
Appeal Decision

Site visit made on 28 July 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2020

Appeal Ref: APP/A0665/W/20/3250582

The Croft, Mill Lane, Kingsley, Frodsham WA6 8HH

- 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 and Mrs Alderman against the decision of Cheshire West & Chester Council.
 - The application Ref 19/03062/FUL, dated 9 August 2019, was refused by notice dated 2 April 2020.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the site is in a suitable location for housing development having regard to local and national planning policies; and
 - if the proposal is inappropriate development, whether 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

Inappropriate development

3. Kingsley is a village washed over by the Green Belt. Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part 1) Strategic Policies Adopted January 2015 (the Local Plan Part 1) and Policy DM19 of the Cheshire West and Chester Council Local Plan (Part 2) Land Allocations and Detailed Policies Adopted July 2019 (the Local Plan Part 2) set out that development in the Green Belt will be restricted in line with the Framework. In this respect, 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 states that the construction of new

buildings should be regarded as inappropriate in the Green Belt, subject to specific exceptions, including 145 e) limited infilling in villages.

4. The Local Plan Part 1 defines infill development as the filling of a small gap, up to two dwellings, in an otherwise built up frontage in a recognised settlement. The term village is not defined in the Framework although Kingsley is recognised as a settlement in Policy R1. The appellant refers me to the case of *Julian Wood VS SSCLG and Gravesham Borough Council*¹ which establishes that limited infilling does not rely upon policies set out through the development plan to establish the extent of the village, it is part of a wider consideration and is a matter of planning judgement. Based on the evidence before me and my own observations, I consider, despite the settlement boundary for Kingsley, that the site is part of the village of Kingsley for the purposes of Green Belt policy.
5. The appeal site consists of existing garden land associated with The Croft, a detached residential property. The site is located between the Croft and the rear elevation of dwellings facing Scotlands Lane. It fronts Mill Lane close to its junction with Hollow Lane and Chapel Lane. The site is above road level with front boundary defined by a stone retaining wall and substantial hedging and trees.
6. The single dwelling would occupy the space between existing buildings within neighbouring plots. Taking into account the siting of adjacent buildings the appeal site is a small gap between dwellings, and it is a built-up frontage in its immediate environment. Therefore, the proposal would be limited infilling in a village. It would not be inappropriate development and I conclude that the proposal would accord with Policy STRAT9 and Policy DM19 in so far as these policies seek to ensure that development in the Green Belt accords with national policy, together with paragraph 145 e) of the Framework.

Effect on openness

7. As I have found that the proposal is not inappropriate development in the Green Belt it is not necessary to consider openness.

Suitable location

8. Policies STRAT1 and STRAT2 of the Local Plan Part 1 set out the Council's locational approach to development based on the hierarchy of settlements. They seek to focus new housing in sustainable locations, with good access to services and facilities and public transport. Policy STRAT8 supports rural development that serves local needs in the Key and Local Service Centres. Policy STRAT9 restricts development in the open countryside subject to a number of specific exceptions.
9. Policies R1 and DM19 of the Local Plan Part 2 are also relevant. Policy R1 treats development not located within identified settlements as within the countryside, where development will be determined in accordance with Policy STRAT9. The explanatory text to Policy R1 states that outside of identified settlements, infill proposals in villages will not accord with the Council's overarching sustainable strategy and that in local service centres washed over by the Green Belt development will be more restricted in line with Policy STRAT9. Although the development represents limited infill within a village for

¹ *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195

the purposes of Green Belt Policy, Policy STRAT 9 and Policy DM19 only supports development outside of identified settlements in certain circumstances none of which apply here.

10. Kingsley has a good range of shops and services and Policy STRAT8 confirms that local service centres have a level of service and access to public transport sufficient to accommodate small scale development. This approach accords with Paragraph 78 of the Framework which promotes sustainable development in rural areas, locating housing where it will enhance or maintain the vitality of rural communities. In accordance with the Framework the proposal would also contribute towards boosting the supply of housing and housing on small to medium sites.
11. However, the Framework confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Notwithstanding that Kingsley is a village, the appeal site is in the countryside for the purposes of the development plan. The Council has established a coherent policy approach to assessing development proposals and I have not been provided with any evidence that the current approach to housing provision is failing to provide enough housing to meet the housing requirements for the area.
12. The proposal is for a substantial property on an elevated plot which would be visible from the footpath to the north west and from the cricket ground to the rear. The appeal site is currently well screened from the road by hedges and trees, however, the proposal would introduce development on an undeveloped site and consequently there would be a degree of urbanisation as a result of the construction of the dwelling.
13. I have taken into consideration the various appeal decisions referred to by the appellant, however, all these decisions were prior to the adoption of the Local Plan Part 2 and therefore have limited relevance to the current development plan approach to the provision of housing.
14. I have no evidence to suggest that adequate provision has not been made within a sustainable and co-ordinated growth strategy in the Council's development plan to meet the housing requirements for the area. Therefore, I can attach very limited weight to the provision of a single dwelling wherein such development is not supported by an up to date Development Plan document.
15. Consequently, the proposal would not be an appropriate location for development having regard to national and local planning policy and would conflict with Policy STRAT9 of the Local Plan Part 1 and Policy R1 and DM19 of the Local Plan Part 2 and the Framework.

Other Matters

16. I note the support for the development, however, I have not been presented with any evidence that the school is under attended as a result of a lack of family properties in the village or that there is a shortage of housing land to accommodate the housing requirements for the area.
17. Due to the siting of the proposed dwelling, at an angle to the site boundary with the adjacent Scotlands Lane Cottages, and set back in the plot I consider the siting of the proposed dwelling would not harm the setting of the Kingsley

Conservation Area or detract from the context of the adjacent, locally listed cottages. In accordance with paragraphs 195 and 196 of the Framework I am satisfied that the scheme would not result in harm to the significance of designated heritage assets or, in accordance with paragraph 197, result in harm to non-designated heritage assets, even when giving great weight to the conservation of such assets.

Conclusion

18. Notwithstanding my findings in respect of the main issues relating to the Green Belt, I conclude that the proposal would not be an appropriate location for development and as such there are no material considerations, including the Framework, that are sufficient to indicate that I reach a conclusion other than in accordance with the development plan in this case.
19. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR