing for local community needs, then I consider these policies appropriate.
6. The appellant has produced a Housing Needs Assessment 2017 (HNA) to demonstrate that there is a need for local affordable housing in the area. Whilst this HNA undertakes, amongst others, a household survey and parish profile, there is no substantial evidence to suggest that the HNA has been undertaken in collaboration with the Parish Council, in this case that being Neston Town Council (NTC). The proposal therefore fails to accord with Policies R1 and DM24 of the CWACLP2 and Policy NNH3 of the NNP.
7. The appellant indicates that the proposal is for 100% affordable dwellings in an Investment partnership with Homes England via the Shared Ownership and Affordable Homes Programme 2016 to 2021. It is further contended by the appellant that the Council's Strategic Housing Market Assessment 2013 indicates that there is a need for 29 affordable homes in Neston per annum, with this evidence further amplified by the appellants HNA, a sequential assessment of sites within the settlement boundary and the Council's Housing Land Monitoring Report 2017-2018, and therefore the proposed development can meet this need. The Council disagrees stating that the proposal provides the wrong size of property to meet the need with the NTC indicating that the affordable housing targets for the area have been met. The discrepancies between the parties with regards to housing need emphasises the point that collaboration is required on this matter.
8. The Framework is clear in paragraph 145(e) that limited affordable housing for local community needs must meet policies set out in the development plan, including policies for rural exception sites. I have identified that the proposal does not meet the development plan policies R1 and DM24; and Policy NNH3 of the NNP.
9. Consequently, I find that the proposal would be inappropriate development within the Green Belt as it would not represent limited affordable housing for local community needs under policies set out in the development plan. Accordingly, the proposal would be contrary to Policies STRAT9 and SOC2 of the CWACLP1 and paragraph 145 of the Framework.

Character and appearance

10. The surrounding area is characterised by residential properties of patterns of informal layouts with the open countryside located beyond the settlement to the south and west.
11. The appeal site forms part of the countryside however, it is unkempt and does not contribute positively to the intrinsic beauty of the open countryside which lies beyond the site. The appeal site abuts the existing properties to the north west and north east and given the sites location, the proposal would not result in encroachment into the open countryside. The layout and scale of the proposed development would ensure that it would not appear out of keeping with the existing built form.
12. The proposal would introduce an urban form onto undeveloped land which would be visible from the surrounding area including from the adjoining public right of way and neighbouring properties. Nevertheless, the proposal would be contained within the existing built development and would not have an adverse effect on the wider area or be harmful to the landscape character.
13. The proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policies ENV2 and STRAT9 of the CWACLP1, Policy GBC2 of the CWACLP2, Policy NND1 of the NNP and the Framework insofar as they seek development to protect the character and beauty of the countryside and reflect local character.

Highway safety

14. The proposed development would be accessed from the north onto the highway at the junction of Old Quay Close, Moorside Lane and Manorial Road South through a narrow gap between existing boundary fencing, walls, trees and hedgerow. The appellant describes the access into the site as being existing. There is a dropped kerb presence at the highway junction however, at the time of my site visit there were bollards in place which would prevent vehicles crossing into the site and the access was not entirely hard surfaced. In order for a development of ten properties to be accessible by vehicles and pedestrians, a new proposed access would be required to be constructed.
15. The access into the proposed development would have a dual function for pedestrians and vehicles. A number of proposed access arrangements have been submitted, including a double vehicle width carriageway with single footpath and single width carriageway with single footpath and a one-way system arrangement.
16. The proposed access arrangements would introduce a convoluted junction system with the existing roads of Old Quay Close, Moorside Lane and Manorial Road South. Given the narrow gap at the entrance to the appeal site and the odd junction arrangements that are proposed, this would likely lead to vehicles, particularly larger vehicles, making unusual manoeuvres and creating obstacles within the highway. Whilst adequate visibility splays may be achieved, this would not outweigh the complicated junction system that is proposed which could lead to vehicle conflict to the detriment of highway safety.
17. I therefore find that the proposed development would have a harmful effect on highway safety with regards to access. The proposal would be contrary to Policy STRAT10 of the CWACLP1, Policy T5 of the CWACLP2 and the Framework which

seeks development to demonstrate that additional traffic can be accommodated safely and satisfactorily within the existing, or proposed, highway network.

18. The appellant has indicated that the proposed access arrangements would not have an adverse effect on the adjacent Public Right of Way and that the internal road layout of the proposed development is acceptable. Concerns have been raised with regards to land ownership however the appellant argues that the access arrangement could be implemented regardless of this matter. These matters however do not outweigh the harm I have identified above.

Ecological sites

19. The site is located within close proximity of the Dee Estuary Special Area of Conservation, Special Protection Area and Ramsar site and the Dee Estuary Site of Special Scientific Interest, as well as being within the Moorside Meadow Local Wildlife Site (LWS). The appellants have submitted a number of documents, including an Extended Phase 1 Habitat Survey & National Vegetation Classification Assessment which recommend mitigation and a commuted sum towards management of the Wirral Way (West) LWS and also indicate that the ecological sites can be protected throughout the development period. The Council have indicated that insufficient information has been provided to adequately assess the effect of the proposal on the ecological sites. Given my findings in relation to Green Belt development and highway safety, these matters relating to ecological sites will be discussed below.

Other considerations

20. The proposed development would provide sufficient parking and turning arrangements within the site as well as sufficient recycling and refuse storage. The proposal would not have an adverse effect on heritage assets or environmental health matters, and it would not lead to any significant loss of trees. The proposed properties would not have a harmful effect on the living conditions of existing and future occupiers of neighbouring properties and the proposed properties. There is no evidence to suggest that the proposal would add to any surface water drainage or flooding issues, or to anti-social behaviour or crime in the area.

Conclusion

21. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In this appeal I have also identified that there would be harm to highway safety in regard to access. Paragraph 144 of the Framework states that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
22. I have found that the proposal would not be harmful to the character and appearance of the surrounding area. A number of benefits have also been identified and I attribute moderate weight to these benefits. In terms of the effect on ecological sites, whilst the Council have concerns, even if adequate mitigation and compensation could be provided to ensure the ecological sites are not adversely compromised, this matter and the other matters and benefits would not clearly outweigh the harm that I have identified above, particularly

given the importance the government gives to the protection of the Green Belt as reflected in the Framework.

23. For the reasons outlined above, therefore, other considerations do not clearly outweigh the harm to the Green Belt and any other harm. Consequently, the very special circumstances needed to justify the development do not exist.

24. I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR