



Appeal Decision

Site visit made on 29 September 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2020

Appeal Ref: APP/A0665/W/20/3251641

Land to the north of School Lane, Guilden Sutton, Chester CH3 7ET

- 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 Philip Palmer against the decision of Cheshire West & Chester Council.
 - The application Ref 18/04703/OUT, dated 04 December 2018, was refused by notice dated 30 October 2019.
 - The development proposed is erection of 2no. infill dwellings and associated access works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters except access reserved for future consideration. Plans have been submitted to demonstrate how 2 dwellings could be accommodated at the site and I have treated these as illustrative insofar as they relate to the reserved matters.

Main Issues

3. The main issues are:
 - i) 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;
 - 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 area;
 - iv) whether the location is suitable for new residential development; and
 - v) if the proposal is inappropriate, 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

Whether the proposal is inappropriate development

4. The appeal site is an undeveloped area of land adjacent to School Lane at the edge of Guilden Sutton. It is bordered to one side by a small number of

- detached dwellings set back from the road in large grounds and to the other by a recent cul-de-sac development, Wood Farm Close. It is in the Green Belt.
5. Policy STRAT9 of the Cheshire West and Chester Council Local Plan (Part 1) Strategic Policies Adopted January 2015 (the LP1) 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 specific exceptions including 145 e) limited infilling in villages.
 6. Policy R1 of the Chester West & Cheshire Council Local Plan (Part Two) Land Allocations and Detailed Policies Adopted July 2019 (the LP2) identifies Guilden Sutton as a local service centre, which is a small settlement with a defined boundary. Therefore, Guilden Sutton can be considered to be a village.
 7. The appeal site is not within the settlement boundary. However, case law has established that the boundary of a village in a local plan is not necessarily determinative for the purposes of identifying a village. In this case, the appeal site is surrounded on 3 sides by the settlement boundary. It is similarly physically related to the village as are the dwellings to either side, which are in the settlement. The neighbouring occupiers are likely to consider themselves as residents of the village and I see no reason why future occupiers of the scheme would not similarly consider that they lived in the village.
 8. The LP1 explains that housing policies for the local service centres are not intended to constrain infill development, which is defined as the filling of a small gap, up to 2 dwellings, in an otherwise built up frontage in a recognised settlement. In the absence of a definition of limited infilling in the Framework, it is reasonable for the Council to set out in the explanatory text how it intends to interpret the policy. Moreover, while the LP1 pre-dates the current Framework, it was adopted subsequent to the 2012 Framework which similarly referred to but did not define limited infilling. The LP1 was presumably found sound on the basis of consistency with the policies in the 2012 Framework, the most relevant of which for the purposes of the appeal have not changed. Therefore, I see no reason to set aside the LP1 definition of limited infilling.
 9. The appeal site has the appearance of an overgrown paddock and it is not well-related to the surrounding built environment. However, the depth of the site and its rear boundary are consistent with the depth of residential development to either side. Nevertheless, it has a conspicuously wide frontage and the neighbouring properties to either side are widely separated.
 10. While 2 dwellings would be a limited amount of development, the plans illustrate that the residential plots would be noticeably larger than plots elsewhere in the settlement, including the neighbouring low density dwellings. Therefore, the proposal would be out of keeping with the settlement pattern. Consequently, notwithstanding the built development to either side, taking account of the characteristics of the site including its width, and the surrounding context, I find that the appeal site is not a small gap.
 11. My attention has been drawn to an earlier appeal at this site, where the Inspector found that the frontage was not a small gap in an otherwise built up frontage. Full details have not been provided and the previous appeal was

considered in an earlier policy context and before the neighbouring Wood Farm Close was developed. Nevertheless, while the nature of the frontage to either side may have changed over time, there is little before me to indicate that the size of the appeal site has changed or that the previous Inspector's conclusion in relation to the width of the gap is no longer valid. Furthermore, while there are many appeal decisions relating to limited infilling in villages, different schemes in other locations are rarely directly comparable and each scheme must in any case be considered on its own merits.

12. Therefore, the proposal would not meet the exception of limited infilling in villages and it would be inappropriate development in the Green Belt. It would conflict with Policy STRAT9 of the LP1 and the policies in the Framework that protect the Green Belt.

Openness of the Green Belt

13. 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.
14. The appeal site is an undeveloped area of land with boundaries formed by fences, hedgerows with scattered trees. The proposal would introduce 2 detached buildings with associated vehicular access, parking and turning areas and pathways. The significant footprint of permanent development would result in a significant spatial loss on openness.
15. The proposal is in outline and the detailed appearance would be reserved for future consideration. Nevertheless, it would be visible from locations including along School Lane and its junction with Oaklands. I accept that some roadside planting, including the protected tree, could be maintained. However, and taking account of the new access and the need to maintain visibility splays, boundary planting would provide limited screening. In any case, the proposal would be conspicuous during times of year when trees and shrubs were not in leaf and it would be visible during the hours of darkness as a result of artificial illumination in a formerly unlit area.
16. Therefore, there would be a significant visual impact as a result of the substantial bulk of built development proposed, the parking of cars and associated domestic paraphernalia. The proposal would have an urbanising effect and it would erode the visual link between the village and the countryside. Consequently, there would be a moderate and harmful loss of openness of the Green Belt in this location. This would conflict with national and local policy to protect the Green Belt and it is a matter to which I must attach substantial weight. The proposal would also conflict with the purposes of the Green Belt, insofar as it would not safeguard the countryside from encroachment.

Character and appearance

17. School Lane has a mixed character and appearance. Clusters of residential properties are separated by undeveloped land that links to the wider countryside. The adjacent Wood Farm Close and nearby Willis Close are modern cul-de-sac developments. Elsewhere, older properties tend to be more widely spaced and set in larger plots. The intervening undeveloped land, mature hedgerows and abundant mature trees to the north of School Lane

result in a relatively rural character in marked contrast to the more urban and less verdant form to the south of the road. In this respect, the appeal site makes a positive contribution to the urban-rural interface and to the setting and sense of place of the village in the surrounding countryside.

18. By virtue of being unmanaged, the appeal site is not visually similar to the intensively managed agricultural land beyond the village. However, while it was land associated with the former Wood Farm, the farmstead has gone and the appeal site has the appearance of a small rural paddock rather than domestic land. Moreover, the appeal site has contributed to the character and appearance of the edge of the village for a significant period of time. In contrast, the proposal would extend the envelope of built form, linking the clusters of dwellings to either side and contributing to the appearance of a continuous ribbon of built development.
19. I have had regard to the views of the parties, including the landscape and visual assessment, in reaching my decision. The shared highway access and internal arrangements to serve 2 properties would not be a typically rural form of development. However, I accept that the dwellings could be designed to be in keeping with the design of the surrounding built environment. Nevertheless, the proposal and the resultant ribbon of development would have an urbanising effect in this location. It would erode the visual connection and the integration of the village into its rural surroundings.
20. Therefore, the proposal would harm the character and appearance of the area. It would conflict with Policies STRAT1, STRAT9 and ENV2 of the LP1. These require, among other things, that development should protect and enhance the natural environment, protecting the character and beauty of and avoiding harm to the countryside, and taking account of the characteristics of the site and its relationship with its surroundings.

Whether the location is suitable for new residential development

21. The Council's locational development strategy seeks to focus development in accordance with the hierarchy of settlements, in order that residential development is accommodated where it will have access to services and facilities and sustainable forms of transport. As befits its status as a local service centre with a limited level of sustainability, Guilden Sutton is a location where limited development may be appropriate including where it meets a rural or other local housing need or is identified in a neighbourhood plan.
22. In this case, the appeal site is in the countryside outside of the village boundary. As such, the proposal falls to consideration under Policy STRAT9 of the LP1 and other relevant development plan policies. It has not been demonstrated that there is need for a countryside location and the proposal would not meet the exception criteria for new housing in the countryside.
23. However, the appeal site is surrounded on 3 sides by the settlement boundary and the proposal would not be remote from other residential dwellings. There is a footway immediately adjacent to the appeal site and the centre of Guilden Sutton would be readily accessible on foot. Nevertheless, the limited services and facilities in the village would not meet the daily needs of future occupiers. Consequently, the proposal would not minimise the need to travel.

24. At approximately 3.6 miles away, the full range of services and facilities in Chester are further than could be considered a short or convenient walk. However, the city would be accessible by bicycle and public transport such that there would be sustainable transport alternatives to private car journeys. In any case, the car journeys arising from the occupation of 2 dwellings would not be significant in the context of the existing car journeys to and from the village.
25. I therefore find that the appeal site is in a reasonably accessible location with regard to services and facilities and sustainable transport modes. Nevertheless, the site is outside of the settlement boundary and the proposal would conflict with the rural housing aims and locational development strategy of Policies STRAT1, STRAT2, STRAT9 of the LP1.

Other Considerations

26. The Council can demonstrate in excess of a 5 year housing supply. The limited contribution to the supply of housing, on Green Belt land, does not weigh in favour of the scheme. There would be limited economic benefits during construction. The occupation of 2 dwellings would result in limited support for local services and facilities and minimal social benefits in this location.
27. The appellant is entered onto the relevant register for the purposes of The Self-build and Custom Housebuilding Act 2015 (the Act) and he intends to build and subsequently occupy 1 of the dwellings. The Act places duties on local authorities, including in relation to giving suitable development permissions in respect of sufficient serviced plots of land to meet the demand and having regard to the demand for serviced plots in the exercise of its planning function.
28. In this case, 2 serviced plots would contribute towards meeting the demand in this area. However, it has not been demonstrated that the proposal would be restricted to self-build by legal agreement. In the absence of details of any such mechanism, I cannot be certain that a market-led planning permission would deliver self-build/ custom-build dwellings. Moreover, on the basis that there may be alternative sites in suitable locations elsewhere within settlement boundaries and outside of the Green Belt, this is matter that carries limited weight in favour of the proposal.
29. The appellant's family has lived in the Chester area for several years and 1 of the children attends the local school. However, there is little evidence of any strong local connection to Guilden Sutton or of a need to live in this particular location. Therefore, while I understand the appellant's desire to live in Guilden Sutton, his personal circumstances do not weigh in favour of the proposal.
30. The loss of the traditional orchard at the site did not form the basis of a reason for refusal. However, it is a habitat of principal importance for the conservation of biodiversity and the Natural Environment and Rural Communities Act 2006 requires planning decisions to have regard to the conservation of biodiversity. In this regard, even if an equivalent number of fruit trees could be planted at the site, there is little to demonstrate that this would compensate for the loss of the priority habitat or that future occupiers would maintain and manage traditional orchards within their gardens. Therefore, the illustrative landscaping proposals attract only neutral weight.
31. The proposal would not result in adverse effects on the safe operation of the highway or on the living conditions of neighbouring residential occupiers.

Matters relating to drainage and mitigation for protected and priority species could be addressed by planning condition. The tree to the site frontage that is protected by Tree Preservation Order could be retained and protected during construction and occupation of the scheme. These are requirements of planning policy and they carry neutral weight.

32. Planning policies promote the effective use of land, including the development of under-utilised land. However, the Framework also recognises that some undeveloped land can perform many functions. In this case, the appeal site is in the Green Belt, it makes a positive contribution to visual amenity and the identity of the area and it supports a traditional orchard. Therefore, the policies that support the efficient use of land do not weigh in favour of the scheme.

Green Belt Balance

33. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a moderate loss of openness of the Green Belt. These are harms which attract substantial weight. There would be harm to the character and appearance of the area. While the accessibility of the location is a neutral factor, the conflict with the Council's locational strategy would result in limited harm.
34. There are no other considerations that would clear outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

35. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR